MOROCCO'S ATTEMPT AT JOINING THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS): LEGAL AND POLITICAL CONSIDERATIONS*

Abstract

Since about 2003, the fifteen member nation of the Economic Community of West African States (ECOWAS) has enjoined relative peace, the rule of law, functioning state institutions and relative good governance has also been established. Democracy has also stated to take root in this economic block to the extent that in Ghana, Senegal, Benin Republic Cote d' Ivorie, Burkina Faso, Togo, Nigeria, among others have had peaceful transition of government, and in some cases the incumbent government losing election and transiting or handling over power to the opposition. It is against this background that this article now considers the reason(s) why, Morocco, a North African country would desire to join ECOWAS. This article will also look at the effect of Morocco's intention to either join or be disallowed from joining ECOWAS in line with the 1975 Treaty and the Revised Treaty of ECOWAS of 1993. It will go further to consider the achievement and challenges facing ECOWAS. It will then conclude by looking at the prospects of ECOWAS as a sub-regional body.

Keywords: ECOWAS, Morocco, Achievements, Challenges, Effects

1. Introduction

The Economic Community of West African States (ECOWAS) came into being in 1975.¹ It was borne out of the Treaty Establishing the African Economic Community of 1991² by the then Organisation of African Unity (now African Union). The said Treaty divided Africa into five Regions, namely North Africa, West Africa, Central Africa, East Africa and Southern Africa.³ The ECOWAS Treaty was later revised in 1993.⁴ Both the 1975 Treaty and the 1993 revised Treaty of ECOWAS specifically states that geographical zone known as West Africa shall be the members of this Economic block.⁵ The latest news in diplomatic relations in West African Sub-region is that, Morocco, a North African country intends or has applied to join Economic Community of West African States (ECOWAS). This has started to cause ripples in the West African sub- regional grouping. Eminent Nigerians, including but not limited to former President Olusegun Obasanjo,⁶ erudite and foreign affairs expert, Professor Bolaji Akinyemi, has aired their views on this all important matter.⁷ Akinyemi noted: 'The United Nations, the African Union and all international institutions now use the concept of regionalism in the distribution of both appointive and elective posts. ECOWAS cannot unilaterally expand the boundaries of West Africa to the Mediterranean states'.⁸ This article therefore intends to look closely why Morocco or any country outside this subregional organization cannot join ECOWAS.

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ECOWAS Treaty of 28 May, 1975, signed in Lagos Nigeria < http://www.ecowas.int/ecowas-law/treaties/> accessed 7th of March, 2019.

Treaty Establishing the African Economic Community of 1991 Resolution cm/res.464 (xxvi) of OAU Council of Ministers of 1991< http://iea.uoregon.edu/treaty-text/1991-establishingafricaneconomiccommunityentxt> accessed 7th March, 2019. ³ Ibid.

⁴The revised ECOWAS Treaty of 1993 http://ecowasmigration.ug.edu.gh/revised-treaty-economic-community-west-african- states-ecowas-1993/> accessed 7th March, 2019.

Art 1 of ECOWAS revised Treaty of 1993.

⁶ News monitored on the *Nigerian Television Authority*, News Network on Monday 3rd July, 2017, at 9pm (Nigeria time). ⁷ *The Vanguard* (Nigeria) 8th June, 2017 <www.vanguardngr.com> accessed on 8th June, 2017. Professor Bolaji Akinyemi asserted that Morocco should not be allowed to join ECOWAS. He said that Morocco's application was meant to whittle down the influence of Nigeria not only on ECOWAS, but in AU and the UN; because according to him, Nigeria status as a regional power is facilitated by its roles in ECOWAS. Also, that Morocco, if admitted, will be benefitting from both the Arab League and the ECOWAS.

2. Brief History of ECOWAS

At inception in 1975, ECOWAS was made up of sixteen (16) member states.⁹ It is made up of countries of diverse colonial heritage, like the Anglophone, Francophone and Lusophone divides. The Anglophone countries are Sierra Leone, Ghana, The Gambia, Liberia and Nigeria. The Francophone states are Guinea (Conakry), Senegal, Mali, Niger, Cote d'Ivoire, Burkina Faso, Benin and Togo, while the Lusophone countries comprises of Guinea Bissau and Cape Verde.¹⁰ Mauritania, one of the countries that formed the sub-regional body withdrew her membership since year 2000,¹¹ thereby reducing the current membership from sixteen (16) to fifteen (15).¹² No doubt international legal instruments provide for freedom of association but it is humbly submitted that this right is not absolute. West Africa, according to commentators is replete with conflicts.¹³ Every one of the current 15-members states has either being engulfed in intra-state conflict and/or military dictatorship. Ghana, described by many as a haven of peace was no exception as it came under the 11-year tyrannical rule of Jerry Rawlings, who rudely overthrew the constitutional government in 1981.¹⁴ The country was to receive its worst form of dictatorship and human rights abuse in its entire post-colonial history, as many were detained without trials.¹⁵ Many other member states including Togo, Liberia, Nigeria, Burkina Faso and Sierra Leone also came under the tyrannical rules of the military. Ironically, one *coup* d'état led to another and even sometimes into deep-rooted intra-state conflicts. The likes of Gnassingle Eyadema of Togo hooked on to power for about 33 years, eventually reducing his people to the status of subjects, as Sani Abacha of Nigeria callously cowed citizens of the most populated African country into cowardly submissiveness. And in the best case scenario, a few of these countries namely: Cote d'Ivoire, Senegal, the Gambia and Cameroon experienced civilian rule in its cruel form (described as best as civilian dictatorship). However, this sub-regional body was to suffer its words experiences in the wake of the civil wars in Liberia¹⁷. Sierra Leone¹⁸, in Cote d'Ivoire¹⁹ and very recently Mali²⁰. There are cases of incumbent defeated in elections not wanting to vacate power, or in some cases regime elongation as in Burundi.²¹

In all the conflicts, close to 300,000 lives were lost, with over 3,000,000 people displaced and of course, several properties worth billions of dollars were destroyed in the midst of great want.²² Indeed, the effect of this conflicts on members-states were anything but devastating as all faces of their socio-economic development had been bruised, drawing the sub-region several miles backward.²³ It is also of interest that all the countries in this block are geographically located in the western part of Africa. On the African continent, the other sub regional economic groupings are, Southern African Development Community (SADC), in the South, the Eastern African Community (EAC), in the East, the Arab Maghreb Union (AMU/UMA) in the North. Others are the Inter-Governmental Authority on Development (IGAD), also in the East, the Common Market for Eastern and Southern Africa(COMESA), in the South East, the Economic Community of Central African States (ECCAS) in the centre,

⁹ Niagale Bagayoko, 'ECOWAS Peace and Security Architecture: The Institutional Framework', *Addis Abba Working Paper No.284*, Institute of Development Studies, [2005], 15-16.

¹⁰ David J Francis, 'Peacekeeping in a Bad Neighborhood: The Economic Community of West African States (ECOWAS) in Peace and Security in West Africa' [2013] 3, AJCR 87.

¹¹ Joel Adelusi Adeyeye, A Critical Analysis of ECOWAS Protocol of Movement (Unpublished) Being a Long Essay Submitted to the Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria, for the Award of Master Degree in Law, October, 2002, 1.

¹²Ibid.

¹³ George Hikah Benson, 'Current Emerging Trends in International Peacekeeping and Management of Intra-state Conflicts in West Africa' RHSS [2016] 6, 135; DT Alabi, 'Emerging Trends and the Dimensions of Rwanda Crisis, [2015], 4, ARRMJ 41.

¹⁴ *Ibid.* See also Gyimah-Boadi, E., *Review of Ghana's PNDC Regime: A Provisional Assessment*, (Cambridge University Press, 1996) p.105.

¹⁵ Benson, supra note 13.

¹⁶ BT Afolabi, 'Peacemaking in the ECOWAS Region: Challenges and Prospects' *Conflict Trends*, Durban: ACCORD, [2009] 2, 24.

 $^{^{17}}$ 1989-1996 and 1999-2003.

¹⁸1991-2002.

¹⁹2002-2007.

²⁰2012-2013.

²¹ David J Francis, supra note 10, 92; see also Funmi Olonisakin, *Lessons Learned from an Assessment of Peacekeeping and Peace Support Operations in West Africa* (KAIPTC, 2008) 7; Kwesi Aning, 'Investing in Peace and Security in Africa: The Case of ECOWAS', 4, [2004] CSDJ, 533-542; Oropo, K.T., 'As Nkurunziza joins the League of African sit. Tight Leaders' *TheGuardian* (Nigeria) [Monday, 11th April, 2016] 17.

²² Benson, supra note 13, 138.

²³ Amadu Sesay, Post-war Regime and State Reconstruction in Liberia, Sierra Leone [Dakar: CODESTRA, 2009] 27.

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and finally the Community of Sahel Sahara States (CENSAD), also in the North.²⁴ Morocco does not fall geographically to West Africa on the map of Africa. It falls squarely to any of the two communities in North Africa.²⁵

ECOWAS as an organization was established in order to promote cooperation and development in all fields of economic activities among its member states.²⁶ Its purpose was to raise the living standards of the people of the West African sub- region, fostering closer relations among them and ultimately contributing to the progress and development of the African continent.²⁷ECOWAS, because of distressing events in several of its member states, soon realized that the cause of economic development and progress can only be pursued in an environment of relative peace and stability. It found that it had to involve itself in conflict prevention and management among its member states to ensure that an environment conducive to the implementation of its economic programmes was maintained.²⁸ At the time of the outbreak of hostilities in Liberia, Sierra Leone and Guinea – Bissau from 1989 to 2000, ECOWAS already had certain legal instruments that enjoined member states to respect each other's territorial integrity, exist alongside each other in peace and harmony and unite to ward off both any external attack, armed threat or aggression directed against a member state and internal armed conflict engineered from outside.²⁹ At the height of the hostilities in each of the conflict-torn states, ECOWAS sent a multinational West African military force made of troops volunteered by West African States with the sole purpose of restoring peace within the given state.³⁰ This was the beginning of the ECOWAS force, commonly known as ECOWAS Ceasefire Monitoring Group (ECOMOG), widely recognized and accepted as the first peacekeeping force of African origin to have successfully discharged its mandate of peacekeeping and peace enforcement.³¹ By this, West Africa thus became the only sub-region in Africa to have successfully mounted a full peacekeeping operation.³² After seven years of ECOMOG operations, successful elections were held in Liberia, bringing a democratically elected government to power. In Sierra Leone, ECOMOG managed the conflict effectively, leading to the return to power of the civilian head of state in 1998. This peacekeeping force continued to monitor events in Sierra Leone until April, 2000 when ECOMOG withdrew as a result of financial constraints. Troop Contributing Countries (TCC) could no longer afford to maintain their forces in Sierra Leone, Guinea - Bissau, following the outbreak of violence there in 1998. The result was the organization and holding of general and presidential elections in Guinea Bissau and the restoration of peace and stability in that nation.³³ In early 2017, ECOWAS also restored the democratically elected President Adama Barrow to office in Gambia after threatening the former President Yahya Jammeh with serious sanctions if he refuses to hand over power.³⁴

As stated above, the Treaty setting up ECOWAS was amended and it formed a very important milestone in the history of the regional community. The revised Treaty not only strengthened the capacity of ECOWAS to forge a strong economic and monetary union to meet the challenges of globalization, but reinforces within its provision a

²⁴ Fredrik Soderbaum, Handbook of Regional Organizations in Africa[Upsala,Nordiska Afrikainstitutet, 1996], 11-55; Adekeye Adebajo, 'Ending Global Apartheid' in Adebajo, A., (ed.) From Global Apartheid to Global village (University of Kwazulu-Natal Press, 2009) 24.

²⁵Ibid.

²⁶ Art 3 para 1 of the Revised ECOWAS Treaty of 1993.

²⁷ See generally Art. 2 of the ECOWAS revised Treaty of 1993.

²⁸Ibid.

²⁹These instruments were the Protocol on Non-aggression of 1978 available at http://documentation.ecowas.int /download/en/legal_documents/protocols/Protocol%200n%20Non-aggression.pdf>, accessed on 4th September, 2017 and the <http://www.operationspaiz.net/DATA Protocol on Mutual Assistance in Defence of 1981 available at /DOCUMENT/3827~V~Protocole_d_Assistance_Mutuelle_en_matiere_de_ Defense.pdf>, accessed on 4th September, 2017.

⁹ David J Francis, 'ECOWAS Ceasefire Monitoring Group (ECOMOG): A New Security Agenda in World Politics' in S. Bakut, S. Dutts, (eds.) Africa Towards the Millennium: An Agenda for Mature Development, (Palgrave, 2000) 177-202. ³¹Funmi Olonisakin, *supra* note 21, 10-12.

³² Suyash Paliwal, 'The Primacy of Regional Organizations in International Peacekeeping: The African Example' [2010] 51 VJIL 206-214. In the wake of its intervention in Sierra Leone and Guinea-Bissau, and to implement Article 58 of its 1993 Treaty, ECOWAS adopted its Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution Peacekeeping and Security (ECOWAS Peacekeeping Protocol). Article 22 of this instrument explicitly not only charged ECOMOG with a peacekeeping role, but also bestowed upon it the mission of humanitarian intervention.

³³Kwesi Aning, Sarjoh A Bah, ECOWAS and Conflict Prevention in West Africa: Confronting the Triple Threats, (New York University Press, 2009) 202-204.

³⁴ Rasheed Draman, 'Managing Chaos in the West African Sub-Region: Assessing the Role of ECOMOG in Liberia', [2003] 6, JMSS 1-12. It is important to note that the violent conflicts in Liberia and Sierra Leone embody a myriad of linkages, most notably through a highly criminalized war economy that sustained the trade in diamonds, arms, and drugs. Analysts have noted that this was years of brutality by forces devoid of ideology, political support, and ethnic identity.

political union between member states. This combination allows the organization to deal with issues pertaining to security, in recognition of the link between stability and economic development.³⁵

3. Achievements of ECOWAS

Indeed, The ECOWAS Treaty, the Revised Treaty of 1993, as well as a plethora of other Protocols, Conventions and Agreements shows that the states of the region obviously have an understanding of the pathway to regional economic development. Therefore, a comprehensive framework is neither absent nor deficient for the attainment of an integrated West Africa. There is a clear understanding of the role of trade, infrastructure, private sector participation, inputs by self-organizing and autonomous associations and International Governmental Organizations (IGOs). In particular, the various achievements will now be discussed in details.³⁶

Free Movement: As a supranational organization, one of the commendable achievements of ECOWAS is the pursuit of its agenda of free movement of persons since 1981. ECOWAS has managed to ensure visa-free access to all its 15 member states by every citizen of the Community. The Protocol on Free Movement³⁷ allows for visa-free movement within the Community for up to 90 days. The Protocol on the Right of Residence³⁸ guides longer term stay in another country and modalities to take up paid and non-paid employment. The Protocol on the Right of Establishment³⁹ guarantees opportunities for citizens of the Community to set up businesses. However, the full maximization of these arrangements hinges on the responses of member states and this is where more needs to be done. For example, obstacles to residence permits and more so, in many of the member states, it is not every economic sector that is open to citizens of other ECOWAS member states. Be that as it may, there is an opportunity to build on what has been achieved and the roles of institutions like the West Africa Network for Peace Building (WANEP) easily come to mind.⁴⁰

General Security Debate: Another area worth mentioning in the light of the achievement of ECOWAS relate to the strides made in the wider security spectrum. Of significant mention in this regard are:

The Mechanism of 1999:- The adoption of the Mechanism Relating to the Protocol for Conflict Prevention, Management, Resolution, Peacekeeping and Security in 1999 set the tone for a structured approach to the peace and security initiatives of ECOWAS. The structures established by this Mechanism, including the Commission for Political Affairs Peace and Security, are at the forefront of the wider peace and security pursuits of ECOWAS. Additionally, the ideals of the supplementary Protocol on Good Governance and Democracy seek to fill the governance deficits that threaten security and stability in the sub-region.⁴¹

Small Arms and Light Weapons Control: -As far back as 1998, ECOWAS had adopted a voluntary moratorium on the importation and Exportation of light weapons into West Africa.⁴² This was part of strategies to control the supply of weapons to the warring factions in Liberia and also forestall the use of the territories of member states for transfer of arms and ammunition for the destabilization of any part of the sub-region. The Moratorium was transformed into a binding Convention on Small Arms and Light Weapons,⁴³ their Ammunition and Other Related Material in 2006. Once again, the response of member states is one area that could have been better. Investment in some of the structures proposed by the above-mentioned Convention are insufficient and in most cases, non-existent. For example, most of the national commissions for small arms recommended by the Convention lack resources to work with. Additionally, none of the member states has set up a national database of small arms and

³⁵ ECOWAS, Conflict Prevention Framework in ECOWAS Commission, Abuja, Nigeria, [2008].

³⁶ OB Akwa., 'Achievements and Challenges of ECOWAS at 40,' http://www.wanep.org/wanep/attachments/article/770/ecowas_at_40_commandant_statement.pdf, accessed on 4 September, 2017, 1-4.

³⁷ Protocol on Free Movement http://documentation.ecowas.int/download/en/legal_documents /protocols/PROTOCOL%20RELATING%20TO%20%20FREE%20MOVEMENT%20OF%20PERSONS.pdf>, accessed on 4 September, 2017.

³⁸ Protocol on the Right of Residence <<u>http://documentation.ecowas.int/download/en/</u>legal_documents/protocols/supplementary%20protocol%20on%20the%20second%20phase%20(right%20of%20residence)20% the20protocol%20on%20free%20movement%20of%20persons20%right%20of%20residence%20and%20Establisment.pdf>, accessed on 4 September, 2017.

³⁹ Protocol on the Right of Establishment http://documentation.ecowas.int/download/en/legal_documents/protocols/20%right%20of%20residence%20and%20Establisment.pdf>, accessed on 4 September, 2017.
⁴⁰ OB Akwa, *supra* note 36, 2.

⁴¹*Ibid*.

⁴² JG Gilmour, 'The Terrorist Threat in North-West Africa; Part One,' JMSS [2012] 56.

⁴³ Convention on Small Arms and Light Weapons available at <<u>http://www.poa-iss.org/RegionalOrganizations</u>/ECOWAS/ECOWAS%2520Convention%25202006.pdf>, accessed on 4 September, 2017.

light weapons, the pillars for a sub-regional database that could enhance inter-national information sharing on small arms.⁴⁴

Conflict Prevention Including early warning and response – The comprehensive conflict prevention framework of ECOWAS adopted in 2008 continues to guide its conflict prevention initiatives. The framework uses the ECOWAS instruments of peace and security, legal, and operational frameworks to manage anticipated and on-going conflicts situations in the sub-region. Relevant structures have been created at the ECOWAS Commission including a conflict desk and an observation and monitoring unit. The latter runs the ECOWAS early warning system with technical assistance from WANEP. It also uses the ECOWAS Council of the Wise⁴⁵ and the Mediation and Security Council to spearhead its early response initiatives. There have been other initiatives on counter terrorism and narcotics drugs which ECOWAS continues to pursue.⁴⁶

Strategic Positioning of issues on Regional Security

Currently, the ECOWAS Commission is taking steps to reinforce its agenda of supra-nationality which basically seeks to ensure that the legal and policy documents it adopts become directly binding on its member states. Such a move will certainly curtail the dragging impact of ratification process, which delays the period between adoption of Protocols and time that such Protocols secure the minimum required ratifications in order to enter into force. A much more ground breaking initiative is in the offing, seeking to place a limit of two terms of office for presidents in ECOWAS member states. When it materializes, ECOWAS would have addressed the politically orchestrated constitutional crises often thrown up by sitting presidents, and thereby prevent them from manipulating national constitutions.⁴⁷ On this particular point, it would be remiss in this article if it fails to recognize the conscious efforts by ECOWAS to recognize the work and value of credible society organization and what they bring, to the subregional table of ideas and innovation. Specifically, WANEP has been working with and for ECOWAS sover the years. Mention can be made of the West Africa Action Network on Small Arms (WAANSA), the West Africa Network for Security and Democratic Governance (WANSED), the West Africa Civil Society Forum (WACSOF) and the West Africa Civil Society Institute (WACSI). There are many more civil society actors that deserve mention but for want of time.⁴⁸

4. Challenges Confronting the ECOWAS

The ECOWAS is a troubled union with quite a number of challenges threatening its relevance. In as much as the nearly four decades union has managed to survive so far, it has only remain a talk-shop with its documents being a compendium of finesse intellectual rhetoric and policy option devoid of political will to set conventions flying and troubled by other socio-cultural elements. The persistence of these challenges portends the ECOWAS as defective and when overcome signals the renaissance of the Community comity unity of states. These challenges are discussed under two themes and elaborated herein below.

The Trade Factor and the Economy of Member states

Economic challenges are ever surfacing in the integration bid of the ECOWAS, posing one of the greatest challenging on the way of the establishment of an integrated market, with Common External Tariff (CET).⁴⁹ The economy of the community has posed serious challenges to the attainment of its purpose. Member countries are ranked within the brackets of Highly Indebted Nations, poorest countries by wealth estimate and or within the parameters of any other measurement indicators commensurable with underdevelopment, rural economy or otherwise. The narrowness of the community's market is a serious challenge in this direction. There is no gain saying that the volume of intra West African trade is small. This is owed to the fact that states of the community are all developing and unindustrialized, as such suppliers of raw materials. Trade is the nucleus of successful

⁴⁴ Sunday E Edeko, 'The proliferation of small arms and light weapons in Africa: a case study of the Niger Delta in Nigeria.' SJEL [2011] 1, 55-80.

⁴⁵ ECOWAS Council of the Wise <http://www.ecowas.int/ecowas-develops-new-statutes-to-reposition-council-of-thewise/>accessed on 4 September, 2017.

⁴⁶ Collins Obi, Conflict and Peace in West Africa, (The Nordic Africa Institute, <<u>http://www.nai.uu.se/publications/news/achives/051obi> accessed 10 September, 2017.</u>

⁴⁷Chijioke E Ogbonna and B Aluko, and K Awuah, 'The ECOWAS Platform and the Persisting Challenges of Integrating the West African Region: A Discourse,' [2013],4 JESD 104 <http://iiste.org/Journals/index.php/JEDS/article/viewFile/4102/4129> accessed on 4 September 2017; see also Odularu Gbadebo, 'ECOWAS Trade Liberalization Scheme: Policy Options for Members within its Trading Bloc,' *Nigerian Forum*, [2004] May – June, 45 – 46.

 $^{^{48}}$ OB Akwa, *supra* note 36, 3-4.

⁴⁹Chijioke E Ogbonna, *et al, supra* note 47, 110-111.

integration and as such a potent indicator for the measurement of performance, however, the ECOWAS has not fared well in intra-regional trade.⁵⁰ Trade within the community is yet to be *monopolized*; imports are not streamlined and custom procedures are not transparent. There is only a slight increase in the performance of export revenues usually from a few primary commodities or from a single product mineral commodity.⁵¹ Its disclosure is that the economy of all the member state of the community is import driven. This is owed to the fact that they are all producers of close to homogenous raw material with only exceptions in the area of export of mineral resources which as well is not fair economic indicator in development. The best of integration, or better put, the essence of integration is best achieved when the economies of the integrating countries are so heterogeneously diffused in trade commodity as to accommodate a reasonable interdependence within the region first and secondly sustain a collective trading bloc in relation to other states outside the bloc.⁵²

Financial Sector disparities and Poor payment system

There is a wide gulf between the financial sectors of states of the Community. Countries like Nigeria boast of banks with a strong capital base while their counterparts are nowhere close in this regard. This is to say that the financial sector services amongst the community members are still rudimentary,⁵³ without existence of uniform regulatory/supervisory rules and an inefficient fund transfer and payment system characterized by delays due to interbank Information Technology (IT) incompatibility platform as well as varying inconsistent national payment regulatory legislations. This is particularly unbridled in Nigeria. However, the diffusion of Nigerian banks operations in most West African states, seeks to arrest this challenge but to a molecular extent; banking correspondence is virtually low, leading to high transaction cost and low trade intensity. The West African Monetary Agency is yet to put in place an effective regional payments system. The payment system is still complicated; with most of the currencies of the region not convertible, and the various exchange regulations impeding the flow of capital within the zone.⁵⁴

Infrastructure and Regulatory Challenges

As the case with economically weak states, infrastructure, which should be a rudimentary fuel to development, is at its worst state in the community. Inter and intra-regional railings, road networks, energy, telecommunication facilities as well as expedient border ancillaries is still at an uncomfortable state. In the areas of telecommunication, ECOWAS's proposed fused telecom network-which will link the entire region is still an optical illusion as inter regional calls are charged at international rate while commuters bear the rage of roam tariff/charges. A modernized and expanded network which would have a direct bearing on business activities and trade is yet to be achieved. ECOWAS proposed West African Gas-pipeline, between Nigeria, Ghana, Benin and Togo has recently been completed though with less than optimal productivity.⁵⁵

A closer study of ECOWAS infrastructural as well as (physical) integrative development initiative reveals a voluntarily involvement of only few members of the community who feels that their development/interest is maximized individually by such projects. Only few of the state are to make short term sacrifices for the long term benefit of integrated market of the region. The tenacity a which the members states of the community guide their borders with quadrupled check-points is a reminder that the whole essence of market integration of the community is a theory yet to be absolved in practice by most states of the community. Odularu reported thus:

According to an ECOWAS study, there are seven checkpoints in every 100km on the road between Lagos and Abidjan; two on every 100km stretch between Accra and Ouagadougou, etc. the implication of this is that it has encouraged the corrupt government law enforcement agents to consistently harass and extort money from regional citizens, there by undermining regional economic activities.⁵

Free moment of persons, goods, services and capital is very strategic for the actualization of the ECOWAS's vision of a borderless community with closely knit economic base that possesses the capacity to meet the social, cultural

⁵⁰Odularu Gbadebo, *supra* note 47, 47 - 48.

⁵¹Ekenoma E Imohe, *Economic Development Crisis in Economic Community of West African States (ECOWAS): Challenges* and Controversy, (City College, 2007), 97-99.

⁵²Nancy Annan, 'Violent Conflicts and Civil Strife in West Africa: Causes, Challenges and Prospect, Stability [2014]3, IJSD 56-57, https://www.stabilityjournal.org/articles/10.5334/sta.da/ accessed on 12 May 2018.
 ⁵³ AE Essien, PN Omanukwe, 'Exploring the Gains of Economic Integration in the West African Monetary Zone (WAMZ),'

CBN Economic and Financial Review, [2004], 8-10.

⁵⁴Ibid. ⁵⁵Chijioke E Ogbonna, *et.al supra* note 47, 70.

⁵⁶Gbadebo Odularu, 'Export Diversification as a Promotion Strategy for Intra-ECOWAS Trade Expansion," [2009], 3 AJBM 032 - 038.

and technological aspiration of member states. Road network is the blood of transportation within and among the ECOWAS community. In respect to this, the ECOWAS member states have ratified certain protocols; protocol⁵⁷ promotes the gain of migration as a development vehicle in the sub-region, and on Road Transportation and Governance, the Heads of States of ECOWAS states ratified Convention with intent of regulating interstate road transport.⁵⁸ This Protocol is designed to encourage unfettered movement of nevertheless, despite all these protocols, free movement of persons, goods and services exist only on paper.

By opening up the frontiers of the sub-region to competitive industrial activities, it helps to contribute to the process of building strong domestic economies by the participation of community citizens in the capital and intimidation (at the borders) is choking to moribund. Unnecessary checkpoints and barriers are infrastructural disadvantaged, totality militating against developments and needs efforts to be expedited on the checkpoints on selected routes of the community highways are characterized by inhuman treatment and extortion from commuters; officers arbitrarily impose charges for stamping of passport at checkpoints.⁵⁹

5. Violent Conflicts and Civil Strife in West Africa

Ending violent conflicts in West Africa remains one of the main challenges of the sub-region. This is possibly attributed to the sudden shift from inter-state to intra state conflicts that characterized most part of the late 1980s through to the 21st century posing a new challenge of intra-state peace consolidation and conflict prevention. Particular for a number of actors including the sub-regional bloc, the Economic Community of West African States (ECOWAS) which was set up to build economic integration.⁶⁰ Nevertheless, over the years, states, the ECOWAS, Civil Society groups and the International Community have taken measures to resolve and end violent conflicts in the sub-region. Examples can be cited of ECOWAS' timely response to the violent civil wars that erupted in Liberia and Sierra Leone in 1989 and 1991 respectively through the deployment of the ECOWAS Monitoring Group (ECOMOG).⁶¹ Despite these efforts which have achieved some appreciable success, the cradle of peace and stability in the sub-region remains brittle and the possibility of a resurgence of seemingly ended conflicts is high.⁶² Buttressing the latter is the example of West Africa's first Republic state, Liberia, where the country relapsed into a second civil war in 1999 after ECOWAS Cease fire intervention ended the first civil war in 1996. In the period between 2010 and 2011. Cote d'Ivoire almost plunged back into civil war after its disputed November 2010 election led to violent confrontations between lovalists of then President Laurent Gbago and opposition Alassane Ouattara claiming the lives of over 3000 Ivoirians and displacing many.⁶³ These few examples raise questions on the capacity and mechanisms used to resolve conflicts in West Africa and the effectiveness of these mechanisms to ensure sustainable peace in the sub-region.⁶⁴ The paper posits that failure to identify and thoroughly address the fundamental causes of West Africa's violent conflicts and civil strife would likely cause the sub-region to continue experiencing and suffering the brunt of these violent wars. Against this background, the author attempts to support discourses on violent conflicts and civil strife in West Africa by first giving an overview of violent conflicts and civil strife in the sub-region; identifying and expatiating on the causes of these conflicts; elaborate on existing initiatives; identifying challenges impeding efforts towards ending conflicts in the sub-region; and finally concluding with prospects for future conflict resolution.⁶⁵

⁵⁷A/P.1/5/79;<http://documentation.ecowas.int/download/en/legal_documents/protocols/PROTOCOL%20RELATING%20TO %20%20FREE%20MOVEMENT%20OF%20PERSONS.pdf>, accessed on 4 September 2017.

⁵⁸A/P.2/5/85;<http://www.accessdata.fda.gov/drugsatfda_docs/nda/2004/021585s000_Mucinex%20D_admincorres.PDF> accessed on 4 September 2017.

⁵⁹Chijioke E Ogbonna, *supra* note 47, 71.

⁶⁰Thomas Jaye, Dauda Garuba, and Stella Amadi, 'Introduction' in: Thomas Jaye and Stella Amadi, (eds.) *ECOWAS and The Dynamics of Conflict and Peace building*. [Dakar, Senegal: Consortium for Development Partnership (CDP)], 1-7.

⁶¹Paul D Williams, and J Haacke, 'Security Culture, Transnational Challenges and the Economic Community of West African States', [2008] 26 JCAS 119 – 136.

⁶² James David Fearon, 'Why do some civil wars last so much longer than others? California: Department of Political Science', Stanford University, [2002] http://www.stanford.edu/group/ethnic/workingpapers/dur3.pdf> accessed on 4 September 2017.

⁶³ BBC News Africa, 'ICC to Investigate Ivory Coast Post-Election Violence'. BBC News Africa, October 3, 2011 <http://www.bbc.co.uk/news/world-africa-15148801>, accessed on 4 September 2017. See also Chijioke E and Ogbonna, and B Aluko, and K Awuah, 'The ECOWAS Platform and the Persisting Challenges of Integrating the West African Region: A Discourse,' JESD (2013), 4(1) 104 note 47, 72.

⁶⁴JG Gilmour, 'The Terrorist Threat in North-West Africa: Part One', [2012], 14JESD http://jmss.org/jmss/index.php/jmss/article/view/465> accessed on 4 September 2017.

Conceptualizing Conflicts and War Ending in West Africa

The conceptualization of conflicts and war ending is dynamic and constantly evolving particularly in the post-cold war era. With the paradigmatic shift from inter-state to intra-state conflicts, many literatures have different definitions and concepts of conflict and its resolution. To Bernard Mayer⁶⁶ conflicts can be explained through a three-dimensional lens. That is 'conflict as perception,' 'conflict as feeling' and 'conflict as action.' As a perception, Mayer identifies that conflict is often the conviction that 'one's own needs, interests, wants, or values are incompatible with someone else'.⁶⁷ As a feeling, conflict can be expressed through several emotions including 'fear, anger, bitterness, sadness, hopelessness' or the combination of these.⁶⁸ Finally, Mayer highlights that conflict involves actions which may be 'violent or destructive'.⁶⁹ To the ECOWAS, conflict is defined as 'contradictions inherent in power relations and which manifest themselves in individual and group interactions with one another and with nature in the pursuit of limited resources or opportunities'.⁷⁰For the purposes of this article, conflict could be seen as a violent expression of disagreements and frustration often arising from unmet needs and aspirations. As indicated earlier, while conflicts are not always violent, the ones that have affected West Africa have been characterized by violence and brutality. While the conceptualization of low intensity conflicts (LIC) remains unclear, this article refers to LIC as prolonged, subtle yet staid altercations between different groups often with socio-economic, political and military intentions, LIC has the potential of erupting into full-blown conflict if unresolved.71

Invariably, conflicts in West Africa have been notably fuelled by multiple interrelated causal factors including poverty, human rights violations, bad governance and corruption, ethic marginalization and small arms proliferation.⁷² While the above causes persist, some of the conflicts that have occurred in the sub-region have been linked to certain triggers which often ignite the uprisings.⁷³ According to ECOWAS, as defined in its Conflict Prevention Framework 2008, thee triggers are associated with sudden happenings that arouse tensions often leading to violent conflicts.⁷⁴ For example, the 2012 *coup d'état* in Mali was reportedly triggered by the lack of support from the Traore regime to the Malian army to handle the Tuareg rebellion in January 2012 which led to the death of several national soldiers.⁷⁵

6. Reasons Why Morocco Does Not Want To Join the North African Development Community

The big question begging for an answer now is where Morocco fits in geographically or politically. Morocco is not in West Africa. None of the countries in the sub – regional organization is an Arab Country. Morocco squarely falls within the North Africa geographical zone, and it should be treated as such. Morocco must respect the sovereignty of a nation to be independent. If the AU and the UN will recognize SADR, why should Morocco not do so? Worst still, the king of Morocco would have attended the last summit of ECOWAS, if Israeli Prime Minister, Benjamin Netanyahu did not attend the summit as an invitee of the sub regional body. This is happening when Morocco has not been officially admitted as a member. She left AU for more than three decades, only to rejoin last year. If other countries of the world behaved as Morocco did, would then be an AU today.Morocco has been having a running battle with African Union more than three decades ago over the latter's recognition of Sahrawi Arab Democratic Republic (SADR) as an independent nation and a member of the African Union. A liberation movement, called Polisaro Front was a precursor to the independence of SADR from Spain in 1975, and she declared her republic in

⁶⁷*ibid*.

⁶⁸ibid. ⁶⁹ibid.

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⁷¹ Nancy Annan, *supra* note 52, 59

⁷³Anouar Boukhars, *The Mali Conflict: Avoiding Past Mistakes, Policy Brief No. 148.* Madrid: FRIDE [2013]<http://carnegieendowment.org/2012/10/22/paranoid-neighbour-algeria-ans-conflict-in-mali-pub-49756> accessed on 4 September 2017.

⁷⁴ ECPF 2008, *ibid*.

75 K Chew, 'Military Coup in Mali: Democracy in West Africa Endangered.' March 24, 2012 <http://www.care2.com/causes/military-coup-in-mali-democracy-in-west-africa-endangered.html>, accessed on 4September 2017. See also David J Francis, 'The Regional Impact of the Armed Conflict and French Intervention in Mali' Report submitted building the Norwegian Peace Resource Centre (NOREF) April 2013 to <http://www.operationspaix.net/DATA/DOCUMENT/7911~V~The regional impact of the armed conflict and French inte rvention_in_Mali.pdf> accessed on 4 September 2017.

⁶⁶ B S Mayer, *The Dynamics of Conflict Resolution: A Practitioner's Guide*, (Jossey-Bass 2000) 55-56.

⁷² ECOWAS, 'Economic Community of West African States (ECOWAS): From an ECOWAS of States to an ECOWAS of Peoples'<<u>http://www.ecowas.int/about-ecowas/achievements_of_ecowas_at_40</u>/> accessed on 29 August 2017.

1976. Morocco withdrew her membership from OAU until she rejoined in the last summit of the AU held earlier in 2017. She withdrew her membership for thirty – three years. Up till date, Morocco has not recognized the said SADR, despite the United Nations (UN) and the AU's recognition. Morocco still boasts that SADR is part of her territory. The International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the UN and which came into force on January 3' 1976 provides under article 1 that all countries have the right of self-determination. And by the virtue of this right, they freely determine their political status, and freely pursue their economic, social and cultural development. On state secession, Shaw said:

Political entities are not immutable. They are subject to change. New states appear and old state disappears. Federations merge, dissolution and secessions take place. International law has to incorporate such events into its general framework with minimum of disruption and instability. Such changes have come to the fore since the end of the Second World War and the establishment of over 100 new, independent countries.⁷⁶

In essence what happened in SADR is not new in international politics. The old Yugoslavia has been dismembered into so many sovereign states. Even the racist government of the Apartheid in Southern African had to let those countries go. What is more, Sudan, at last had to allow South Sudan to be independent.⁷⁷

7. Countries that have been Denied Membership of International Organizations

If Morocco is denied membership of ECOWAS, it will not be the first country to be denied such a place especially where that country does not belong to geographic entity of the bloc intended to be joined. This writer is not unaware that Turkey which had 97percent of her territory in Asia wanted to join the European Union (EU) since 1987. Despite the fact that Turkey is an invaluable bridge between Europe and Asia that would have invigorated Europe's relation with fast evolving regions like the energy rich Caucasus and Central Asia, to the new Middle East emerging from the Arab Spring, she was not admitted.⁷⁸ Also Turkey's unique geo strategic position, plus the strength of NATO's second largest Army which would have greatly be an advantage to EU, her application was still rejected.⁷⁹ The EU has a lot of advantages to gain should they allow Turkey to join. These includes but not limited to assistance in refugee issues, creating a synergy in fighting the rise of Islamic State in Iraq and Syria (ISIS) and providing employment for EU markets. Others are, in the areas of culture and boosting her economy with the abundant oil and gas supplies and thereby creating a free trade zone. Turkey has also started to adhere to EU laws by abolishing the death penalty and introducing tougher laws against torture as well as moderate reforms to help women.⁸⁰ Despite all the above advantages on the part of the EU, Turkey membership was denied.⁸¹ Ukraine and Georgia have also attempted to join North Atlantic Treaty Organization (NATO) in the past, though Ukraine has had a partnership with NATO since the 1990s; sending troops to work with the alliance in Iraq and Afghanistan, though the nature of the partnership has been very loose much like Georgia, another former Soviet State seeking to shake off Russia influence, Ukraine sought NATO membership in 2008.⁸² Even President George Bush of U.S was a supporter of Ukraine's bid. Russia, however was openly hostile to Ukraine's membership, the Kremlin opposed any eastward expansion of the alliance than the French Prime Minister Francois Fillion was also quoted as saving that: 'We are opposed to the entry of Georgia and Ukraine because we think that is not a good answer to the balance of power within Europe and between Europe and Russia⁸³

⁷⁶M N Shaw, *International Law*, (Cambridge University Press, 2008) 958.

⁷⁷S Mednik, South Sudan Marks Grim Independence, *Associated Press*, 11th July, 2017, <https://beta.theglobemail.com.sevice-mobile> accessed on 12 July 2017.

⁷⁸ The Economist, 'Turkey Efforts to join the EU on Life Support' https://www.economist.com/news/Europe/2171072-europe-condemms-crackdown-president-erdogan-threatens-unleash-migrants-turkeys-effort> accessed on 07-09-2017.

⁷⁹ Emmot, R. and Baczyrska, G., 'France, Germany want new Turkey ties but Dodge EU Membership', *Reuters* [28th April, 2017]. Note that the EU is Turkey's biggest foreign investor and biggest trading partner, while Turkey shares borders with Iraq, Syria and with Russia in the Black Sea.

The WEEK, Turkey and the European Union: The Pros and Cons of Membership, <http://www.theweek.co.uk/amp/24083/turkey-and-the-eu-the-pros-and-cons-of-membership> accessed on 12 May 2018. ⁸¹ Yelen E. Archiyan "Turkey and European Union: An Association in the Making" Michigan State International Law Review (2011) Vol. 20 No 4 pp.117-148.

⁸²A Taylor, 'That Time Ukraine tried to Join NATO- and NATO said no' *Washington Post* September 4, 2004, accessed on 08/07/2017.

⁸³ *Ibid.* Even both the then Senators Barack Obama and John McCain who were candidates in the then upcoming presidential election announced their support for Ukraine. Vague promises of NATO membership in the future were made, but the United States later appeared to drop its support for NATO membership for Ukraine and Georgia. Russia's brief war with Georgia in August 2008 helped underscore the decision's importance, but NATO and Ukraine held further talks in December. Again, however, no specific outcome was announced.

During NATO 2008 summit in Bucharest, Romania, the issue was discussed and after opposition from French and Germany, a decision was made to offer neither Ukraine nor Georgia a NATO membership. This clearly shows that if ECOWAS should deny membership to Morocco it does not mean that Morocco is discriminated against because membership of NATO even cuts across continent, whereas, ECOWAS is a sub-regional organization. Again, the Treaty that established ECOWAS did not envisage that a non- West African country will want to join the subregional organization. The Treaty provides: 'The members of the community, hereinafter referred to as the member states, shall be the states that ratify this treaty and such other West Africa States as may accede to it.³⁴ Morocco as a country did not apply to join ECOWAS during the crisis in Liberia, Sierra Leone, Guinea Bissau or Cote d' Ivorie. In the history of ECOWAS, this was a most agonizing moment for this economic block.⁸⁵ Hundreds of thousands of lives were lost in the ranging wars that swept like holocaust through these countries between 1989 to early 2000.⁸⁶ Morocco is also not known to have condemned the illegal usurp of office by some head of states, for example Faure Eyadema of Togo when his father, Gnassigbe Eyadema died,⁸⁷ Blaise Campaore of Burkina Faso⁸⁸ and Laurent Gbagbo⁸⁹ refusal to leave office after having been defeated in office as incumbents. She has never condemned the Tuaregs of Northern Mali fighting the central government of that country,⁹⁰ nor has she supported the Multinational Task Force, comprising Nigeria, Cameroun Niger and Chad fighting the Boko Haram insurgency.⁹¹ Her voice was not heard during the dreaded Ebola virus outbreak some countries of the West African sub region went through between 2014 and 2015.⁹² It is humbly submitted that Morocco should be told in unmistaken terms to join the sub-regional body to which she belongs. More so, all the countries of the West African Sub-regions are all practicing democracy, whereas Morocco is a monarchical set up. It will be a slap in the face to allow Morocco to join ECOWAS or any other sub-regional body to which it does not belong geographically.

8. Conclusion

Ending violent conflict and civil wars in the West Africa sub-region is one of the greatest tasks at present. The ECOWAS platform is a veritable and fundamental platform that even the whole Africa can build upon if it stands solidly. Conflicts and instability are distractive to the community. She does not need Morocco to survive; rather, it may lead to suspicion and unending rivalry that will not augur well for the growth and the development of the economic community. Civil Society Organizations (CSO) should be alive and active. An end must come to regime elongation in all the countries that made up this economic block. Morocco should learn how to tolerate her neighbor since the UN, the AU and other international bodies have recognized SADR. The role Morocco intends to play in West Africa can be better played when she joins any of the two sub-regional bodies in North Africa.

⁸⁴ Article 1 (2) of the ECOWAS Treaty, 1975. By this provision it is discernible that only West African States, so far, are eligible for membership.

⁸⁵ Funmi Olonisakin, supra note 21, 28-30.

⁸⁶Ibid.

⁸⁷K Appiahgyei-Atua, 'Post Eyadema Togo-A Military or Coup or Unconstitutional Government?' *Pambazuka News*, https://www.pamzuka.org/government/2-post-eyadema-togo-military-coup-or-unconstitutional-government>, accessed 10-09-2017.

⁸⁸ F Akomolafe, 'Burkina Faso: You cannot kill Ideas' *New African*, https://newafricanmagazine.com/tag/femi-akomolafe/ accessed 7th March, 2019.

⁸⁹ Daily Mail, 'How much Longer can he hold on? Laurent Gbagbo Refuses to Surrender as Rival Storm Presidential Palace', http://www.dailymail.co.uk/news/article-1373923/Ivory-Coast-Laurent-Gbagbo-refuses-surrender-rival-forces-storm-

presidential-palace.htm>, accessed 10-09-2017. See also Ruth Maclean 'Ex-Ivory Coast President, Laurent Gbagbo Acquitted by ICC', *The Guardian* Tuesday 15th January, 2019 https://www.theguardian.com/world/2019/jan/15/ex-ivory-coast-president-laurent-gbagbo-acquitted-at-icc> accessed on 7th March, 2019.

⁹⁰ Taylor, M., Mali: Dragging the West back in the War of Terror, *African Arguments* [2013] <www.africanargument.org/2013/02/04/mali-dragging-the-west-back-in-to-the-war-on-terror-by-magnus-taylor/>, accessed 07-09-2017.

⁹¹ Ebhomele, E., 'Many Boko Haram killed', https://www.naija.com/amp/1123632-nigerian-troops-ambush-boko-haram-terrorist-borno-killed.html, accessed 10-09-2017.

⁹² Centre for Disease Control and Prevention '2014-2016 Ebola Outbreak in West Africa' <<u>https://www.cdc.gov/vhf/ebola/history/2014-2016-outbreak/index.html></u> accessed 7th March, 2019.