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# Regional integration in West Africa: WASTEFUL OVERLAPS OR NECESSARY OPTIONS?

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This paper analyses the interests and incentives around two overlapping regional organisations in West Africa: ECOWAS (the Economic Community of West African States), which has fifteen members, and UEMOA (the West African Economic and Monetary Union), whose eight members are also ECOWAS members. We explore the interaction of the formal mandates and cooperation structures of the two organisations, looking at their history, legitimacy and member state interests, and focusing particularly on regional trade.

While overlapping UEMOA-ECOWAS memberships have a history and a logic, they create practical difficulties, particularly in the case of promoting regional trade. UEMOA's greater apparent integration and longevity compared to ECOWAS partly explains why recorded trade flows seem more concentrated among UEMOA member states. At the same time, ECOWAS derives its legitimacy from its greater scope of membership, its peace and security role, and by being one of eight regional economic communities that is recognised by the African Union.

Although the two organisations serve a different purpose, incompatibilities essentially arise from incorrect implementation of agreed ECOWAS policies. Even if efforts continue to harmonise trade procedures between ECOWAS and UEMOA, both bodies seem destined to co-exist. If member states and their firms selectively use UEMOA or ECOWAS rules for different purposes, policymakers and their external partners must take this as a starting point in their support – and not merely an anomaly.

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Views expressed in the paper are those of the authors, and they remain responsible for any errors or omissions. Author for correspondence: Bruce Byiers bby@ecdpm.org

## Acronyms

|           |                                                                                                                                                     |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| ACBF      | African Capacity Building Foundation                                                                                                                |
| ACET      | African Center for Economic Transformation                                                                                                          |
| ACMAD     | African Center of Meteorological Applications for Development                                                                                       |
| AfDB      | African Development Bank (Group)                                                                                                                    |
| AfCFTA    | African Continental Free Trade Area                                                                                                                 |
| ALG       | Integrated Development Authority of the Liptako Gourma region ( <i>Autorité de Développement intégré de la région du Liptako Gourma</i> )           |
| AMU       | Arab Maghreb Union                                                                                                                                  |
| AU        | African Union                                                                                                                                       |
| BCEAO     | West African States Central Bank ( <i>Banque Centrale des États de l'Afrique de l'Ouest</i> )                                                       |
| CACID     | African Center for Trade, Integration and Development ( <i>Centre Africain pour le Commerce, l'Intégration et le Développement</i> )                |
| CAEMC     | Economic Community of Central African States                                                                                                        |
| CEAO      | Economic Community of West Africa ( <i>Communauté Economique de l'Afrique de l'Ouest</i> )                                                          |
| CEN-SAD   | Community of Sahel–Saharan States                                                                                                                   |
| CET       | Common external tariff                                                                                                                              |
| CFA       | African Financial Community ( <i>Communauté Financière Africaine</i> )                                                                              |
| CILSS     | Permanent Interstate Committee for Drought Control in the Sahel ( <i>Comité Permanent Inter-États de Lutte contre la Sécheresse dans le Sahel</i> ) |
| COMESA    | Common Market for Eastern and Southern Africa                                                                                                       |
| CP        | Community levy                                                                                                                                      |
| CPT (TPC) | Community Preferential Tax ( <i>Taxe Préférentielle Communautaire</i> )                                                                             |
| CSO       | Civil society organisation                                                                                                                          |
| DRC       | Democratic Republic of the Congo                                                                                                                    |
| EAC       | East African Community                                                                                                                              |
| EC        | European Commission                                                                                                                                 |

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|               |                                                                                                                                                             |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ECCAS (CEEAC) | Economic Community of Central African States ( <i>Communauté Economique des États de l'Afrique Centrale</i> )                                               |
| ECDPM         | European Centre for Development Policy Management                                                                                                           |
| ECOWARN       | ECOWAS Early Warning                                                                                                                                        |
| ECOWAS        | Economic Community of West African States                                                                                                                   |
| EDF           | European Development Fund                                                                                                                                   |
| ENDA TM       | Environment, Development and Action in the Third World ( <i>Environnement, Développement et Action dans le Tiers Monde</i> )                                |
| EPA           | Economic Partnership Agreement                                                                                                                              |
| ETLS          | ECOWAS Trade Liberalisation Scheme                                                                                                                          |
| EU            | European Union                                                                                                                                              |
| FCCIAO        | Federation of West African Chambers of Commerce and Industry                                                                                                |
| FOPAO         | Federation of West African Employers' Organisations ( <i>Fédération des Organisations Patronales de l'Afrique de l'Ouest</i> )                              |
| FTA           | Free Trade Area                                                                                                                                             |
| G5 Sahel      | Group of Five (Brazil, China, India, Mexico, South Africa)                                                                                                  |
| GDP           | Gross domestic product                                                                                                                                      |
| GIZ           | German Society for International Cooperation ( <i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> )                                             |
| IAT           | Import Adjustment Tax                                                                                                                                       |
| ICT           | Information and Communication Technology                                                                                                                    |
| ICTD          | International Centre for Tax and Development                                                                                                                |
| IDRC-CRDI     | International Development Research Centre-Centre de recherches pour le développement international                                                          |
| IGAD          | Intergovernmental Authority on Development                                                                                                                  |
| IMF           | International Monetary Fund                                                                                                                                 |
| IPL           | Import prohibition list                                                                                                                                     |
| ISS           | Institute for Security Studies                                                                                                                              |
| ITC           | International trade Centre                                                                                                                                  |
| JICA          | Japan International Cooperation Agency                                                                                                                      |
| JTS           | Joint Technical Secretariat                                                                                                                                 |
| MRU           | Mano River Union                                                                                                                                            |
| NAC           | National Accreditation Committee                                                                                                                            |
| NANTS         | National Association of Nigerian Traders                                                                                                                    |
| NEPAD         | New Partnership for Africa's Development                                                                                                                    |
| NTB           | Non-tariff barrier                                                                                                                                          |
| OHADA         | Organization for the Harmonization of Business Law in Africa ( <i>Organisation pour l'Harmonisation en Afrique du Droit des Affaires</i> )                  |
| PACITR        | Community Action Programme for Road Infrastructure and Transport ( <i>Programme d'Actions Communautaires des Infrastructures et du transport Routiers</i> ) |
| PND           | National Development Plan ( <i>Plan de Développement National</i> )                                                                                         |
| PPP           | Public private partnership                                                                                                                                  |
| PSC           | Political and Security Committee                                                                                                                            |
| REC           | Regional economic community                                                                                                                                 |
| RIP           | Regional Indicative Programme                                                                                                                               |
| RoO           | Rules of origin                                                                                                                                             |
| SACU          | Southern African Customs Union                                                                                                                              |
| SADC          | Southern Africa Development Community                                                                                                                       |

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|                        |                                                                                                   |
|------------------------|---------------------------------------------------------------------------------------------------|
| SME                    | Small and medium-sized enterprise                                                                 |
| SPS                    | Sanitary and Phytosanitary                                                                        |
| SPT                    | Supplementary protection tax                                                                      |
| TFWA                   | Trade Facilitation West Africa                                                                    |
| TOAM                   | Trade Obstacle Alert Mechanism                                                                    |
| TRIE                   | Inter-State Road Transit ( <i>Transport Routier Inter-États</i> )                                 |
| UAE                    | United Arab Emirates                                                                              |
| UDAO                   | West African Customs Union ( <i>Union Douanière de l’Afrique Occidentale</i> )                    |
| UN                     | United Nations                                                                                    |
| UNCTAD                 | United Nations Conference on Trade and Development                                                |
| UNDP                   | United Nations Development Programme                                                              |
| UNECA                  | United Nations Economic Commission for Africa                                                     |
| USAID                  | United States Agency for International Development                                                |
| WAEMU ( <i>UEOMA</i> ) | West African Economic and Monetary Union ( <i>Union Economique et Monétaire Ouest Africaine</i> ) |
| WTO                    | The World Trade Organization                                                                      |

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## Preface/Executive Summary

The ‘spaghetti bowl’ of overlapping memberships of regional organisations in Africa has often led to calls to ‘rationalise’ these. Although there is a logic to countries joining multiple regional bodies to serve multiple transboundary issues, the existence of sub-regional economic blocs *within* the AU-recognised regional economic communities (RECs) raises additional challenges.

This paper analyses the interests and incentives around two regional organisations in West Africa: the fifteen member-state Economic Community of West African States (ECOWAS), and the sub-regional West African Economic and Monetary Union (WAEMU), also known by its French acronym UEMOA. All eight UEMOA members are also ECOWAS members.

The paper explores the interaction of the formal mandates and cooperation structures of the two regional organisations with their histories, apparent level and source of legitimacy, and member state interests particularly in terms of the trade agenda.<sup>1</sup> The aim of the paper is to help better understand where there may be synergies and tensions between the two regional agendas so that policy-makers and external partners can better adapt their ambitions and policies.

Section 2 discusses the origins and positions of ECOWAS and UEMOA in terms of their objectives, trade policies, and where collaboration can mean competition. Section 3 then looks at how different actors engage with the two organisations before Section 4 concludes with implications for the future.

The main findings are as follows:

1. Though regional *Commissions* should, on paper, have greater legal authority over member states than regional secretariats, in practice both regional bodies have limited power to monitor or enforce agreed regional policies. Member state interests and incentives ultimately determine how regional agendas are implemented more than issues of harmonisation.
2. Path dependency means that there are structural as well as institutional reasons for the two regional bodies that will continue to hinder coordination efforts. Although ECOWAS has more members, is one of the eight AU-recognised RECs, is older (by some measures) and has a formal mandate in its treaty to become the single economic community for the region, UEMOA is regarded by many as having more historical coherence and legitimacy among its member states and has achieved greater economic integration. UEMOA countries have also formally agreed to define positions prior to discussing with other fora – ECOWAS included.
3. Though there is collaboration and mutual appreciation between the two organisations in formal discourse and at a technical level, and arrangements exist for cooperation between UEMOA and ECOWAS in the form of the Joint Technical Secretariat (JTS), the political emphasis and drive for convergence of the two has varied through time and the JTS seems only weakly linked to functional cooperation and coordination. Much of the focus on joint UEMOA-ECOWAS work is discussed in the context of externally financed projects.
4. It is not obvious that member states or other actors actively seek more harmonisation between the two regional organisations. UEMOA member states (the only members of both organisations) refer more to UEMOA in their development strategies than ECOWAS, suggesting its more prominent role in policies, while

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<sup>1</sup> After this project was launched, a similar study was undertaken by consultants at the request of UEMOA to design a Strategy for Cooperation and Convergence between the two organisations (UEMOA 2021a). The present study can be seen as an additional, complementary input to those discussions.

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macroeconomic and monetary policies are regionally coordinated through UEMOA. The way UEMOA and ECOWAS Commissions interact and cooperate also depends on their member states.

5. There are areas where the two organisations have harmonised their efforts, but more in form than function. The ECOWAS CET is a notable example. But incorrect application of ECOWAS rules results in two different trade regimes in practice. This may protect the UEMOA market from non-UEMOA exports within ECOWAS, partially explaining why intra-UEMOA trade shares are higher than trade with the rest of ECOWAS. Civil society pressure to harmonise and better implement agreements within ECOWAS has so far had limited success.

Overall, this raises challenges for staff of both UEMOA and ECOWAS and their external partners. If member states and their non-state actors engage with UEMOA or ECOWAS in different ways and for different purposes, this should be reflected in regional policy and programme design.

A somewhat radical move would see UEMOA cease to promote a trade agenda, with all UEMOA trade instruments and procedures annulled in favour of those of ECOWAS. While this would make things clearer for the private sector, and arguably free up UEMOA resources for other items on its agenda, this paper suggests that even for some firms and governments, this would not be seen favourably, given that UEMOA offers a 'back up option' in case required.

One more pragmatic possibility may be for UEMOA to take the lead in implementing some ECOWAS-wide programmes among the UEMOA group of countries. That is, in some areas where ECOWAS and UEMOA agendas overlap, all projects and documents would be in the name of both. This is already reportedly taking place through some projects, and would not undermine UEMOA's greater role in the macroeconomic management of its economies.

While programmes such as the multi-donor TFWA programme seek to encourage collaboration through joint approaches, shared ownership of the process and joint-chairmanship of technical groups, this too faces challenges. Nonetheless, taking this approach, and working bottom-up, perhaps more informally, with different departments and stakeholders may be the best way to identify where there is traction, not least among member states and their stakeholders.

Different development partners support ECOWAS and UEMOA, arguably also for different reasons, while coordinating support strategies from one donor to two organisations is itself an organisational challenge. As discussed, where external finance or indeed pressure (the EPA case) is involved, this can help lead to some collaboration between the two organisations.

Finally, while regional integration processes continue to address barriers to intra-regional trade, the African Continental Free Trade Area (AfCFTA) process is now also gathering momentum. The opportunities for engaging in continental value chains potentially may offer paths for firms to grow and trade *outside* the region. While much still depends on the tariff offers and rules of origin that are eventually agreed, this arguably puts more onus on regional actors in West Africa to ensure a favourable trading environment building on all the institutional structures in place.

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# 1. Introduction

## Motivation

The ‘spaghetti bowl’ of overlapping memberships of regional organisations is familiar to those working on and in regional integration and cooperation in Africa. This has often led to calls to ‘rationalise’ these organisations, from Africans and external partners alike (e.g. AU 2009) with a view to creating a ‘simpler’, more ‘legible’ world with each country in one regional bloc. A stated objective of the African Continental Free Trade Area (AfCFTA) is to “resolve the challenges of multiple and overlapping memberships and expedite the regional and continental integration processes” (AU 2018).

But there is a logic to joining multiple regional bodies to serve transboundary issues (Byiers et al. 2019; AU 2009). Some regional bodies are more specialised than others, while each offers a different set of members and partners with whom to engage. The borders of the regions are as arbitrary as those of their member states – the periphery of a large country like Niger is economically integrated with neighbours in North and Central Africa, and not just ECOWAS, thus arguably justifying membership of multiple regional organisations.<sup>2</sup>

The existence of sub-regional economic blocs *within* the AU-recognised regional economic communities (RECs) – where *all* members of one are members of the other – raises additional challenges. This is the case in Southern, East, Central and West Africa.<sup>3</sup> Though varying in degree of overlap if scope and mandate, without a clear division of labour and coordination between the smaller and larger regional grouping, they risk creating organisational inefficiencies, if not duplication. Further, overlapping memberships come with a cost to member states in the form of financing at least part of the activities and allocating human resources to follow and implement their agendas.

Inconsistencies between overlapping regional regimes, or how they are applied, can lead to ‘regime shopping’ – picking and choosing which regime to use when. This risks undermining the benefits of harmonisation that are sought through regional cooperation and integration. But while attempts to coordinate and rationalise between organisations struggle, the move to disband one organisation or another is rarely if ever discussed, and in any case would be extremely difficult. This then requires efficient modes of co-existence of overlapping regional organisations.

Beyond the members themselves, overlapping regional memberships also concern external partners. And yet, the actors and factors that shape regional cooperation are often poorly understood: the EU evaluation of its support for regional integration in West Africa 2008-2016 found that “failure to give adequate consideration to the political, social and economic factors” that affect regional integration processes meant that EU support to regional cooperation in West Africa yielded “few lasting outcomes” (EC 2019). The same evaluation highlights the need to take greater account of political economy dynamics and include deeper context analysis.

Political economy analyses of regional organisations have highlighted the importance of understanding where political traction for regional integration lies, by examining the combination of structures and incentives that shape actor interests and power relations between and within states (Vanheukelom et al. 2016). This can also help identify

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<sup>2</sup> In East Africa, DRC is a member of ECCAS and SADC, with membership of the EAC under discussion for a number of years. Overall, DRC is a member of at least 14 different regional organisations. See [here](#).

<sup>3</sup> It is the case for the EAC within COMESA (except for Tanzania), SACU within SADC, CEMAC within ECCAS, and WAEMU (known in French as UEMOA) within ECOWAS.



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where member state interests lie in implementing the commitments made through one or other regional organisation, thus helping bring a dose of realism to working with overlapping regional organisations.

## The focus of this paper

This paper analyses the interests and incentives around two regional organisations in West Africa: the fifteen member-state Economic Community of West African States (ECOWAS), and the sub-regional West African Economic and Monetary Union (WAEMU), also known by its French acronym UEMOA. All eight UEMOA countries are ECOWAS members.

How UEMOA and ECOWAS interact and are used by their member states is of interest given long-running attempts to coordinate and align their agendas. Externally supported projects to promote trade and trade facilitation in West Africa stand to benefit from better understanding these regional relations, as do ongoing discussions about regional relations to the African Continental Free Trade Areas (AfCFTA) (Apiko et al. 2021). The coexistence of UEMOA and ECOWAS, each with its own Commission, “has increased costs (for [UEMOA] members which all belong to ECOWAS) and has slowed down the trade integration impetus, which is much stronger within [UEMOA] than within ECOWAS” (WTO 2017). A 2019 evaluation of EU support to West African regional integration cites “very low ownership of regional policies and regulations by ECOWAS and [UEMOA] Member States” (EC 2018), in spite of areas of greater convergence, discussed below. The apparent contradiction of dual membership while displaying ‘low ownership’ merits further examination.

Implicit in many regional policies and project documents are the following assumptions:

- Increased finance and capacity building for ECOWAS and UEMOA will lead to greater synergies and cooperation in implementing programmes;
- Better cooperation between ECOWAS and UEMOA will improve implementation of trade and trade facilitation measures in the region;
- Member states and economic actors are equally committed, or at least neutral parties, to both regional organisations and their processes.

This paper tests these assumptions, exploring the interaction of the formal mandates and cooperation structures of the two regional organisations with their histories, apparent level and source of legitimacy, and member state interests particularly in terms of the trade agenda.<sup>4</sup>

The paper highlights where UEMOA and ECOWAS regimes converge and diverge on paper and in practice, and the lessons to be drawn from how governments and non-state actors engage differently with UEMOA and ECOWAS. The aim of the paper is to help better understand where there may be synergies and tensions between the two regional agendas so that policy-makers and external partners can better adapt their ambitions and policies.

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<sup>4</sup> After this project was launched, a similar study was undertaken by consultants at the request of UEMOA to design a Strategy for Cooperation and Convergence between the two organisations (UEMOA 2021a). The present study can be seen as an additional, complementary input to those discussions.

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## Findings

As this paper discusses, overlapping UEMOA-ECOWAS memberships have a history and a logic, but nonetheless creates practical difficulties, particularly in the case of promoting regional trade. UEMOA seems to enjoy more political legitimacy among its members, closely related to its greater involvement in the macroeconomic and public financial management issues of its members, while UEMOA rules and approaches are frequently built upon for ECOWAS rules. But hurdles emerge where agreed ECOWAS rules are not fully implemented within UEMOA states. This, and UEMOA's greater apparent integration and longevity compared to ECOWAS, may help explain why trade flows also seem more concentrated among UEMOA member states. At the same time, ECOWAS derives its own distinct legitimacy from its greater scope of membership, its peace and security role, and by being an AU-recognised REC. That is, each serves a different purpose, but incompatibilities essentially arise from incorrect implementation of agreed ECOWAS policies.

Even if efforts continue to harmonise trade procedures between ECOWAS and UEMOA, both bodies seem destined to co-exist. Given its apparent greater political legitimacy within its member states, it may make sense for UEMOA to take the lead in implementing ECOWAS-wide programmes among the UEMOA group of countries while steps are made to ensure ECOWAS rules are increasingly and more uniformly applied across the entire region. Overall, if member states and their firms selectively use UEMOA or ECOWAS rules for different purposes, policymakers and their external partners must take this as a starting point in their support and not an anomaly.

The remainder of this paper is organised as follows: Section 2 provides background to the origins and positions of ECOWAS and UEMOA in terms of their objectives, trade policies, and where collaboration can mean competition. Section 3 then looks at how different actors engage with the two organisations before Section 4 concludes with implications for the future.

## 2. UEMOA and ECOWAS institutional relations

### Foundational factors of ECOWAS and UEMOA

Amid periodic calls to 'end the institutional balkanisation' in West Africa,<sup>5</sup> given their overlapping memberships and objectives, the continued existence of UEMOA and ECOWAS can seem illogical.

Article 2 of the revised 1993 ECOWAS treaty states that "it shall ultimately be the sole economic community in the region for the purpose of economic integration and the realisation of the objectives of the African Economic Community" (ECOWAS Commission 1993). This seems quite unequivocal. Further, the change from ECOWAS Secretariat to Commission in 2007 ostensibly gave it more legal authority over its member states, so that "the principle of supranational becomes more pre-eminent".<sup>6</sup> Given the legal authority of the ECOWAS Commission, its larger membership and its longevity, being established in 1975, the case for ECOWAS as the pre-eminent regional organisation seems clear. This is further underpinned by its inclusion as one of the eight RECs recognised by the African Union when the decision was made for a moratorium on AU-recognised RECs in 2006 (AU 2006).

But this ignores a series of important factors that drove the emergence of ECOWAS and that continue to shape relations today. ECOWAS emerged in 1975 from the desire to "combine developmentalist agendas" with "dilution

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<sup>5</sup> See for example the call from the ex-Prime Minister of Mali (Mara 2020).

<sup>6</sup> As of this change, for both UEMOA and ECOWAS a community text is automatically transposed into national law without having to be ratified by Parliament (EC 2018).

of the colonial francophone/anglophone/lusophone divide”, (Bach 2016, citing Adedeji 2009: 390–1 and Ezenwe 1984). It also stemmed from a willingness and indeed interest from Nigeria to engage with the wider region to balance the external influence of France.<sup>7</sup> Attempts to influence the region, however, were frustrated by “consensus-driven decision-making processes and repeated delays in the implementation of decisions” (Bach 2016, citing Fawole 2003), as well as by the Francophone bloc that would become UEMOA.

Though UEMOA was formed in 1994, it built on a long history of regional initiatives among the Francophone West African countries, summarised in Table 1. With independence, the West African Monetary Union was formed in 1962, maintaining the CFA Franc. This followed closely after the “Union Douanière de l’Afrique Occidentale (UDAO)”, formed in 1959 to preserve the customs union of colonial French West Africa (Bach 2016). However, tensions over fiscal transfers between the coastal countries (Senegal, Benin and Côte d’Ivoire) and landlocked countries (Burkina Faso, Niger and Mali) under the UDAO led to renewed efforts under the Union Douanière des Etats de l’Afrique occidentale (UDEAO) in 1966, quickly replaced in 1973 by the Communauté Economique de l’Afrique de l’Ouest (CEAO) whose charter was signed in 1973, just preceding the emergence of ECOWAS, with Burkina Faso, Côte d’Ivoire, Mali, Mauritania, Niger and Senegal, and Togo and Guinea Bissau as observers. Benin was not a member, deciding “to stay away from the CEAO so as to avoid antagonising its Nigerian neighbour and key trading partner” (Bach 2016). The CEAO had come about as an initiative of Félix Houphouët Boigny of Côte d’Ivoire, and Léopold Senghor of Senegal, due to “apprehensions about the rise of Nigeria” (Bach 2016) – so in some ways *allowed* the emergence of ECOWAS. New “transfers of sovereignty” and integration with the pre-existing UMOA monetary union led to UEMOA in 1994 (UEMOA 2003). UEMOA therefore combined an evolution of regional trade and monetary mechanisms with a long history.

**Table 1: The organisational evolution of UEMOA and ECOWAS**

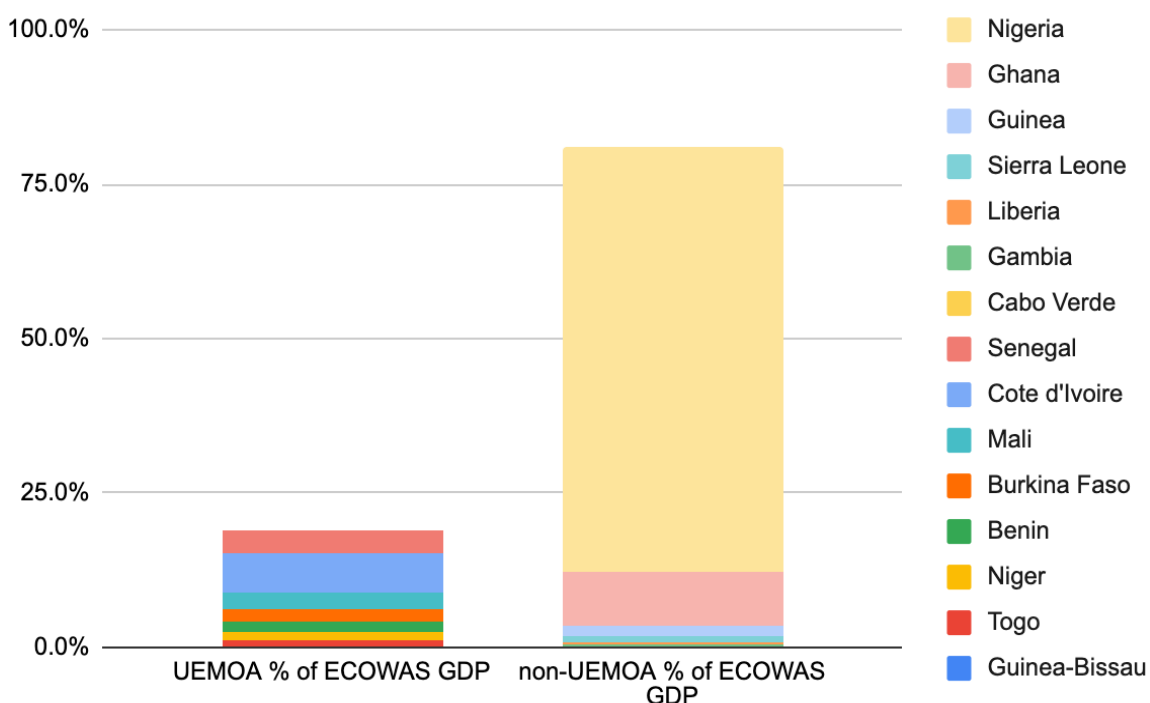
| Year | UEMOA evolutions                                                                                           | ECOWAS evolutions  |
|------|------------------------------------------------------------------------------------------------------------|--------------------|
| 1994 | UEMOA established                                                                                          |                    |
| 1975 |                                                                                                            | ECOWAS established |
| 1973 | Communauté Economique de l’Afrique de l’Ouest (CEAO) established<br><i>West African Economic Community</i> |                    |
| 1966 | Union Douanière des Etats de l’Afrique occidentale (UDEAO)<br><i>Customs Union of West African States</i>  |                    |
| 1962 | Union Monétaire de l’Afrique de l’Oueste West African Monetary Union (CFA Franc Zone)                      |                    |
| 1959 | Union Douanière de l’Afrique Occidentale (UDAO)<br><i>West African Customs Union</i>                       |                    |

<sup>7</sup> ECOWAS was formed at the initiative of Togo’s Eyadema and Nigeria’s Gowon in response to dynamics both internal and external to the region (Naara Koutouan 2019). “Nigeria had been actively canvassing for the formation of a West African grouping” to “strengthen ties between Nigeria and its Francophone neighbours, weaken the grip of France in the region and open up markets for Nigerian industrial products” (Bach 2016, citing Ojo 1980: 571–604 and Stremlau 1977: 380). “French and Ivorian support to Biafra during the civil war had made Nigeria particularly sensitive to the implications of being isolated amidst francophone states with which it only had episodic interactions until Biafra’s secessionist attempt in 1967” (Bach 2016).

This organisational evolution reflects the common colonial history and currency of its members, and French as an official language. The presence and will of Nigeria have also loomed large in regional alliances and integration projects.

But other factors also play a role. The only three landlocked ECOWAS countries are UEMOA members, potentially also shaping UEMOA positions in terms of their interests. The perception also remains among some that francophone states are ‘not really independent’, due to their strong institutional links with France (PSC Report 2015).<sup>8</sup> Figure 1 below further highlights that the eight UEMOA members of ECOWAS represent less than 25% of the ECOWAS regional GDP. This is largely due to Nigeria, but not only, and may feed a sense among other ECOWAS countries that UEMOA permits its members to punch above their economic weight.

**Figure 1: UEMOA and non-UEMOA country GDPs as a share of total ECOWAS GDP**



*Source: Authors, based on AfDB (2018)*

This does not imply that the francophone group of countries is uniform. Both Togo and Benin implicitly or explicitly sided with Nigeria while ECOWAS was under formation. There are also other regional groupings: the Conseil d’Entente group of five countries was originally set up by Côte d’Ivoire’s Houphouët Boigny to strengthen links among that sub-group of countries, as well as with France.<sup>9</sup> Côte d’Ivoire is also a member of the Mano River Union (MRU) along with Liberia, Sierra Leone and Guinea, initially established in 1973 with economic, social and peace and

<sup>8</sup> The ISS report also points to Nigerian President Muhammadu Buhari voicing the opinion in public when he said in a French television interview in September 2015 that ‘France was still in charge in its former colonies’ (France24 2015).

<sup>9</sup> The Conseil d’Entente group of five countries includes Bénin, Burkina Faso, Côte d’Ivoire, Niger and Togo. Homepage here: <http://conseildelentente.org/>. Though not as well known as the other regional economic groups, they launched their own new strategy in 2018 (Vidzraku 2018), and as recently as 2019 were holding meetings on security in the region (Chahed 2019).

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security ambitions, though less active than UEMOA and ECOWAS.<sup>10</sup> These coexisting subgroups, and personalised Heads of State relations, continue to shape regional cooperation in West Africa. More importantly, these different regional platforms serve different national purposes and member states use their multiple memberships differently according to national interests, however those are defined. As such, the emerging coexistence of UEMOA and ECOWAS was not an accident, but reflects path dependency that is difficult to alter after the fact (Piccolino 2019).

## Shared objectives, different means

Given their coexistence, ECOWAS and UEMOA “work in synergy by addressing trade integration matters with a goal of convergence towards establishing a common market” (UNCTAD 2018). Thus, in “the two institutions share the same goal – which is the elimination of tariffs and non-tariff barriers and fostering regulatory cooperation” (UNCTAD 2018).

While the objectives stated in the ECOWAS and UEMOA treaties go beyond trade, they remain similar.<sup>11</sup> Nevertheless, after 46 years for ECOWAS and 27 for UEMOA, there is a significant gap between the stated ambitions of West African leaders for regional integration and the reality of the implementation of these ambitions (UNECA 2016). Further, while the objectives of the two organisations overlap, initiatives are still independently undertaken by one or the other, sometimes leading to duplication of efforts or contradictions. Some donors complain that support to ECOWAS *and* UEMOA implies that UEMOA can ‘double dip’, benefiting from projects through both (Interview December 2020), though arguably the key issue is about how effectively support is used.

A core distinction between UEMOA and ECOWAS today centres on the common currency shared by UEMOA states. As discussed, even though UEMOA was only established in 1994, it built upon pre-existing arrangements that include a common currency since 1945, when most UEMOA countries were French colonies (Guinea-Bissau was a Portuguese colony). Having a common currency also means sharing a central bank, the BCEAO, as well as a regional bank settlement system and clearing house. It demands aligned macroeconomic policies to maintain the fixed exchange rate of the CFA Franc to the Euro, as well as harmonised tax policies and public financial management. This therefore requires coordination and cooperation among Ministries of Finance and the budgets of UEMOA member states and mutual monitoring of policies, creating a strong form of regional buy-in. Further, it provides external legitimacy, with the IMF engaging with UEMOA as a currency zone.<sup>12</sup> Even if ECOWAS seeks a common currency, and this remains an active agenda, it has so far been postponed.<sup>13</sup>

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<sup>10</sup> See MRU website here <http://mru.int/history/>. Côte d’Ivoire was reportedly asked to join the MRU, which it did in 2008, to help ‘redynamise’ the organisation with discussions again centering around creating a common external tariff and rules of origin (Interview June 2021a).

<sup>11</sup> The key expressed objective of ECOWAS is to promote “the harmonisation and coordination of national policies and the promotion of integration programmes, projects and activities, particularly in food, agriculture and natural resources, industry, transport and communications, energy, trade, money and finance, standards, taxation, economic reform policies, human resources, education, information, culture, science, technology, services, health, tourism, legal matters” (ECOWAS Commission 1993). Peace and Security is clearly also a key ECOWAS area of work. In the UEMOA treaty, given its mandate, the goals are expressed as: reinforcing competitiveness of economic and financial activities in the member states towards an open and competitive market; oversee economic policy convergence; create a common market for free movement of goods, services, people and capital and right of establishment for people earning a salary; and coordination of policies around human resources, territorial administration, agriculture, energy, industry, mines, transport, infrastructures and telecommunications; and ensure well-functioning fiscal regimes (UEMOA 2003).# Since 2011, UEMOA has also dealt with Peace and Security (UEMOA 2021). The UEMOA website cites the following sectors in its projects and accomplishments: Agriculture, Common markets, Education, Energy, Environment, ICT, Industry, Mines, Public Finance, Socio-Cultural, Territorial Administration, Traditional crafts, Tourism, and transport. Fisheries and Livestock <http://www.uemoa.int/fr>. ECOWAS cites its sectors as: Energy, Telecommunications, Health and Social Affairs, Agriculture and Environment, Water, Trade, ICT, Infrastructure, Civil Society, Political Affairs.

<sup>12</sup> For example, the IMF Executive Board holds regular regional consultations with UEMOA (IMF 2019).

<sup>13</sup> For more on the ECOWAS common currency discussions see <https://p.dw.com/p/3vEip> (Bahgdat 2021).

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The UEMOA states also function under the common OHADA (Organisation pour l’Harmonisation en Afrique du Droit des Affaires) legal framework. This provides the basis for commercial law, with harmonised company law and common definitions of the status of traders and intermediaries such as customs clearing agents and brokers, with common rules for commercial sales (WTO 2017).<sup>14</sup> Beyond these elements of ‘deep’ integration, UEMOA countries have formally agreed to define positions prior to discussing with other fora – ECOWAS included.<sup>15</sup> Again, this binds the group of UEMOA countries more closely together within the ECOWAS grouping.

Overall, while maintaining similar objectives, the two regional organisations work with different levels of cooperation. UEMOA sees deeper cooperation among a smaller number of states, in large part due to the shared history that has bequeathed a common currency and requires coordination of macroeconomic policies. At the same time, ECOWAS covers a broad agenda across a wider group of countries, with much larger variation in terms of size, economy, language and population. This reduces the speed and depth that integration can take.

### Formal UEMOA-ECOWAS cooperation frameworks

The revised ECOWAS Treaty states that it should be “the sole economic community in the region for the purpose of economic integration and the realisation of the objectives of the African Economic Community”. The preamble of the revised UEMOA treaty also expresses “faithfulness to the objectives of the ECOWAS” (UEMOA 2003).

While that may be the case, in 1999 the ECOWAS Heads of State decided on the need for an institutional cooperation structure between UEMOA and ECOWAS to align regional policies. They established a Joint Technical Secretariat (JTS) to help “rationalise their activities and increase efficiency and efficacy”, elaborate and implement joint or complementary programmes, adopt common positions, jointly seek funding, and monitor progress (ECOWAS 2004).<sup>16</sup>

While that created the initial, formal basis for cooperation and coordination, it was only a start. A cooperation protocol was required in 2012 to further clarify the role of the two Commission Presidents coordination mechanisms with the Commissioners in charge of ‘convergence’, and the JTS.<sup>17</sup> 2014 saw a further protocol to establish an “institutional juridical platform to define modalities and legal mechanisms to arrive at coherent community norms”, and “to establish a synergy between their technical services in general, and their legal services in particular” (ECOWAS 2014).<sup>18</sup> That was followed in 2017 by the Protocol on convergence, agreeing that sectoral departments will consult each other to take account of different advances in specific areas and to plan activities through a common mechanism.<sup>19</sup>

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<sup>14</sup> For more on OHADA see <https://www.ohada.org/libres-propos-sur-lindependance-de-lauditeur-legal-des-societes-anonymes-ohada/> (Takafo-Kenfack 2016).

<sup>15</sup> Articles 14, 15, 84, 85, among others, of the UEMOA Treaty allow for this possibility, including with regard to ECOWAS, since this is not explicitly excluded by the Treaty.

<sup>16</sup> The JTS is also meant to draft regulations that one of the organisations intends to adopt – both institutions must separately adopt regulations even if they are harmonised (UNCTAD 2018).

<sup>17</sup> It designated a coordinator from each organisation, two experts per institution and focal points to be designated by the two commissions to ensure alignment and convergence.

<sup>18</sup> In order to prevent and correct contradictions between community texts, already adopted or in the process of being adopted, the two commissions signed a Memorandum of Understanding on the coherence of community standards in November 2014. Protocole d'accord entre CEDEAO-UEMOA pour la mise en cohérence des normes communautaires.

<sup>19</sup> The convergence protocol establishes a joint approach between the technical services of the two organisations in the preparation and adoption of Community standards and provides for consultation mechanisms in the implementation of Community projects and programmes. It lays down the guiding principles for convergence and the procedures for the formulation, adoption and implementation of sectoral policies of the two institutions. Convergence Protocol between ECOWAS and UEMOA, Article 2, Article 4 and 5.

In the realm of trade, disappointment with progress on economic integration (UNCTAD 2018) had led the ECOWAS Summit of Heads of State to create a Task Force on the ECOWAS Trade Liberalisation Scheme (ECOWAS 2016) in 2015.<sup>20</sup> Composed of 7 independent individuals and given resources, the Task Force is intended to carry out advocacy missions, evaluate implementation of the ETLs by Member States and monitor controls on corridors and borders. Rather than a joint ECOWAS-UEMOA body, the task force is an advisory body attached to the Presidency of the ECOWAS Commission, supported by organisations from civil society, the private sector and departments of regional organisations known as "resource structures", including a UEMOA Commission representative.<sup>21</sup> Though not explicitly about coordinating UEMOA and ECOWAS, the objective remains one of harmonising ETLs implementation throughout all countries, including UEMOA members, where a more prominent status to the UEMOA Commission might, in practice, also help with the task of policy harmonisation and alignment. These different agreements and structures are summarised in Table 2.

**Table 2: Summary of UEMOA-ECOWAS cooperation agreements**

| Year | Protocol/Agreement                                                                                                                         | Purpose                                                                                                                                                                                                                                                                                                         |
|------|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1999 | ECOWAS Heads of State Decision                                                                                                             | Agreement on harmonisation of the integration programmes in West Africa                                                                                                                                                                                                                                         |
| 2004 | UEMOA-CEDEAO Accord de Coopération et Partenariat                                                                                          | Build on UEMOA and ECOWAS treaties, and Lomé 1999 Decision                                                                                                                                                                                                                                                      |
| 2012 | Protocol sur Accord de coopération UEMOA-CEDEAO                                                                                            | Define cooperation mechanisms                                                                                                                                                                                                                                                                                   |
| 2014 | Protocole d'accord entre CEDEAO-UEMOA pour la mise en cohérence des normes communautaires                                                  | Put in place an institutional juridical platform to define modalities and legal mechanisms to arrive at coherent community norms; adopt a regulatory framework for common interests                                                                                                                             |
| 2014 | Protocole du cadre de concertation, de coopération et de partenariat entre les organisations intergouvernementales de l'Afrique de l'ouest | Framework for cooperation between UEMOA and ECOWAS, but also ACMAD (African Center of Meteorological Applications for Development), l'ALG (Autorité de Développement intégré de la région du Liptako Gourma) et le CILSS (Comité Inter Etats de lutte contre la sécheresse dans le Sahel). (ECOWAS/CEDEAO 2014) |

<sup>20</sup> This was established in 2015 through the Regulation PC/REG 01/11/15 of 25 November 2015. Its mission is to ensure the effectiveness of the free movement of persons and goods within the community space, in particular through arbitration and amicable settlement of disputes between Member States as well as advocacy and mediation with the high political authorities of Member States.

<sup>21</sup> The Task Force comprises: (a) 2 representatives of the ECOWAS Commission's Customs Department; (b) a representative of the ECOWAS Commission's Legal Affairs Directorate; (c) a representative of the UEMOA Commission; (d) one (1) representative of the Executive Secretariat of the Permanent Interstate Committee for Drought Control in the Sahel (CILSS); (e) one (1) representative of the African Centre for Trade, Integration and Development (ENDA CACID); (f) one (1) representative of the Federation of West African Employers' Organisations (FOPAO); (g) one (1) representative of the Federation of West African Chambers of Commerce and Industry (FCCIAO); (h) one (1) representative of the National Association of Nigerian Traders (NANTS).

|      |                                                               |                                                                                                                                                              |
|------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2015 | ECOWAS ETLs Task Force                                        | To oversee ETLs implementation                                                                                                                               |
| 2017 | Protocole de convergence entre CEDEAO et UEMOA                | Sectoral departments consult each other to take account of the stage of advancement in specific areas and to plan activities; agree to hold expert meetings. |
| 2018 | Joint Committee on the ECOWAS Customs Union <sup>22</sup>     | ...                                                                                                                                                          |
| 2018 | Memorandum of understanding on crisis and conflict prevention | To support UEMOA's early warning and surveillance mechanism and to strengthen ECOWAS's early warning and response mechanism (ECOWARN)                        |

*Source: Authors based on various texts cited*

This set of formal institutionalised efforts have arguably helped harmonise the work of the two commissions, with JTS outcome statements acknowledging the need and ambition to do more, but reflecting positively on cooperation. UEMOA (2021) documents point to the increasingly regular technical and political meetings of the JTS, as well as an increase in allocated resources.<sup>23</sup>

### Trade policy convergence?

In trade policy, the ECOWAS common external tariff (CET) convergence process is cited by many as an important step in harmonising Community texts. The ECOWAS CET was adopted in 2013 and applied from January 2015, building directly on the UEMOA CET. That had been in force since 2004 with four tariff bands covering 90% of tariff lines (WTO 2017). The ECOWAS CET built on this, adding only a fifth band at 35% to its structure, following insistence from Nigeria, and supported by the main West African socio-professional and civil society organisations. This then suggests a process of convergence but also compromise, even if implementation concerns remain (see below).<sup>24</sup>

Other areas of convergence between UEMOA and ECOWAS policies include the creation of a unified macroeconomic database (Ecobase); the adoption of various joint texts in the agricultural sector, notably concerning regulations on fertilisers, pesticides and seeds, among others; while efforts are ongoing to harmonise legislation on competition. Other efforts are underway to improve coordination around Joint Border Posts at certain borders; the adoption of a Charter for Small and Medium-sized Enterprises (SMEs); pharmaceutical regulations, among others (UEMOA 2020).

However, although there has been an accumulation of cooperation tools and mechanisms, the EC found that “in practice, collaboration between the two organisations remains difficult” (EC 2018) and that the JTS does not play the expected coordination role. It found that, “each organisation takes initiatives and draws up strategies that may

<sup>22</sup> There are references to a “second meeting of the ECOWAS-UEMOA joint committee on the ECOWAS Custom Union” in 2018 – though not clear if it is the same as the ETLs Task Force (ECOWAS 2018).

<sup>23</sup> UEMOA has a dedicated JTS person in their Cooperation Directorate (UEMOA 2021a). Though more a reflection of discussion than action, reports from the 18th Inter-Institutional meetings in Abidjan in 2019 cite a long list of areas of common interest and discussion, with numerous cases where alignment and convergence are being discussed and undertaken (ECOWAS/CEDEAO-UEMOA, 2019). Among others, topics covered include Competition, One Stop Border Posts (where a unique regional text is being sought), Inventory of regional texts for priority convergence, Air transport, SME Charter, Regional investment code, PPPs, A rural land fund, Coastal resilience investment project, AfCFTA, Education, Culture, EU cooperation, Transport governance, Energy governance, Economic Partnership Agreements (ECOWAS/CEDEAO-UEMOA 2019).

<sup>24</sup> The fifth band is composed of 130 lines considered as priorities for the development of the agricultural and industrial sectors.



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or may not be coordinated with those of the other organisation... [having] a negative effect on the accomplishment of several EU-funded regional programmes (9th and 10th EDF), notably in trade, competitiveness and transport matters” (EC 2018). UEMOA (2020) also cites challenges including uneven representation between the two institutions: with Foreign Ministers leading engagement for ECOWAS but Finance Ministers for UEMOA; a reduction in the number of technical meetings, as well as the number of participants; and a reduction in resources allocated to the JTS and its activities. The details of how cooperation between the two West African regional organisations takes place in practice are therefore worth exploring further.

## Cooperation in practice – trade policy

### Who converges to whom?

An underlying challenge is about which, or whose, policies the two regions should converge towards. Although ECOWAS would seem the preeminent organisation with its larger membership, in practice the organisation that moves first often creates a precedent for the other to follow. The CET example above is a reflection of this, while ECOWAS common trade policy more broadly seems to build on UEMOA. That includes Rules of Origin (RoO), anti-dumping measures, countervailing measures, safeguard measures, SPS regulations, technical and sanitary standards, the ECOWAS community levy, and the Inter-State Road Transit (TRIE) regime (UNCTAD 2018).

For efficiency, it seems to make sense for one regional organisation to adopt or build on policies or initiatives already in place. Some argue for this as an explicit approach, with a view that UEMOA can move more quickly to pilot approaches or instruments among its smaller group of members (Interview June 2021). As well as in trade, this was the case for public private partnerships (PPPs) – UEMOA already has a legal definition for PPPs in place, and given the "absence of incompatibility between the two texts being prepared" (ECOWAS/CEDEAO-UEMOA 2019), ECOWAS can simply adopt the same definition. Both bodies are also preparing their own SME charters, again found to be sufficiently similar to be implemented simultaneously, with the UEMOA Commission invited to systematically now participate in the ECOWAS SME Charter steering committee. While this seems to confirm the idea that UEMOA can serve as a pilot by putting initiatives in place first, this ‘first mover’ advantage arguably undermines the authority of ECOWAS and may limit the voice of its non-UEMOA members. Further, interviewees talk of UEMOA lacking interest or even obstructing progress when ECOWAS takes a lead.

As such, the CET example seems to have set a precedent, creating an assumption that UEMOA decisions *should be* picked up at the ECOWAS level. In its list of constraints to cooperation, UEMOA (2020) cites pre-agreed UEMOA decisions not being sufficiently taken up at the ECOWAS level as one, even though ECOWAS must take account of the views and preferences of another seven member states.

The text in the UEMOA annual report (2020) further reflects this sense of full independence of ECOWAS. One example is the adoption by UEMOA Ministers of Trade of October as “UEMOA consumption month”, to encourage local purchases from within the UEMOA region (UEMOA 2020), potentially at the cost of ECOWAS solidarity. From a series of 27 UEMOA work areas, ECOWAS is mentioned in relation to only four: the community regulation on public procurement (marchés publics), the AfCFTA, peace and security, where ECOWAS arguably has greater history and strength, and on environment and sustainable development, where UEMOA-ECOWAS collaboration is apparently on the rise. This list therefore fails to mention ECOWAS in terms of the movement of people, goods and services, or territorial and local cross-border cooperation, or indeed on infrastructures and axle load harmonisation (UEMOA 2020), to mention just some of the areas where ECOWAS collaboration is arguably of most importance.<sup>25</sup> Perhaps

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<sup>25</sup> The UEMOA (2020) annual report refers to: “les réalisations de l’année 2020 s’inscrivent principalement dans le cadre de la mise en œuvre du Programme d’Actions Communautaires des Infrastructures et du Transport Routiers (PACITR). Elles portent, entre autres, sur le contrôle régional de la charge à l’essieu pour la préservation des infrastructures routière” as well

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more importantly, Piccolino (2019) suggests that UEMOA officials are “under pressure to show to the public that [UEMOA] still has a role to play alongside ECOWAS and a mission that goes beyond the post-colonial legacy of the CFA union”.

### ECOWAS common trade policy in practice

Although most aspects of trade policy have been harmonised between UEMOA and ECOWAS, differences remain in implementation, thus undermining the objective of the ECOWAS customs union.

Although the ECOWAS CET was also adopted by UEMOA, it has published it with its own logo and with the words 'Common External Tariff (CET) of the West African Economic and Monetary Union (UEMOA) in accordance with its own regulations.<sup>26</sup> In the eyes of some observers, this suggests that there are still two CETs in the region, or at the very least, two juxtaposed customs unions. This posture of the UEMOA is explained by some as its desire to 'keep its hand' with its member states and to preserve its 'autonomy', 'visibility', and therefore legitimacy among its members.<sup>27</sup>

The ECOWAS CET is complemented by other taxes, including the supplementary protection tax (SPT), a safeguard measure that is intended to replace the 'cyclical import tax' that was part of the UEMOA CET.<sup>28</sup> But illustrative of the partial implementation of ECOWAS rules, the UEMOA cyclical import tax is reportedly still applied by some countries, including Côte d'Ivoire, Mali, and Senegal. Indeed, the difficulty of transitioning from the UEMOA to ECOWAS CET implied the “violation of the ECOWAS CET” by most UEMOA states, leading to an extension of the transition period from 2019 to 2022 (Olayiwola 2020). This was reportedly due to the difficulty of migrating some UEMOA country tariff lines to the 5th band, while in Nigeria the problem related to their import prohibition list (IPL), national list and Import Adjustment Tax (IAT) (Olayiwola 2020). Nonetheless, the example reflects how membership of both UEMOA and ECOWAS can leave members selectively applying rules and norms, even where some of these are supposed to be defunct, highlighting that inconsistencies can be less about the coordination of ECOWAS and UEMOA *per sé*, than how member states apply the rules that emerge, further discussed in Section 3. The difficulty of transitioning from the UEMOA to ECOWAS CET, and therefore the “violation of the ECOWAS CET” by most member states, led to an extension of the transition period to 2022 (Olayiwola 2020). The difficulties arose around migrating some UEMOA country tariff lines to the 5th band, while in Nigeria the problem related to their import prohibition list (IPL), national list and Import Adjustment Tax (IAT) (Olayiwola 2020).

In spite of the challenges, at least the *design* of the ECOWAS CET is generally considered an area of successful convergence between the two regional organisations. Similar challenges affect the application of ECOWAS Trade Liberalisation Scheme (ETLS), the main instrument for promoting trade liberalisation in the ECOWAS region. Although all ECOWAS countries apply the ETLS in theory, in practice the UEMOA scheme is still operational in its member countries, with all its legal and regulatory provisions. The ETLS was launched in 1979 to cover mainly agricultural commodities and crafts, and extended to industrial products in 1990. Its implementation is framed by

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as “la coordination de la mise en oeuvre des programmes routiers régionaux, la réalisation des études techniques routières sur les corridors routiers communautaires, l'élaboration d'un Plan directeur d'aménagement des corridors pour l'anneau de croissance en Afrique de l'Ouest, la coordination régionale de la mise en oeuvre du projet de l'autoroute Yamoussoukro-Ouagadougou ainsi que les projets de construction des Postes de Contrôle Juxtaposés et des stations de pesage”.

<sup>26</sup> The UEMOA CET is adopted by Regulation No. 06/2014/CM/UEMOA of 25 September 2014 amending Regulation No. 02/97/CM/UEMOA adopting the Common External Tariff.

<sup>27</sup> Interview with a civil servant from a UEMOA Member State, July 2021.

<sup>28</sup> There is also an import adjustment tax, which makes it possible to increase or reduce tariff protection according to national needs.

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regulatory texts covering rules of origin and exceptions, that each Member State must apply in order to fulfil its obligations towards the community.<sup>29</sup>

All ECOWAS member countries have ratified these texts and are, in principle, implementing them. Structures are in place at the national level to support implementation of the ETLS. These include the National Accreditation Committee (NAC) responsible for issuing approvals for companies and products according to a set of specific procedures. Once approval is obtained, the company can in theory then export to the 15 ECOWAS Member States duty free by showing a certificate of origin issued by the relevant authorities in each country.

After its creation in 1994, UEMOA's objectives had also included the establishment of a free trade area and a customs union and thus created the Community Preferential Tax (CPT), its version of the ETLS, though coming later.<sup>30</sup> Although the ETLS was already theoretically in place, UEMOA also put in place procedures and structures for approving companies and products to benefit from its scheme, reportedly similar, but not quite, identical to those of ECOWAS. Each organisation has adopted a distinct definition of value addition based on different approaches, leading to differing approval processes whereby "an application for approval may be rejected by the [UEMOA] but accepted for the ECOWAS Liberalization Scheme" (UNCTAD 2018). Although the ETLS and CPT rules of origin are meant to have been harmonised since 2003 (UNCTAD 2018), in practice this is not the case. This means firms must seek two separate approvals and follow, depending on the case, different rules of origin and export procedures. Different rules also hold for SPS and phytosanitary regulations.

The coexistence of the two schemes in the region therefore creates inconsistencies for firms trading in the region. Companies from UEMOA member countries trading only within UEMOA often seek only approval under the CPT – indeed, among UEMOA countries, it is reported that the ETLS certificates of origin are sometimes not recognised by border officials.<sup>31</sup> Consequently, those firms that benefit from UEMOA approval are obliged to further seek ECOWAS approval in order to export to non-UEMOA countries in the region, else importers are double charged.<sup>32</sup> Firms complain that the accreditation procedure entails costs for companies as it implies the need to acquire technical skills in order to interpret and ensure compliance.<sup>33</sup>

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<sup>29</sup> The texts are: i) The Additional Act A/SA.7/12/18, modifying the Community rules of origin and procedures applicable to goods originating in the Economic Community of West African States (ECOWAS), which replaces Protocol A/P1/1 03 of 31 January 2003; ii) Regulation/REG.3/4/2002 of 23 April 2002 on the procedure for the approval of originating products under the ETLS (ECOWAS Trade Liberalization Scheme); iii) Regulation C/REG.4/4/02 of 23 April 2002 on the adoption of a certificate of origin for products originating in ECOWAS the Community; iv) Regulation C/REG.5/4/02 of 23 April 2002 on the determination of the components of the ex-factory cost price of a product and of the added value; v) Regulation C/REG.1/07/04 of 17 July 2004, determining the list of exceptions to the tariff classification criterion.

<sup>30</sup> The CPT is framed by the following texts: i) Additional Act N°04/96 of 10 May 1996, instituting a transitional preferential tariff regime for trade (TPC: Taxe Préférentielle Communautaire) within the UEMOA and its mode of operation, modified by Additional Acts N°01/97 of 23 June 1997 [UEMOA AA01.97] and 04/98 of 30 December 1998 [UEMOA AA04.98]; ii) Additional Protocol N°III/2001 of 19 December 2001, establishing the rules of origin of UEMOA products; iii) Implementing Regulation N°14/COM/WAEMU, determining the modalities for requesting and issuing certificates of origin for UEMOA products.

<sup>31</sup> Interview with private sector representative, Côte d'Ivoire.

<sup>32</sup> Companies that obtain ECOWAS approval before UEMOA approval do not, in principle, need to seek UEMOA approval since ECOWAS approval allows exports to all 15 countries though reports suggest that this is not always accepted.

<sup>33</sup> Interview with private sector representative, Côte d'Ivoire.

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A further inconsistency is for importers in UEMOA countries, where the customs services of some UEMOA countries do not apply the ECOWAS customs duty and community levy (CP) but oblige firms to pay the UEMOA community solidarity levy of 0.8% of the cleared value. The argument put forward is that this is a legal constraint that can only be suspended for companies that have been approved by UEMOA.<sup>34</sup> ECOWAS has developed a customs code, but UEMOA maintains its own, and according to some interviews even resists development of the ECOWAS code (Interview April 2021). Both bodies have also reportedly requested studies to look into the issues, but separately.

Although this suggests tensions between application of UEMOA instead of ECOWAS rules, weak application of rules also takes place within UEMOA: “Disregarding WAEMU legislation on the free circulation of persons, custom officials routinely demand fees for people and transport vehicles that pass the borders (Piccolino 2019).

The examples above show that the persistence of UEMOA procedures generates additional obstacles and costs that should have disappeared with uniform application of the ECOWAS procedures. Overall, there remain multiple areas where the two regional bodies have yet to harmonise procedures in practice, even where on paper this has been achieved, while challenges remain for regional policy application in general.

### NTBs

While the above examples illustrate where agreements have been made but implementation is lacking, the absence of a region-wide ECOWAS framework for NTB reporting, monitoring and elimination has led to a proliferation of NTB tools and classifications with no unified regional approach consistency is only lacking in practice area of inconsistency between UEMOA and ECOWAS procedures is around non-tariff barriers (NTBs) on paper or in practice (Olayiwola, 2020). He cites three existing regional NTB tools: the Borderless Alliance tool; the ITC Trade Obstacle Alert Mechanism (TOAM), focused on five UEMOA countries; and now the AfCFTA NTB tool, though even here, reportedly insufficient awareness of the private sector limits their practical use.<sup>35</sup> That said, in 2019, the ITC connected various TOAM portals at the regional level for UEMOA wide monitoring to enable the region to implement the same process and procedure for the AfCFTA NTB frameworks. Efforts are now also underway to adopt the tool in all ECOWAS member states, aiming to further align with the AfCFTA NTB mechanism, setting up national NTB committees in the process (Olayiwola 2020). Interviewees refer to similar dynamics around regional trade facilitation committees, being separately promoted in member states by both ECOWAS and UEMOA (Interview January 2021).

In areas such as competition policy, UEMOA has also been active while ECOWAS is catching up. While this may again allow ECOWAS to build on UEMOA experience, here there are structural inconsistencies: where UEMOA countries are not allowed to apply national competition laws, ECOWAS countries are *encouraged* to enact national competition laws and create competition authorities (Bakhoum 2021). Problems may also arise around jurisdictions of the two regional competition authorities when issues are raised for UEMOA countries, raising the potential for regime shopping between the two. Though efforts are ongoing to harmonise these, the reality is that divergences may allow for actors to pick and choose – the regime shopping referred to above, or simply face additional costs, as the following examples illustrate.

### Summing up

Overall, in spite of institutional structures to encourage convergence and cooperation, and some examples where ECOWAS has adopted UEMOA policies, the challenge remains in implementation. Mechanisms for monitoring the implementation of policies are still weak as neither the UEMOA nor the ECOWAS commission have the authority,

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<sup>34</sup> Interview with a regional official, July 2021

<sup>35</sup> The three NTB reporting tools can be found at [www.tradebarriers.org](http://www.tradebarriers.org); [www.tradebarrierswa.org](http://www.tradebarrierswa.org); and [www.tradeobstacles.org/uemoa](http://www.tradeobstacles.org/uemoa).

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and often the means, necessary to impose agreed policies on member states. The creation of regional commissions instead of secretariats has not been sufficient to encourage states to coherently apply regional policies even if UEMOA appears to provide more implementation monitoring and oversight, partly due again to its role in macroeconomic coordination. UEMOA (2020) points to the declining resources that have been allocated to the JTS, both by UEMOA and ECOWAS, which has also undermined coordination efforts. UEMOA (2020) also suggests that coordination efforts are “limited by the absence of a strategic reflection on the modalities and the final goal sought through convergence”. That is, the lack of resources itself may signal that coordination is less a priority than other areas, both for the two commissions but also their member states, whose interests may actually favour the status quo rather than further convergence. The following section explores these member state interests.

### 3. Stakeholder interests in ECOWAS and UEMOA

“From an institutional perspective, cross memberships between [UEMOA] and ECOWAS, flaws in the design, diversity of member states, lack of political will to support the national and regional enforcement institutions have negatively impacted both the trade and competition objectives of regional integration in West Africa” (Bakhou 2021). Many believe that the political will expressed by decision-makers in favour of convergence lacks genuine commitment as member states retain the power to design, develop and adopt regional policies, not least through the budgeting process, so know what they are signing up to. That is, ‘the same Heads of State that *could* push for greater harmonisation between the two organisations and implementation on the ground are the same who approve their separate annual workplans, so they know what is being planned’ (Interview June 2021). This leaves a large margin of manoeuvre for each organisation, but also for the Member States, to judge how to apply certain texts. It is therefore useful to explore how

Although a message from Section 2 was one of greater UEMOA buy-in and sense of common purpose among its member states, the EC evaluation cited above talks of “little adoption (and therefore little application) of regional strategies, policies and directives by the ECOWAS and [UEMOA] Member States” (EC 2019). It talks of a “gap between the commitments made at regional level during summit meetings of Heads of State or cabinet meetings and their actual application in the countries”, where the discrepancy is “stark in the fields of trade policies (tariff and non-tariff barriers continue to be applied in intra-regional trade) and transport policies (regulations designed to eliminate vehicle overloading are not applied)” (EC 2019). This section therefore looks at how trade and transport policies translate into trade flows, and how different actors within member states see and seek to influence the roles and legitimacy of the two regional organisations.

#### Member state trade relations

The smaller number of UEMOA member states and their similar colonial experience with France are often drawn as reasons for greater UEMOA cohesion. This hides considerable heterogeneity even among UEMOA member states in terms of population, geographical size and population, as well as the composition of the private sector and state-business relations.<sup>36</sup>

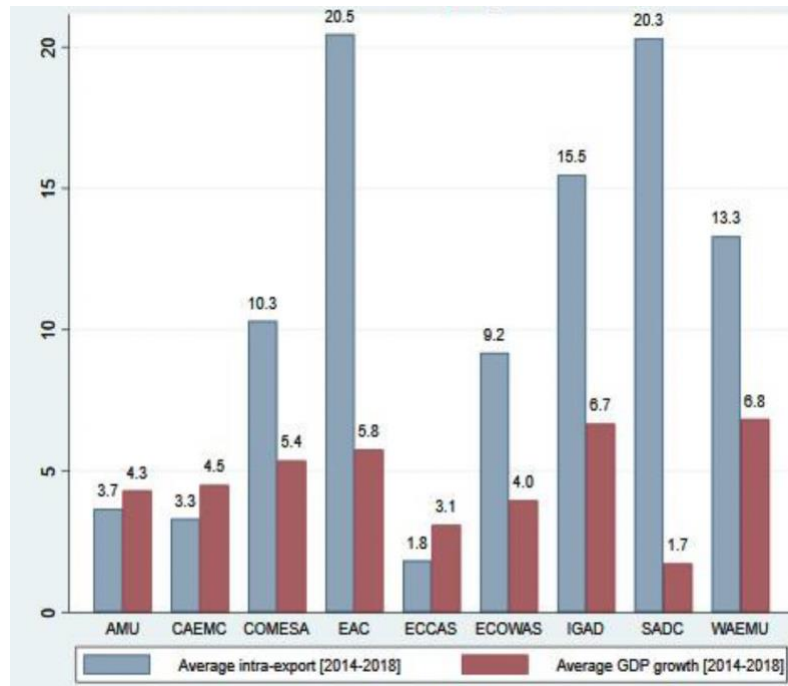
One indicator of country interests in their regional memberships is their existing regional trade levels. Recorded trade figures (i.e. ignoring unrecorded/informal trade) reveal more intense trade relations among UEMOA economies than the wider ECOWAS group of countries. IMF data on intra-regional exports shows both higher intra-

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<sup>36</sup> When UEMOA initiated its common trade policy in the mid-1990s, member states were at quite different levels of trade protection, with support from Bretton Woods institutions favouring the more open UEMOA members in establishing the common external tariff (Rolland and Alpha 2010).

UEMOA (WAEMU) trade, as well as higher weighted average GDP growth rates (Gammadigbe 2021). When imports *and* exports are included, UEMOA has one of the highest shares of intra regional trade among African regions (Alper et al. 2016).<sup>37</sup> The top ten intra-African trading countries include three from UEMOA – Togo, Senegal, and Mali (Kassa and Sawadogo 2021). Further, among the African RECs, only ECOWAS is found to have higher trade diversion than trade creation effects – implying a negative effect due to the FTA encouraging a shift in consumption to less efficient producers within the region (Kassa and Sawadogo 2021).

**Figure 2: Weighted average economic growth rates**



Source: Gammadigbe 2021

Based on data for recorded trade, which especially risks underreporting Benin-Nigeria trade relations, Table 2 shows the top three trade partners for each UEMOA country. Although China (11 times) and India (6 times) feature most for UEMOA countries, within the region Côte d’Ivoire features more frequently than any other ECOWAS countries. Nigeria only figures as a source of (formally recorded) imports for Côte d’Ivoire (unrefined petroleum) and Niger. There may even be a trend towards greater concentration of intra-UEMOA trade – the Togo Plan National de Developpement 2018-2022 highlights its declining exports to ECOWAS countries but growing exports within UEMOA, citing the growing role of Lomé as a financial hub for UEMOA (République Togolaise 2018). This concentration of trade among UEMOA countries, in recorded trade at least, is likely to be reflected in wider regional relations and political prioritisation between the two regional bodies.

<sup>37</sup> While this excludes reportedly high flows of unrecorded and informal trade in the region, not least between Nigeria and its neighbours, the focus of UEMOA and ECOWAS trade agendas is based on formal trade data.

**Table 3: Top 3 trade partners and shares of UEMOA members (2018)**

| UEMOA member  | Trade direction | Partners and shares – top 3 |      |                      |      |                      |      |
|---------------|-----------------|-----------------------------|------|----------------------|------|----------------------|------|
| Benin         | Exports         | India                       | 25.7 | Bangladesh           | 18.9 | UAE                  | 17   |
|               | Imports         | China                       | 36.3 | Thailand             | 11   | India                | 6.5  |
| Burkina Faso  | Exports         | Switzerland                 | 55.1 | India                | 20.5 | China                | 2.8  |
|               | Imports         | <b>Côte d'Ivoire</b>        | 19.2 | France               | 10.6 | China                | 7.5  |
| Côte d'Ivoire | Exports         | Netherlands                 | 12.1 | US                   | 8.8  | Vietnam              | 6.8  |
|               | Imports         | China                       | 180  | <b>Nigeria</b>       | 12.9 | France               | 12.4 |
| Guinea-Bissau | Exports         | India                       | 83.4 | China                | 4.9  | <b>Côte d'Ivoire</b> | 3.1  |
|               | Imports         | Portugal                    | 34.4 | <b>Senegal</b>       | 196  | China                | 8.6  |
| Mali          | Exports         | UAE                         | 49.5 | Switzerland          | 31.4 | China                | 4.5  |
|               | Imports         | <b>Senegal</b>              | 18.5 | <b>Côte d'Ivoire</b> | 15.2 | France               | 10.7 |
| Niger         | Exports         | UAE                         | 49.9 | China                | 28.4 | US                   | 4.9  |
|               | Imports         | France                      | 10.6 | China                | 9.5  | <b>Nigeria</b>       | 9.2  |
| Senegal       | Exports         | <b>Mali</b>                 | 18   | Switzerland          | 13.1 | India                | 12.5 |
|               | Imports         | China                       | 19.4 | France               | 8.8  | Netherlands          | 7.4  |
| Togo          | Exports         | <b>Benin</b>                | 15.5 | India                | 11.5 | UAE                  | 10.5 |
|               | Imports         | China                       | 16.7 | Netherlands          | 14.9 | Belgium              | 13.3 |

\*Note: ECOWAS in **bold**

Source: Compiled from data from the Atlas of Economic Complexity accessed on May 2021 (Viz Hub 2021)

Even if the value of trade within UEMOA, and with other ECOWAS countries is of a similar level, representing around CFA2500bn and CFA2000bn, respectively, non-UEMOA trade is largely to Nigeria (some 72%), mainly (refined) petroleum products from Côte d’Ivoire, Niger and Senegal, and some chemical products from Mali, Senegal and Togo (BCEAO 2020).

But intra-UEMOA trade is also concentrated in a small number of products. Over three quarters of (recorded) total trade value within UEMOA is due to: mineral fuels; cement; agricultural products; vegetable fats and oils; fertiliser; food preparations; fish products; cattle; cigarettes; soap; and iron and iron products (WTO 2017). That is, while the trade and trade facilitation agendas are broad, trade within the UEMOA and indeed ECOWAS blocs is nonetheless

limited in scope and diversity. This may therefore affect how state and business interests engage in regional cooperation.

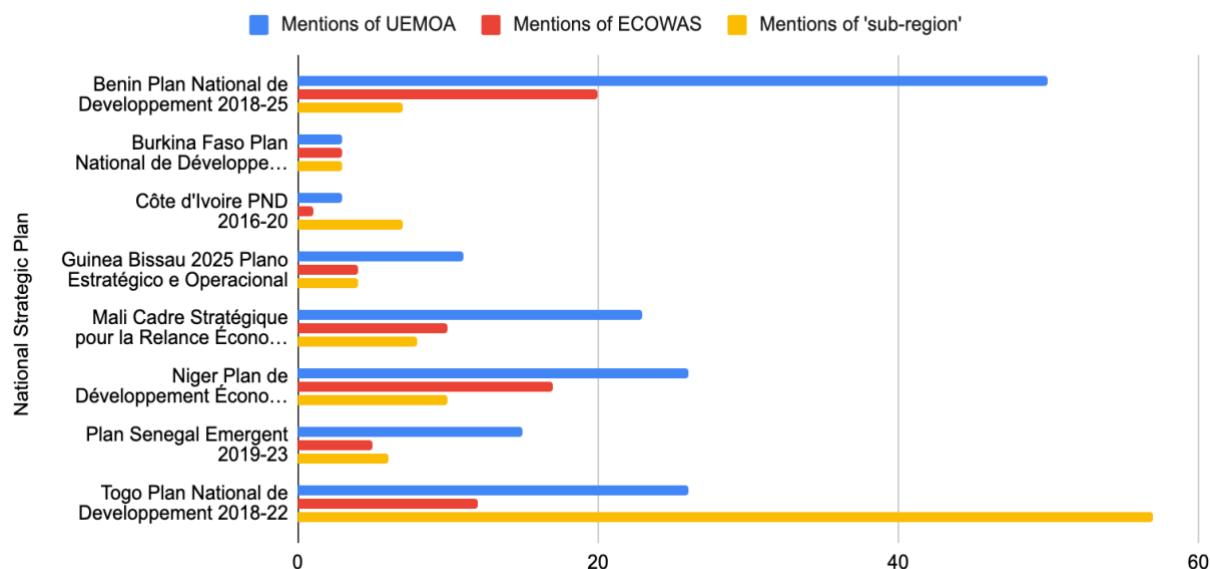
## Actor interests and UEMOA-ECOWAS cooperation

### State visions of UEMOA and ECOWAS

Even if the JTS and other structures to improve UEMOA and ECOWAS coordination were proposed by Heads of State, their positions often remain ambivalent about closer alignment or rationalisation. A key element of how UEMOA member states engage with UEMOA and ECOWAS relates to how they prioritise the two regional organisations in their pursuing national objectives.

Though only indicative, Table 3 cites all mentions of UEMOA and ECOWAS in the national development plans of UEMOA members to compare the visibility given. This shows considerable variation across countries: Benin refers considerably more to both ECOWAS and UEMOA than other UEMOA members, but particularly UEMOA appears more frequently, arguably due to its dependence on the region for its own economic development, through both formal and informal trade channels. Other countries with a high count include Togo, Niger and Mali – where Togo, like Benin, is something of a gateway country that relies on ‘entrepôt’ trade with the region, while landlocked Niger and Mali implicitly have an incentive to look regionally when promoting national development. In that logic, Burkina Faso has a surprisingly low number of references to the two regional organisations, on a par with Côte d’Ivoire, which though often cited as seeking to be a regional ‘engine’, also has a large enough domestic economy to prioritise for its development. Apart from Burkina Faso, ECOWAS is mentioned less than UEMOA for all, again hinting that UEMOA may be seen as a greater priority in their national development.

**Figure 3: Word count of UEMOA, ECOWAS and ‘sub-region’ in national development plans**



Source: Authors’ calculations based on mentioned national strategy documents

In analysing these development plans, there is also a difference in how the two organisations are considered. For example, in the *Plan Senegal Emergent 2023*, while the ECOWAS CET is described as having helped widen the market for Senegalese products and ECOWAS cited for infrastructures and broader trade policy, UEMOA is chosen as a



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comparator group and in thinking about budgetary and public financial reforms (République du Sénégal 2020). This pattern is also reflected in the strategies of other countries, with some such as that of Benin highlighting the need for greater harmonisation between the two (République du Bénin 2018). This then illustrates both the distinct relations between member states and each of the bodies, but also the gap between rhetoric about harmonising trade policy, and practice.

Member states also engage with the two regional bodies through different structures. As mentioned above, Foreign Ministries are in the lead for ECOWAS issues but Finance Ministries for UEMOA. That would imply that ECOWAS is seen as a foreign policy issue, while UEMOA is about economic policy. UEMOA sees this as being one barrier to its decisions and proposals being adopted more systematically by ECOWAS (UEMOA 2020). In some cases, the Ministry of Foreign Affairs is in charge of ECOWAS relations but with a unit in the Ministry of Finance or the Economy following integration processes, as is the case in Benin, Senegal or Guinea Bissau (ECOWAS Commission 2021). Indeed, in Senegal, given the importance and resources attached to regional initiatives, in 2010 a unit was created in the Ministry of Economy and Finance to follow up on UEMOA, ECOWAS and CEN-SAD issues (AfDB undated), though the overall responsible Ministry is the Ministry of Foreign Affairs. At the same time there is also a Ministry of African Integration, NEPAD and Francophonie. Looking at the CET and ETLS, in some countries, such as Côte d'Ivoire, the ECOWAS scheme is managed by the Ministry of African Integration while the UEMOA scheme is managed by the Ministry of Trade, Industry and SME Promotion. This may help explain the challenge of applying one trade policy and wider coordination. Though in principle this only requires greater inter-Ministerial communication, in practice it nonetheless creates barriers to harmonisation.

While the power dynamics in national cabinets may vary, the finance ministry generally yields most power in decision-making, not least given its control of national budgets. This may also translate into differing levels of engagement with UEMOA vis-à-vis ECOWAS.<sup>38</sup> According to interviewees, once regional commitments are being translated into national legislation and implementation, there can even be resistance to UEMOA or ECOWAS presence once it becomes 'a national issue', linked to domestic policies and reforms (Interview January 2021).

The regional bodies themselves also have different structures for engaging with member states. UEMOA has representation offices in each of its member states while ECOWAS rather has focal points within Ministries. Arguably, the UEMOA representation offices can play a liaison role between the regional body and national ministries, in some ways taking on the coordination role at the national level to a greater degree than ECOWAS. Anecdotally, some complain that ECOWAS missions tend to stop at visiting only Senegal among the UEMOA countries, feeding a sense that UEMOA is closer to those members (Interview June 2021). Interviewees also talk about greater responsiveness of UEMOA to national concerns which helps strengthen its legitimacy, while their follow-up and monitoring of reform implementation is said to be stronger too (Interview June 2021).

The different approaches to the two regional organisations can also reflect a degree of 'regime-shopping' by states. Interviewees refer to the case of tobacco trade where both UEMOA and ECOWAS introduced new taxes on tobacco, but ECOWAS made this a minimum rate (IDRC-CRDI 2016). Given fears of contraband imports undermining their tobacco industry, Côte d'Ivoire lobbied UEMOA to introduce a less stringent form of tax than ECOWAS, which it could then comply with, while ignoring the ECOWAS directive (Interview, 2021). While this may make sense from an industrialisation point of view, studies point to the negative public health effects and missed revenue opportunity of not applying the ECOWAS directive (Tesche-ICTD 2021). For the purposes of this study, it suggests how at times a lack of harmonisation between UEMOA and ECOWAS can be useful for one or other member states. But it also reflects turf wars between Ministries, where the different Ministerial linkages to UEMOA and ECOWAS raise coordination issues about what is being discussed at what forum. One interviewee referred to the case of Côte

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<sup>38</sup> See here <http://www.uemoa.int/fr/pays/cote-divoire>

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d'Ivoire where they sought to combine the process of approving firms for the ETLs and the UEMOA internal trade zone, but where this has so far failed, again due to Ministerial disputes over authority.

Overall, the challenges reflect that while UEMOA and ECOWAS seek to replicate initiatives in order to maintain their relevance to member states, member states also seek to retain two regional bodies serving different purposes at different times.

### The private sector in UEMOA and ECOWAS

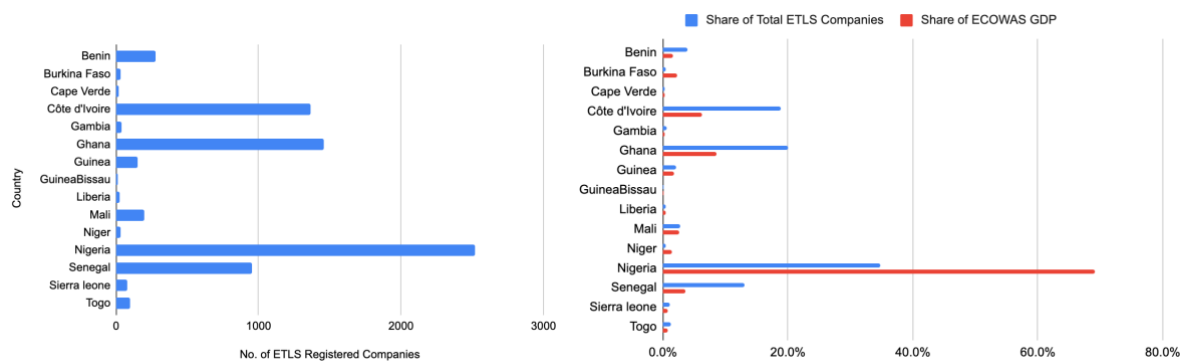
A further issue around UEMOA and ECOWAS relations relates to the interests of the firms that use regional rules and regulations to operate and trade in the region. If the coexistence of the two, and inconsistencies in their rules, provide opportunities that firms can use to their advantage, this would offer further support for the coexistence and persistence of two different systems. Indeed, some suggest that the distinction between UEMOA and ECOWAS reportedly offers a degree of protection to UEMOA firms as a 'safe haven' from Nigerian firms.

With the ECOWAS CET in place, and efforts underway to harmonise the ETLs with the UEMOA system of internal trade, the trade regimes of UEMOA and ECOWAS appear to be increasingly harmonised. However, for trade between two UEMOA member countries, companies effectively choose whether to comply with UEMOA or ECOWAS rules of origin in order to trade under the ETLs or UEMOA free trade area. While ostensibly a choice, companies need to have a legal expert in rules of origin in order to establish whether or not products comply with one or the other set of rules, while the accreditation process for companies also implies technical skills and costs. This leads to firms being accredited with one but not the other, with the risk of having their documents refused at borders.

Though in theory ECOWAS rules of origin should allow trade across all ECOWAS and therefore UEMOA member states, private sector interviewees report that for trade between UEMOA countries, customs officers can be reluctant to accept ECOWAS documentation. This may be due to lack of knowledge, unfamiliarity with the certificates of origin, emitted by different bodies in different countries, or a way of seeking bribes. Either way it creates uncertainty, and implicitly adds compliance costs for firms that therefore seek to be compliant with UEMOA rules of origin for intra-UEMOA trade, and with ECOWAS rules when trading with non-UEMOA countries. In practice, firms that have been exporting to other UEMOA countries simply use the UEMOA procedures, while those selling to non-UEMOA countries use ECOWAS procedures. However, for companies serving ECOWAS as a whole, this implies being compliant with both UEMOA and ECOWAS rules, in spite of the stated ambition to harmonise these two.

These barriers may help explain the very large variation in numbers of companies registered under the ETLs, presented in Figure 4. Though also a reflection of the development of the enterprise sector in different countries, the number of ETLs-registered firms will majoritarily reflect those firms which seek to trade between UEMOA and non-UEMOA countries, *but not between UEMOA countries*. Comparing each country's share of ETLs companies with GDP, Benin, Côte d'Ivoire and Ghana all have a significantly higher share of ETLs companies than their share of regional GDP, while although Nigeria has the highest number of ETLs registered firms, it is low compared to their economic weight in the region.

**Figure 4: Total ETLS Companies and Share of ETLS Companies vs Share of GDP**



Source: ECOWAS ETLs List [here](#)

Since 2019, UEMOA has been in the process of establishing its own list of “authorised economic operators” as part of its efforts to improve trade in the UEMOA area (UEMOA 2019). A lack of advisers able to process applications in Guinea Bissau and Niger, for example, imply major barriers to firms to use the internal trade system (Cissé 2018). The same report cites that in one year, 20% of applications were refused due to incomplete dossiers, reflecting the poor level of information or support to firms seeking to export in the UEMOA region.

Reflecting the above hurdles, a recent report on preference utilisation rates for which data was available finds that the utilisation rate of ECOWAS preferences is strikingly low, at just below 5% for Nigeria’s exports into Ghana, lower than that in other regional communities such as the EAC and COMESA. This is partly due to the need to be ETLs registered to take advantage of the preferences, but as the report suggests, reasons cited by firms included a lack of implementation of the agreement by customs authorities, limited information, issues with customs, documentation challenges, and language difficulties in trading between countries with different official languages (Stuart 2021).<sup>39</sup>

Interviews cite attempts to establish a joint committee for firms to access both the ETLs and UEMOA internal market, but these have failed – again partly due to the way that each regional body interacts with different national Ministries. As highlighted in the previous section, this again reflects UEMOA focus on intra-UEMOA issues in spite of the overlap with ECOWAS initiatives and ambitions.

In addition to the private sector, civil society organisations have also often denounced the challenges arising from the institutional overlap between UEMOA and ECOWAS, which have disabling effects on the regional integration process. The West African Civil Society Organisations Platform, for example, has long advocated for greater policy coherence between UEMOA and ECOWAS. This network of CSOs was very visible during the negotiation of the Economic Partnership Agreements from 2003 to 2017.<sup>40</sup> It felt, among other things, that UEMOA, with its more liberal and pro-EU positions, was weakening the West African negotiating strategy. CSOs also raise what they see as inconsistencies between UEMOA and ECOWAS in regional sectoral policies, but also with regard to states’ commitments in international trade agreements.

<sup>39</sup> Further, the ECOWAS certificate is reportedly only valid for 6 months and each certificate applies to just one product for one named recipient, raising the cost of using the ETLs (Tralac 2019). This is in contrast to 18 months for UEMOA. Since 2018 an additional act has been undertaken to set both at 12 months, but this is only due to be implemented in 2022.

<sup>40</sup> This platform brings together NGOs/CSOs from 10 West African countries and works on trade and trade agreements, free movement of goods and people and other issues related to regional economic integration. The secretariat of this platform is provided by Enda CACID.

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Although civil society and private sector actors raise concerns about overlaps and inconsistencies between the two regional bodies, efforts to influence the workings and decisions of the two bodies, and indeed their cooperation, have so far struggled, interviewees citing for example the Federation of West African Employers (FOPAO in French). ECOWAS processes are reportedly easier to follow, while CET negotiations managed to ensure a relatively high degree of private sector participation, thus strengthening its legitimacy towards the private sector (Interview 2021).<sup>41</sup> From this perspective, UEMOA is seen as being ‘less dynamic for the private sector’ and more focused on public financial and macroeconomic issues than boosting regional trade *per sé*.

### The role of external factors and actors

External factors may have helped create the incentives to push for greater harmonisation efforts. Indeed, “the [EU Economic Partnership Agreement] negotiations and the ECOWAS CET are inextricably linked” (Roquefeuil et al. 2014). 25 years after initially foreseen in the 1975 ECOWAS Treaty, the ECOWAS CET eventually emerged in 2015 as a consequence of the Economic Partnership Agreement (EPA) negotiations with the EU (de Roquefeuil et al. 2014), even if this is yet to be fully ratified by the region. Negotiations on the duty rates for the ECOWAS CET built upon the UEMOA CET, in place since 2000, with a view to extending it to other ECOWAS member states. A Joint ECOWAS-UEMOA Committee for the Management of the ECOWAS CET was created in 2006, in addition to the cooperation arrangements presented in Table 2, which reached agreement on the CET in the 14th meeting, held in September 2013 in Abuja, Nigeria. Though the first four agreed tariff bands are taken from the UEMOA CET, a higher, so-called “fifth band”, was added after strong arguments from Nigeria, supported by West African agricultural producers, notably from UEMOA countries (De Roquefeuil et al. 2014). This led, for example, to the protection of the poultry, beef and pork value chains and a 15% increase in nominal protection in UEMOA countries.<sup>42</sup> Some have therefore argued that the “EU has at the very least accelerated, if not driven, the regional liberalisation agenda”, where they see the EPA negotiations as a key driver to agreeing on and operationalising the CET from 1 January 2015” (Engel and Jouanjean 2015).

That is not to say that all forms of external influence are a success. Several of the above UEMOA-ECOWAS coordination mechanisms have received external support but struggle to function, arguably by aligning less with underlying incentives than the CET negotiations. Where external partners seek to support institutional structures and coordination, this simultaneously creates incentives to at least *signal* willingness to cooperate at a superficial level, but ignores the underlying, power relations and compromises necessary, and thus the disincentives to converge in practice. The EC evaluation of EU support to West African integration cites both organisations launching “initiatives without consultation, [that are] at times contradictory” leading to tensions (EC 2019).<sup>43</sup>

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<sup>41</sup> This stands in contrast to the UNCTAD (2018) finding that “The process to receive the certificate of origin is perceived as lengthy and burdensome causing excessive delays. Furthermore, the ECOWAS certificate is only 6 months valid. Economic operators must submit separate applications for approval for the scheme concerned (i.e., ECOWAS or WAEMU). In addition, under the ECOWAS scheme, they have to get a consecutive approval by the National Approvals Committee (NAC) and the ECOWAS Commission.”

<sup>42</sup> In another sign of how collaboration worked well around the CET, a joint ECOWAS-UEMOA mission was undertaken to the World Organization in 2012, as a result of which the ECOWAS and UEMOA Commissions were able to rework parts of the ECOWAS CET in order not to experience difficulties with WTO compliance during the renegotiation phase (de Roquefeuil et al. 2014).

<sup>43</sup> It further cites evidence that “the leadership of ECOWAS is not well regarded by UEMOA” and reports on a broadening UEMOA mandate on terrorism that reportedly was ‘roundly criticised’ given the duplication it created with ECOWAS and the G5 Sahel (EC 2018). The original text in French says: “En termes de mandats sectoriels, il existe des duplications qui se traduisent par des initiatives non concertées, voire contradictoires, et/ou des tensions. Sans prétendre à l’exhaustivité, on peut noter les éléments suivants:…par ailleurs, le leadership de la CEDEAO (désignée comme CER pilier par l’UA) est assez mal perçue par l’UEMOA, mais également par les autres organisations de la sous-région”. Also, “la rencontre des ministres de l’Intérieur de la zone UEMOA (Abidjan 2016) a adopté quinze mesures au titre de la lutte contre le terrorisme parmi lesquelles l’instauration de patrouilles mixtes, la mise en place de pièce d’identités biométriques et le part age de renseignements. Cet élargissement

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Efforts to improve coordination efforts have arguably been made when it comes to external financing. In discussing EU funding through the regional indicative programmes (RIPs) under the 10th and 11th European Development Funds, both Commissions reportedly pledged to ensure good collaboration between the UEMOA and ECOWAS EDF Cells for the efficient implementation of projects, and agreed to provide an analysis of how the RIP contributed to implementation of the region's policies and common positions (ECOWAS 2018). A Strategic Orientation Committee was established between ECOWAS, UEMOA and the EU in 2020 to help with decision-making on how to allocate EU support (UEMOA 2020), thus adding to existing UEMOA-ECOWAS coordination structures. The ongoing Trade Facilitation West Africa (TFWA) programme can be framed as a further attempt to strengthen organisational collaboration around the trade agenda, while pooling donor efforts at the same time (ECOWAS 2017).<sup>44</sup>

Other similar examples exist, where development partners are increasingly aware of the need to engage both regional bodies. The Japanese-supported West Africa Growth Ring is one such example. While an initial Master Plan was developed with JICA support to UEMOA and the Ghanaian government, later meetings to seek funding for the Master Plan included ECOWAS and other development partners (JICA 2018).<sup>45</sup>

While these externally motivated dynamics can be helpful in encouraging coordination and joint analysis, it is clear that the objective must go beyond accessing and managing external resources. Although some donors such as the EU explicitly seek to ensure that their projects are coordinated between UEMOA and ECOWAS, uncoordinated development partners can further create an incentive to take autonomous regional initiative, thus leading to some of the inconsistencies discussed above. Whereas ECOWAS cites the EU, GIZ, France, USAID, India, China, Brazil and the AfDB among its main partners, UEMOA cites its main partners as the EU, France, the World Bank, Japan, Switzerland and the AfDB (UEMOA 2020).<sup>46</sup> That creates coordination problems within and between UEMOA and ECOWAS partners. Further, given the allocation of responsibilities within donor organisations, those working with UEMOA are often not the same as those working with ECOWAS, again risking duplication of efforts, sometimes with the support of the same funders (Interview December 2020).<sup>47</sup>

Even with the best intentions of encouraging cooperation and coordination between the two organisations, as the above discussion underlines, this can be difficult in practice where both organisations perceive themselves as legitimate to undertake specific projects or policies. Examples include current UEMOA work to create e-certificate of origin procedures, or on establishing a transit regime tool or indeed studies on the internal UEMOA market ('libre pratique') while this is already underway through ECOWAS.

Summing up, as in Section 2, the discussion again seems to suggest greater UEMOA coherence and legitimacy among member states, in spite of regional commitments through ECOWAS, and the existence of coordination structures. There is therefore a sense that member states *want* to have two overlapping, and at times contradictory, regional bodies. Nonetheless, looking towards future opportunities, interviewees nonetheless point to a gradually rising legitimacy of ECOWAS among UEMOA member states, and frustration with the overlaps cited above. These have led to discussions and institutional forms to improve harmonisation and coordination, but the mix of historical, institutional and other actors and factors discussed above seem to push to retain the two institutional setups.

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du champ des compétences de l'UEMOA a été vivement critiqué, en raison de la duplication de mandat avec d'autres organisations comme la CEDEAO et le G5 Sahel" (EC 2018).

<sup>44</sup> The TFWA programme works with financing from the Netherlands, EU and USAID, and is implemented by GIZ and the World Bank in collaboration with both UEMOA and ECOWAS.

<sup>45</sup> Follow-up meetings reported here: <https://www.ecowas.int/35045/?lang=fr>.

<sup>46</sup> Full list here, also includes Venezuela, AU, UEMOA, UN, UNDP, AfDB, ACBF, and the International Organisation for Francophonie (<https://ecpf.ecowas.int/partners/>).

<sup>47</sup> See ITC study on UEMOA rules of origins (Cissé 2018). Interviewees also referred to an EU-funded study of the UEMOA 'libre pratique' in 2018 which is now also being requested by ECOWAS.

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## 4. Implications for policymakers and partners?

The regional integration scholar Ernst Haas (1958) referred to regional integration as a process whereby “political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities to a new centre, whose institutions possess or demand jurisdiction over pre-existing national states.” For UEMOA member countries, they have two potential ‘centres’ to which to shift their loyalties, creating overlaps and inconsistencies.

This paper has therefore discussed what shapes UEMOA-ECOWAS relations, and how UEMOA member states engage.

### Main findings

The main findings are as follows:

1. Though regional *Commissions* should, on paper, have greater legal authority over member states than regional secretariats, in practice both regional bodies have limited power to monitor or enforce agreed regional policies. Member state interests and incentives ultimately determine how regional agendas are implemented more than issues of harmonisation.
2. Path dependency means that there are structural as well as institutional reasons for the two regional bodies that will continue to hinder coordination efforts. Although ECOWAS has more members, is one of the eight AU-recognised RECs, is older (by some measures) and has a formal mandate in its treaty to become the single economic community for the region, UEMOA is regarded by many as having more historical coherence and legitimacy among its member states and has achieved greater economic integration, not least due to the inherited CFA Franc, the similarity of administrative and bureaucratic principles, national legal and fiscal systems, and with French spoken in seven of the eight member states. UEMOA countries have formally agreed to define positions prior to discussing with other fora – ECOWAS included – thereby removing part of the discussions away from the ECOWAS forum (Rolland and Alpha 2010). This was even part of the original agreement of those states to join ECOWAS in 1975 (Bach 1983). This does not rule out differing positions among UEMOA countries according to issue and interests, but generally strengthens alignment among UEMOA states.
3. Though there is collaboration and mutual appreciation between the two organisations in formal discourse and at a technical level, and arrangements exist for cooperation between UEMOA and ECOWAS in the form of the Joint Technical Secretariat (JTS), the political emphasis and drive for convergence of the two has varied through time and the JTS seems only weakly linked to functional cooperation and coordination. Much of the focus on joint UEMOA-ECOWAS work is discussed in the context of externally financed projects.
4. It is not obvious that member states or other actors actively seek more harmonisation between the two regional organisations. UEMOA member states (the only members of both organisations) refer more to UEMOA in their development strategies than ECOWAS, suggesting its more prominent role in policies, while macroeconomic and monetary policies are regionally coordinated through UEMOA. The way UEMOA and ECOWAS Commissions interact and cooperate also depends on their member states. There are also examples of countries using one body when not in agreement with policies of the other – the study cites the case of tobacco taxes.
5. There are areas where the two organisations have harmonised their efforts, but more in form than function. ECOWAS has often taken UEMOA initiatives and adopted these more widely, even if in some cases

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adjustments have been necessary to take into account the economic, political and institutional realities and specificities of ECOWAS – the ECOWAS CET is a notable example. But incorrect application of ECOWAS rules results in two different trade regimes in practice. While some private sector actors may succeed and indeed flourish thanks to the inconsistencies, there are increased administrative costs to formal trade in the region for those seeking to comply with the distinct application of rules for those seeking to trade with UEMOA or ECOWAS partners. At the same time, incorrect application of ECOWAS rules may help protect the UEMOA market from non-UEMOA exports within ECOWAS, partially explaining why intra-UEMOA trade shares are higher than trade with the rest of ECOWAS. Even if the private sector and civil society express frustration, and ECOWAS represents the larger market, civil society pressure to ensure greater harmonisation and implementation of agreements within ECOWAS has so far had little to show for it.

## Revisiting assumptions

Returning to the assumptions cited at the beginning of this paper, it would seem that while “increased finance and capacity building for ECOWAS and UEMOA may help in building on synergies and cooperation in implementing programmes, the discussion here suggests that this may be limited to those areas where incentives align. The CET seems illustrative of where external interests can promote regional cooperation.

It would also seem that “better cooperation between ECOWAS and UEMOA will improve implementation of trade and trade facilitation measures in the region”, but the real challenge is how to achieve this. Despite the presence of formal mechanisms, finance to support these, and indeed overlapping agendas and mandates, harmonisation has remained a challenge in practice, with instances that suggest that the option to choose between two regional regimes may sometimes be seen as an advantage, for governments but potentially also for firms.

At the same time, many of the difficulties and constraints to regional trade remain less to do with UEMOA-ECOWAS cooperation than weak implementation of agreed measures such as the ETLs and ECOWAS CET, non-tariff barriers, market information, and transport costs. That would suggest that more targeted and pragmatic approaches to harmonising procedures would offer *some* benefits to firms. The evidence suggests that even where both UEMOA and ECOWAS regimes *should* be accepted, for example for intra-ECOWAS trade with an ECOWAS certificate of origin, in practice this is sometimes not the case. Actual application of legal texts at border posts is an issue beyond coordination, with corruption and informal trade practices resulting from the interaction of traders and officials.

Perhaps more pragmatically, the question is whether trade facilitation can be improved without improved UEMOA-ECOWAS cooperation, and/or through a different division of labour, and whether or not external partners can really affect this in practice.

That latter point then relates to the third assumption, that “member states and economic actors are equally committed, or at least neutral parties, to both regional organisations and their processes”. Although this paper could not map out all possible stakeholder groups and their specific interests in UEMOA and ECOWAS, the implication of the analysis and from interviews is that this is not the case. Different governments place different emphasis on UEMOA or ECOWAS in their national strategies. Depending on their target markets, firms will also focus on one or the other. While not everything can be traced back to historical legitimacy, the more closely bound nature of the UEMOA economies through the various iterations of monetary and economic union since independence all seem to favour UEMOA in terms of trust and solidarity.

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## Looking forward

Overall, this raises challenges for staff of both UEMOA and ECOWAS. If member states and their non-state actors engage with UEMOA or ECOWAS in different ways and for different purposes, this should be reflected in regional policy and programme design, while the level and form of cooperation between the two organisations could depend on the area and the incentives to do so.

A somewhat radical move would see UEMOA cease to promote a trade agenda, with all UEMOA trade instruments and procedures annulled in favour of those of ECOWAS. While this would certainly make things clearer for the private sector, and arguably free up UEMOA resources for other items on its agenda, the discussion above suggests that even for some firms and governments, this would not be seen favourably, given that UEMOA offers a ‘back up option’ in case required.

One more pragmatic possibility may be for UEMOA to take the lead in implementing some ECOWAS-wide programmes among the UEMOA group of countries. That is, in some areas where ECOWAS and UEMOA agendas overlap, all projects and documents would be in the name of both, while UEMOA would be helping deliver on an ECOWAS agenda within its member countries. This is already reportedly taking place through some projects, and would not undermine UEMOA’s greater role in the macroeconomic management of its economies, and help move the trade agendas of the two organisations more closely together.

While programmes such as the multi-donor TFWA programme seek to encourage collaboration through joint approaches, shared ownership of the process and joint-chairmanship of technical groups, this too faces challenges. The need for frequent and regular contact and discussion, for trust-building, and opportunities for one or other to take the lead, all make this model costly and time-consuming. This also can lead to frustrations given that, on paper, one organisation should ultimately become the sole regional organisation in the region. Nonetheless, taking this approach, and working bottom-up, perhaps more informally, with different departments and stakeholders may be the best way to identify where there is traction, not least among member states and their stakeholders. This of course ignores the fact that different development partners support ECOWAS and UEMOA, arguably also for different reasons, and that coordinating support strategies from one donor to two organisations is itself an organisational challenge. As discussed, where external finance or indeed pressure (the EPA case) is involved, this can help lead to some collaboration between the two organisations.

Finally, while regional integration processes continue to address barriers to intra-regional trade, the African Continental Free Trade Area (AfCFTA) process is now also gathering momentum. While in principle this does not alter how trade takes place within regional groupings, these being taken as ‘building blocks’ for the continental agreement, the alternative option of trading outside the region will soon become a reality. The opportunities for engaging in continental value chains potentially may offer paths for firms to grow and trade *outside* the region. While much still depends on the tariff offers and rules of origin that are eventually agreed, this arguably puts more onus on regional actors in West Africa to ensure a favourable trading environment building on all the institutional structures in place.



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