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POLITICAL ECONOMY DYNAMICS OF REGIONAL ORGANISATIONS IN AFRICA

PEDRO

Understanding ECOWAS efforts in promoting a governance agenda[1]

This paper sets out to better inform stakeholders about why the Economic Community of West African States (ECOWAS) and national level stakeholders operate as they do on the regional governance agenda. It concludes with implications for support.

Political traction, member states interests and potential

ECOWAS started as an economic community, but violent conflicts in the 1980s overtook the economic agenda. Promoting peace and security, democratisation, human rights and good governance became regional policy priorities. Over time, especially since the revision of the ECOWAS Treaty in 1993, the organisation has developed institutions to promote key principles of political governance and human rights, as well as a legal basis for conflict related measures.[2]

ECOWAS has taken a gradualist approach by developing governance principles and norms through its multiple protocols. This has been in response to changing priorities, to emerging instability and to political changes in the regional context. These political changes include the emergence in member states of electoral processes as core features of democratic governance. The main relevant actors in the ECOWAS governance and human rights architecture are the Directorate of Political Affairs, Peace and Security (under the executive branch of the organisation); the Mediation and Security council (on the technical side); a Court of Justice (under the judiciary branch) and a Council of the Wise, which acts as special envoy.

The ECOWAS governance and human rights agenda since 2001 promotes the progressive alignment of the constitutions of member states with a set of formally agreed values and norms. These include promotion of the rule of law with an autonomous parliament and judiciary, free and fair elections and political participation, civilian control over security forces, and civil liberties with special provisions for women and youth.

Evolutions of the ECOWAS governance and human rights architecture have only taken place when they are in the interests of strong coalitions of ruling elites in the region, often related to threats to stability and peace. For instance, at the time of crisis in Gambia in December 2016, Ghana ratified a two-year-old protocol relating to conflict

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[2] Other PEDRO papers on ECOWAS relate to conflict and food security, trade and trade facilitation, and industrialisation and youth employment.

prevention. This ratification provided a legal basis for the mobilisation of its troops for military intervention in Gambia. Nigeria did not ratify the 1999 protocol, but used it at occasions when it saw its interests affected or regional stability threatened.

Other examples, such as the wars in Liberia and Sierra Leone, suggest that the engagement of ECOWAS in crises depends on strong coalitions of countries, often driven by Nigeria. Africa's regional powerhouse, however, has been weakened due to internal crises such as the Boko Haram's rebellion and reign of terror. This weakened position also has a negative impact on the attention and resources allocated to the governance and human rights agenda.

ECOWAS has taken numerous actions against the unconstitutional extension of presidential terms or coups, as much of the violence and regional spillovers is associated with regime change and political competition gone wrong. Regional interventions or actions range from inquiries and sanctions to military interventions, and the threat of all of these. At times, however, the compromise offered to putsch-makers, such as in Togo and Burkina Faso, have brought short term relief to the crisis, but are seen by some as incentives for future unconstitutional actions. As the ECOWAS military intervention in the Gambia illustrates, there are examples of proactive engagement, but overall, the ECOWAS early warning and early response mechanisms are not fully aligned to allow the region to respond in a timely manner. For instance, attempts to change the constitution by ruling elites in order to hold onto power are on the ECOWAS agenda. Yet, the legal provisions do not permit ECOWAS to engage in dialogue with the country if such attempts respect the timeline identified by the relevant ECOWAS protocol of six months ahead of elections.

The ECOWAS Court of Justice is an important institution, as it has jurisdiction to determine cases of violation of human rights that occur in member states. It also has jurisdiction to receive complaints from individuals on application for relief for violation of their human rights. It has exerted this jurisdiction on numerous occasions, contributing to some extent to the promotion of principles of good governance and human rights in the region. However, countries like Nigeria, Liberia and the Gambia have refused to execute the regional court's judgements relating to financial compensation of plaintiffs.

The balance of power between member states plays an important role in shaping the pressures on the court, as exemplified by the Gambia case. In 2009, the small member state unsuccessfully tried to mobilise support to reduce the Court's jurisdiction. As the timing of this Gambia-led backlash coincided with reform efforts to increase independence of the court, a number of more powerful member states did not join this opposition. They did not want to be perceived as obstructing the independence of the regional court.

ECOWAS is one of the only regional organisations that generates substantial resources for its operational costs and part of its programmes through a levy on trade and direct contributions from member states. The Peace Fund is an exception as it relies heavily on funding from external actors such as the European Union and Germany.

Overall, the record of ECOWAS shows that there is political traction behind promoting a number of key political governance standards when there is a linkage with maintaining peace and security or with avoiding violent spillovers as perceived by key member states, especially Nigeria. The question remains as to the region's preparedness and ability to uphold governance principles even when their violation does not immediately threaten security or stability in the region.

Implications for support

1. **ECOWAS intervenes in support of respect for key political governance principles such as constitutional transfer of power, primarily when Nigeria perceives a threat to peace and stability.**

- ECOWAS member states have gradually introduced adjustments to the regional standards and have strengthened the political governance dimension of regional norms through a range of protocols (including fixed terms of office, good conduct in electoral processes, etc.) in response to changing circumstances in the region.

- When there are threats to peace and security, the regional organisation is more likely to act to counter the threat of harmful regional spillovers, especially when Nigeria backs such regional interventions.

- Even if the focus is ultimately on peace and security, the focus on governance has increased. Since the chosen approach was incremental - as opposed to an approach that immediately introduces a very ambitious governance agenda - enough space was provided to governments to contest and debate proposals and therefore increasing the likelihood of compliance.

2. Mechanisms to promote compliance with governance principles and the rule of law, such as the ECOWAS Court of Justice, also depend on member states' positions and interests.

- Any support to the Court of Justice must take account of the lack of political backing - and active opposition at times - from member states when issues being debated are against their interest. However, there is a clear engagement by non-state actors and a commitment by the judges who see the Court as a space for political contestation.

- Carefully designed support might be targeted at strengthening institutional capabilities of the court and can help prepare the ground for a more conducive environment for this regional institution.

Behind the formal structures of regional organisations is a messy world of regional power and politics. This messiness is often difficult to capture in the language of development cooperation and institutional development. Working with regional organisations and their programmes therefore implies engaging with complex, multi-level power and interest dynamics.

PEDRO, the Political Economy Dynamics of Regional Organisations, is an ECDPM project that looks at the politics behind regional organisations, and the structural factors, institutions and incentives that ultimately define the way in which countries and different stakeholders engage at a regional level. PEDRO covers 17 African regional organisations and 11 policy areas. For each of these, ECDPM has applied a political economy approach to help understand the dynamics and their effects in different regions and policy areas.

The studies are framed around three key questions: the first relates to the political traction of the regional organisation as this helps assess whether the regional organisation has enabled regional decision making and if it has contributed to implementation. The second focuses on the member state interests in engaging with the regional organisation, especially the more resourceful and powerful ones (the so-called 'swing states'). The third looks at the areas with most traction where regional and national level interests seem to be most aligned for regional outcomes.

The reports aim to present information and insights that can help regional stakeholders navigate the obstacles and better respond to reform opportunities. Rather than providing specific operational recommendations, the political economy approach encourages more reality-based discussions among practitioners and reformers about feasible ways to address regional challenges. It is hoped that this may help tailor the ambitions and approaches of donors and reformers and help identify ways to support national or regional champions or coalitions to take regional cooperation and integration forward.

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