Balancing the Economic Community of West African States tightrope: between democracy and security[1]

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Abstract

The Economic Community of West African States (ECOWAS) has since its establishment in 1975 acted as a norm entrepreneur, with democracy promotion as a critical area of concern. Its instituted frameworks seek to deepen and modify member states behaviour to voluntarily accede to its rules, norms, objectives and principles. However, eliciting member states compliance with democratic norms have faced significant challenges since 2020. Burkina Faso, Guinea, Mali and Niger have experienced democratic reversals by using insecurity and corruption as justificatory rationales for unconstitutional changes of government. In response, ECOWAS has sought to enforce and elicit compliance with its norms from recalcitrant member states, while simultaneously balancing and ensuring that *ad hoc* cooperative security initiatives involving these states can deal with extremist threats in the Sahel and the coastal states. Negotiating the pitfalls posed by enforcing its democratic ethos in an inconsistent manner have undermined ECOWAS's credibility. Nearly 50-years of integration processes are under threat of collapse. The paper argues that, understanding and appreciating the complexity and multiplicity of reasons leading to these reversals and how ECOWAS responds to and applies its mechanisms in a consistent and predictable manner is key to reversing unconstitutional changes of government, while providing security guarantees and sustaining its institutional integrity. It concludes by offering some recommendations and suggestions for embedding and deepening constitutionalism and democratic practices among its Member States.

Keywords: ECOWAS, democracy, security, Sahel, *ad hoc* security initiatives, integration

Introduction

This paper discusses two critical developments in West Africa. First, the challenges of *democratic consolidation* and *insecurity* on one hand, and second, how ECOWAS's responses to these symbiotic relationships have '…[brought] shame to an already divided'[2] organisation as it deals with democratic reversals and insecurities[3]. Since 2020, West Africa has been 'shaken by unprecedented violence'[4] resulting from these two developments. Until then, there was a

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[1] . This paper was first presented at a Nordic Africa Institute (NAI), Uppsala, Sweden seminar on 10 January 2024. It subsequently formed the basis for presentations to several Ministries of Foreign Affairs (MFA) in Scandinavia. This is a revised version to take cognisance of recent events.

[2] ibid
[3]
 Kwesi Aning. September 2020. 'West African democracies are in reverse, but the solution must come from within' at https://www.diis.dk/en/research/west-african-democracies-are-in-reverse-but-the-solution-must-come-from-within accessed 26 February 2022

[4] West Africa 'shaken by unprecedented violence', UN envoy tells Security Council, 16 December 2019 at https://news.un.org/en/story/2019/12/1053641

triumphalist march towards deepening democratic norms, especially after the last remnant of quasi-authoritarian rule was ended in the Gambia in 2016.[5] Between 2015 and until 2020, there was not a single undemocratic change of power in West Africa showing 'a period of rare stability' . In May 2015, however, ECOWAS abandoned a proposal to restrict West African presidents to two terms in government after opposition from both Togo and The Gambia. Since then, the democracy projects have faced challenges contributing in no small part to the resurgence of *coups d'etat*.[6] Ever since 2020, the region has experienced eight successful and attempted military takeovers, and ECOWAS is seemingly powerless to reverse them[7]. The paper argues that, the challenges faced by West Africa's constitutional democratic experiments can in part be explained by the narrow elitist conceptions and practice of democracy and exclusionary politics resulting in demands for change that oftentimes contributes to insecurity.

The paper is in 6 parts:

1. Democratic Developments and trends in West Africa;
2. Democratic and constitutional fragility, violence and the resurgence of coups d'etat;
3. The challenge of insecurity;
4. Ad hoc security initiatives (AHSI);
5. Balancing between democracy and security; and
6. Conclusion

Democratic Developments and trends in West Africa

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[5] See for example, Kwesi Aning. 2022. 'Cracks in the smiling coast of West Africa: violence, torture and death in The Gambia', forthcoming

[6] Economic Community of West African States Protocol A/SP1/12/01 on *Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*. Executive Secretariat Dakar, December 2001

[7] . Arijit Ghosh. 2023. 'Who's Going to Lead the Continent in 2024?: Next Africa', 29 December *Bloomberg News*, at
https://www.bloomberg.com/news/newsletters/2023-12-29/africa-in-for-a-political-shakeup-with-18-nations-set-to-vote

Discussing democracy in Africa in general and ECOWAS at the start of 2024 is important as a third of African countries head to the polls. For West Africa, countries including: Ghana, Mali, Togo, Senegal, Guinea Bissau, and Burkina Faso head to the polls.[8] 2024, therefore, will be a "tumultuous election year" against the backdrop of conflicts, economic shocks and heightened geopolitical reconfigurations[9].

As a norm entrepreneur, ECOWAS's Supplementary Protocol on Good Governance and Democracy provides specific guidelines shared by all its Member. It focuses on the development of constitutional State-based rule of law, strengthening of democracy processes and mechanisms and norms and adopting common principles of good governance. Its adoption in 2001 demonstrated a turning point in ECOWAS's political construction, by focusing on:

- Separation of powers - the Executive, Legislative and Judiciary;
- Empowerment and strengthening of parliaments and guarantee of parliamentary immunity.

- Independence of the Judiciary: Judges shall be independent in the discharge of their duties.

- The freedom of the members of the Bar shall be guaranteed; without prejudice to their penal or disciplinary responsibility in the event of contempt of court or breaches of the common law.

b) Every accession to power must be made through free, fair and transparent elections.

c) Zero tolerance for power obtained or maintained by unconstitutional means.

d) Popular participation in decision-making, strict adherence to democratic principles and decentralization of power at all levels of governance.

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[8] . https://www.economist.com/interactive/the-world-ahead/2023/11/13/2024-is-the-biggest-election-year-in-history

[9] . '2024 is a record year for elections. Here's what you need to know', at
https://www.weforum.org/agenda/2023/12/2024-elections-around-world/

e) The armed forces must be apolitical and must be under the command of a legally constituted political authority; no serving member of the armed forces may seek to run for elective political.[10]

Through the adoption of different protocols, regulations and conventions, ECOWAS sought to embed democratic norms in the sub-region[11] leading to democratic and multi-party transitions in the 2000s, a development that was tantamount to a political renaissance in the region. However, democracy has been watered down to the holding of elections, which more often than not are tainted with violence and abuses of human rights, that do not conform to the principles inherent in the ECOWAS Protocol on Democracy and Governance which member states have voluntarily acceded to. The Protocol's provisions were expected to be internalised by member states, acting as the building blocks for institutionalising democratic values. However, since 2020, democratic gains in several member states been derailed by intra-state conflicts, extremist violence, tweaking of constitutions and military takeovers.

Democratic and constitutional fragility, violence and the resurgence of coups d'etat

There is no doubt that, democratic processes have stalled or are fragmented in several ECOWAS member states in contrast to the spread of democracy and regularly scheduled elections[12] in the early 2000s, it was expected that this would result in the near-disappearance of military coups in the region. However, pervasive and persistently low levels of economic growth, associated with high levels of poverty, corruption, social grievances, the manipulation of constitutional term limits, without intervention by ECOWAS meant that as an organisation, it 'willingly ceded its moral authority'[13] and unintendedly contributed to creating an enabling environment for the

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[10] . See Section 1, Article 1. Emphasis mine

[11] . See the ECOWAS Protocol on Democracy and Good Governance A/SP1/12/01 Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security

[12] These were characterised by the presence of multiple political parties and vibrant electioneering processes.

[13] . Mhaka, op cit

reappearance of *coup d'états* in the sub-region. Coups d'etat are challenging both the political order and democratic processes and the voluntary principles inherent in the Supplementary Protocol. Since 2020, West Africa has witnessed successful coup d'états in Mali, Niger, Guinea and Burkina Faso and failed ones in Sierra Leone and Guinea Bissau. These incidences raise a fundamental question: whither ECOWAS's democracy project that member states have willingly acceded to?

Democracy in West Africa is in crisis: increasing fragile, insecure and under threat. As at January 2024, more than a quarter, 26.7 percent of ECOWAS member states have experienced democratic reversals through coups d'etat. Two have had failed coup attempts, two others have manipulated constitutions and extended stays in power, while in Senegal, we are witnessing the slow but certain curtailment of democratic gains. ECOWAS's authority and structure faces extensive and irreversible damage after its failure to restore democracy in its four member states. It has failed to deepen democracy, improve stability and lay the foundations for a tight-knit economic union. However, these reversals were not sudden occurrences. Coups d'etat have come about as a result of a gradual and widening process that endangered democracy through: corruption, expanding insecurity as a result of extremist violence, human rights abuses, electoral fraud, institutional weakness (judicial and legislative) that all culminated in different forms of state capture. After decades of instituting normative frameworks, the region has become thriving grounds for unconstitutional transfers of power, with the potential for more changes potentially compounding its security challenges.

The challenge of insecurity

Several of the coups d'etat since 2020 have used insecurity and corruption as justificatory arguments, especially in the Sahel; a region gaining greater strategic importance in economic,

security and strategic reasons. Insecurity in the Sahel provides several insights into the challenges faced by ECOWAS:

First, extremist activities in the region have demonstrated an astonishing capacity to withstand bi-and multilateral interventions, and second, discoveries of oil and gas reserves, gold, uranium and aquifers in Chad, Niger, Mali, Mauritania and Senegal, have turned the region into a hotbed of geostrategic and political competition.

All these reasons have contributed to the strategic importance of this region, where 3 main forces are distinguishable, namely**:**

- A Western group represented by France, Germany and the USA;
- An Eastern Group represented by Russia and China; and
- Emerging economies represented by India, Turkey, Brazil, United Arab Emirates (UAE) and Iran.

Niger, which is the largest Sahel country and strategically located between sub-Saharan Africa, North Africa and Europe an known as a hotbed on instability experienced a coup d'etat in 2023. The paper argues, that this particular occurrence, which generated different responses from ECOWAS and the wider international community sounded the initial death knell that started ECOWAS gradual descent into fragmentation. As stated earlier, ECOWAS's selective failure to respond to different forms of unconstitutional changes of government and its subsequent actions in Niger are both instructive and symptomatic of institutional inertia and bureaucratic-technical missteps. First, ECOWAS suspended Niger's membership of the organisation, imposed sanctions, closed borders, cut off the electricity supply (by Nigeria) and threatened to use military force, if the leadersof the coup d'etat failed to reinstate the lawfully elected President[14]. According to the Commissioner for Political Affairs Peace and Security (PAPS) of ECOWAS, Abdel Fatau-Musah:

> If push comes to shove we are going into Niger with our own
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> contingents and equipment and our own resources to make

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[14] Peter Beaumont. 2023. 'West African bloc prepared for military intervention after Niger coup', The Guardian, 17 August,
https://www.theguardian.com/world/2023/aug/17/west-african-bloc-prepared-for-military-intervention-after-niger-coup

sure we restore constitutional order. If other democratic partners

want to support us they are welcome.[15]

In spite of these tough words, ECOWAS neither had the support, wherewithal nor the institutional strength to follow through with its own threats. Eventually, at an ECOWAS Heads of State and Government Summit in Abuja, Nigeria in December 2023, 'the authority … decided to set up a committee of Heads of State … to engage with CNSP and other stakeholders, with a view to agreeing on a: (a) short transition roadmap, (b) establishing transition organs as well as (c) facilitating the setting up of a transition monitoring and evaluation mechanism to work for the speedy restoration of constitutional order'.[16] This decision, however, has been overtaken by events in Mali, Burkina Faso and Niger. In late 2023, these states formed an Alliance of Sahel (AES) states and in January 2024 served notice to ECOWAS of their intention to exit from ECOWAS leading to an ECOWEXIT.

ECOWAS at a dangerous crossroads.

Niger is a linchpin in the fight against the spread of violent extremism in West Africa.[17]. With the suspension of Mali, Burkina Faso and Niger from ECOWAS and the establishment of the AES, its implications are that the original ECOWAS cooperative security framework does not exist both in theory and praxis. The only cross-cutting security in West Africa, is the Accra Initiative (AI). In the next section, I discuss both the AI and AES and their implications for security in the subregion.

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[15]

. ibid

[16] 'ECOWAS sets up committee to negotiate with Niger junta on return to civilian rule', at
https://www.africanews.com/2023/12/11/ecowas-sets-up-committee-to-negotiate-with-niger-junta-on-return-to-civilian-rule/

[17]

. The US has a military drone base in the country at U.S. Air Base 201 which is the US's top military asset in a region which it used to target insurgents affiliated with al-Qaeda and Islamic State in cooperation with the French military. France bowed to the demands of the new junta and its 1,500 troops have left Niger

Accra Initiative (AI) and Alliance of Sahel States (AES)

The Accra Initiative (AI) was launched in Accra, Ghana in September 2017 and includes: Benin, Ghana, Burkina Faso, Niger, La Cote d'Ivoire, Togo and Nigeria (with observer status) to serve as a cooperative and collaborative security mechanism. Specifically, the AI, which also includes Mali, Burkina Faso and Niger as members, is mainly geared towards preventing spill over of terrorism and other transnational organised crimes from the Sahel to neighbouring countries' border areas. In the aftermath of the suspension of Mali, Burkina Faso and Niger from ECOWAS's wider cooperative security framework, these states have signed a mutual defence pact, aimed at helping each other against possible threats of armed rebellion or external aggression. The Liptako-Gourma charter establishing the *Alliance of Sahel States*, aims at a collective defence and mutual assistance framework that binds the signatories to assist one another – including militarily – in the event of an attack on any one of them. The new pact reflects a desire to break with the way terrorism and organised crime have been combated. The perceived ineffectiveness of the *G5 Sahel Joint Force* and *Operation Barkhane* have contributed to Mali's decision to seek other partners such as Russia[18].

ECOWAS's ongoing misreading of the developments in the Sahel led the The Chairperson of the ECOWAS Heads of States summit, Bola Tinubu of Nigeria, to describe this alliance as a '**phantom attempt'**[19] However, the Alliance of Sahel States has been created at a time when regional and international cooperation in the Sahel is struggling. The *G5 Sahel Joint Force*, which raised a lot of hopes when it was launched in 2017, has been on the brink of collapse since Mali withdrew in 2022. Cooperation with European partners has been hampered by a succession

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[18] . Moda Dieng. 2023. 'Burkina Faso, Mali and Niger have a new defence alliance: an expert view of its chances of success', *The Conversation*, 19 October at
https://theconversation.com/burkina-faso-mali-and-niger-have-a-new-defence-alliance-an-expert-view-of-its-chances-of-success-215863

[19] . ECOWAS Press Release '*The 64th Ordinary Session of Ecowas Authority of Heads Of State And Government Holds In Abuja'*, 10 Dec, 2023 at
https://www.ecowas.int/the-64th-ordinary-session-of-ecowas-authority-of-heads-of-state-and-gov-ernment-holds-in-abuja/

of events and decisions, including the renunciation by Mali, Burkina Faso and Niger of several defence agreements with Paris and the withdrawal of French troops.[20]

As at 30 January 2024, ECOWAS as it was known does not exist in practice as the formal processes for exit have started. At present, what exists is an Economic Community of West African Coastal States (ECOWACS)

How can ECOWACS strengthen its democracy regime[21]?

ECOWACS's predecessor ECOWAS failed as a norm entrepreneur and its Protocol on Good Governance and Democracy, its Political Principles and other documents and their constitutive principles which sought to provide normative frameworks providing specific blueprints and limitations for state action needs re-examination relating to its rules, norms and principles and how they can be applied consistently and adhered to by member states. Non-compliance must be dealt with in a consistent manner. Thus, apart from providing rules and procedures for how member states must behave, ECOWACS must seek to: :

- Distinguish and concentrate on specific or joint problems that threatens constitutionalism in all forms and by extension the democracy project;
- Engender and advance reliable exchange of information and knowledge;
- Intensify confidence and trust building measures and understanding among states and citizens;
- Facilitate issue linkage among states and citizens; and
- Stringently enforce, monitor and verify rules and guidelines underpinning cooperative projects.

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[20]

. Dieng, op cit

[21] Regimes are about dynamics of rule-making and rule-following in international society. the overall process of regime formation into three stages—agenda formation, negotiation, and operationalization—and argues that each stage has its own particular political dynamics. Regimes are social institutions governing the actions of those interested in specifiable activities (or accepted sets of activities).' Like all social institutions, they are recognized patterns of behavior or practice around which expectations converge

The *coups d'etat* in Mali, Niger, Guinea and Burkina Faso and their subsequent withdrawal questioned ECOWAS's effectiveness, credibility and the levels of 'bindingness', relating to the extent to which ECOWAS could elicit compliance from member states with the instruments that they had voluntarily acceded to. For ECOWACS to be central to the needs of states and citizens, its democracy regime must change by not examining institutional plans or external factors in isolation, but rather in the context of how they react. Contributory factors to improving ECOWACS's potential effectiveness are:

a. The character and frame of rules;
b. Application of its binding provisions; and
c. Mechanisms by which rules are revised.

The effectiveness of ECOWACS's democracy regime hinges on a combination of how its institutional attributes and mechanisms, first *motivates* and second, *associates* actors in ways that encourages preferred modification in behaviour.

Concluding Remarks

The current state of democracy and insecurity in ECOWAS and ECOWACS calls for strategic and critical reflections by member states. Unending cycles of ever expanding insecurity and coups-making reflects institutional weakness[22] manifested in ECOWAS's inability to:

.   enforce compliance with what states have voluntarily signed on to;

.   control foreign interferences in the governance of Member States;

.   understand and respond to the wishes and complaints of community citizens; and

.   moderate the excesses of elected governments in the region[23].

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[22]

[23] .
https://www.thisdaylive.com/index.php/2023/08/13/international-politics-of-the-2023-coup-detat-in-niger-republic-consequences-of-a-weakened-ecowas

West Africa's current difficulties require creative ideas and leadership from ECOWAS and its proponents. So far, its responses to democratic reversals have been variously characterised as a 'mistake'[24] and '…killing itself softly'[25] The net effect of ECOWAS's inactions is that, it has collectively '…[brought] shame to an already divided [organisation][26]. ECOWAS is dead; long live ECOWACS which can become an important force for democracy and stability in the region simply by enforcing its own rules consistently.

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[24] . Ajala, Olayinka. 2023. 'Niger coup: Ecowas must do these 3 things to break the stalemate', *The Conversation*, 4 September, at
https://theconversation.com/niger-coup-ecowas-must-do-these-3-things-to-break-the-stalemate-212403

[25] . Bola Akinterinwa. 2023. 'International Politics of the 2023 Coup d'etat in Niger Republic: Consequences of a Weakened ECOWAS', at
https://www.thisdaylive.com/index.php/2023/08/13/international-politics-of-the-2023-coup-detat-in-niger-republic-consequences-of-a-weakened-ecowas

[26] ibid