



ISSN 2278 – 0211 (Online)

## Free Movement of Goods and Capital in the Economic Community of West African States: Myth or Reality?

**Dr. Michael P. Okom**

Senior Lecturer and Associate Professor, Faculty of Law,  
University of Calabar, Calabar, Cross River State, Nigeria

**Dr. Jake Otu Enyia**

Senior Lecturer, Faculty of Law, University of Calabar, Calabar, Cross River State, Nigeria

**Dr. Chidi Lloyd**

Legal Practitioner, Rivers State, Nigeria

### **Abstract:**

*This article seeks to examine the birth of ECOWAS and its progress in seeking for economic cooperation amongst the West African sub-region. The paper is a further pointer to the fact that besides ECOWAS, which assist in the facilitation of movement of goods, capital in the community, other schemes such as the West African Economic and Monetary Union (WAMU) has equally been put in place to compliment the role of ECOWAS. The writer identifies the problem of corruption and faulty implementation of the protocols/treaty as the main perennial problems facing the community. The article identifies the fact of balkanization of the African continent by the forces of colonialism and the weak structures associated with these states necessitated the need for current leaders in West Africa to commit themselves to the objectives of economic integration and the development of the sub-region. The writer ended on a concluding note that ECOWAS as a concept has retained its attraction. But the pertinent question over the years has been how to actualize this potential. This paper has adduced many reasons for the sorry pass the region has been trapped in. It is the considered opinion of the writer of this article that so long as the treaty exists on paper, all hope is not lost.*

**Keywords:** Tariff, customs, common currency, monetary union policy

### **1. Introduction**

The ECOWAS Treaty has as the main aim of the Community, the promotion of cooperation and development in all fields of commerce, monetary and financial matters and the maintenance of economic stability, for the purpose of raising the standard of living of the people and fostering the progress and development of the West African sub-region in particular and the African continent in general. In order to achieve the foregoing purposes, the Community was to ensure, by stages, the elimination of custom duties and other charges of equivalent effect in respect of the importation and exportation of goods, the abolition of quantitative and qualitative restrictions on trade among the member states, the abolition as between the member states of the obstacles to the free movement of goods and capital and the implementation of schemes for the joint development evolution and harmonization of economic and monetary policies.<sup>i</sup>

The Community Members also contracted to establish a common market through the liberalization of trade, by the abolition, among Member states, of custom duties leveled on imports and exports and the abolition of tariffs, the establishment of a free trade area at the Community level and the removal of obstacles to the free movement of goods and capital, and the creation of a Monetary Union. In addition, the members agreed to promote joint ventures by private sector enterprises and other economic operators through the adoption of a regional agreement on cross-border investments and to adopt measures for the integration of the private sectors, particularly the creation of an enabling environment to promote small and medium scale enterprises.

In doing these, the Community is to be guided by the principles of equitable and just distribution of the cost and benefits of economic cooperation and integration, accountability and economic/social justice. In fact, before the birth of the ECOWAS, the Articles of Association crafted by the West African States in the Economic Commission for Africa (E.C.A.) Conference which took place in Accra in May 1967, called for the rapid removal of trade barriers between West African Countries.<sup>ii</sup> Earlier in 1965, the E.C.A. at its seventh session held in Nairobi in February 1965, recommended that Member States “should establish as soon as possible sub-regional inter-governmental machinery for harmonizing their economic and social development.”<sup>iii</sup> The Articles reflected the objectives the States were to promote a coordinated and equitable development of Member States through economic cooperation to

further the maximum possible inter-change of goods and services and to contribute to the orderly expansion of trade between Member States.

The birth of ECOWAS in 1975 in Lagos was a new era in the history of economic cooperation in the West African sub-region. The Protocol on Free Movement of Goods and Capital which was enacted in 1979 introduced the Trade Liberalization Programme which encapsulated a host of supplementary protocols. The promoters of the Community desired a speedy implementation of the Treaty/Protocol but the terms therein demanded a gradual and phased approach. However, slowness has almost led to stagnation: the snail has virtually stopped moving.

However, some other good schemes have been put in place to facilitate the free movement of goods and capital in the Community. One of such is the West African Economic and Monetary Union (WAMU) which was founded in January 1994, by the eight French speaking ECOWAS members. These eight, (*Benin, Burkina-Faso, Guinea-Bissau, Cote D'voire, Mali, Niger, Senegal and Togo*), share a common Central Bank with headquarters in Dakar, Senegal and a common currency, the CFA which is pegged to the Euro. According to a Daily Trust Editorial, a roam round some of the ECOWAS countries reveals some of the severest problems militating against the practical implementation of the vital ECOWAS Protocols, most especially freedom of movement and goods and trade liberalization, in spite of the positive pronouncements in principle, as contained in the Treaty.

The sorry state of affairs with respect to the prevailing *status-quo* pertaining to the free movement of goods and capital is clearly portrayed in the editorial. It goes on to say, “glaringly, the severe corruption blight pervading virtually the entire region; serious psychosis of distrust and paranoia among most of the region’s leaders and peoples; insincerity and the lackadaisical attitude of member states towards implementing the Protocols and some colonial historical antecedents are some main ECOWAS integration problems.”<sup>iv</sup> The problem therefore lies not with the substance or content of the Treaty/Protocols (i.e. with particular reference to free movement of goods and capital) but with their implementation. If implemented, in letter and spirit, undoubtedly, the lofty goals of the Community encapsulated therein would be substantially accomplished.

## 2. Definition of Goods

“Goods” within the context of the Protocol on Free Movement of Goods and Capital is defined in Article 2 of the Rules and Regulations Determining the Modalities for Preparation of statistics on External Trade in ECOWAS Member States. The Article provides that “goods means all movable property”, including electric current and they shall be designated on computer transmission media in such a way as to be identifiable by their standardized ECOWAS customs and statistics nomenclature number. Certain goods have been designated in Annex A to the Rules, as outside the ambit of the Trade Liberalization Scheme (T.L.S). The goods covered by the T.L.S are goods produced and emanating from the Community. Goods imported into the Community from non-Community countries are not covered. For such goods, tariffs and other duties are chargeable, subject to a Common Tariff System which is yet to be enacted. For the purposes of Trade Liberalization, goods shall be accepted as originating in Member States if they have been wholly produced in the State or have been produced with raw materials in the Community to the value of not less than 60%.<sup>v</sup> Goods are expected to be supported by a certificate of origin to be issued by the “competent authority designated for that purpose by the exporting Member State.”<sup>vi</sup> However, the importing Member State is entitled, “in case of doubt”, to further verify the declarations made in the certificate.<sup>vii</sup> Article V renders a list of products among those “which shall be regarded as wholly produced in the Member State.”<sup>viii</sup> Some of them are: mineral products extracted from the ground or sub-soil or sea, vegetable products, scrap and waste resulting from manufacturing operations within the Member States, and materials containing no element imported from outside the Member States.

Be that as it may, the restriction of the TLS to goods produced within the Community is a beneficial and salutary policy which if implemented, would in no small measure; enhance the actualization of the Community’s goal of free movement of goods. In fact, the core provisions of the Protocol on Free Movement of Goods and Capital which are encapsulated in the Trade Liberalization Scheme are meant to enhance the effectiveness and efficacy of the free movement policy. Such provisions as qualitative and quantitative restriction, dumping, trade deflection, most favoured nation treatment, re-exportation of goods, the drawback rule, trade promotion and others were introduced to oil the machinery of the free movement regime with respect to goods and capital.

## 3. Perspectives Underpinning the Rules and Regulations of Movement of Goods and Capital

One of the main goals of the founding fathers of ECOWAS is to promote cooperation and integration with a view to achieving an economic union in West Africa. They also hoped to improve the living standards of the people, generate economic growth, foster relations between Member States and contribute to the progress and development of the African continent. This is in line with the *modus* of global economic actors whose dynamism in global economic development is manifested in the formation of trade agreements, which has become a normative form of operation. However, just as globalization has come to mean different things to people in the society, free trade associations have been viewed as both a blessing and a curse, cherished by some and loathed by others.

With particular reference to ECOWAS, the dream of the founding fathers for economic integration has continued to be elucidated by subsequent stakeholders, who have been very avid in advocating for the strengthening of the parameters that will make the dream a reality. In October 1999, Mr. Lansana Kouyate<sup>ix</sup> decried the presence of rigid barriers at the sub-region’s borders, pointing out that they constitute a threat to the Community’s economic cooperation drive. He called for the strengthening of the sub-regional economies to enable them survive the “competitive drive” of the international market. According to him, West Africa is still far from the borderless State that a true economic community is expected to create. Another area of concern is the extreme, blind pursuit of economic and political nationalism by ECOWAS governments and the elaborate security and other State apparatus erected at borders.

In order to address these problems, ECOWAS Heads of State decided to strengthen the current integration process and deepen its scope. They were guided by three guiding principles: first, economic integration in a developing region must go beyond market integration and embrace monetary integration. Second, such an ambitious regional agenda requires a considerable surrender of national economic sovereignty and the organization must be endowed with the requisite supranational power. Finally, an enduring and sustainable integration of the people and economies of the region would only be achieved when all sections of the West African Community are directly involved in the process.<sup>x</sup> As things stand, this goal is unattained. The Member States are loathed to relax their grip on nationalistic policies and this is making free movement of goods look more like a myth.

The foregoing is in tandem with the pristine goals and foundational perspectives of the ECOWAS Community. From the onset, it was apparent that the high contracting parties wanted to create a supra-national body that would encompass the Member States under one economic umbrella and shepherd them into a homogenous borderless regional economic entity. The current Executive Secretary of ECOWAS, Dr. Mohammed Ibn Chambas reiterated this viewpoint in a speech in 2006,<sup>xi</sup> emphasizing the need for supra-nationality that would enable the body share part of member-nations' sovereignty as enjoyed by similar bodies like the European Union. In his words, "to actualize our integration objective, such supra-nationality has become necessary."<sup>xii</sup>

The creation of a supranational regional union has been a core objective of the Members from the very beginning, underpinning the Protocol on Free Movement of goods and capital that is the rationale behind the provision of Article I of the 1975 Treaty. This objective was reaffirmed in Article 2 of the Revised Treaty. Supra-nationality is connoted in the word 'Community'; because even in traditional parlance, the Community is always stronger than the individual. This is the substance of Dr. Obiozor's observation that "the inevitability of political unity has been underscored by the fact that economic integration... requires the surrender of the major national economic instruments to the supranational authority..."<sup>xiii</sup> Supra-nationality is inescapable if ECOWAS will achieve its dream of creating a climate for free movement of goods and capital. The 2007 ECOWAS report pungently asserted that the creation of an ECOWAS Market requires a supranational framework with a view to strengthening the free movement of persons, goods and capital.<sup>xiv</sup>

In this vein, the ECOWAS Commission has envisioned the transformation of the region into one massive borderless region, an ECOWAS of peoples, not of countries.<sup>xv</sup> In order to facilitate the process, modalities for accelerating the integration process of ECOWAS were laid out by way of a fast track approach which included the establishment of a Free Trade Area (FTA) by April 2000 and a Second Monetary Zone by 2003. The FTA involves the creation of a borderless ECOWAS zone, the removal of all road blocks on Community highways and the abolition of other border obstacles. Regrettably, none of these has been done. However, economic integration has remained a steady goal. The earlier this goal is achieved, the better for the region. However there are no indications that this will happen any time soon. The obstacles and roadblocks are increasing by the day and corruption of the borders has virtually attained the status of a norm. So long as this *status-quo* persists, economic integration will remain a mirage.

Three theories influenced the formulation and development of the economic integration objective of ECOWAS. First is David Mitrany's theory of functionalism, which posits that integration could be effected through the creation of a transnational complex of economic and social organization. International activities could be organized around basic functional needs such as trade.<sup>xvi</sup> He is also of the view that is at variance with the proponents of integration, to the effect that the process would not involve the surrender of national sovereignty but would promote peace and security,<sup>xvii</sup> and so, States need not be afraid of losing their sovereignty. As Obiozor puts in, "our logical argument is that the ECOWAS is old enough to transcend narrow perceptions of nationalism. The ardent desire for security should move beyond the nation state to the regional level." Most, if not all ECOWAS States, have demonstrated a reluctance to subject their individual interests to the supranational authority but despite this, the goal has not been jettisoned. The integration objectives remain the same, though the political aspects have not been satisfactorily addressed as it is the case with the European Economic Community (EEC). Though the integration goal has not been abandoned, Member States are more concerned with how economic regionalism will affect political independence. In such a scenario, where economics and politics are so inextricably intertwined, functionalism still dominates the policies of Member States although the gravitation towards an economic union is still discernible. The fear persists however that economic forces might undercut political stability, which in African political lexicon is to be read to mean loss of power by sit-tight leaders. In order not to lose grip of this highly beneficial policy, regionalization of politics and economics seems to be the way out but it is submitted that this is a matter for future protocols to deal with.

Second, is the neo-functional approach. It is a modified version of functionalism, first proposed by Ernest Heas in the early 1950s.<sup>xviii</sup> Heas' model is that there exists a continuum between economic integration and political union. Both are connected by the so-called "spill over" effect by which the functions and authority of central institutions are increased as integration 'gradually encroaches on the politically sensitive area.'<sup>xix</sup> The belief is that through this inter-connectedness, the Community would emerge and grow. This determinism was prompted by his observation of the European experience. Hea's observation was that the determinism implicit in the picture of the European social and economic structures was absolute. With all these requisite conditions in place, the progression from a politically inspired common market (which ECOWAS needs to be), to an economic union was a matter of course. If this natural course is allowed to go through, subjectivist idiosyncrasies of States (based on fear of loss of sovereignty), would obviate.

Finally, within the context of economic explanation, regional integration has generally been interpreted through the traditional theory of economic integration. Professor J. Viner, the exponent of this theory, holds that the core elements in economic integration are "trade creation" and "trade diversion".<sup>xx</sup> Trade creation occurs where member countries produce quality goods which are supplied within the Union, while trade diversion occurs when inefficiently produced goods are circulated.

With respect to the goal of ECOWAS to create wealth and improve living standards, real income is created when potential partners in a union conduct a significant proportion of their trade with one another and their economies are at least potentially complementary.<sup>xxi</sup> However, this has not been characteristic of ECOWAS Member States. In fact, trade between them and foreign countries "constitutes

a high percentage of the Gross National Product".<sup>xxii</sup> Worse, the economies of West African countries are more competitive than complimentary because nearly all of them produce similar products for the markets of industrialized countries and they are reluctant to trade with each other.<sup>xxiii</sup> This reluctance is what has slowed down the march towards economic and financial integration and made ECOWAS look more like a political club than an Economic Community.

Before ECOWAS came into existence and even before the independence of most African States, the belief has been that integration would foster growth and development. In 1933, a Colonial Administrator at Sekondi, the Gold Coast (as Ghana was then known), in a Standing Order<sup>xxiv</sup> to a District Commissioner, said:

- I regard it as most important that Political Officers in the frontier districts should be in close touch with, and maintain the most cordial relations with, representatives of neighbouring powers, in this case the French. You will, therefore, cooperate where(possible with the French administrators across the Frontier. In these days when the interests of Great Britain and of France in West Africa are more or less bound together in the common desire to further the development and prosperity of the peoples in their charge and when many of the problems of administration and development are common to both governments, the need for cooperation, I think, is sufficiently apparent.

Thus, as early as then, even colonialists had identified the need to "further the development and prosperity of the peoples in their charge." This disposition was of course bequeathed to the leaders of the later independent states. In fact, much earlier, in the mid-twentieth century, series of inter-colonial State relationships were encouraged between French and British colonies which are the dominant states in ECOWAS. Such inter-state relationships included formal types as were enshrined in diplomatic agreements, such as the Anglo - French Entente in 1954 and the Anglo - French Consultative Commission which was established a few years later. ECOWAS was thus, a way to formalize the inter-regional concourse that had been forged by the colonial precursors. Vicotile Vine has identified two distinct but inter-related perspectives which have influenced efforts at regional integration in West Africa. There are: the strictly functional and the political or constitutional types.<sup>xxv</sup> The distinction is based on the same principles which led David Apter and James Coleman to distinguish between "inter-state functional unifications," (designed to enable sovereign States to collaborate for common political economic and other purposes) and the "super-state political unifications" such as the Mali Federation, Union (1960-63) and later ECOWAS.<sup>xxvi</sup> Asiwaju has pointedly stated that the trans-Saharan trade covered both the Savannah and forest belts. Similarly ancient was the phenomenon of migrations. The entire region, in spite of its political states is known to have encouraged over the centuries, the harmonization of socio-economic activities.<sup>xxvii</sup>

The realities and potentialities of these long-distance movements of people and goods lend weight to the notion that West Africa has always been a "natural common market zone of considerable antiquity."<sup>xxviii</sup> Instead, the region is known to have over the centuries, encouraged harmonization of socio-economic activities. As Asiwaju has indicated as reflected in the records of early European explorers trade was the main medium of contact among the West African peoples... The diaries of Captain Hugh Clapperton and the Lander brothers... indicate the remarkable extensiveness of socio economic interaction among WestAfricans... before the era of European political intervention.<sup>xxix</sup>

During the Colonial rule, an Anglo - French Convention agreement of July 1898 introduced a preferential tariff arrangement between them.<sup>xxx</sup> Attempts at boundary formations initially created absurdities such as placing a village in one colonial sphere and its farmland in another. The evolution of inter-colonial boundaries ultimately led to the problem of smuggling which was "an endeavour on the part of local African business interests to avoid paying the chargeable customs duties."<sup>xxxi</sup> Institutions such as the Currency and Marketing Boards would most probably have metamorphosed into regional integrated units but for the independence of some of the States. Independence tended to make states to become too insular and this became a clog in the wheel of integration. However, the period of European rule left for West Africans, imprints which in retrospect have proved quite helpful to the course of regional integration. It left behind the impression of prudence in inter-state cooperation from which efforts at integration may draw some lessons.<sup>xxxii</sup>

It is apparent therefore that there is an essential continuity, from antiquity, of the idea of socio-economic integration in the West African sub-region. Thus, by the decision of the West African States to embark on socio-economic integration, the governments of West African States are operating within a historical context. This awareness is very clear in the preamble to the Treaty. The motivation for integration in West Africa was the realisation of specific economic goals. There is evidence of an attempt to avoid the mistakes of the past. The preamble to the Community's Charter states the objectives of ECOWAS as *inter-alia*, to promote, a harmonious economic development of their states, calling for effective economic cooperation largely through a determined and consolidated policy of self-reliance in creating a sub-regional community integration for the assessment of the economic potentials and the interest of each state; accepting the need for a fair and equitable distribution of the benefit of co-operation among member states.

The Protocol on Free Movement of Persons Goods and Capital took adequate care of the interests of Member States, and the derogation from the entrenched positions of States and their peculiarities was to be a gradual process, with direct reference to trade liberalisation, the policy which encapsulates freedom of movement of goods and capital. Before ECOWAS, Member States had demonstrated a disposition towards self-interest. During the effort by the Francophone States to form the *Union Douaniere des Etats d, Afrique Occidentale*, (UDEAO), Senegal was more concerned about preserving her economic place in French - speaking West Africa, while Ivory Coast was more eager to develop her trade and industry. As a result, the union collapsed. It stood to reason therefore that if the interests and fears of Member States were not adequately addressed, ECOWAS would also fail. This explains why the Protocol contains provisions which gave so much discretion to Member States with respect to its implementation.

The Protocol on Free Movement, with particular reference to goods and capital is simply an embodiment of the aims, aspirations and objectives of the peoples of West Africa which underpin the Protocol. Trade Liberalisation, (with its appurtenant rubrics of freedom of movement of goods and capital), is an off-shoot of the expressed objective of economic integration. Without it, goods cannot move



freely.<sup>xxxiii</sup> Essentially too, tariff, customs, common currency and monetary union policies cannot apply. A monetary union is what creates a regional super highway for goods and capital. It is to the credit of the current generation of drivers of the ECOWAS titanic ship of West African States that the vision has not been lost. In 2003, Dr. Chambas stated that only integration of African States could stop the under-development of the continent. He opined that poverty and under-development were twin brothers in the retrogression of the continent which must be eradicated through integration. He saw the integration of the West African economy as the first step towards the integration of the entire African economies.<sup>xxxiv</sup> Justice Okoi Itam agrees. For him, “ECOWAS is an endeavour to give effect to nation building within the concept of developmental regionalism.”<sup>xxxv</sup> He opines that this is a postulate that assumes that if one accepts that most of the world’s underdeveloped countries cannot develop by their efforts alone, then the best option available to them may be joint policies of economic co-operation and integration designed to accelerate their overall rate of economic development.<sup>xxxvi</sup> In like manner, Joy Ogwu<sup>xxxvii</sup> at the International Conference on “ECOWAS: Milestones in Regional Integration”, reiterated the need for current leaders in West Africa to commit themselves to the objectives of economic integration and the development of the sub region. She stated that ECOWAS was designed as a definite strategy for the integration of West African States and as an imperative for socio-economic growth and development. In her words, the balkanization of the African continent by the forces of colonialism resulted in the formation of states that succeeded in attaining political independence, but remained essentially weak. The individual capacities of these states to embark upon and sustain a meaningful form of economic development were severely curtailed by their limitations in terms of size, resources and markets.<sup>xxxviii</sup>

Although ECOWAS came into existence after all the Member States of the sub-region had attained independence, the policy framework that underpinned the Treaty and Protocols was modeled after the pre-colonial *status-quo*. Pre-colonial trade transcended geographical zones and territorial boundaries and involved diverse groups of people. Boundaries were still generally fluid because the States formation project was still going on. However, they constituted points of contact and a market place where people moved and traded freely. Colonialism introduced a cog in the wheel of regional economic fluidity by the demarcation of boundaries, delineating economic boundaries which were designed to relate less with one another and more with the colonizing countries. Thus, at independence, strong umbilical economic links tied the new African States to the former colonial overlords and apart from the exploitative ethos of colonial capitalism; it undermined the centuries old traditional trade relations that had existed among the people.<sup>xxxix</sup>

After independence, the foreign trade of West African countries continued to show a high degree of extraversion, directed at satisfying the demands of markets outside Africa. The ECOWAS Treaty/Protocol on Free Movement of Goods and Capital was to reverse this unwholesome trend and establish a firm basis for economic cooperation, in order to pool the resources of Nigeria and its neighbours together in a regional effort to overcome the problems posed by economic underdevelopment. This is what makes the issue of regional cooperation an urgent one and the urgency is heightened by the economic crises that bedecked the West African sub-region, which, more than ever before, underscored the need to pool resources in order to transform the existing structures of trade and production in a manner that would enhance the prospects of economic recovery and long term growth.

The Protocols’ main agenda therefore, is to integrate the economies of the sub-region on the basis of the advantages of comparative cost and proximity and the principles of complementarity of markets and the need to recognize that the most viable option for survival and development in the emerging world order lies in regional economic integration. The Protocols also adopted the perspective that integration theory rests on the assumption that in order to succeed, an economic cooperation project should be based on a liberalization of the movement of capital, goods, services and labour. There is the need to work out an economic and political agenda that would act as the framework through which market integration can be undertaken and its gains optimized.<sup>xl</sup>

If the situation is otherwise, integration would resemble stigmatization (whereby members engage in fighting, accusations, counter accusations and competition), as has sometimes been the case. Bundu makes this point more pungently when he stated that “from the colonial era, there has been an undeclared situation of competition, suspicion and exclusion.<sup>xli</sup> He further stated that the post-independence era marked a heightened sense of nationalism par excellence, with each state adopting an individualistic approach to economic development. He concludes that, this explains some of the latter problems of cooperation,<sup>xlii</sup> which have conspired to make economic union remain elusive and more of a myth.

One other perspective underpinning the ECOWAS Treaty/Protocols on Free Movement of goods and capital has to do with the balkanization of Africa. According to Bundu, colonialism (an off-shoot of balkanization) led to an era of nationalist sentiments which manifested in the desire of Africans to take charge of their own affairs.<sup>xliii</sup> Attention was placed more on economic progress because ‘it was reckoned that if independence was to mean anything, the emphasis had to be on the economy.<sup>xliv</sup> The United Nations (always a major player/umpire in regionalist drives and formation), had introduced the First UN Development Decade was adopted for the 1970s. The Third World accepted that it had to bear the primary responsibility for its own socio-economic development. This principle was further accentuated in the 1974 Declaration of a New International Economic Order, (N.I.E.O.) which made collective self-reliance through economic cooperation among the developing countries the cornerstone of their development.”

Thus, through regional cooperation, it was expected that the resources of integrated States would be pooled, national markets fused and large enterprises established to ‘take advantage of the economies of scale that modern technologies make possible’. As a result, regional economic groups (such as ECOWAS – which came into existence the year after the Declaration of NIEO), came to characterize the new international landscape and underpinned the New World Order.

In spite of the foregoing, African States still had a choice. They could decide to maintain the colonial strictures and remain politically parochial and economically cloistered in order to maintain their micro hegemonies, or open up to the influence of international currents to make States more economically robust and independent. Many African States chose the latter option and cooperated assiduously with the UN Economic Commission for Africa in gestating regional groupings such as ECOWAS. It was understood that

free movement of goods and capital would inevitably boost production, create jobs and generate wealth. In Ezenwe's words, "the existence of a wide community market will stimulate production. New industries will be established whilst the existing ones will tend to expand to take advantage of an enlarged market and to exploit the consequent economies of scale."<sup>xlv</sup> This objective was a cardinal policy pillar of the Treaty/Protocol relating to Free Movement of Goods and Capital. This explains the reason for the enthusiasm with which ECOWAS Member States crafted the Protocol on Free Movement in 1979 although the journey from 'intent to patent' (from conception to inception), has been less than snail-like.

To their credit, the founding fathers of ECOWAS; went far beyond the concept of "economic cooperation." They saw the enterprise in terms of an "economic community" and "economic integration". They set about establishing a more structured form of cooperation that seeks the fusions of the national economies of the 16 sovereign partner states in order to accelerate, foster and encourage the economic and social development of their States and thus improve the living standards of their peoples.<sup>xlvi</sup>

The resolve of the founding fathers was stimulated by the momentum generated by the United Nation's New World Order. Before its official declaration, the United Nation's Economic Commission for Africa had been operating on that principle. In two resolutions in 1965,<sup>xlvii</sup> it recommended that Member States of the Commission should establish as soon as possible, sub-regional inter-governmental machinery for harmonizing their economic and social development which African States could not avoid because it had become a leitmotif in regionalism discourse that regional economic integration was in the words of Kamara, "a compelling necessity for African countries in view of the small market size of most African economies... which created poor prospects for viable industrialization."<sup>xlviii</sup>

Globally, domestic financial markets were opening to wider platforms and Africa was being by-passed because of the continued over-regulation and restriction of goods and capital flows. It was almost as if African leaders did not have a choice. They had to bond and prepare more than ever before to "face the consequences of their common economic heritage and together, draw the salient conclusions from their present position in the configuration of history."<sup>xlix</sup> The realities of the stymied economic condition of West African States made industrialization and economic integration to have new relevance for the "maturing African leadership."<sup>1</sup> The stimulants for integration and liberalization were overwhelming, compelling, and urgent. As Onukwa has pointed out,<sup>ii</sup> economic integration has an industrialization and development effect and this was reaffirmed by a study prepared for the E.C.A by R.M. Bostock and T.R.C. Curtin.<sup>iii</sup>

#### 4. Conclusion

ECOWAS as a concept, a dream, has retained its attraction. It carries in it, great potential for the economic transformation of the region. It also has the promise of turning the region into an industrial hub, as the Member States "complete" in the production of goods and services for export. The question over the years has been how to actualize this potential. This paper has adduced many reasons for the sorry pass the region has been trapped in. but the view of the paper is that so long as the Treaty exists on paper, all hope is not lost.

What ECOWAS sorely lacks is leadership. Nigeria, which ought to have assumed the natural leadership of ECOWAS is more or less a colossus with feet of clay, still unable to grapple with its own challenges of nationhood and rendered comatose by corruption and insecurity. Ghana has also failed to fill that gap because of its characteristic insularity, probably still smarting from the Ghana-must-go saga. On January 17 1983, the Nigerian Government sent over one million migrants packing, majority of whom were Ghanaians. According to Sadik Aboagye, "the Nigerian Federal Government order compelled those of us who did not permit residential permits to leave Nigeria... (and) my hope and desire to ... brighten my future and that of my family was truncated by this expulsion order." The event, according to him was "a sad occurrence in Africa's chequered history and should serve as a reminder and warning to all Africans on the need to treat each other with kindness and decency."<sup>liii</sup>

Recently, Ghanaians also invented a Nigeria-must-go bag in Ghana, targeted at Nigerians who were being evicted from their homes or sacked from their jobs. This clearly demonstrates that the ill-wind blowing the two countries has not dissipated, causing both of them unable to provide the leadership that ECOWAS desperately needs.

The two countries have to find a final solution to the simmering ill feelings for the sake of fostering the goal of economic integration. In fact, in 2011, there was a call for an Aliens Compliance order to rid Ghana "of the criminal element (sic) of Nigerians within Ghana."<sup>liiv</sup> The plan was to kick out "all those who overstayed their visa ... auditing the source of funding for many of the criminal business ... from Nigeria."<sup>liv</sup> the author said, "let them start with the most lucrative Nigerian banks, (refunding their investments first though), they should close down Silver bird Cinema ..., they should send all the fee paying Nigerian University graduates back home, refunding any fees paid for the current semester of course. They should buy back all the land and houses paid for by Nigerians." The question is, when will this vitriol end? If it does not, the insularity will continue and economic integration will of course remain elusive.

#### 5. Recommendations

In view of the latent mutual feeling of discontent between the two potential leaders of ECOWAS, a Ghana-must-go/Nigerian-must-go Summit should be convened by the two countries for the purpose of finally sealing and buying the coffin of the unfortunate Ghana-must-go saga, as well as the Ghanaian Aliens Deportation order of 1969 which also threw many Nigerians out of Ghana. A template for mutual compensation should be drawn up and executed and a formal 'concordat' for reconciliation should be drawn up and religiously adhered to.

Secondly, Nigerian, as the "Big Brother" in Africa, should take up the leadership of ECOWAS and use its size and power to steer the Community towards more practical and integration enhancing paths.

Third, the Commission should play a more active and vocal role by constantly sensitizing civil society and the citizenry on their roles towards the actualization of the dream of integration, and the attendant benefits there from. A sensitized civil society and citizenry will be empowered to pressure then respective Governments to wake up and pay attention to a comatose but potentially vibrant ECOWAS.

## 6. References

- i. ECOWAS 1975 Treaty, Article 2 (2) (a) (d) and (f)
- ii. Article 2 (1)
- iii. Article 2 (Revised Treaty)
- iv. Daily Trust Newspaper article titled: "Seven West African Countries: One Bus Ride" (author not indicated), 15 March, 2008, www.dailytrust.com. p. 1 .online edition, 2003, p.I.
- v. An ECOWAS Compendium of Protocols Conventions and Decisions Relating to the Free Movement of Persons and Goods, p.II
- vi. Article 2 (2) and (3)
- vii. ECOWAS Compendium, p.197
- viii. Ibid, p.67
- ix. The then Executive Secretary of ECOWAS, speaking at a Conference on Democracy and Development in West Africa in the Next Millennium, held at the ECOWAS Secretariat Abuja in October 1999
- x. Ibid
- xi. Thisday Newspaper, Dec. 10 2006, p. 21
- xii. Ibid
- xiii. Nigeria and the ECOWAS Since 1985: Towards a Dynamic Regional Integration, Fourth Dimension Publishing Co. Ltd. Enugu and the Nigerian Institute of International Affairs, Lagos, 1991, p.1.
- xiv. 2007 ECOWAS Report, p. 61.
- xv. Ibid, p. 51. (See also the article titled: Seven West African Countries, One Bus Ride, Daily Trust-online note 4)
- xvi. Quoted in Nigeria and ECOWAS Since 1985, op. cit., p.2
- xvii. Ibid, p. 133.
- xviii. Leading exponent of functionalism after 1985. (Quoted in Nigeria and the ECOWAS since 1985, Ibid, p.3
- xix. Ibid
- xx. Ibid, pp. 3, 4
- xxi. Nigeria and ECOWAS Since 1985, op cit, p. 5
- xxii. Ibid
- xxiii. Ibid. (An example is that Nigeria buys salt for its petroleum industry from Brazil instead of Ghana, which is a major producer.)
- xxiv. Standing Order No. 3/1933, 25 April 1933, at Sekondi, by W. Duncan, British Commissioner for Western Province of the Gold Coast, to the District Commissioner of Axim District V - 16 – 1503487, Archives National de la Cote Ivoire, Abidjan
- xxv. Readings and Documents on ECOWAS: Selected Papers and Discussions from the 1976 ECOWAS Conference, Nigerian Institute of International Affairs, (NIIA), Lagos, 1983, p. 31.
- xxvi. Ibid.
- xxvii. Ibid, p. 34.
- xxviii. Ibid.
- xxix. Ibid.
- xxx. Ibid, p. 35.
- xxxi. Ibid.
- xxxii. Ibid, p.40.
- xxxiii. Ibid at p. 32.
- xxxiv. The Punch Newspaper, 30 – 10 – 03, p. 4.
- xxxv. The Guardian Newspaper, 9 – 9 – 08, p. 4.
- xxxvi. Ibid.
- xxxvii. Former Director-General, Nigerian Institute of International Affairs, (NNIAN) Laos, The International Conference was held at the NNIA, May 2006. (See Business Times, May 29-June 4, 2006, p.13)
- xxxviii. Ibid.
- xxxix. G. A. Obiozor et al (ed.) West African Regional Economic Integration: Nigerian Policy Perspectives for the 1990, NIIA Lagos, 1994, p.25.
  - xl. Ibidp. 14.
  - xli. M.A. Ajomo and O. Adewale (ed. African Economic Community Treaty. Issues, Problems and Prospects, Lagos: Nigerian Institute of Advanced Legal Studies Publication, 1993, p. 339.
  - xl. Ibid Ip. 338.
  - xlii. Ibid Ip. 338.
  - xliii. Ibid.
  - xliv. G.A. Obiozor et al (ed.) West African Regional Economic Integration: Nigerian Policy Perspectives for the 1990 NIIA Lagos, 1994, p. 25.

- xlv. Uka Ezenwe, "ECOWAS and the Economic Integration of West Africa", Ibadan: West Books Publishers, p. 51.
- xlvi. Forum Proceedings: "Financial Market Integration and Development in Africa". (Collection of Papers Presented at the Forum Organized by the Organization of African Unity/African Economic Community Secretariat at Grand Bay, Mauritius, from 15-17 July 1997), p. 25.
- xlvii. Resolutions 142 (viii) and 145 (viii), at the 7th Session in Nairobi, February 1965.
- xlviii. Forum Proceedings: op cit, p. 30.
- xlix. Chinedu Chime, *Integration and Politics Among African States: Limitations of Mid-Term Theorizing*, Scandinavian Institute of African Studies, Uppsala, Denmark, 1977, p. 332.
  - 1. Ibid.
  - li. Onwuka, *Development and Integration in West Africa: ECOWAS*, University of Ife Press, 1982, p. 45.
  - lii. U. N. (ECA cm 1.2/Int/TP/7,9 July 1973. It is supported by Hazelwood, A. in his work on "the East African Common Market: Importance and Effect, "Importance and Effect, "Quoted by Ralph Onwuka, *Supra*, p. 15.
  - liii. Ibid
  - liv. Buffeard, *Nairaland Forum*, [www.nairaland.com](http://www.nairaland.com). July 27, 2011. (Accessed 27 January 2016).
  - lv. Ibid