



REGIONAL INTEGRATION OBSERVER

Contents

Migration and Civil Society as
Development Drivers within a
Regional Context 1

Publications: WAI Critical Analysis
and Action Strategies 3

European Top Positions after the
European Elections 4

Publications: ZEI Discussion Papers 5

The Dual Challenge of the Chair-
man of ECOWAS: The Case of John
Dramani Mahama 6

Publications: WAI-ZEI Papers 7

An Overview of the SADC Protocol
on Trade in Services 8

The Terrorism Challenge in West
Africa: Regional Dynamics and the
ECOWAS Response 10

Ludger Kühnhardt.
Africa Consensus: New Interests,
Initiatives and Partners,
Washington D.C./Baltimore, 2014.... 12

Regional Integration Observer (RIO)

The RIO takes a comparative look
at West African and European
integration and deals with the
relations between the two
regions. It is a new platform for
exchange.

Vol. 2 No. 2 October 2014



The participants of the 5th WAI-ZEI Meeting of the Study Groups on 8 and 9 September 2014 at the Ministry of External Relations of Cabo Verde (MIREX) in Praia.

Migration and Civil Society as Development Drivers within a Regional Context

"The Ebola Crisis clearly reflects the governance deficits on the African continent and makes integrated answers on a regional level more necessary than ever before. Since the first outbreak of Ebola almost thirty years ago, no consequences and lessons have been drawn". It was with these unequivocal words that the Chairman of the WAI-Board and former Foreign Minister of the Republic of Cabo Verde, Jose Brito, welcomed the participants of the 5th Study Group Meeting in the framework of the WAI-ZEI Research Cooperation which took place from 8th until 9th September, 2014

in the Ministry of External Relations (MIREX) of Cabo Verde. The current epidemic outbreak led to a reduced number of participants at the meeting due to border closures by the Government of Cabo Verde. In light of this alarming crisis, the potentials and problems in the field of migration and civil society engagement, which are inherently connected to the current Ebola crisis, were discussed by prestigious scholars and practitioners from both Europe and West Africa. For the first time in the WAI-ZEI Project, some participants held their presentation via video link. This

further proves the growing importance of modern communication technology in the area of education and research in West Africa, which can be utilized to overcome existing infrastructural deficits. This topic will be discussed in detail within a further workshop in the framework of the WAI-CEDIR Fellowship. Financed by the German BMBF, the workshop will scrutinize the connection between higher education and regional integration and is scheduled at the end of September in Praia.

In her introductory speech, the General Director of WAI, Prof. Djénéba Traoré, indicated to the results of the WAI-ZEI Research Cooperation and also presented the most recent publications of WAI.

Subsequently, the presentations in the economic research area paid particular attention to effects of intra-regional migration on the regional labour market of West Africa. In response to data deficits, the recommendation to introduce a Migration Information System was raised. Furthermore, the experts stressed the importance of surmounting lan-

guage barriers through targeted and timely education measures. What is more, border management in West Africa ought not to be perceived by responsible bodies as a means of control, but rather as security services for citizens in the framework of the free movement of people within the ECOWAS Zone. However, this would require a deep and lasting change in awareness.

In the framework of further study sessions, the potential and impact of international remittances by migrants and members of the Diaspora for their countries of origin was assessed. Remittances represent cross-border financial support via person-to-person payments from the Diaspora to assist their families in the countries of origin. In order to better apply and make use of the economic potential of remittances as a source of poverty reduction and future investment stimulus, the African Union (AU) recently established the African Institute for Remittances (AIR). Its experiences were shared in the context of the conference. Additionally, Prof. Matthias Lücke from the Kiel Institute for the World Economy highlighted the importance of a targeted facilitation of legal migration and the adjustment of international education, pension and health system standards in order to prevent „Brain Drain“ and illegal migration. To allow for the possible return of migrants to their countries of origin (circular migration), domestic conditions have to be altered and improved as well.



The Chairman of the WAI Board, Jose Brito, interviewed by Cape Verdean media.

In the context of the first research area, which focuses on political aspects of regional policy formulation, Prof. Ludger Kühnhardt presented a historical review of the last hundred years following the beginning World War I, to point to the lessons learned from this seminal catastrophe and analyze its effect on the development of regional awareness. Simultaneously, he emphasized that these lessons are constantly put to the test via pressing global conflicts. Consequently, a convincing and active promotion of the regional idea under the umbrella of democratic values remains essential. The intrinsic link between the importance and contribution of civil society and cultural factors became evident during further presentations. Nana Afadzinu of the West African Civil Society Institute (WACSI) in Ghana underlined that civil society actors, ranging from student organizations to unions, have always been engines of regional integration in West Africa. This holds also true for the engagement of NGOs and women's organizations in the field of peace and security. However, she also critically assessed that the actual

SPONSORED BY THE



Federal Ministry
of Education
and Research

political influence of these transnational actors remains limited and their potential unused due to obstacles in capacity-related and organizational shortcomings. Prof. Stefan Fröhlich from the University of Erlangen-Nürnberg advocated in his presentation that the role of civil society in Europe only gained importance after the epochal events of 1989/90. The critical, if not even negative, attitude vis-à-vis the European integration process until the present day can also be referred back to the widely perceived distance between EU institutions and the European people. This was reflected, according to Prof. Fröhlich, in the refusal to accept the European Constitution in 2005. In light of these problems, he further highlights the learning potential for Europe that radiates from the bottom-up development of civil societal engagement in West Africa since the 90s.

Additionally, Prof. Abderrahmane Ngaidé from the Université Cheick Anta Diop in Dakar assessed the importance of cul-

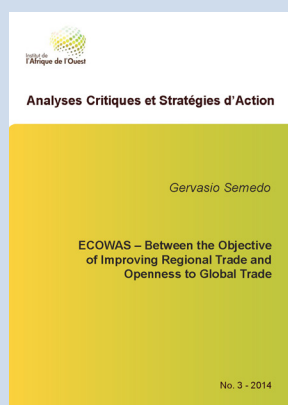
tural diversity for regional integration in West Africa. From his perspective, the historical experiences of the region with its historical kingdoms and diverse governance-styles existing in harmony or at least compatibly, are proof of the fact that the perceived ethnic fault lines of today do not represent an insurmountable hurdle for regional integration. Instead, cultural diversity ought to be used in order to achieve the proclaimed goal of an "ECOWAS of the People".

Finally, Prof. Manuel Guilherme Junior in his position as Director of the Centre of Studies on Regional Integration and SADC Law in Maputo, Mozambique, presented a supplementary comparative perspective. In his presentation about the challenges for integration in Southern Africa, he suggested that while the ECOWAS region recently introduced a Customs Union, this step in integration is missing within the Southern African Development Community (SADC) due to the multiple memberships of its constituent mem-

bers. Against this background, the creation of a so-called Tripartite Free Trade Agreement is about to be implemented which not only includes SADC, but furthermore the members of the Common Market of Eastern and Southern Africa (COMESA) and the Eastern African Community (EAC).

The workshop was part of the research- and consultation project "Sustainable Regional Integration in West Africa and Europe", a cooperation between WAI and ZEI. The project is financed by the German Ministry for Education and Research (BMBF) over the years 2012 until 2016. It has been identified as a beacon project in the framework of the Ministry's Africa Strategy. The next workshop will take place in Praia in March 2015. Further aspects of the project include the established WAI library in Praia as well as the envisaged establishment of a special Master Program in African Regional Integration, in close cooperation with the National University of Cabo Verde (UNI CV).

Publications: WAI Critical Analysis and Action Strategies



Mendes, D., 2014. Programa da Moeda Única da CEDEAO: Que Lições da Crise na Zona Euro? IAO Análises Críticas e Estratégias de Ação 7/2014, Praia: IAO.

Igue, J., 2014. Les enjeux de l'Intégration Régionale. IAO Analyses Critiques et Stratégies d'Action 6/2014, Praia: IAO.

N'Gaidé, A.; Sillah, K.; Goura Soule, B.; Alaba, O. and Murray, E., 2014. Intégration régionale en Afrique de l'Ouest: Dynamiques socio-historiques, Stratégies des Acteurs et Contributions des Chercheurs. IAO Analyses Critiques et Stratégies d'Action 5/2014, Praia: IAO.

European Top Jobs after the European Elections

by Torsten Kim Schreiweis*



Family photo of the Special meeting of the European Council on 30 August 2014 in Brussels. © Council of the European Union.

I.

At an EU Special Summit on August 30th, 2014, the European Council elected Donald Tusk as its new president.¹ On the one hand, the choice of the moderate-conservative Polish Prime Minister for this position and the choice of the left-liberal Italian Foreign Minister Federica Mogherini as the new High Representative of the Union for Foreign Affairs and Security Policy² came as a surprise. On the other hand, they reflect the consensus-oriented political style, common in the EU. Donald Tusk is considered to be a convinced European, who, as a former head of government understands the national interests of Member States, who furthermore has a very good network and is an esteemed interlocutor at the European level. However,

1 Day, M. and Waterfield, B., 2014. Donald Tusk, the new head of Europe. Telegraph Online, [Online] 31 August. Available at: <http://www.telegraph.co.uk/news/worldnews/europe/eu/11066174/Donald-Tusk-the-new-head-of-Europe.html>, [Accessed on 8.10.2014].

2 European Union External Action Service, 2014. Italy's Federica Mogherini appointed as new EU High Representative. EEAS Website [Online] 30 August. Available at: http://eeas.europa.eu/top_stories/2014/300814_federica-mogherini-appoint-en.htm, [Accessed on 8.10.2014].

if Ms Mogherini, with her double hat as High Representative and at the same time Vice-President of the Commission, has the necessary experience and skills to further enforce European Foreign Policy in light of continuing international crises, remains to be seen.³ With their decisions, the European heads of state and government wanted to show – and maybe could show for the last time – the European officials in the Commission and the Members of the European Parliament that the Member States are still the most influential actors with regard to the appointment of high-ranking political personnel in the EU.

II.

The casting for the European Commission President had already shown that exactly this influence is diminishing. In spite of considerable reservations in the European Council, the heads of

3 Vicenti, D., 2014. Profile: Federica Mogherini. The next EU foreign affairs chief. Euractiv, [Online] 30 August. Available at: www.euractiv.com/sections/global-europe/profile-federica-mogherini-next-eu-foreign-affairs-chief-308102, [Accessed on 8.10.2014].

state and government could not impede the appointment of the contested former Prime Minister of Luxemburg, Jean-Claude Juncker. After his victory in the elections to the European Parliament in May 2014, he managed to secure support, even from his former adversaries, in order to exert pressure on the European Council to take into account Art. 17, No. 7 of the EU Treaty which states that the heads of state and governments have to take into account the elections to the European Parliament when proposing a new Commission President.⁴ As a consequence, for the first time in history, the European Union will now have a Commission President who is not dependent on the goodwill of the Member States but on the trust of the European Parliament. This was an important step on the way to enhancing the democratic legitimacy of EU institutions. With Jean-Claude Juncker as the

4 European Parliament, 2014. Parliament elects Jean-Claude Juncker as Commission President. EP Website, [Online] 15 July. Available at: <http://www.europarl.europa.eu/news/en/news-room/content/20140714ipr52341/html/Parliament-elects-Jean-Claude-Juncker-as-Commission-President>, [Accessed on 8.10.2014].

top candidate of the European People's Party (EPP), for the first time the will of the European electorate, at least in an indirect way, determined the choice of the Commission President. The heads of state and government will certainly not revise this modus of appointment in future European elections.

III.

However, this was not the end of personnel decisions being made behind closed doors, for which Brussels is so well-known. While the appointment of the Commission President was refreshingly transparent and democratic, the selection of the members of the Commission again showed its typical obscure and non-transparent character.⁵ Even though Juncker could not push through all of his candidates, there seems to be a „modus vivendi“ between

⁵ European Commission: The Juncker Commission. A strong and experienced team standing for change. EC Website, [Online] 10 September. Available at: http://europa.eu/rapid/press-release_IP-14-984_en.htm. [Accessed on 8.10.2014].



The new president of the European Commission, Jean-Claude Juncker.
© European Commission

the Commission President and the Members of the European Parliament. The hearings of the designated Commissioners in the technical committees of the European Parliament seemed to run quite smoothly for the candidates with some exceptions. As these candidates are proposed by the national governments, the influence of the Member States eventually seems to increase again. Even though with regard to the appointments of former European Commission the personal and professional aptitude of national candidates was openly questioned by Parla-

mentarians, the EP did not want to weaken Jean-Claude Juncker too much after having pushed him through as Commission President.

IV.

One great shortcoming remains. The debate in the EU is still focused more on personnel and national sensitivities than on topics and political direction. The political guidelines⁶ of the new Juncker Commission play a minor role in public discussion and media perception. Therefore, Europe should discuss more about political topics, problems and challenges than about posts and persons.

* Torsten Kim Schreier was Junior Fellow at the Center for European Integration Studies.

⁶ Juncker, J.-C., 2014. A new start for Europe: My agenda for Jobs, Growth, Fairness and Democratic Change. [Online] Available at: http://ec.europa.eu/about/juncker-commission/docs/pg_en.pdf. [Accessed on 8.10.2014].

Publications: ZEI Discussion Papers



Rühl, L., 2014: European Foreign and Security Policy since the Lisbon Treaty – From Common to single?, ZEI Discussion Paper C 226, Bonn.

Kühnhardt, L., 2014: Die proto-konstitutionelle Etablierung der europäischen Innenpolitik, ZEI Discussion Paper C 225, Bonn.

Wunder, C., 2014: Communication and Campaigning in European Citizens' Initiatives, ZEI Discussion Paper C 224, Bonn.

Kühnhardt, L., 2014: Gibt es eine politische Philosophie der Europäischen Union?, ZEI Discussion Paper C 223, Bonn.

The Dual Challenge of the Chairman of ECOWAS: The Case of John Dramani Mahama

by Daniel Yeboah*

Today, more than ever before, the people of West Africa want to see the ECOWAS impacting positively on their well-being; they want to see concrete policies to create an environment conducive for accelerated integration; they want to see institutions responsible for implementing these policies strengthened, the infrastructure to support the process developed; and national regulatory frameworks harmonized. This requires from successive chairpersons of the sub-regional organization pragmatic leadership rather than rhetoric. The challenge is for John Dramani Mahama to show the way.

As President of the Republic of Ghana (since 24th July, 2013), John Dramani Mahama was elected to succeed Alassane Dramane Ouattara, President of the République de Côte d'Ivoire, at the organization's 44th Summit in Yamoussoukro, Côte d'Ivoire, on 29th March, 2014 as Chair of the Authority of Heads of State and Government, the highest decision-making body of the ECOWAS. Elected for a one-year period, the position is held by the sitting President of a member state of the ECOWAS. During the one year tenure, he combines the duties of the Chairman of the ECOWAS with his duties as President of his country.

Since John Mahama became President of the Republic of Ghana, the country's economy, which had seen remarkably

steady growth under his two predecessors, has been performing abysmally, a situation attributed mainly to excessive borrowing and corruption. With the cedi depreciating about 27% since the beginning of 2014, a worsening budget deficit for two consecutive years, and declining GDP growth¹, Ghana has been declared the worst performing



The President of Ghana and Chairman of the ECOWAS for the term of one year, John Dramani Mahama.
© <http://www.presidency.gov.gh/>

economy in Africa, in spite of its newly found oil revenues.

These domestic challenges notwithstanding, John Dramani Mahama, in his acceptance speech as Chairman of the ECOWAS, promised to push the integration process forward through key areas: peace and security, the ECOWAS single currency, and regional infrastructural projects. These are issues at the core of the integration process, and will require both short-term and long-term measures to address them. However, as he did not give any details regarding targets, resources,

and strategies to achieve them, one can only hope that he is truly committed to his word.

The absence of peace and security in the sub-region has been the bane of the integration process. It has hindered development in the affected countries as well as subregional projects. While internal conflicts in member countries have been reduced, new and more complex forms of security threats are emerging. Islamist extremism, terrorism, piracy, worsening drug use and trafficking are among these threats. Consolidating peace in Mali, halting Boko Haram's atrocities on innocent civilians in Nigeria, and addressing the dire economic situation of Guinea Bissau (resulting from years of conflicts) will all have positive implications for security in the sub-region, but they are definitely not enough. The new forms of security threats deserve equal attention, if not more. As regards the idea of a single currency in West Africa, the project attracted interest from policymakers, researchers, and other development partners over several decades², but gained a new momentum with the successful creation of the West Africa Economic and Monetary Union (WAEMU) in 1994. Unfortunately, the ECOWAS countries not using the West African CFA Franc have not succeeded in realizing the planned

¹ <http://graphic.com.gh/news/general-news/20138-bawumia-ghana-s-economy>. [Accessed 30.07.2014].

² Seck, D., 2013. Proposed Architecture for an ECOWAS Common Currency Union. WAI-ZEI Paper No. 9, Bonn: WAI/ZEI.

second monetary zone (WAMU), partly because members have not been able to meet the convergence criteria. It is worth noting that this is a prerequisite for ECOWAS-wide monetary integration,³ for which there has been little unifying progress. Given the potential the project holds for the sub-region, coupled with the support it enjoys among ordinary West Africans, it is definitely a good feat to pursue. Though the target date is sixteen years away, its success or otherwise begins today.

Lastly, there is the need to pay attention to ongoing regional infrastructural projects as well as new ones. The West African Gas Pipeline (WAGP), a natural gas pipeline to supply gas from Nigeria to Benin, Togo and Ghana, was completed in 2006 and

was supposed to flow in 2007, but this is yet to happen; and the Abidjan – Lagos Highway, meant to connect Ivory Coast to Nigeria, through Ghana, Togo and Benin, is long overdue. Others such as telecommunication (broadband), education, research and innovation, renewable energy and a forward looking climate change policy hold huge potential for the sub-region, in terms of free flow of persons as well as goods and services. Until these are in place, it will be difficult to realize the full benefits of the integration process.

From the foregoing discussion, it is fair to conclude that President Mahama's priority projects reflect reality. However, the lack of further details gives little room for optimism. President Mahama must show in

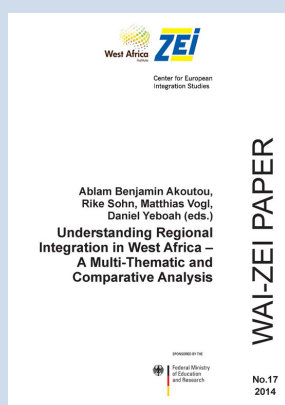
concrete terms what his targets are within the first year, how to achieve them, with which resources. He must show how he intends to mobilize support for ratification of the Economic Partnership Agreement EPA, lead international efforts to combat the Ebola threat, and demonstrate commitment to strengthening institutions to support THE ECOWAS OF THE PEOPLE project. In doing so, President Mahama would have begun a process that will lead to real concrete change across West Africa; he would have blazed a trail for which he could be remembered by generations to come.



* Daniel Yeboah is WAI-ZEI Project Coordinator of the Research Area „Economic Integration and Regional Trade“ in Praia.

³ Seck, D., 2013. Proposed Architecture for an ECOWAS Common Currency Union. WAI-ZEI Paper No. 9, Bonn: WAI/ZEI.

Publications: WAI-ZEI Papers



de Roquefeuil, Q., 2014: EPA negotiations are (almost, finally) over. What next?, WAI-ZEI Paper No. 19, Praia/Bonn.

Bas, C., 2014: Aspects fiscaux de la formulation de la politique énergétique européenne, WAI-ZEI Paper No. 18, Praia/Bonn.

Akoutou, B./Sohn, R./Yeboah, D. and Vogl, M., 2014: Understanding Regional Integration in West Africa – A Multi-Thematic and Comparative Analysis, WAI-ZEI Paper No. 17, Praia/Bonn. (also in French and Portuguese)

Fofana N'Zué, F., 2014: Formulating a Regional Policy for Energy and Technology / Innovation: What Role for Taxation?, WAI-ZEI Paper No. 16, Praia/Bonn.

Kokil, B., 2014: Cross-country Data Analysis of Services Trade – Data Availability and Harmonization in West Africa, WAI-ZEI Paper No. 15, Praia/Bonn.

And others...

An Overview of the SADC Protocol on Trade in Services

by Almeida Machava*

An analysis of the Southern Africa Development Community (SADC) Protocol on Trade, adopted in 1996, reveals that it has a wide scope of application but with a minimum incidence. In the sense that, on the one hand, it includes within its subject trade in goods, services, intellectual property and other matters related to trade, as defined in its objectives (paragraph 1, Article 2 of the Protocol, and Part Six, of the Protocol). On the other hand, it is more preoccupied with trade in goods rather than with services and other related issues whose regime the Protocol refers to that established in the WTO rules, as one can see in the Articles 23 and 24 of the Protocol.

This posture of the Protocol on Trade regarding “other trade-related issues”¹, as services, was criticized primarily because the WTO rules are defined taking into account the international trading scenario, not looking to the specificities of regions such as Southern Africa, where heterogeneity or diversity is the main characteristic. It was suggested that the Community should adopt, at the regional level, rules and disciplines on services and other trade-related matters taking into account the specificities of the region, since by adding this regional stamp to the integration process, participating customs territories can

better benefit from regional integration.²

It is valid to say that the acceptance of regional integration arrangements as an exception to the multilateral rules lies in the philosophy that by giving customs territories the power to set up their special regulations within the multilateral trading system context they could better define rules and disciplines that can allow the achievement of the common objectives, since those special regulations will take into account their specificities.

The WTO General Agreement on Trade in Services (GATS) provides, in Article V, the possibility for the WTO Member States to create agreements on the liberalisation of trade in services within the above mentioned philosophy. Therefore, by engaging in a process of drafting regional rules on trade in services, it was expected that the SADC lawmakers bear in mind this philosophy behind regional integration, and look at the specificities of the region and define the adequate rules. However this was not the case.

In 2012 the SADC members adopted the Protocol on Trade in Services, which in general is a “copy and paste” of the WTO General Agreements on Trade in Services (GATS). This can be seen

not only in the structure of both instruments but also in the content of a number of their provisions. For example, if one looks at the provisions on scope and coverage, Article 3 of the SADC Protocol on Trade in Services and Article I of GATS, one can see that both instruments have the same content. The apparent difference derives from the fact that the SADC Protocol had detailed some concepts provided in the GATS.

By doing this, the SADC lawmakers missed an opportunity to respond to the specificities present in the services sectors in the region present, and the maintenance of the multilateral rules for the region was not the best technique. It is true that the allowance of regional agreements for the liberalisation of trade in services shall not contradict multilateral rules, as those of GATS, that is, regional agreements must be created in conformity with GATS rules, but this does not mean the replication of those multilateral rules. There is a wide range of discretionary powers to adapt multilateral rules to the regional reality without going against multilateral commitments. Moreover, if the Protocol on Trade in Services was merely to replicate the GATS there is no justification for its adoption since through the Protocol on Trade the application of GATS rules is guaranteed.

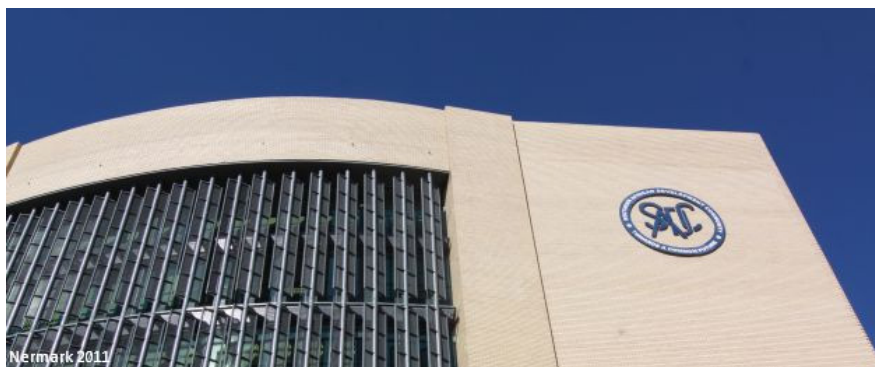
One can say that Article 16, paragraph 4 of the SADC Protocol on

1 See among others, Ng'ong'ola, Clement. 2000. Regional Integration and Trade Liberalization in the Southern African Development Community. *Journal of International Economic Law* 3(3), p. 496.

2 See, Machava, Almeida Zacarias, 2011. SADC, Uma Pseudo-Integração Regional a caminho da União Aduaneira. *Temas de Integração*, 1.º e 2.º Semestre de 2010, nos 29 e 30, Almedina, Coimbra, pp. 233-252. In Portuguese.

Trade in Services, by adopting the principle of asymmetry, took into account the specificities of SADC as a heterogeneous organization in terms of the configurations of the economies involved in the regional integration process. However, the GATS has already safeguarded this situation through its Article IV, paragraph 3 and Article XIX. Thus, this is not particular to SADC Trade in Services.

The services sector has been witnessing significant developments during the last decade, and the statistics show that in 2006 services contributed around 50% to the regional GDP.³ Therefore, it was important to draft regional rules on services that reinforce the importance of services in the process of regional integration. For that, it was desirable that the drafters of the SADC Protocol on Trade in Services went beyond the requirements of GATS, and the regional services market offers excellent conditions for that. For example, the six priority services sectors defined in Paragraph 2 of Article 16 of the Protocol on Services (communication, construction, energy-related, financial, tourism and transport) would be well accompanied by other services sectors like labour and social security, insurance and information services. This is to say that the relegation of labour services to the second plan, by redirecting it to particular considerations of the SADC member states (Article 17) or by referring their consideration to a later time in the integration



The Headquarter of SADC is based in Gaborone, the capital of Botswana. © www.sadc.int

process (Article 21), as well as the exclusion of social security and insurance from the priority services sectors are some of the negative aspects one can identify in the Protocol on Trade in Services of SADC, as these neglected services are currently significant in the region. The significant growth of foreign investment in the region as well as of the intra-regional transactions during the recent years, demand modern approaches to labour and insurance markets, and being in a progressive and irreversible regional integration process. Considering the political discourses, the SADC country governments must take note of those claims and take adequate measures to ensure that the economic achievements of today do not become the big burden of tomorrow.

Another interesting aspect one can retrieve from the SADC Protocol on Trade in Services is the fact that it provides its rules and procedures for dispute settlement in the Annex I to the Protocol. This is not understandable if one considers that the SADC Protocol on Trade, which also covers trade in services, pro-

vides rules and procedures for dispute settlement. Moreover, this is more less understandable if one sees that the dispute settlement mechanism provided by the Annex I to the Protocol on Trade in Services is *ipsis verbis* the same found in the Annex VI to the Protocol on Trade. Therefore, there was no need to add the Annex I to the Protocol on Trade in Services to reproduce what has already been adopted in the region. If the idea was to unify dispute settlement mechanisms the best solution would have been to put in Article 25 of the Protocol on Trade in Services that in case of disputes emerging from the application of the Protocol one should refer to the Annex VI of the Protocol on Trade. By providing rules and procedures for dispute settlement in the Protocol on Trade in Services it was expected that it brings added value in relation to the Protocol on Trade, but that is not the case.

All the above mentioned aspects reveal the fragilities one can see in the SADC regional integration process, characterised by a total absence of integrative techniques, which could allow

³ See the 2008 SADC Regional Trade in Services Assessment Report: Summary of Findings.

the inclusion of legal integration in the process and give much significance to regional integration in the SADC region. On the other hand, the absence of a global vision of regional integration in the SADC is another driving force of the current scenario in the Community, and the fact that almost two years has passed since the Protocol on Trade in Services was adopted and it is still waiting for the ratifications of the member states to come into force, despite being a fundamental instrument for the development of regional integration

is one excellent example of this absence of a global view of regional integration in the SADC.

In short, this is to say that the SADC Protocol on Trade in Services is an excellent example to support the idea previously advanced before (Machava, cit., 2011) that SADC is, in nature, a “pseudo-integration” rather than an integration⁴.

⁴ See also Cistac, G., 2012: *A Integração Regional em <todos> os seus Estados: SADC e OHADA. Aspectos Jurídicos da Integração Regional*. Maputo: Escolar Editora.



* Almeida Machava is Assistant Professor at the Law Faculty of the University Eduardo Mondlane in Maputo, Mozambique.

The Terrorism Challenge in West Africa: Regional Dynamics and the ECOWAS Response

by Daniel E. Agbiboa*

In his influential article ‘The Coming Anarchy,’ published some two decades ago, Robert Kaplan forecasted a ‘tumultuous’ and ‘bloodier’ future for West Africa, arguing that ‘disease, overpopulation, unprovoked crime, scarcity of resources, refugee migrations, the increasing erosion of nation-states and international borders, and the empowerment of private armies, security firms, and international drug cartels are now more tellingly demonstrated through a West African prism.’¹ Kaplan’s predictions reverberates with the existing reality in many West African states where security and development are stymied by the abiding threats of terrorism, armed conflicts, proliferation of small arms and light weapons (SALW), drug trafficking, illegal oil bunkering,

piracy, and an increase in transnational organised crime (TOC). The situation is compounded by weak state institutions, chronic elite corruption, and impoverished societies that are caught between affluence and affliction, surfeit and scarcity.

In Cote d’Ivoire, Guinea, Liberia and Sierra Leone – four states that make up the Mano River basin – the security situation continues to be undermined by the extralegal movements of armed groups across porous borders and growing ethno-political extremism. Countries of the Sahel region — including Nigeria, Niger and Chad — continue to be affected by the spillover effects of the Libyan and Malian crises. For instance, the Libyan civil war, and particularly the fall of the Ghadafi regime, have given Sahelian insurgent groups like Boko Haram and Al-Qaeda access to

large weapon caches. In the Gulf of Guinea, piracy has seen a quantum leap in the last decade. From January to October 2013, 47 cases of piracy were recorded, of which 29 (62 percent) occurred off the coast of Nigeria.² There are now growing concerns of a possible link between piracy in the Gulf of Guinea and the financing of regional Islamist rebel groups linked to Al-Qaeda. In northeastern Nigeria, the bloody and recurrent guerrilla-style attacks of Boko Haram and Jama’atu Ansarul Musilimi-na Fi Biladis Sudan (Ansaru) have gained worldwide publicity and social media attention. Over 270 Nigerian girls were abducted from a secondary school in the village of Chibok on April 14, 2014, by Boko Haram. Already, 45,000 refugees and returning migrants have fled northern Ni-

¹ Kaplan, R.D., 1994. *The Coming Anarchy*. The Atlantic, [Online] 1 February. Available at: <http://www.theatlantic.com/magazine/archive/1994/02/the-coming-anarchy/304670/>. [Accessed on 15.10.2014].

² Agbiboa, D. E., 2014. *Amnesty at Risk: Is the Niger Delta Sliding Back into Instability?* Conflict Trends, Issue 1. Durban: ACCORD.



Some West African Heads of State at the 45th Ordinary ECOWAS Summit in July 2014 in Accra, where also terrorism was a topic. © www.statehouse.gov.sl/

geria for neighbouring countries like Cameroon, Chad and Niger.³ Northern Mali, particularly the Kidal region, has seen a deterioration in its security condition evidenced by recent deplorable acts of violence and killings perpetrated by separatist and terrorist groups. For example, between May 17 and 21, 2014, the city of Kidal and adjoining towns were hit by hostage-taking and seizing of administrative buildings, as well as the assassination of defenceless civil servants in the performance of their duties.⁴

More worrisome is the fact that radical Islamist groups in West Africa — such as Boko Haram, Ansaru, the Tuareg Separatists of the National Movement for the Liberation of Azawad (MNIA), the Islamists Fighters of Ansar Al-Dine, and the Movement for Oneness and Jihad in West Africa (MUJAO) — are forming tactical alliances with global jihadist groups (such as Al-Qaeda in the Islamic Maghreb (AQIM) and Al-Shabaab in the Horn of Africa) to coordinate and consolidate

their activities.⁵ The linkages between these groups and organised criminal activities are also growing, particularly in the extra-legal flow of SALW and drugs. Military crackdowns on these radical groups in recent years have proved incendiary and counterproductive. In fact, the ‘war on terror’ has facilitated their rapid expansions and interlinkages, goaded their use of extreme tactics, and further sharpened the exclusiveness of their ideology.

The deepening security challenges and intricate linkages between terrorist groups in West Africa and the Sahel clearly underscores the need for ECOWAS to assist member states to ‘prevent, anticipate, prepare and respond better and faster’ to issues that could undermine security and stability in the region. The situation has necessitated the adoption of several regional mechanisms and instruments for enhancing conflict management, security, development and good governance in the region. Some of these instruments include the Protocol on Non-Aggression

(1978) and Mutual Assistance in Defence (1981); the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (1999); the Protocol on Democracy and Good Governance (2001); the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials (June 2006); and the ECOWAS Conflict Prevention Framework (2008). Noteworthy is the recent ECOWAS adoption of the Political Declaration and Common Position against Terrorism at its 42nd ordinary session in Yamoussoukro, Cote d’Ivoire, which makes provisions for the regional Counter Terrorism Strategy and Implementation Plan for the prevention and combating of terrorism among member states.⁶ The Declaration and Strategy are the first major ECOWAS policy framework documents adopted specifically to address the dynamics of terrorism in West Africa.

The Strategy rests on three main pillars: ‘prevent, pursue and reconstruct.’ The first pillar requires member states to undertake various activities to detect and prevent terrorism before it emerges, including ‘ratifying and effectively implementing the relevant legal regimes, eliminating conditions conducive to the spread of terrorism, enhancing early warning and operational intelligence, preventing extremism and radicalisation, and promoting demo-

3 Agbiboa, D. E., 2014. Boko Haram: Nigeria's problem that would not go away. Sahara Reporters, [Online] 17 April. Available at: <http://saharareporters.com/2014/04/17/boko-haram-nigeria%E2%80%99s-problem-will-not-go-away-daniel-agbiboa>. [Accessed on 15.10.2014].

4 ECOWAS Press Release. Final Communique: Extraordinary Session of the Authority of ECOWAS Heads of State and Government. (30 May 2014).

5 Agbiboa, D. E., 2014. Boko Haram and the Global Jihad: Do Not Think Jihad is Over. Rather Jihad has Just Begun. Australian Journal of International Affairs, 68(4), pp.400-417.

6 Onuoha, F. and Ezirim, G.E., 2013. Terrorism and Transnational Organised Crime in West Africa. AlJazeera Centre for Studies, [Online] 24 June. Available at: <http://studies.aljazeera.net/en/reports/2013/06/2013624102946689517.htm>. [Accessed on 15.10.2014].

cratic practices and the protection of human rights.' The second pillar is about enabling member states to undertake rapid, timely and effective response to the terrorism threat. Its key objectives include to 'investigate, intercept and disrupt terrorist planning, networks and activities; promote a rule-based or criminal justice approach that seeks to bring terrorist leaders and their supporters to justice; and cut off terrorist' funding and access to equipment, finances, training, etc.' The third pillar focuses on the aftermath of terrorism or counter-terrorism operation and is geared at 're-building society and enabling the state to heal social wounds caused by terrorism and counter-terrorism activities.' The key components of the Strategy include an ECOWAS Counter-Terrorism Coordination

Unit; an ECOWAS Arrest Warrant; and an ECOWAS Black List of Terrorist and Criminal Networks. Added to this, the Strategy calls for the adoption of an ECOWAS Counter-Terrorism Training Manual.⁷

The Strategy, if well operationalised, provides a 'robust and proactive framework' for neutralising the threat of terrorism in West Africa. The ECOWAS Arrest Warrant, for example, has the potential to strengthen cross-border cooperation among law enforcement agencies. For its full potential to be realised, however, ECOWAS states must take pragmatic measures to ensure that the provisions of both the Strategy and the Declaration

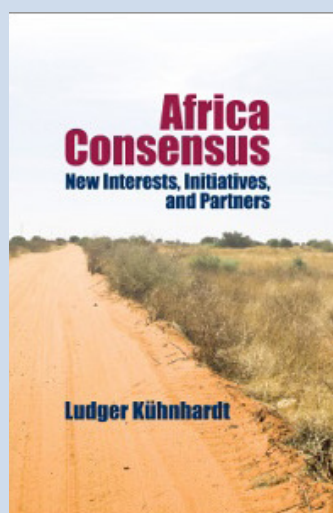
are meticulously enforced at the national and regional level. Also, the ECOWAS Commission should take quick steps to operationalise the Counter-Terrorism Coordination Unit and establish a monitoring mechanism to keep track of the implementation of the Strategy by member states. There is also need for the Strategy to go beyond a security-only approach to engage with the broader existential and ideological context in which radicalisation occurs. Finally, the presence of political will is a *conditio sine qua non* for the successful implementation of the Strategy.



* Daniel E. Agbibo is a Doctoral Scholar in the University of Oxford and a Consultant at the AU Commission (AUC) and Transparency International, UK.

⁷ Ewi, M.A., 2013. The new ECOWAS Counter-Terrorism Strategy and its Implications for West Africa. Institute for Security Studies (ISS), [Online] 13 March. Available at: <http://www.issafrica.org/iss-today/the-new-ecowas-counter-terrorism-strategy-and-its-implications-for-west-africa>. [Accessed on 15.10.2014].

Ludger Kühnhardt. Africa Consensus: New Interests, Initiatives and Partners, Washington D.C./Baltimore, 2014.



In the past, the world scrambled for Africa to win slaves, territory, and resources. Today, the world scrambles with Africa to do business in global markets. In *Africa Consensus: New Interests, Initiatives, and Partners*, Ludger Kühnhardt argues that new African politics, African regional institutions, and global demand for partnerships for trade and security will lead the continent to new relationships with the United States, the European Union, China, India, Brazil, and other emerging economies.

Kühnhardt reviews the history of Africa's international status and employs the rising African Union's own identified "intervention areas"—peace and security; development, integration, and cooperation; shared values; and institution- and capacity-building—to analyze challenges and possibilities.

IMPRINT

ISSN: 1996-9678
Editor: Matthias Vogl:
mvogl@uni-bonn.de
Benjamin Akoutou:
benjamin.akoutou@iao.gov.cv

Center for European Integration Studies
Walter-Flex-Strasse 3, 53113 Bonn
Germany.
West Africa Institute
Avenida de Liberdade e Democracia, N°9
Praia, Cape Verde.

The Regional Integration Observer is published three times a year. Authors are responsible for the views expressed in their contributions.