

**WALKING THE TIGHT ROPE OF DIPLOMACY: ECOWAS APPROACH TO  
INSTITUTIONAL FORMATION AND ESTABLISHMENT OF THE EXECUTIVE  
SECRETARIAT, 1975 – 1977**

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**Abstract**

Few weeks after the signing ceremony of the Treaty forming the Economic Community of West African States (ECOWAS) in Lagos, Nigeria on 28 May 1975, the ECOWAS formation treaty was ratified by threshold of member states in June 1975. The charter envisages the immediate formation of the Executive Secretariat to guide the implementation of regional policies and programs and facilitate the achievement of the community integration objectives. However, the ECOWAS institutional formation process was held hostage and delayed for almost two years by some highly political debacles. Using historical method, this article explores the historical evolution of ECOWAS to highlight the impact of diplomacy on the formation of the Executive secretariat. The analysis in the study indicates that, the mechanism of diplomatic compromise used to resolve the political disagreements affected the formation process and the structure and function of the ECOWAS Executive Secretariat.

**Keywords:** ECOWAS, West African Integration, ECOWAS Executive Secretariat, ECOWAS Operating Protocols, Lomé Compromise.

**Introduction**

The Economic Community of West African States (ECOWAS) is a union of fifteen independent West African countries established to facilitate the integration and economic development of the region. The organisations' charter was signed by Heads of government and plenipotentiaries representing the fifteen member countries<sup>1</sup> on 28 May 1975. Designed in a strict intergovernmental fashion, the ECOWAS formation charter prescribed the formation of an Executive Secretariat endowed with bureaucratic mandate and ambitious objectives. The treaty envisaged the immediate functioning of the Executive Secretariat and the subsequent implementation of set of policies and programs that would eliminate customs duties, remove quantitative and administrative restrictions on trade, establish regional common custom tariffs, and harmonize the agricultural, economic, industrial and monetary policies of the member states<sup>2</sup> to form a single regional market in a fifteen years period.

However, as posited by Friedman, ‘a group of people who want to address a social issue assemble into an organisation. The organisation is unlikely to be institutionalised at that point. In order to be institutionalised, certain features must be established, including the identification of the *raison d’être* (mission, vision, or platform) of the organisation and the development of a framework in line with the members’ relationships. Friedman goes on to assert that the framework is the means by which the function of the organisation is executed. Therefore,

...there must be a set of rules, folkways, mores, and customs. The rules, folkways, mores, and customs constitute a culture that channels the behavior of the members, thus making the behavior consistent, predictable, orderly, and stable.<sup>3</sup>

Citing Selznick, Friedman argued that, the creation of an institution is a historical process that takes time and requires a great deal of interaction between the parties involved. Its members attach value to the forms of processes and product, and the group chooses ways to interact with the task environment. Organisations with the least well-developed technologies and the vaguest objectives are most likely to become extensively institutionalised.<sup>4</sup> Simply put, in an organisational environment, institutions are the centers of social, political and economic interaction and hence the platforms for generating results.

It was in the light of the above that West African leaders resolved to lay emphasis on putting the institutional frame works necessary for the effective functioning of the community. The leaders were keen on taking advantage of the momentum gained at the maiden ECOWAS summit in Lagos by laying a solid institutional foundation for the organization before the euphoria trailing the successful treaty signing ceremony dissipates. The goal was to establish the administrative machinery that will facilitate the implementation of the treaty provisions by aiding the speedy conclusion, adoption, and ratification of the five important operating protocols to be annexed to the treaty.

To that effect, at the end of the Lagos summit, the Authority of Heads of States and Government issued a provisional proclamation for the establishment of the ECOWAS Executive secretariat. The leaders envisaged that, the immediate establishment of the Secretariat will provide ECOWAS with the foundational secretarial services required to facilitate the implementation of relevant provisions of the treaty and aid the smooth take-off of other community institutions.<sup>5</sup>

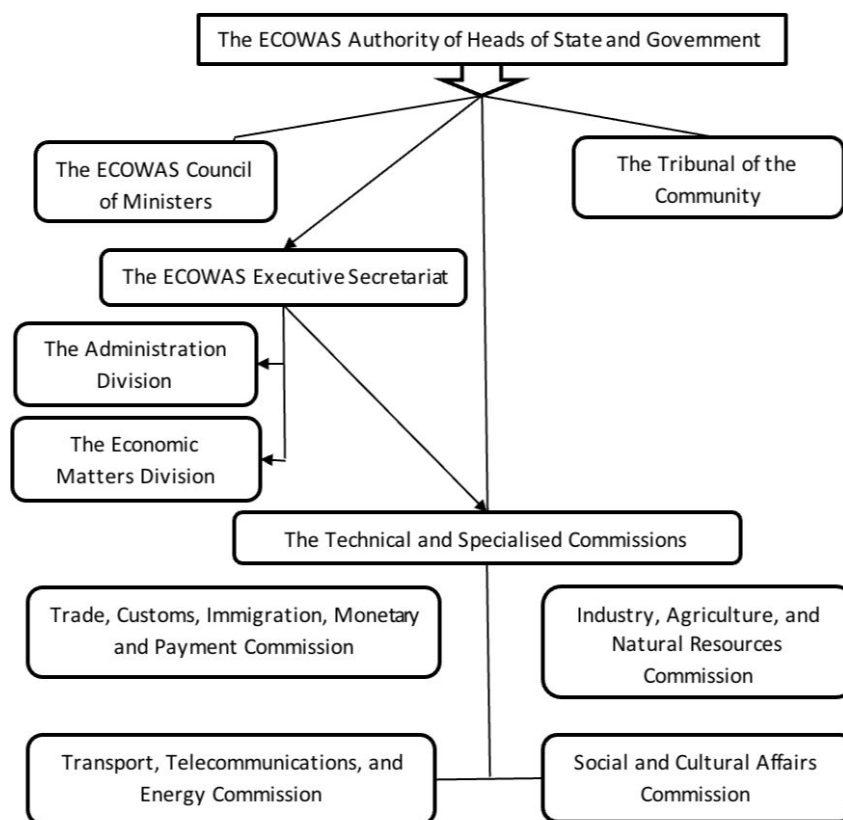
But, in spite of the ardent desire of the leaders to have the secretariat immediately functioning, the process was stalled by political and procedural disagreements. Despite the speed with which the ECOWAS foundational treaty came into force definitively on the 20<sup>th</sup> of June 1975, barely three weeks after the landmark Lagos summit, the formation of the Executive secretariat was delayed by challenges that included, the persistent bickering among member states regarding the location of key community institutions, the contest regarding the selection and appointment of principal officers of the community and the successive military coups and political changes across the region. In addition, the treaty also left some of the details regarding the structure and functions of community institution including the conditions of service of personnel of the executive secretariat to be regulated by the council of ministers, and, or the yet

to be decided protocols that were expected to provide details of the operational modules of the community and the rules and processes to governed ECOWAS agencies and institutions.

### Initial attempts at Operating the ECOWAS Treaty

As asserted above the immediate and timely ratification of the ECOWAS treaty by threshold of member states was a feat, but ECOWAS cannot be said to be operational until the institutions that are responsible for operating the ECOWAS treaty are functional. The foundational treaty provided for an ECOWAS governance structure that comprises of two arms of governance, the Executive and the Judiciary. At the apex of the organization is the Authority of Heads of State and Government, whose chairman is the current Head of State or Government of a member state appointed by other Heads of State and Government of the community. Next in the hierarchy is the Council of ministers also headed by the Minister in charge of ECOWAS affairs in the country of the Chairman of the Authority. These two organs were the only decision-making bodies of the organization recognized in the 1975 foundation treaty.

Figure 1: The ECOWAS Governance Structure 1975 Treaty



While, the Authority is the overall decision-making organ of the community, the council of ministers is vested with the powers to review regional policies and regulate the operation of all other subordinate institutions of the community. In that regard the directives of the Council 'are binding on all subordinate institutions of the Community, and the council is authorize to exercise other powers and duties assigned to it by the Authority.'<sup>6</sup> Down the ladder and for administrative purposes the treaty established an Executive Secretariat, to be headed by an Executive Secretary who is to be assisted by two deputy executive Secretaries, a financial controller and other relevant staffs to be deployed at the secretariat and the various regional agencies to be created.

The treaty also prescribes the stage by stage conditions that must be met for ECOWAS and its institutions to formally begin operating as a regional organization. Articles 61, 62, and 65 of the regional statue stated vehemently that, the treaty provisions shall not be operated unless it is respectively approved by the authority provisionally "and definitively upon ratification by at least seven signatory States in accordance with the constitutional procedures applicable for each signatory State."<sup>7</sup> Article 61(a) stipulated that, the Authority of Heads of States and Government of ECOWAS is the only organ vested with the preserved and exclusive powers of triggering the process for the formal functioning of ECOWAS and its institutions. This decision according to the treaty is to be taken at the first summit meeting of the Authority and shall cover pertinent issues like the choice of location that will host the ECOWAS secretariat, and the selection and appointment of the principal officers of the community. Additionally, the authority shall also give "such directions to the council of ministers and other institutions of the community as are necessary for the expeditious and effective implementation of this treaty."<sup>8</sup> Interestingly, the provisions in article 61 also applies to the provisions of the five protocols under consideration, and as contained in article 62, the instruments so ratified must be deposited by same number of states with the depository state i.e. the Federal Government of Nigeria.

Consequently, on the 30<sup>th</sup> of May 1975, just two days after the signing ceremony in Lagos, the government of the republic of Liberia triggered the constitutional process for the ratification of the ECOWAS treaty. The "Liberian Senate gave its advice and consent,"<sup>9</sup> for the start of the formal ratification process which culminated with the deposition of the instrument of ratification with the Federal government of Nigeria on the 4<sup>th</sup> of June 1975. Between the 30<sup>th</sup> of May, and the 2<sup>nd</sup> of July, 1975, ten other regional states also began the formal ratification process, and by the 21<sup>st</sup> of July 1975, Sierra Leone deposited its instrument of ratification making it the seventh state to do so after Nigeria, Ghana, Niger, Dahomey, and Togo had earlier ratified and deposited their instrument of ratification on 3<sup>rd</sup> June, 17<sup>th</sup> June, 7<sup>th</sup> July, 8<sup>th</sup> July and the 17<sup>th</sup> of July 1975 respectively. The ratification is a milestone achievement in the long quest for regional integration in West Africa and has paved the way for the establishment of community institutions and the implementation of the treaty provisions.

Earlier at the maiden summit in Lagos, the Authority banking on the general atmosphere of enthusiasm among stakeholders of the community had scheduled to hold a summit meeting alongside the "Festival of Black and African Arts,"<sup>10</sup> expected to hold in Lagos Nigeria in November or December of 1975. The Authority had envisaged that, the six month period before the proposed summit will allow sufficient time for proper consultation by the experts and ministers negotiating the five key protocols and were convinced that an agreement could be reached on the text of the protocols by the council of Ministers before the proposed summit of

the Authority of Heads of States and governments. The summit aimed to adopt the protocols as soon as practicable to get ECOWAS and its institutions active and functioning. The protocols are considered crucial in determining the operational modules of the community and its institutions. They are expected to provide guides on issues like, the regional policy on the re-exportation of goods from third country, the classification of products of origin, compensation for losses resulting from trade liberalization, the formulae for member states contributions to the Community budget and the structure and functions of the ECOWAS Fund for cooperation, compensation and development.

## **The obstacles to ECOWAS Institutional Formation**

### **Negotiating the Protocols**

Indeed, at the time of signing the treaty the “contentious nature of the issues involved in the protocols necessitated ‘the need for a separate and more detailed consideration after the treaty itself was ratified and put to effect by member states. Thus, in a bid to expedite the process the Authority mandated the existing preparatory committee comprising delegates from Nigeria and Togo to collaborate with member states and the council of ministers and produce the relevant protocols for ratification. Most importantly, the summit also agreed that, “the community could proceed with the establishment of its institutions which would not only provide a measure of permanence and continuity but would also furnish the administrative means whereby the terms of the treaty could be executed’ .<sup>11</sup>

Sadly, just as things were beginning to take shape, series of military coups were staged in Nigeria. The first coup toppled the government of General on July 29, 1975. The incidence dampened ECOWAS enthusiasm across the region because it was Gowon who together with General. Eyadema of Togo led and sponsored the process for the formation of ECOWAS. The coup came barely two months after the signing of the treaty establishing ECOWAS, when Nigeria’s continued leadership is most crucial in the evolution of ECOWAS. Hence, the political changes thwarted the preparations for the setting up of the secretariat and drafting of the protocol. It should be noted here that, the Nigerian economy is the most buoyant and promising in the West African region and for many of the ECOWAS member states, the benevolence of Nigeria is partly the reason for their membership of ECOWAS.<sup>12</sup>

And, besides hosting the maiden ECOWAS summit, Nigeria had also offered to host the proposed summit that would have appraised the challenges and progress made in the community building process, give approval to the necessary protocols for the operation of the organization, and decide on the germane issues that can only be resolve at the level of the authority. Additionally, General. Gowon, and President Eyadema had come a long way to have formed the personal synergy that provided the leadership and personal commitments that sustained the diplomatic maneuvers that led to the formation of ECOWAS. Therefore, the coup raises concerns about the future of the ECOWAS project especially with the exit of General Gowon from the political stage. Hence, in a bid to addressing these concerns and the effect the change in Nigeria may have on the ECOWAS project, General Eyadema initiated a rapprochement to salvage the process by sending a delegation of Togolese diplomats to Nigeria in September 1975,

to engage the new government on the need to inject energy and vigor in the solemn task of drafting the protocols in order to keep the ECOWAS project alive.<sup>13</sup>

The two governments fixed a meeting of their delegates on October 9<sup>th</sup>, 1975 to deliberate on the terms of the protocols. Subsequently, the scheduled October meeting having appraised the issues at stake agreed to fix another meeting in February 1976 for further deliberations on the protocols. Sadly, the scheduled February meeting could not take place due to yet, another unfortunate military incidence in Nigeria on February 13<sup>th</sup>, 1976, when once again, elements in the Nigerian military attempted an unsuccessful but bloody military coup. In the aftermath of the coup, the Nigerian Head of state General. M. R. Mohammad was assassinated. After the dust had settled down General Eyadema wrote another letter to the new Nigerian leadership on March 17<sup>th</sup>, 1975 reminding them of the need to expedite the protocol drafting process in order to wade off the coercive neo-colonial antics threatening the region. He called on the Nigerian leader to ensure that, the meeting of the experts and ministers hold latest in April so that the proposed summit meeting of the authority billed for May will hold as scheduled. He lamented that the delay in concluding the protocols and other related political decisions have allowed room for some:

Member States who for special reasons have been pushed to create a community we did not approve of - because it is contrary to African Unity – are working to strengthen their group, with every risk of dangerously jeopardizing the chances of success of the laboriously realized economic union. I have, in fact, just received from His Excellency President Senghor of Senegal, current Chairman of the Economic Community of West Africa (CHAO) an invitation to attend a forthcoming summit of that organization. Faced with such a situation, which calls our own community into question, I am asking for your vigilance, to quickly speed up the work, and facilitate the adoption of the draft-Protocols prepared by my Government and submitted to Your Government, for possible remarks. The imperialists, who are not in favor of the economic union of all the States of our Sub-region, are working day and night to divide us and our slowness must not be allowed to favor their criminal game.<sup>14</sup>

The letter is a wakeup call on the community considering the resurgence of the clandestine activities of the imperialist former colonial masters especially the French government which had been working around some member states to destabilize the newfound unity of purpose inspired by the formation of ECOWAS. The new trend as described in the letter was assuming a very disturbing dimension, and therefore, needed to be tamed. In response, officials of the two countries convened in Lome in March 1976 and drew a schedule of activities for the resuscitation of the community building effort.

The schedule of activities included a technical meeting of officials fixed for May 31<sup>st</sup> to 6<sup>th</sup> of June 1976 in Abidjan the Ivory Coast, to be followed immediately by a meeting of the council of ministers. This sequence is in line with the treaty provisions which require the council to first deliberate on policies before recommending them to the authority for approval. Not only

that, the treaty also stipulated that upon entry into force, the council must convene its first meeting to undertake some specific tasks including the appointment of:

...persons to offices in the Executive Secretariat in accordance with the provisions of this Treaty; Give directions to other subordinate institutions; Give directions to the Executive Secretary as to the implementation of the provisions of this Treaty; and Perform such other duties as may be necessary for the expeditious and effective implementation of this Treaty.<sup>15</sup>

The ministers met in Accra Ghana and carried out a review of the report of the technical committee of experts and officials on the texts of the five protocols. After extensive but friendly deliberations, the council recommended three out of the five protocols to the authority of Heads of State and governments for approval. The remaining two concerning "rules of origin" and compensation for losses as a result of Community action were step down to be reviewed after further consultation at the pre-summit council meeting.

The council also mandated Togo and Nigeria to discuss modalities for the re-convening of the ministers for the pre-summit meeting to re-consider the two contentious protocols before the conference of Heads of State and Government. The main contention in the queried protocols concerns the definition of those product of community origin permitted to circulate freely, the range of third country goods allowed for re-exportation, the template for assessing revenue losses as a result of the application of the rules and the amount of compensation that can be offered by the community. Interestingly, all sides in the negotiation process did not envisage any hindrance from the above issues since most of them were addressed "by existing agreements amongst member states."<sup>16</sup> The only point that attracted heated debate was the formulae for member states contributions to the community budget which was pegged "as one-half of the ratio of the GDP of all member states plus one half of the ratio of the per capita income of each member state to the total per capita income of each member state."<sup>17</sup> This formula was vehemently opposed by the Nigerian delegation before they capitulated as a compromise to facilitate the reaching of an agreement. And considering the negative impact, the delay in citing the community headquarters is having on the regional community spirit, the ministers also underlined the urgent need for the authority to meet and decide on these and other lingering political issues. The council also observed that the issue regarding the location of the community headquarters is particularly becoming a serious threat and might derail the progress made so far considering the unhealthy competition brewing among the competing member states.

### **The Contest for Hosting the Executive Secretariat and the Lomé Compromise**

The governments of Togo, Ghana, Nigeria and Liberia have all indicated interest in hosting the community headquarters. The Liberian government was the first to formally announced interest to host the community secretariat in a letter sent by President Tolbert to the late Nigerian leader General M. R. Mohammad on August 12<sup>th</sup>, 1975. The response by General Mohammad sparked a series of diplomatic correspondences between the two leaders each trying to convince the other of the potency of his country's bid while enjoining the others to extend curtesy by stepping down its ambition. Matters came to a head when on the 9<sup>th</sup>, of October 1975 Ayi Hunlede, the leader

of the Togolese government delegation also announced his country's bid for the headquarters of ECOWAS at a meeting with the Nigerian leader. General Mohammed, responded to the Togolese bid in a later dated October 17<sup>th</sup>, 1975 wherein he expresses the readiness of Nigeria to continue with the talks on the drafting of the protocols but, emphatically re-affirmed Nigeria's interest in serving as the host of the community secretariat. The Ghanaians were measured in their bid primarily because the Nigeria government played key role in galvanizing diplomatic support for the successful election of the country's candidate Dr. Donkoh Fordwor as President of the African Development Bank (ADB) after a previous failed attempt.<sup>18</sup>

The fierce contest for the privilege of hosting the regional secretariat was slowly building mutual distrust and eroding the ECOWAS spirit of comradeship until it was resolve via a shuttle diplomacy, when the Vice chairman of the Nigerian Supreme Military Council Brigadier General, Shehu Musa Yar'adua met President Gnassimbye Eyadema in Lomé. The two leaders agreed to present before the authority a compromise formula that will allocate the headquarters of the community to Nigerian while Lomé Togo will serve as the headquarters of the community's Fund for Cooperation and Compensation. To balance the divergent regional interest, they also agreed to propose the position of the Secretary General to the Ivory Coast while Liberia will nominate the person to serve as the Director General of the community's Fund. The Lomé compromise succeeded in carrying along all the major strands in ECOWAS and thus, paved the way for the authority to decide on the outstanding issues standing on the way of the effective takeoff of ECOWAS.

Consequently, on the strength of the Lomé compromise Nigeria and Togo in consultation with other ECOWAS member states proposed October 29<sup>th</sup>, 1976 as the date for the pre-summit ministerial meeting in Lomé Togo. The ministers meeting was to be followed immediately by a summit of the authority of heads of states and governments of ECOWAS on the 4<sup>th</sup> and 5<sup>th</sup> of November 1976 also in Lomé, Togo. The October 29<sup>th</sup>, ministerial meeting held as scheduled under the chairmanship of the Togolese foreign minister who alongside his Nigerian counterpart ensured that the agenda of the meeting as was agreed in Accra is strictly respected. Other matters of interest including the recent Nigerian proposal for a separate regional agreement on non-aggression, the location and staffing of community institutions and other sundry issues were once again referred to the authority for consideration. And after careful deliberation, the ministers also unanimously recommend the five protocols to the authority for adoption.

On November 4<sup>th</sup> and 5<sup>th</sup>, 1976 eighteen months after the ECOWAS inaugural summit in Lagos. The city of Lomé played host to eleven Heads of States and four plenipotentiaries representing the fifteen member states of ECOWAS for yet another important summit meeting of the Authority of Heads of States and Governments of ECOWAS. The Lomé summit was a testimony of the renewed desire by West African governments to pursue the course of regional economic development and integration. In the end the summit adopted the recommendations of the ECOWAS council of ministers and approve for ratification the five protocols to be annexed to the ECOWAS treaty. The Summit also adopted the terms of the diplomatic compromise earlier reached between Nigeria and Togo and accepted for further consultation the Nigerian sponsored proposal for the insertion of a non-aggression clause in the ECOWAS Treaty.<sup>19</sup>



In furtherance of the ECOWAS Authority's decisions at Lomé, on December 24<sup>th</sup>, 1976, the government of the Ivory Coast nominated Aboubakar Diaby Ouattara for the position of the ECOWAS Executive Secretary, three days after, the Liberian government also announced Dr. Romeo Horton as the country's nominee for the slot of the Director General of the ECOWAS Fund for cooperation, compensation and development. The two professional nominees have a track record of service. Dr. Ouattara was until his appointment the Regional Director of the Abidjan based International Bank for West Africa, while, Dr. Horton had served his country in many capacities, and was the Dean, College of Business and Public Administration, University of Liberia, at the time of his nomination. Both Dr. Ouattara and Horton met with the Nigerian Head of state on the 29<sup>th</sup> of December 1976. The Nigerian leader admonished the two officers to employ their vast experiences in helping ECOWAS achieve its objectives by maintaining "the Community as a single and unique body comprising the Secretariat and the Fund, which should function in an atmosphere of exemplary harmony." He charged them to maintain "direct and constant communication between the two institutions,"<sup>20</sup> and called on the new Secretary-General, whom he described as "the central figure of the Community," to prioritize the development of communication related infrastructures including roads and telecommunications, which were essential to the emergence of an integrated system. He further assured the community officers of the Nigerian government's continued commitment to the ECOWAS objective of integration and "asked them to assume their duties as soon as possible and to try to visit other member states of the organization before their nominations were announced publicly. With the marching order from the Nigerian leader, the two chief Executives began the arduous task of setting up and operationalizing the two essential institutions of the community (the Secretariat and the Fund). Earlier at the Lomé summit, Nigeria and Togo were enjoined by the Authority to continue to render all necessary assistance to the community principal officer to ease their adjustment to their new responsibilities and the unfamiliar environment they are to operate from.

To ensure the smooth and successful take up of the institutions the host nation set up a task force comprising of experts with technical skills and officials with administrative experience in line with the agreed convention, to assist the ECOWAS chief Executive officers until staffs on permanent appointments are employed to take over duties from them. The two-nation task force was set up in February of 1977 and were instructed to seek the cooperation and inputs of all stakeholders including the principal officers to:

Draw up the necessary documentation and prepared the various organizational charts, along with the job profiles of officials, operating rules, staff regulations and conditions of service within the community, as well as the financial regulations and administrative procedures that would in future govern the operations of its executive organs, i.e., the secretariat and the fund, located in Lagos and Lomé.<sup>21</sup>

Indeed, the Lomé compromise did facilitated the institutional evolution process and paved way for the chief community executive officers to earnestly embarked on the difficult task of putting in place the administrative structures needed to begin the implementation of the treaty provisions. However, the exclusive nature of the engagement reignited hegemonic fear and feeling of taking undue advantage against the two prime movers and sponsors of ECOWAS

Nigeria and Togo, thus, highlighting the apprehension of the member states not favored in the compromise.

### **The Structure of the ECOWAS Secretariat**

The structure of a regional institutions is determined by a myriad of factors, some of which included the ideology and rules that inspire the formation of the organization it represents, the socio-political and economic dynamics of the environment it operates and the ability of the institution to navigate local and regional dynamics in its interaction at the global space. Scholars have offered varying analysis and interpretations of these factors and their roles in determining the character of a regional institutions and its structural model. Acharya and Johnston opined that, the process of institutional development occurs differently in different regions, and ... (the) variation in institutional design leads to variation in the nature of cooperation,<sup>22</sup> and regionalization. Other scholars argued that the structure is determined by the adopted model of integration which Hurrell, in his analysis classified them into “a con sociationalist’ constitutional arrangement, a ‘neo-medieval’ order”<sup>23</sup> wherein the principles of territoriality and sovereignty replaced a pattern of overlapping identities and authority. The third describe a deepened regional economic integration which occurs as a result of an overlap of institutionally strong supranational inter-state arrangements or regimes. The fourth is the European Union complex type which evolved from the “mixture of traditional inter-governmentalism and emerging supra-nationalism, and finally that based on a strong regional hegemon ..., with or without strong regional institution.”<sup>24</sup>

Analyzing the influence of the regional driving nation, hegemon or ‘stabilizer’ state or states, Hurrell contended that, a regional hegemon drives the regionalization process and can stimulate and sustain regional cooperation and “the emergence of regional institutions in a variety of ways.”<sup>25</sup> However the analysis offered by Gilpin focus on the extra-regional dimension that suggest that, “regionalism occurs when power is opening up for cooperation, either through geopolitical reasons, or through the politics of alliance formation,”<sup>26</sup> in order to counter the influence of a remote but powerful state or its regional surrogate state or states. He concluded the analysis by asserting that, the subject of ideological motivation for “post-independent regionalization in Africa is largely conditioned by the dominant concept of pan-Africanism” which clearly favors the formation of a loose but formal state centric regional integration frameworks.

It was on that premise that Herbst, also observed that, African regional institutions are only as strong and legitimate as are the perceived drivable benefits they offer. In Africa he said, regional institutions “usually work when they help African leaders with their domestic problems. ‘African leaders only gets’ extremely enthusiastic about particular types of regional cooperation, especially those that highlight sovereignty, help secure national leaders, and ask little in return.”<sup>27</sup> While the historical antecedent for the formation and functions of ECOWAS had been influence by all of the above mentioned factors in varying degrees, the actual underlining conceptual vision regarding the structure of the ECOWAS Executive secretariat can be deduced from the statement made by General Yakubu Gowon in his unpublished PhD thesis.

We did not, however, envisage a strong regional administration for the community, or the delegation of substantial powers to its executive institutions, partly because we felt that the community was not lacking in effective leadership and a sense of purpose and direction, but also because it is customary in West Africa for important political decisions affecting the region or any part of it to be taken by the governments concerned – and after extensive consultation. A highly developed sense of participation seemed to promise better and more lasting results both in the short and long-term - than a brief and pointless display of high-handed efficiency by bureaucrats who lacked the means to impose their policies.<sup>28</sup>

With the above conceptual premise, the institutional structures of the ECOWAS secretariat were kept modest until the reforms that followed beginning in 1993. Clearly before the reforms the ECOWAS Executive secretariat was only intended to provide general administrative services for the organization. This in spite of the broad functions and responsibilities accorded the Executive secretariat by the foundational treaty.

Over the years, series of amendments and protocols annexed to the treaty between 1978 and 1990 slightly altered the secretariat organizational chart but had very little effect on the capacity of the bureaucracy to function effectively. As stated above, the Secretariat organizational chart was design with the Executive Secretary at the apex, he is to be “assisted by two deputy executive secretaries and a financial controller.”<sup>29</sup> The Executive Secretary is ‘the principal executive officer of the community’ appointed by the authority of Heads of states and Government in strict compliance with the provisions in sections 6 and 7 of article 8 of the treaty. The appointment of the executive secretary shall be “for a term of four (4) years and be eligible for reappointment for another term of (4) years only.”<sup>30</sup> The Executive secretary “shall only be removed from office by the authority upon the recommendation of the council of ministers”<sup>31</sup> and, the appointment of his replacement shall remain the prerogative of the authority.

Also, sequel to the provisions of the treaty, the powers to governed and regulate the “terms and conditions of service of the Executive Secretary and other officers of the Executive Secretariat”<sup>32</sup> is vested on the Council of Ministers. The treaty also requires all community employees including the “Executive Secretary and officers of the Executive Secretariat, in the discharge of their duties, (to) owe their loyalty entirely to the Community.” The Council of ministers has direct responsibility for the approval of such administrative and technical offices within the Secretariat as may be thought necessary for its proper functioning.

This includes, the selection and appointment of the two “Deputy executive secretaries, ...financial controller and such other officers in the executive secretariat as the council of ministers may determine.”<sup>33</sup> The council’s powers were drawn from the provisions in Article 6 of the treaty which vested it with the mandate to “keep under review the functioning and development of the community in accordance with this treaty; make recommendations to the authority on matters of policy aimed at the efficient and harmonious functioning and development of the community; and give directions to all subordinate institutions of the

community.”<sup>34</sup> The treaty also established four important technical and specialized commissions in article 9 section 1 sub sections a, b, c, and d, of the treaty. “There shall be established the following Commissions:

- (a) the Trade, Customs, Immigration, Monetary and Payments Commission;
- (b) the Industry, Agriculture and Natural Resources Commission;
- (c) the Transport, Communications and Energy Commission) and
- (d) the Social and Cultural Affairs Commission....”<sup>35</sup>

In line with the provisions of Article 8 sections 9 and 10 a-d, the Executive secretary and indeed the secretariat have direct oversight responsibilities over the technical and specialized commissions. The treaty requires the commissions to “submit from time to time reports and recommendations through the Executive Secretary to the Council of Ministers either on its own initiative or upon the request of the Council of Ministers or the Executive Secretary.” To ensure a harmonious working relationship at the community level and attract competent technical and Professional staffs to the Executive Secretariat, the treaty provided for exchange as may be necessary of “skilled, professional and managerial personnel in the operation of projects within the community.”<sup>36</sup> Without prejudice to the need for maintaining standards and competence in the quality of employees, the treaty also enjoined the community to give “due regard... to the desirability of maintaining an equitable distribution of appointments to such posts among citizens of the Member States.”<sup>37</sup> It is worthy to note however that, the treaty has provided a window of flexibility with regards to the structure of the executive secretariat and that was relied on by both the Authority and council to continuously keep reviewing the structure of the executive secretariat as the exigencies requires.

### **Functions of the ECOWAS Secretariat**

The key idea behind the formation of ECOWAS is the promotion of regional trade in order to facilitate regional economic development and integration of West Africa. The sum objective of the ECOWAS project was leveraging on the regional economies of scale to promote intra-regional trade, economic development and integration among the member states. Article 2(1) of the ECOWAS treaty clearly stated the aim of the community to be the promotion of:

cooperation and development in all fields of economic activity particularly in the fields of industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions and in social and cultural matters for the purpose of raising the standard of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent.<sup>38</sup>

To achieve the organizations’ aims, the treaty provided for a gradualist strategy that will ensure a stage by stage implementation of the ECOWAS regional integration programs. The strategy is to have secretariat to facilitate the formation of West African single market union. To achieve the goals, the treaty provided for the elimination of “customs duties and other charges of equivalent effect in respect of the importation and exportation of goods; the abolition of

quantitative and administrative restrictions on trade among the member states; and, the establishment of a common customs tariff and a common commercial policy towards third countries.”<sup>39</sup> In addition to reforming regional customs policies, the secretariat is also entrusted with facilitating the harmonization of member states trade policies, free movement of persons, goods and services, migration and custom reform.

The regional trade policy harmonization was to be implemented simultaneously with the regional policy that called for the elimination of all ‘obstacles to the free movement of persons, services and capital within the community. Free movement and trade therefore form the fulcrum of the ECOWAS integration roadmap, in addition to other contingent measures that included the harmonization of member states policies in agriculture “marketing, research and Agric related industrial enterprises.’ Member states are required to collectively implement:

schemes for the joint development of transport, communication, energy and other infrastructural facilities as well as the evolution of a common policy in these fields; the harmonisation of the economic and industrial policies of the member states and the elimination of disparities in the level of development of member states; the harmonization, required for the proper functioning of the Community, of the monetary policies of the member states; the establishment of a Fund for Co-operation, Compensation and Development; and such other activities calculated to further aims of the Community as the member states may from time to time undertake in common.<sup>40</sup>

Thus, in addition to the need for greater cooperation and political support, ECOWAS needed to have an institutional framework that has the capacity to catalyze the community strategy and galvanize it with sound administrative management in order to achieve the laudable objectives set out by the treaty. This view is supported by ‘the provisions in articles 7, 10, 8.2, 11 and 12 of the WTO trade facilitation agreement, and demonstrated by the terms of the Lomé agreement signed between the European Economic Community (EEC) and the 71 member nation group of African, Caribbean, and Pacific (ACP) countries in February 1975. The two documents amply demonstrated that ‘trade reforms are better implemented through a regional approach,<sup>41</sup> using regional institutions. Regional institutions play crucial roles in providing platforms that can bring together all the major actors in trade facilitation and afford them an opportunity to exchange notes on how best to pursue the objectives of regional economic development and integration.

The ECOWAS secretariat was thus, provided for in the treaty to serve the functions of facilitating the harmonization of Customs Administration and the rationalization of the regional economies of Scale. And because the Implementation of Trade reforms can be costly with resultant loss of revenue, ECOWAS also established the West African regional community Fund for cooperation compensation and development alongside the secretariat to help coordinate the effective implementation of the economic integration program. This strategy would ensure that countries can receive compensation for losses suffered as a result of the implementation of regional economic integration policies.

Thus, mirroring from the 1975 treaty, the main function of the ECOWAS Executive secretariat is the facilitation of the harmonization of trade and economic policies of member countries with the aim of forming a West African Free Trade Area. This was later expanded via treaty amendments and the adoption of protocols. However, the 1975 foundational treaty and annexed protocols anchored the responsibility of facilitating the harmonization of member states economic policies, the removal of tariff barriers on intra-regional trade on the Executive secretariat. This, the crafters of the treaty believed will bolster the economic potential of member countries and will lead to regional economic integration of the West African economies.<sup>42</sup>

Therefore, the success of ECOWAS programs depends not only on the political and financial commitment of Member States but also the functions, effectiveness and capacity of the ECOWAS Executive Secretariat to discharge its central role of coordinating a coherent, pragmatic and realistic Community programs and policies capable of furthering the cause of regional integration. Delivering these responsibilities by the regional bureaucratic institution is key to achieving the ECOWAS objectives. To that effect the 1975 treaty in Article 8 (9) provided that the Executive Secretary "shall be responsible for the day to day administration of the community and all its institutions."<sup>43</sup> And since, the Executive secretary is expected to exercise his functions via the instrumentality of the Executive secretariat his powers are by extension the powers of the Executive secretariat. In that regard, article 8 (10) of the treaty enumerated the basic duties of the Executive secretary and by implication the secretariat to includes:

- (a) as appropriate, service and assist the institutions of the Community in the performance of their functions;
- (b) keep the functioning of the Community under continuous examination and, where appropriate, report the results of its examination to the Council of Ministers;
- (c) submit a report of activities to all sessions of the Council of Ministers and all meetings of the Authority; and
- (d) undertake such work and studies and perform such services relating to the aims of the Community as may be assigned to him by the Council of Ministers and make such proposals thereto as may assist in the efficient and harmonious functioning and development of the Community.

As stated in Article 8 (10) d above the Aims of the community as spelt out in Article 2 of the treaty is the promotion of; co-operation and development in all fields of economic activity particularly in the fields of industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions and in social and cultural matters for the purpose of raising the standard of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent.<sup>44</sup>

The sum functions of the Executive secretariat as enumerated above were the administration of the regional economic integration programs of ECOWAS with the objective of establishing a common customs tariff, the abolition as between the Member States of the obstacles to the free movement of persons, services and capital and the harmonization of regional

infrastructural, industrial, social and economic policies of the Member States for the goal of regional economic integration and prosperity.

## Conclusion

This study examines ECOWAS history to highlight the impact of diplomacy in the formation and function of the ECOWAS Executive Secretariat. The findings established that the normative and administrative challenges that impeded the formal establishment and functioning of the executive secretariat were caused by political events that trailed the treaty signing ceremony which hinders member states from reaching agreements on the text of the five protocols to be annexed to the treaty, the choice of location for community institutions, and the selection and appointment of principal officers of the community.

The study analyses the role of diplomacy in the evolution of the Executive secretariat. It chronicles the events that led to the political compromise reached at Lomé first between Nigeria and Togo and subsequently approved by the 1976 Lomé summit of the Authority of Heads of State and governments of ECOWAS. The study shows that the powers of the Executive Secretariat to superintend ECOWAS were excessively diluted by political considerations. The governance framework that resulted from the compromise also affected institutional harmony and the functions of the technical and specialized commissions responsible for designing and implementing regional integration programs of ECOWAS. In the end, the office of the Executive Secretary that evolved was lacking in actual powers and the Secretariat did not go beyond the mere provision of administrative support and logistics to ECOWAS organs and the various technical and statutory agencies of the community.

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## Note

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<sup>1</sup> The fifteen member states were, Benin (formerly Dahomey), Burkina Faso (formerly Upper Volta), Cote D'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo. (Cape Verde later joined ECOWAS in 1977 and Mauritania withdrew its membership in 2000).

<sup>2</sup> ECOWAS, Economic Community of West African States Treaty, 1975, Article 2 (1), And 2 (2) A – J, pp. 7 – 8.

<sup>3</sup> B. D. Friedman, "Institutional Theory and Nonprofits", Ali Farazmand, eds., *Global Encyclopedia of Public Administration, Public Policy, and Governance*, New York: Springer, 2018, p. 3299.

<sup>4</sup> Ibid.

<sup>5</sup> Y. Gowon, 'The Economic Community of West African States: A Study in Political and Economic Integration' PhD Thesis Submitted to University of Warwick, Coventry CV4 7AL, 1984, p. 399.

<sup>6</sup> ECOWAS, "Treaty of the Economic Community", 1975, p. 10.

<sup>7</sup> Ibid., p.45.

<sup>8</sup> See, Treaty: Economic Community of West African States (ECOWAS), United Nations Treaty Series, No. 14843, 1976, p. 39.

<sup>9</sup>Article 65 provided that “ the present treaty and all instrument of ratification and accessions shall be deposited with the Federal military Government of Nigeria which shall transmit certified true copies of the treaty to all member states and notify them of the dates of deposits of the instrument of ratification and accession and shall register this treaty with the Organization of African Unity, United Nation’s Organizations and such other Organizations as the council of Ministers shall determine.” Ibid., p. 40.

<sup>10</sup> Gowon, ‘The Economic Community of West African States’, p. 414.

<sup>11</sup> Ibid., p. 414.

<sup>12</sup> Ibid., p. 413

<sup>13</sup> Ibid., pp. 412 - 418

<sup>14</sup> Ibid., 430.

<sup>15</sup> ECOWAS Treaty, 1975, p. 44.

<sup>16</sup> However, the issue of the compensation due to states and the definition of the ‘rules of origin’ became the major sticking point during negotiation of the protocol’s texts. Although, most of the contentious issues had been addressed by existing agreement like the February 1975 agreement signed between the 71 African Caribbean and Pacific countries and the European Economic Commission which comprises all ECOWAS member countries, and the existing rules amongst the francophone regional members of CEAO these issues continued to pose unnecessary hindrances to the protocol drafting process. See, Ravenhill, J. “What is to be done for Third World commodity exporters? An evaluation of the STABEX scheme,” *International Organization*, 38(03), pp. 537-544. And C. Daniel Bach, “The Politics of West African Economic Co-Operation: C.E.A.O. and E.C.O.W.A.S.” *The Journal of Modern African Studies* 21, No. 4,1983,pp. 605–23.

<sup>17</sup> The contribution of each Member State in respect of the revenue required to meet the budget of the community “shall be assessed on the basis of a co-efficient which takes into account the Gross Domestic Product and the Per Capita Income of all Member States. For this purpose, the co-efficient shall be calculated as one-half of the ratio of the Gross Domestic Product of each Member State to the total Gross Domestic Product of all Member States plus one-half of the ratio of the Per Capita Income of each Member State to the total Per Capita Income of all the Member States”. see Article II (2) of the ECOWAS Protocol, relating to the Contributions by Member States to the Budget of the Economic Community of West African States, Lomé, November 1976.

<sup>18</sup> Gowon, ‘The Economic Community of West African States’, p. 442.

<sup>19</sup> Ibid., pp. 440-441.

<sup>20</sup> Ibid., p. 447.

<sup>21</sup> Ibid., p. 448.

<sup>22</sup> A. Acharya, A. I. Johnston, Eds., *Crafting Cooperation: Regional International Institutions in Comparative Perspective*, Cambridge: Cambridge University Press, 2007. Also see, F. Söderbaum, *Rethinking Regionalism* London: Palgrave, 2016, p. 81.

<sup>23</sup> A. Hurrell," Explaining the resurgence of regionalism in world politics." *Review of international Studies*, Vol. 21, No. 4, 1995, pp. 51-53.

<sup>24</sup> Ibid., p. 53.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> F. Söderbaum, *Rethinking Regionalism*, p. 91.

<sup>28</sup> Y. Gowon, ‘The Economic Community of West African States’, p. 24.

<sup>29</sup> ECOWAS Treaty, 1975, p. 11.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid., p. 11.

<sup>34</sup> Ibid., p. 10.

<sup>35</sup> Ibid., p. 12.

<sup>36</sup> Ibid., p. 26.

<sup>37</sup> Ibid., p. 11.

<sup>38</sup> Ibid., p. 7.

<sup>39</sup> Ibid.



<sup>40</sup> Ibid., p. 8.

<sup>41</sup> Aly Ibouira MOUSSA, The Role of Regional Organizations in the Implementation of Trade Facilitation Reforms, position paper by the Head, Customs Cooperation Division, the African Union Commission, Addis Ababa, Dated, January 2017.

<sup>42</sup> M. Shuaibu, "Does trade tariff liberalisation matter for Intra-ECOWAS trade?." *International Journal of Business and Economic Sciences Applied Research (IJBESAR)* 8, no. 1, 2015, pp. 83-112.

<sup>43</sup> ECOWAS Treaty, 1975, p. 11.

<sup>44</sup> Ibid.

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