

A messy withdrawal from ECOWAS

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On 29 January 2024, the military juntas of Niger, Mali, and Burkina Faso announced their withdrawal from the Economic Community of West African States (ECOWAS). Their explanation was that instead of helping them to protect their security, ECOWAS had imposed “illegitimate, inhumane and irresponsible” sanctions on them after they had previously staged military coups “to take their destiny into their own hands.”¹ They claimed that ECOWAS, under the influence of foreign powers, is betraying its founding principles and has become a threat to its member states. They also said that it was a “sovereign decision” to withdraw from ECOWAS.

In this saga, nothing has happened according to the rulebook, and this is certainly not a Brexit-type divorce. It is the first time in ECOWAS’ nearly 50 years of existence that some of its members are withdrawing in such a manner. According to Article 91 of the ECOWAS Revised Treaty,

[A]ny Member State wishing to withdraw from the Community shall give to the Executive Secretary one year’s notice in writing... [during which period] such a Member State shall continue to comply with the provisions of this Treaty and shall remain bound to discharge its obligations under this Treaty.

This procedure was not followed, and relations with ECOWAS soon started to sour.

Some commentators have argued that the decision to leave ECOWAS has little to do with economic considerations but is motivated by the fact that ECOWAS approach to region-building is not confined to economic integration.² ECOWAS has a policy against military coups and adopted a protocol on democracy and good governance in 2001. It provides for a mechanism for suspension of member states who have made unconstitutional changes of government, as was done vis-à-vis Niger, Mali, and Burkina

¹ Associated Press, 28 July 2023. *Putin woos African leaders at a summit in Russia with promises of expanding trade and other ties.* <https://apnews.com/article/russia-africa-summit-putin-food-grain-00408e40403c3c30f89371a474bb4f9d>

² African Networks Lab, University of Florida, 2 February 2024. *Leaving ECOWAS Will Have Catastrophic Consequences for the Sahel.* <https://anl.geog.ufl.edu/ecowas/>

Faso. ECOWAS closed land and air borders, imposed a no-fly zone for commercial flights, suspended financial transactions and froze assets the countries held in ECOWAS central banks.³

What happens next? ECOWAS wants a return to civilian rule in these states, pressuring the juntas with sanctions and rejecting lengthy transitional timetables. This is unlikely to bring about the desired results. Niger's military leaders have said they want up to three years for a transition back to civilian rule. The military government in Mali had pledged to hold elections in February but has now pushed back this date.

There are signs of diplomatic and economic tensions, including threats to retaliate and to close borders to regional traders. Burkina Faso's military leader plans to consult Mali and Niger before deciding whether to stop Ghanaian traders and other West African nationals to do business in their countries. ECOWAS will lose over about 45 billion West African CFA francs annually in membership contributions.⁴

These developments are setbacks to economic integration in West Africa and on the continent, coming at a time when the AfCFTA Secretariat (which is based in Ghana, another ECOWAS member state) is working hard to get the AfCFTA up and running. The Secretariat has now also supported South Africa with the launch of the first consignments of exports from South Africa on 31 January 2024 to Kenya and Ghana which joined the first phase of the Guided Trade Initiative (GTI) in October 2022. The GTI requires individual State Parties to put domestic arrangements in place for preferential trade in goods to start under adjusted AfCFTA rules. The military rulers of Niger, Mali, and Burkina Faso appear to be on a different track. They want to implement unilateral policies to cut ties with former ECOWAS partners.

These three countries would be on an ill-fated path if their aim is isolation and autarky. As pointed out by regional experts, withdrawing from ECOWAS:

is likely to have major consequences on the regional economy as a whole. Because of their landlocked situation, however, Sahelian countries will be more affected than the rest of the region by the reintroduction of tariff barriers. Without free access to the ports of Cotonou, Lomé, Abidjan, or Tema, Sahelian imports will be far more expensive.⁵

³ The New York Times, 28 January 2024. *Three African Juntas Leave Regional Bloc, Accusing It of 'Inhumane' Sanctions.* <https://www.nytimes.com/2024/01/28/world/africa/west-africa-junta-leave-ecowas.html>

⁴ tralac Daily News, 5 February 2024. <https://www.tralac.org/news/article/16288-tralac-daily-news-5-february-2024.html>

⁵ See African Networks Lab, 2024

What are the plans in respect of the rest of the continent? While governments sign and ratify international agreements, it is the relevant states that are the parties to such agreements. Niger, Mali, and Burkina Faso have ratified the AfCFTA Agreement and are AfCFTA State Parties.⁶ They have not yet given any indication as to whether they will honour their obligations under the AfCFTA Agreement to liberalize trade with the other AfCFTA State Parties, which of course include ECOWAS member states.

The AfCFTA Agreement, which is in force since 30 May 2019, also has a withdrawal clause. Article 27 provides that a State Party may withdraw from this Agreement after five years from the date of entry into force in respect of a State Party, by giving written notification to State Parties through the Depositary. Withdrawal shall be effective two years after receipt of notification by the Depositary, or on such later date as may be specified in the notification. Withdrawal shall not affect any pending rights and obligations of the withdrawing State Party prior to the withdrawal. Niger ratified the AfCFTA Agreement on 19 June 2018, Mali on 1 February 2019 and Burkina Faso on 29 May 2019.⁷

Specific achievements under ECOWAS legal instruments will now be in jeopardy, affecting mostly private sector stakeholders. ECOWAS has, for example, a Free Movement of Persons, Residences and Establishment Protocol and the Ecotour Action Plan 2019–2029. The Free Movement of Persons Protocol permits citizens the right to enter and reside in any member state's territory, and the Ecotour Action Plan aims to develop and integrate the tourist industry of each member state.

Many observers believe the move by Burkina Faso, Mali and Niger has put the region in a crisis. It will reverse hard-won gains in regional integration and complicate the region's fight against Jihadist insurgency. In addition, leaving ECOWAS and its free movement protocol could have catastrophic consequences for millions of Sahelians who live in or wish to migrate to coastal cities. Migration is mostly intraregional in West Africa.⁸

And there will be serious security complications. Niger, Mali and Burkina Faso have distanced themselves from the former colonial power France, strengthened ties to Russia, and have formed a mutual defence pact called *The Alliance of Sahel States*. These developments provide Russia with an opportunity to expand its presence in Africa.⁹ In Mali, the Wagner group (which has been brought under

⁶ tralac, *Status of AfCFTA Ratification*. Infographic <https://www.tralac.org/resources/infographic/13795-status-of-afcfta-ratification.html>

⁷ Ibid.

⁸ See African Networks Lab, 2024

⁹ See Associated Press, 2023

tighter Russian military intelligence control and is now called *Africa Corps*¹⁰) is battling armed rebels. In Burkina Faso, Russian soldiers arrived to “strengthen military and strategic cooperation” between the two countries.¹¹

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¹⁰ Legalbrief, 8 February 2024. See also Bloomberg, 30 January 2024. *Russia Hires Its Own Africa Army to Succeed Wagner’s Mercenaries*. <https://www.bloomberg.com/news/articles/2024-01-30/russia-recruiting-africa-army-to-replace-wagner-group>

¹¹ See Associated Press, 2023