



# REGIONAL INTEGRATION OBSERVER

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European Commissioner for Development, Neven Mimica, and the Interim President of Burkina Faso, Michel Kafando. © European Commission.

## Election Year 2015 in West Africa: The Implications of Burkina Faso

by Gilles Yabi Olakounlé\*

### 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.

The popular uprising that led to the fall of President Blaise Compaoré on October 31, 2014, set the tone for a political season fraught with uncertainties and anxieties in West Africa. Beginning in early 2015, with presidential elections in Nigeria (temporary postponed) and Togo scheduled for February (postponed to April) and the legislative elections in Benin, the season will end with a series of presidential elections in Guinea, Burkina Faso and Côte d'Ivoire in

the last quarter of 2015. The hundreds of thousands of Burkinabe protesters precipitated events by pushing their president, who had been in power for 27 years, to resign and flee. He was at the brink of using the National Assembly to successfully effect changes to the country's constitution to allow him to run for a third term in the 2015 elections. This attempted constitutional tinkering, was too much.

But the Burkinabe "Revolution" of October 30, 2014, did not change

the electoral calendar of the country, or that of the region. The transition that began in Ouagadougou will end in November 2015; the time the mandate of President Compaoré was supposed to end. Electoral space in Burkina Faso is expected to be exceptionally open, and the risk of violent protests more limited than if the former President had managed to force his name on the ballot. The implications of what was described by the Burkinabe as a “democratic popular uprising” on other upcoming elections in the region are not obvious.

Nigeria, the demographic and economic power of West Africa is affected by multiple political and identity fractures and is struggling with the insurgency group Boko Haram, continues to fear an electoral process marred by large-scale violence. In Togo,

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the civil insurrection in Burkina Faso has provided ideas and encouragement to political and social forces opposed to the candidacy of incumbent President Faure Gnassingbe. Empowered by the current constitution to seek as many terms as he wishes, coupled with the principle of first-past-the-post voting, the president has not seen fit to reintroduce a two-term limit, which

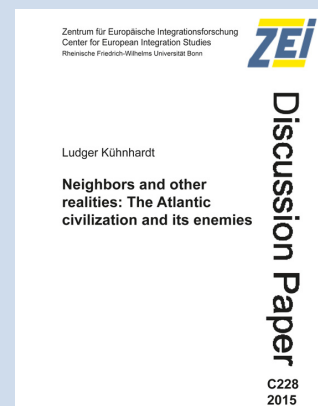
was part of recommendations of the Global Political Agreement signed in 2006 by political actors and civil society. Tension is expected to continue to rise in Lomé, but it is unclear how the opposition will manage to prevent the President from contesting an election in April 2015 with some confidence.

In Benin, it is obvious that there has been a “Burkina effect.” The incumbent President Boni Yayi had hitherto failed to convince his countrymen that he was not seeking a way to stay in power beyond the end of his second term in 2016. In the aftermath of the fall of Compaoré, the statements of the Head of State and of the Government of Benin suddenly became more convincing in the desire to organize the local elections, postponed since 2013, and the parliamentary elections on the appropriate dates in March 2015. Even though, the door of opportunistic constitutional revision is now locked, the possibility of shifting the electoral calendar of 2015-2016 remains a legitimate cause for concern even in a country that has consolidated its democratic gains in recent years.

In Guinea, the Ebola health crisis will probably affect electoral prospects more than the events in Burkina Faso, regarding timing, quality of preparations, and the risks of tension and violence related to the presidential election. It is highly likely to witness the same endless pre-election controversies and the same political polarization stemming from ethno-regionalist mobili-

zation as happened in 2010. In Côte d’Ivoire, the most decisive factors for the degree of tension during the election period ending 2015 will be the ultimate opportunity for the ruling party of Alassane Ouattara, the Democratic Party of Ivory Coast (PDCI), to position itself, and the epilogue of the internal divisions of the Ivorian Popular Front (FPI) of former President Laurent Gbagbo.

Therefore, the impact of the events in Burkina Faso on other countries in West Africa should not be overemphasized. The message sent by the youth of



Ludger Kühnhardt: Neighbors and other realities: The Atlantic civilization and its enemies, ZEI Discussion Paper C 228.

2014 was a watershed year for the geopolitical positioning of the EU. Europe is no longer exporting stability but has begun to import instability. The neighborhood policy needs a fundamental review.

Burkina Faso to the Heads of State and Governments who make and unmake constitutional provisions to suit their own interests is very strong. All the political authorities that share characteristics and practices close to those of the former regime of Ouagadougou heard it. But the success of opponents to the constitutional tinkering of Compaoré presents at least two essential elements: the simplicity of the issue in question on which all citizens could clearly take a stand, and the degree of cohesion within the Burkinabé society which made the massive collective action, transcending ethnic, regional, religious and social cleavages, possible.

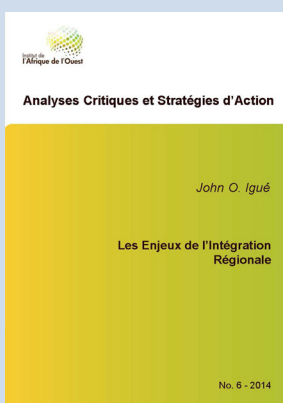
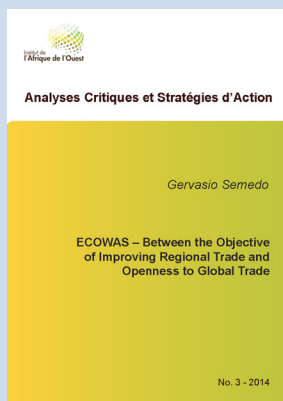
There is no country in West Af-

rica where the circumstances are exactly the same as in Burkina Faso. The oldest President in power in the region is now Yahya Jammeh of Gambia. This country is a special case, with the President adopting an authoritarian, repressive regime style. There is currently no space for popular mobilization by opposition leaders whose potential candidates are either in prison or in exile. In Togo, President Faure Gnassingbe has worked, with some success, to distance himself from the authoritarian, monolithic regime of his father and has made it possible for some citizens to forget the stranglehold of the family clan on the country for 47 years. Moreover, he did not have to force a revision of the constitution in order to remain in power

beyond 2015. In Nigeria, Côte d'Ivoire and Guinea, the incumbent presidents are finishing their first term. In these countries, as elsewhere in the region and on the continent, the victorious collective action in Burkina Faso is an encouragement to some, an obsession for others. But it is the local circumstances and the particular history of each country that are critical to their political evolution in the short term.



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## WAI Critical Analysis and Action Strategies

Yeboah, J. K., 2014: Obstacles to the use of renewable energies and energy efficiency in the framework of a regional climate change policy in West Africa, WAI Critical Analysis and Action Strategies 9/2014, Praia: WAI.

Keita, N., 2014: L'État-Nation du Mali en Crises?. IAO Analyses Critiques et Stratégies d'Action 8/2014, Praia: IAO.

Keita, F., 2015: Building a Security Community from an African-Centered Perspective: The Missing Link in the African Union's Peace and Security Architecture, WAI Critical Analysis and Action Strategies 1/2015, Praia: WAI. (soon to come)

Resende-Santos, J., 2015: United States-Africa Relations Under the Obama Administration, WAI Critical Analysis and Action Strategies 2/2015, Praia: WAI. (soon to come)

# Three Questions on the Challenges of the European Union (EU) in 2015

Interview with Sally Brammer and Thomas Panayotopoulos



Sally Brammer is Junior Fellow and Coordinator of the “Future of Europe”-project at ZEI.

## 1. What differentiates the new European Commission under Jean-Claude Juncker from the former one?

Jean-Claude Juncker sees himself a Commission President, who has been elected by the European Parliament. The ten priorities for his term until 2019 are therefore the key pillars of this political contract between the two institutions.

In order to live up to his ambitions, Juncker structured the Commission differently from his predecessor. Now, the Commission President is supported by seven Vice-Presidents who equally have powers and responsibilities. This functions as an intermediate layer between Juncker and the college of commissioners. Each Vice-President is the head of a project team. The project teams change their composition according to the

topic they deal with. Commissioners can be part of several project teams. The Vice-Presidents are political heavyweights who have been leading political figures in their home countries, be it as presidents or prime ministers. With this new structure, the Commission shall be able to implement its policy goals in a more effective and transparent way. The new Commission website is a first hint to this increase in transparency.

## 2. What are the priority topics of the Juncker-Commission for 2015?

Apart from the ten priorities for the whole term 2014-2019, the Commission recently published 23 initiatives it wants to implement in 2015. These range from thematic agenda-setting processes like in the area of migration to the elaboration of legislative packages as for the Digital Single Market. The 23 initiatives fall under the ten priority headlines. One of the main purposes in this context is to boost “jobs, growth and investment” in the EU. Another goal of the Commission is to tidy up its legislative desk, sort out outdated or unimportant proposals and reduce the regulatory burden as a whole.

## 3. What would you see as the main obstacles and challenges in implementing the priorities?

The new Commission actually seems capable of improving effectiveness. It remains, however,



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unclear if Commissioners will follow the advice and accept the leadership of their respective Vice-Presidents. While the focus on ten priorities makes things more transparent, it is crucial, that the priorities are not overburdened by a broad range of sub-items which could undermine the rationalization efforts.

Finally, there are important national elections taking place in 2015. In January in Greece, in the UK in May and in Spain and Poland in autumn. As usual, they have the potential to influence the work of the Commission, especially in the framework of the EU legislative process. Against this background it is important for the Commission to form a coalition with the EP parliamentary groups that have elected Juncker in order to resist pressures from the Council.



# The Malian Nation in a State of Crisis?

by Naffet Keita\*

The debate on the nation-state started well before the creation of the Federation of Mali and the Malian state. The constitution of the Common Organization of the Saharan Regions (OCRS) in 1957 formed part of this debate. Medieval empires and kingdoms (Ghana, Mali, Songhay) had grown on this territory. They opposed the colonial penetration with fierce resistance and were never totally subjugated. A behavior of resistance and disobedience continued even after independence and the constitution of the Malian state.

This behavior which has recently turned into active upheavals reflects the end of recognized borders in the Sahelo-Saharan Malian area and the rise of so-called "identités meurtrières" (Maalouf, 1998). These developments put the role of the state itself in relation to its citizens fundamentally into question. Thus, how can we interpret the disruption of the nation-state as result of actual trends? Does it still make sense to talk about a "living together" under these circumstances?

## The Nation-State of Mali in the World

Our area of reflection is characterized by four facts, all of them unprecedented:

- No state of the Sahelo-Saharan area has encountered as many problems as Mali in terms of recurring riots and rebellions, and in terms of trafficking of all kinds.



Malian soldiers are trained in the framework of the European Union Training Mission in Mali (EUTM), which started in February 2013. © European Union Training Mission in Mali.

- Contrary to other ideological conflicts like the one between the Eastern and Western block, we observe a kind of "sanctification" fostered by Islamist and Salafist groups whose ideology does not accommodate the principles of human rights and multi-party democracy.
- The intervention of actors from the Non-African world into the life of each resident in Africa is stronger than it has ever been.

These factors may certainly weaken the link to the nation-state. Some observers have even drawn the conclusion putting the paradigm of the nation-state generally into question (Hugon, 2011).

## The Nation of Mali under the Stress of the so-called "Tuareg" Rebellions

The rebellious movements between 1990 and 2012 coincide with the questioning of the project of the nation-state. We can observe a revival of so-called "territorialized" identities (Azawad). At the moment, where borders are disputed and where the project of the Malian state seems to be rejected by local residents, groups like AQIM are attempting to take over the Sahelo-Saharan area. The questioning of the nation-state seems to change its focus: no longer is it about the unity of the ethno-cultural groups in Mali, but about their diversity. Have/can the so-called Tuareg rebellions – even though they are limited – put into question the "achievement of ethnic harmony" made so far? Or how could they facilitate a positive stance towards diversity which seems to have

been sacrificed on the altar of unity, in the framework of what is the current Republic of Mali?

Differences are common to the concept of the nation-state. Cohesion is achieved through the resolution of conflicts between ethnic groups and the state, between the different ethnic groups, or within one ethnic group. In this context, the nation – facing the risk of disappearing – has to continuously improve the unity to ensure the peaceful coexistence of the different groups.

Within the nation-state, this unity is expressed by two ideas: homeland and citizen. These two notions are basically the same thing, a single norm of practical and ideal ethics, a single fact giving the modern Republic all of its originality and its moral dignity.

### The Nation-State of Mali in light of Ethnic and Religious Extremism

The Malian ethnic space is the best example for a process of population movements, of settlements, that has extended over centuries, showing that there is no ethnic homogeneity.

In the absence of a systematic study on the relations between the ethnic groups in Mali, we have analyzed a limited sample. The most striking data out of the interviews we have conducted is the difference between the attitude of the Bambara-Malinke towards other ethnic groups on the one hand, and the attitude of the sedentary groups towards the nomads (Berbers) on the other hand. The Bambara-Malinke is the majority group

and has various attitudes towards the other ethnic groups: they banter that the Songhai are lazy and only like jobs in the finance sector; they show sympathy for the Soninke as they have entrepreneurial spirit and are good merchants; they feel consideration for the Dogon for their courage and their willingness to work. However, they call the Senufo acrimonious and consider the Bwaba to be heavy drinkers and clowns. While the other cited groups – except for the Tuareg – perceive each other with respect, they are generally rather reserved towards the nomads and consider the Berber Arabs in particular to be slavers, savages, raptors, disrespectful, robbers, and untamable. The nomads, in turn, accuse the sedentary groups of being indolent, cowardly, lazy, lascivious and corrupt, etc.

The analysis of these attitudes reflects a continuing division within the ethnic mesh of Mali. These subjective perceptions allow us to understand the influence of social barriers. These are even more evident in matrimonial interaction. They could have been a factor for social integration, but mixed marriages are still a problem. Endogamy - marrying within one's ethnic group - is the rule. Even if some changes are visible, they remain limited.

This is how a collective self – which allows identification – is created. What matters is to belong. This strategy is adopted by all of the groups. Against this background, we can conclude the following:

- The Berber Arabs' negative

reactions toward the Bambara-Malinke does not seem to derive from some sort of ethnic animosity: it actually results from the traditional dispute that we can observe between nomads and sedentary groups on the one hand, and on the other hand between those in the cities and those in rural areas.

- As for the Bambara-Malinke, they tend to believe that they are more Malian than the rest of the people who live in the country, and they therefore mix their ethnicity with their feeling of national belonging. This attitude seems to be an ascertainable historical fact, e. g. because of the choice of the term "Mali" and their tendency to focus on their role in the resistance against colonial occupation.

On the whole, ethnocentrism can be found in most of the groups that we studied: each individual has a positive self-image of his own ethnic group, acquired through family education and sometimes oral tradition. At the same time, a stereotypical image of the other ethnic groups is conveyed from one generation to the next. The knowledge that is shared of one's own group does not always correspond to the reality.

The Tuareg issue in Mali – be it in terms of ethnicity or politics – is a problem of tolerance. This tolerance presupposes the acknowledgement of significant differences. In relation to this, several interviewees stressed the fact that the differences of "Tuareg societies" are often

hidden under the cover of simplified unity. Furthermore, they emphasized the fact that prejudices are generated which are based on phenotypic differences and on the pigmentation of the skin.

To some extent, tolerance is still expressed through a certain acceptance of mutual differences, but it does not always work; as a lot of Malians do not understand the recurrence of the Tuareg rebellions. Under these circumstances, the peoples whose skin is said to be “white or red” are forced to explain, more than others, their belonging to the Republic in order to reduce the confusion that results from the following equation: white or red skin = rebel = secessionist.

It is true that the upheavals which followed some pogroms (the Aguelhof massacre, among others) affected many Malians belonging to this group. These upheavals forced a great number of executives into exile – be it temporary or permanent – for fear of repression. This indicates not only the erosion of the bonds of community and nationality, but also that of attachment to the state – whose basis are schools, the public service and the army. In addition to this, there is a distinction in spoken language in which the different groups are thus categorized: “people from the North, rebels, red ears, etc.”, as opposed to the “people from Bamako, Bambara, etc.”

These constructions and the association of prejudices with ethnic identities have contributed to weakening the links to the

nation-state. Against this background, a new environment has emerged as a result of a variety of interacting factors:

- The challenging management and control of the Sahel region, due to tensions resulting from a series of Tuareg rebellions;
- The occurrence of neo-MFUA – United Movements and Fronts of Azawad – who try to extend their influence by violence and land claims;
- The rise of Islamism with Ansar Eddine, who is associated with Al-Qaida;
- The economic challenges of this mineral-rich land, which is potentially exploitable and which also facilitates all sorts of trafficking;
- The corruption of local authorities and security forces, which led to the Malian state’s loss of monopoly of the legitimate use of violence;
- The collection of ammunition from Libyan depots.

We need to be aware of the consequences of these developments on the management of the nation-state.

### Conclusion

In spite of existing differences, the identity of Mali still remains first of all that of the Republic. The Republic which instructs, protects, integrates and brings together and above all which defines itself concretely as a regime based on the rule-of-law. This Republic has been weakened by three coups in 50 years, which is a lot. As a result, this

constantly changing Republic has continued to lose its monopoly in the security sector.

Should we therefore refrain from patriotism? We should reflect upon it. The Republic still belongs to all Malians. It unites us as much as it tears us apart. It allows Mali to go forward.

With the advent of the constitution of 1992, Malians wanted to create a better society by abandoning the old society and to change the mentality, to being citizens seeking progress, justice and dignity.

We perceive the discrepancy between these proclaimed values and the reality today. Hence the challenges for schooling, citizenship education, integration, employment and the need for self-responsibility, remain pertinent.

A comprehensive version of this article has been published in the “WAI Critical Analysis and Action Strategies” series and can be downloaded on the website of WAI ([www.westafricainstitute.org](http://www.westafricainstitute.org)).

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# The (third) new Act on the ECOWAS Parliament: A Greater Involvement of the People?

by Samuel Priso-Essawe\*

During its ordinary session, held in Abuja in May 2014, the ECOWAS Parliament urged the Community Member States to ratify “sleeping” supplementary acts, among which was the Supplementary Act A/SP.3/06/06 amending Supplementary Act A/P2/8/94 relating to the Community Parliament, without the ratification of which “the much needed enhancement of the powers of the Parliament may not be achieved”. Confusingly, the Parliament was calling to ratify an old text while a new bill reforming the Parliament’s statute was already discussed at the same time. The text of this new bill was generally approved by the Authority in December 2014. The new framework is planned to enter into force in 2016.

The Supplementary Act intends to bring the Parliament to a new and important age! In its Preamble it recognizes the necessity of a “greater involvement of the people in the decision-making process of the Community”, as well as “the strengthening of the Parliament”.

The Supplementary Act, which is to repeal the two previous Supplementary Acts (1994 and 2006), reflects the transformation of the Community Chamber. Two main ideas may be shortly highlighted here: Firstly, there is a real enhancement of the Parliament’s powers but, paradoxically, secondly, the goal of strengthening the legitimacy of

the institution was downgraded, as direct universal suffrage was abandoned!

## The Renunciation of Direct Universal Suffrage

The direct election of ECOWAS representatives was one of the main principles of the previous Supplementary Acts. The designation of the regional representatives by each national parliament, among its members, was a transitional system. And the amending Supplementary Act of 2006 didn’t bring any change on that point; on the contrary, it made a link between enhancing the Parliament’s powers and electing representatives by direct universal suffrage (Article 6.2 and 6.3 of the Supplementary Act of 2006). The 2014 Supplementary Act creates quite a different system: “The National Parliament of each Member State shall be the electoral college to elect the Representatives from among the citizens” (Article 16.1.a). A new and particular mechanism, which calls for a specific assessment.

a. The new system is different from the old one as well as from the transitional. The Representatives are elected “by” the national parliamentarians, but not “among” them. Any national holding citizenship may be elected, as far as he/she “is eligible to be elected as a Member of the National Parliament of [its] Member State under its Constitution or electoral law”. Eligibility is thus external to the na-

tional parliament, and the Supplementary Act indicates that the national legislative mandate is incompatible with the Communitarian (Art.17.1). This may be considered as a third way between universal and directly elected Representatives on the one hand, and national parliament-incorporated representatives on the other hand. It is a rather unique system, that differs from the European model which was the reference point of the earlier ECOWAS system. This originality is probably motivated by financial considerations: universal suffrage elections require a lot of money to be organized.

b. The new system, however, does not end the influence of national parliamentarians on the regional assembly. Firstly, because they elect the ECOWAS Representatives. And as these elections are ruled by national laws, and are supposed to “reflect (as much as possible) the political configuration in the State” (Article 16.1.b), the national representation to the regional parliament will no doubt be linked to and controlled by the political establishment in the national parliament. Secondly, is it reasonable to consider whether the system will really be an election? There’s no other condition to be eligible other than the eligibility to the national parliament; therefore, any citizen may present himself/herself for election. But keeping in mind the fact that the national parlia-



ment determines the applicable rules, the only difference to the former transitional system, is in fact, that parliamentarians will coopt new fellows, probably those who failed in the national legislative elections, instead of allowing some among themselves to go to the Community Parliament.

Finally, concerning the legitimacy of the representatives, there is nothing new in this Supplementary Act other than the incompatibility between national mandates and the regional one.

Against this background, the real innovation concerns the powers and competences of the parliament.

#### Extended Competences, Enhanced Powers

The future ECOWAS Parliament will no doubt be stronger, according to what is stated in the Supplementary Act. The regional assembly has been reformed concerning its participation, its powers and the fields in which it is called to intervene. Concerning participation in the decision-making process, the parliament has not been raised to the same position as that of the Council. National governments still have the stronger position. However, the role of the Parliament has been enhanced: a difference is now made between compulsory and optional participation. Sometimes the Parliament "must be consulted" for its opinion (the "mandatory referral" – Art. 9), or "must co-decide" with the Council (Art. 13). In other cases, it just "may be consulted" (the "non-mandatory referral" – Art. 10). The inten-

sity of its powers has also been formulated more precisely: they are sometimes constraining, and sometimes advisory. The competences of the representatives now extend from initiative to amendment.

In other words, there are areas in which the Parliament "must be consulted", either just to give advice, that may not be followed by the organ that requests it, or to provide a binding opinion or decision (with the Council). One new competence in this context relates to the Community budget. This budget will now be adopted by the Parliament and the Council through a "Regulation signed by the Speaker and the Chairman of Council" (Art. 15.9). There are also matters on which the opinion of the Parliament "may not" be requested. If these different types of intervention were important, it's more instructive to analyze the matters or fields in which these prerogatives are exercised.

The first observation is that the Parliament is not involved in what concerns the membership of the Community: admission, sanction, suspension or exclusion of a State (Art. 10.2) are "matters that need not to be referred to the Parliament". This is also the case for "defense, peace and security policies" (Art. 10.4). These are important questions, that need to be discussed by the democratic representation of the peoples of the Community. However, the debate on it remains limited to Ministers and Heads of State.

Secondly, there are important ambiguities in several provi-

sions. The Supplementary Act seems to make a difference between "co-legislative" powers and "co-decision" powers, but there is no clear definition of each of these prerogatives. Both are exercised "in matters relating to ECOWAS economic and monetary integration policies", but the co-decision seems to concern matters "which are the subject of Regulations" (Art. 13.3). Does this mean that the co-legislative power concerns the approval preparing a decision of the Authority, as stated in Art. 13.2? Perhaps, but nevertheless, Art. 13.2 also provides that approval is given through the co-decision procedure, which means that the Council and the Parliament have to forge a common position, if needed through a conciliation committee. Here, it seems reasonable to ask why "Parliament and Council shall each express their approval", when the decision as such is actually taken by another institution, the Authority?

The third observation is about the "matters relating to ECOWAS economic and monetary integration policies", in which the Parliament has co-decision power. What is the precise content of that notion? In a regional integration process like the one in West Africa, any question may be considered as "relating to" economic and monetary integration policy. Keeping that in mind, how can one distinguish areas for mandatory or non-mandatory referral? Furthermore, the co-decision power is stronger than the "mandatory assent", which is defined by the Supplementary Act as "an opinion of

Parliament that is binding on the organ that requests for it" (Art. 1): how can it then be explained that the "mandatory assent of the Parliament shall be required in (...) monetary integration" (Art. 12.d), when the co-decision is exercised in "all matters relating to (...) monetary integration policies" ?

It seems obvious that there will be different interpretations of the extent to which the Parliament shall exercise its powers; and this raises potential conflicts

with the Council and the Commission.

Another regret concerns the procedure for co-decision, which may take too long. The conciliation committee, composed of four representatives and four members of the Council has six weeks for its statement. A shorter period would have been better, as the different stages in the Parliament and the Council respectively are to be added to the procedure. The European system as an inspiration for this

mechanism is not a very good reference to be reproduced. Strengthening the legitimacy of the regional integration process and institutions in West Africa should lead to a shorter and less complicated mechanism.

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## ZEI INSIGHTS



ZEI Insights is a new online series providing commentary and critical analysis on governance and regulation issues related to the priorities of the Juncker Commission and its interplay with the European Parliament and the European Council. Authors are ZEI Scholars, Master of European Studies Fellows and Alumni.

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# Trade Deals and Reforms in West Africa: Implementation Challenges

by Sanoussi Bilal and Isabelle Ramdoo\*

The adoption of the Common External Tariff by the Heads of States Summit of the Economic Community of West African States (ECOWAS), in October 2013, marked a major milestone in the deepening of West African integration. Due to become operational in January 2015, the ECOWAS CET took 10 years to negotiate among the 15 ECOWAS members. It builds on and is meant to replace the four-band CET of the West African Economic and Monetary Union (UEMOA), in place since 2000.

The timing of the adoption of the ECOWAS CET, and partly its structure, was also significantly influenced by the parallel negotiations between ECOWAS (plus Mauritania) and the European Union (EU) on a new regional free trade deal, the economic partnership agreement (EPA). The result being that both internal and external factors have shaped the regional integration process of ECOWAS.

Similarly, the adoption of the ECOWAS CET paved the way for the soon after conclusion of the ECOWAS-EU EPA, the first African region to conclude and officially endorse a regional EPA on 10th July 2014.

The CET and the EPA, together with the completion of the liberalization process towards an internal free trade area in ECOWAS – the so-called ECOWAS Trade Liberalisation Scheme (ETLS), are the three major trade policy

evolutions that will have a combined impact on the region and its people.

## What does it mean in principle?

The ECOWAS CET means that all ECOWAS countries should apply the same customs regime to all goods coming from outside ECOWAS, irrespective of their origin. Except for EU goods, most of which, but not all (see below) should ultimately (i.e. in some years) be able to enter ECOWAS duty free. As for the trade between ECOWAS members, it should also be mostly liberalized. So, what does this mean in practice?

## What's up with the CET?

The CET comprises five bands: a rate of 0% average duty for essential social goods (85 tariff lines); 5% duty for goods of primary necessity, raw material and specific input (2146 tariff lines); 10% duty for inputs and intermediate goods (1373 tariff lines); 20% duty for final consumption goods (2165 tariff lines); and a fifth band, which involved tough bargaining, to accommodate protectionist pressures for few sensitive products, at a 35% duty rate for specific goods for economic development (130 tariff lines). There are also some special protection measures, safeguards and ad hoc exemptions, to provide some flexibility and facilitate adjustments, notably in terms of revenue losses, such as import adjustment tax and the complementary protection tax, or the 1.5% community levy to fi-

nance ECOWAS institutions. The adoption of the CET will change the level of protection, and revenues from duties, for a number of products and countries. Given the heterogeneity of ECOWAS countries (in terms of size, economic structure, revenue), the impact of the CET is likely to be felt differently by different countries and different groups of the populations. Farmers' organizations, in UEMOA in particular, have complained that the implementation of the CET could have serious adverse effects on the more vulnerable among them, leaving them without sufficient protection (e.g. in milk at 5% and rice at 10%). Yet, the ECOWAS CET rates on agriculture are mostly similar to those under the UEMOA CET, with a slight increase in most chapters, and a more significant increase in products such as poultry, beef and pork value chains (though some other products such as live animals, coffee, tea and spices have a slight decrease).

There are no comprehensive assessments yet on the impact of the CET on West Africa economies. Much will depend on the way the CET is operationalized. According to recent studies by the World Bank, the CET could have significant positive effects on Nigeria - the dominant economy in West Africa, for consumers and producers. But some might be negatively affected (mainly in the textile and apparel sectors). But the Nigerian business



associations have warned against the possible negative effects of the CET on local businesses, which combined with other economic and political turmoil, could create serious challenges to the domestic economy. Ghana estimates that it stands to gain additional revenue from the CET. So would Ebola-hit Liberia, though rural households could be negatively affected.

In any case, implementation of the CET and accompanying adjustments will remain a key challenge. So much so that its implementation, due to start in January 2015, has already been delayed.

#### An EPA after all?

EPA negotiations were based on ECOWAS's own integration process, using the Common External Tariff (CET)<sup>1</sup> as a basis for the tariff phase down. The formal adoption of the CET was thus an essential condition for the conclusion of an EPA by ECOWAS. EPA negotiations had started with ECOWAS in 2013, and as they could not be completed by the end of 2007, the date at which the unilateral preferences by the EU to the African, Caribbean and Pacific (ACP) countries under the Cotonou Agreement expired, Cote d'Ivoire and Ghana opted to conclude individual interim EPAs with the EU. But EPA negotiations continued at the regional level with the EU. Ultimately, the EU decided to set a deadline of 1st October 2014 for interim EPAs to start

<sup>1</sup> The ECOWAS CET was adopted in October 2013, to come into effect on 1<sup>st</sup> January 2015.

being effectively implemented, or for a regional ECOWAS EPA to be concluded, in the absence of which Cote d'Ivoire and Ghana would lose their duty-free quota-free market access to the EU. If either of them had started to implement their interim EPA, they would have prevented the formation of an ECOWAS customs union.

The pressure was thus on ECOWAS to preserve its regional unity and find a common outcome to the EPA negotiations. This has been a fundamental factor in the adoption of an ECOWAS CET in October 2013 and the soon after conclusion of an ECOWAS-EU EPA, officialized in July 2014. The two processes have been conducted in parallel, by the same group of technical experts and policy makers, at national and regional levels. In this regard, the EPA process may have contributed to support, and perhaps even speed up, the formation process of an ECOWAS customs union.

ECOWAS, as a region, has committed to liberalizing 75% of its tariff lines, based on its CET, over a period of 20 years. Products are classified in four categories and liberalization will be gradual. The list of exclusion covers a wide range of products ranging from agricultural goods to industrial goods currently being produced or expected to be produced as ECOWAS countries move up the industrial ladder. These include, inter alia; meat and meat products, fish and fish products, vegetable products, cereals,

cocoa and cocoa preparations, pasta, cement, textiles and apparel, paint and varnish.

In addition, the agreement contains safeguards and other flexible provisions.

The concluded EPA has the main benefit of preserving ECOWAS unity. It is a rather traditional, goods-only, shallow agreement, with strong asymmetry and some flexibility. Its impact is likely to be small, with possible negative effects concentrated on a few countries, sectors and categories of households. But given the numerous other challenges in the region, and combined with the CET and ETLs implementation task, careful attention must be given to the necessary adjustments and accompanying measures that should be put in place to facilitate the operationalization of these new trade deals and reforms to effectively promote the sustainable and inclusive structural transformation of West Africa.



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