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ECOWAS and Democratic Sustainability in West Africa: A Critique of Protocol 2001

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## ABSTRACT

*The wide spread enthusiasm exhibited by both the signatories of Protocol 2001 as well as ordinary citizens of their various countries following the signing of the treaty in 2001 stemmed from their belief that at long last various governments of members states of ECOWAS are committed and sincere in instituting democracy and good governance in their countries and this would usher in peace and development of all ECOWAS states. However, after 23 years of its execution, the goal which the treaty sought to achieve is even more illusive today than then. The objective of this paper is to show that the achievement of democracy and good governance in ECOWAS member states using Protocol 2001 as their road-map is not only infeasible but also unrealizable. Employing Hamza Alavi's theory of State in Post Colonial Societies as analytical tool, assessing the background colonial legacy and character of ECOWAS member states and relying on secondary sources of data, the paper argues that democracy and good governance as enunciated in Protocol 2001 is floundering in member states because post-independence political leaders who assumed political control of member states and their orientation to colonial anti-democratic policies such as deception in acquisition of colonial territories, primitive exploitation and accumulation of wealth, authoritarianism in governance and post-independence policies such as sit-tightism in office by heads of government, creation of family dynasty, judiciary dependence on executive and frequent coups are factors militating against the successful implementation of the tenets of the protocol. The paper avers that since democratic foundation was not properly laid at independence of member states; it is difficult for member states to successfully implement various articles of the protocol. The paper recommends that for conducive atmosphere to be created for democracy to thrive, member states should vigorously fight against the twin-evil of poverty and corruption as well as exercise tight control over population growth in their countries.*

**KEYWORDS:** ECOWAS, Democratic Sustainability, West Africa, Critique of Protocol 2001

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## INTRODUCTION

Economic Community of West African States (ECOWAS), an inter-governmental Organisation (IGO) was founded in 1975 when its treaty was signed by the heads of state and

government of all the 15 member states in Lagos, Nigeria. This initial treaty restricted the organization to purely economic and developmental pursuits. Perhaps realizing that economic integration and development of the sub-region cannot be achieved in an environment characterized by political instability, conflict and war, the treaty was, in July 1993, revised to address these problems. In other words, the revised 1993 treaty goes beyond economic issues to, among others, involve ECOWAS in political, security and peace-keeping imperatives including power to impose sanctions on recalcitrant member states. As these measures did not go far enough to create necessary atmosphere for development to thrive a new agreement known as Protocol on Democracy and Good Governance 2001 was introduced as Supplementary to the protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. The protocol literally forced member states to subscribe to the adoption and execution of democratic processes in the governance of their respective home-states and out-lawed forceful take-over of government. It also prescribes sanctions for violation of the tenets of the protocol by member states.

Since 2001, West Africa has not witnessed much significant improvement in the method adopted by signatories of this protocol in the governance of their respective states. According to Ukase and Atime (2017) countries in the sub-region are still witnessing threats to lives and properties, terrorism, blatant violation of human rights, electoral malpractices and violence, bloody civil strife and regimes that lack legitimacy. All these undemocratic acts are what the 2001 Treaty sought to prevent but they are still being perpetrated in member states.

The founders of ECOWAS modeled the organization after the then European Economic Commission (EEC), now European Union's (EU) example. In appreciation of the success story recorded by EU in fostering the integration and development of the economy of Europe, the founders of ECOWAS sought to duplicate such feat in West Africa. They failed to take cognizance of the fact that the enabling environment in Europe which ensured the success of EU as a regional economic body is different from the situation in West Africa and indeed the entire Africa. For example, while states in Europe are firmly democratically established and stable having evolved naturally from the dynamics of the European society, the states in Africa, on the other hand, are too weak and too internally compromised to stabilize the society for needed development having been imposed by European colonial masters. After centuries of occupation of African territories, the governance legacy which they bequeathed to post-colonial African leaders was anything but democracy. On what foundation then does ECOWAS seek to grow democracy in West Africa?

## **OBJECTIVE OF THE STUDY**

This paper seeks to present a critique of ECOWAS self-imposed responsibilities of instituting and sustaining democracy and good governance among member states. We intend to show that achievement of democracy and good governance in ECOWAS states through Protocol 2001 is not feasible owing to the economic and political backgrounds as well as other legacies which these states inherited from their colonial masters. We also intend to show that the post-colonial African leaders who took charge of political affairs since independence are/were not amenable to democratic pursuits whether viewed from the prism of ECOWAS laid down principles or other western democratic standards. Constant ECOWAS intervention in political disputes so far since the protocol 2001 was signed are the evidence supporting the premise that ECOWAS objective in this context is not realizable.

## **CONCEPTUAL AND ANALYTICAL DISCOURSE**

### **➤ Conceptual Issues**

Democracy and Good Governance are important concepts in our discourse. It is therefore necessary to have an indept understanding of the context they are used in this paper.

➤ **Democracy**

The term democracy is derived from two Greek words: “demos’ meaning “people” and “kratia’ signifying “rule of or by”. According Leeds (1976) the first kind of democracy occurred in ancient small Greek City-States where it was possible for all the citizens to meet together in one place to discuss issues concerning their community and also govern themselves. Today democracy is widely regarded as being synonymous with liberal democracy (Adejumobi, 2004). There are however other forms of democracy such as social democracy and socialist democracy. The type of democracy practiced in small ancient Greek city states, above mentioned (direct or social democracy) is regarded by Ake (2000) as signifying popular power where authority was not delegated but the power of the people was expressed. To him popular power is the essence of democracy because it seeks the realization of human potentialities through active participation in rulership and brings about positive and activist freedom to citizens. However popular democracy (also known as social or direct democracy) cannot be adopted by modern states owing to large population and geographical size. Representative democracy therefore becomes inevitable. It is a government by the consent of the people (Adejumobi, 2004). This is characterized by the people’s choice of their political leaders through competitive elections, a guarantee of extensive civil and political rights, the rule of law and public accountability (Diamond; 1997). Liberal democracy is a form of representative democracy that gained ascendancy with the emergence of capitalism in western world. According to Adejumobi (2004), it became necessary at that era to engineer a political system and mode of polity that will service and protect the base of society which was the capitalist economy. That partly explains why liberal democracy is compatible with a market economy. Ake (2000) agrees that the values of capitalist market are the same with core values of liberal democracy which are: egotism, property, formal freedom, and equality. In other words, issues concerning private property and its accumulation are emphasized and well protected under liberal democratic constitution while that of equality and socio-economic rights are only in theory than real for the majority of the people. Adejumobi (2004) put it this way, “... the market, private property and accumulation come first, distribution and the issues of equality and rights come later in a liberal democracy. This partly explains why social tensions and contradictions reflected in aggression, violence, murder and arson are part of the social culture of western liberal democracies.” It is clear from our analysis so far that liberal democracy is characteristically violence prone and conflictual and as such cannot support democratic stability especially where the actors or practitioners are discipline deficient to respect the rules of the game or had no good prior orientation to the culture of the system among others.

Although the Protocol 2001 of ECOWAS has not directly defined what it regards as democracy, however from the review of Articles 1 to 18 of the treaty it is clear that it regards democracy as a civilian-led government installed through free and fair election competed for by political parties. This is akin to western liberal democracy which emphasise universal adult suffrage; competitive elections, equality of citizens before the law; freedom of speech, press and religious freedom, a government responsible to the majority voters, among others (Gould and Kold: 1964). Although the principles of liberal democracy enunciated above are important, they do not guarantee good governance. The electorates do not have real control over what the elected leaders use the state for after the ritual of election. The ruling political leaders can for example, decide to ignore the wishes and aspirations of the people and pursue their selfish class interests (Esetang: 1987). In line with the thinking of Nnoli (1981) we propose that a true democratic state should ensure that all obstacles, both human and non-human are removed on

the path of man to enable him to acquire the capacity to muster, manipulate, conquer, transform and control his physical, biological and socio-economic environment for his benefit and that of his fellow human. This can be done by creating free channels for him to acquire and exercise his capacity. The free channels can be created by ensuring the equitable distribution of the society's wealth, adhering to laws and regulations of the state, and encouraging mass participation in the productive and political processes of the state. It is such democratic government that can effectively create and sustain the conducive environment for integration and development envisioned by ECOWAS.

To achieve this needed environment, the leadership class presiding over the democratic state must be ready to commit class suicide by deliberately formulating and executing programmes and policies aimed at favouring majority of the people such as fighting poverty and corruption to the discomfort of the ruling class. Such leadership is very rare in Africa. When it eventually emerges, it is quickly annihilated either by faction/faction of its class or opposing class as for example Thomas Sankara of Burkina Faso. That partly explains why genuine democracy is hard to achieve in West Africa.

### **Good Governance**

As with other social science concepts, there is no generally agreed definition of governance. Its myriads of definitions can be categorized into two groups; the restrictive conception of governance which borrows directly from the corporate world as propagated by the World Bank, and the holistic version that transcends the state and institutions as advanced by United Nations Economic Commission for Africa (UNECA) and United Nations Development Programme (UNDP). According to Adejumo (2004) restrictive variant regards governance as involving efficient management of state institutions, public accountability, transparency in government procedure, rule of law among others. Advocates of this point of view seek to run government institutions with corporate or private sector mentality characterized by strict discipline and minimum government control. For the holistic version, governance, with the major governance actors being the state, the civil society and private sector, is seen as the process of steering state and society towards the realization of collective goals. Thus while United Nations Economic Commission for Africa (UNECA) defines governance as a process of social enjoyment between the rulers and the ruled in a political community, the United Nations Development Programme (UNDP) on the other hand views governance as the totality of the exercise of authority in the management of a country's affairs, comprising of the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights and mediate their differences. (Adejumo (2004).

The two conception of governance afore-mentioned are not without their drawbacks. While restrictive version of governance tends to align with liberal governance with the implication of promoting the welfare of the rich in the society, the holistic variant has only a semblance of inclusiveness as it still favour the privileged members of the society. As argued by Adejumo (2004), the private sector, which is small and limited in Africa, are more emphasized to the detriment of the bulk of majority rural population. Moreover, the Civil Society Organisations (CSOs) which are urban-based are prioritized in this conception of governance. What then is the much sought after good governance that is needed in West Africa to promote democracy.

Governance is good when, according to Mohideen, it is operated in accordance with legal and ethical principles as conceived by society (Mohideen 1997). It is good if such principles steer the state and society towards serving the interest of the greatest number of the

people in society through collective participation of the citizens. In translating this collective participation into practice, it means the holding of free, fair and frequent elections, representative legislatures that make laws and provide oversight function and an independent judiciary to interpret those laws (Atakpa and Udoms, 2015). This is similarly prescribed in section 7 of ECOWAS protocol 2001. The protocol presuppose that ECOWAS member states should see the adoption western liberal democracy as the only way to secure good governance for member states. It has earlier been argued that liberal democracy cannot guarantee good governance with the background which Africans have found themselves.

### **Theoretical Discourse**

The theoretical framework that can best be used to explain the politico-economic dynamics of various states in West African sub-region is the theory of State in Post Colonial Societies as promoted by Hamza Alavi (1972). As a variant of Marxist postulations, the theory was originally used to study post-colonial societies in Pakistan and Bangladesh.

According to him, states in most post-colonial societies exhibit certain characteristics such as being; too weak and too internally compromised to stabilize society and economy; imposed by the colonial powers thereby making it to be alien to African society; so pervasive that its alien rules and regulations are unfamiliar to indigenous political actors; a state where post-colonial indigenous leaders imitated the departing colonial powers in the use of state institutions and personnel as instruments to suppress opposing groups and to divert state funds into their private use in order to enrich themselves and establish their economic base; a state where ruling classes have no economic power and only play marginal role in the production process; a state where this marginal role makes them to be highly undisciplined in respecting “the rules of the game” in democratic process of the state they control, and lastly a state where factions and fractions of the ruling classes mostly use state power to further the interests of their faction or fraction and paying little or no attention to the interests of other factions nor that of the majority of the masses.

From the review of Alavi’s postulation about states in post-colonial societies above, the following conclusion can be drawn:

- The states are economically weak and dependent having suffered centuries of colonial exploitation,
- The nature of colonial state and its rules and regulations are alien to African environment;
- Colonial legacy of exploitation of local resources is replaced, after independence, by amassment of state resources for self-enrichment of post-colonial leaders;
- Instability in post-colonial societies are caused not only by indiscipline of the political leaders but also by their use of state’s resources to further their interests only while ignoring interests of majority of the people;

Alavi’s postulation can be effectively applied to West African states. West African states have no strong foundation that can carry and sustain democracy and good governance for their states. Their economies are weak; the governmental systems and the rules and regulations governing them are alien to them; their indigenous political leaders are involved in cut throat competition to control state power for their selfish interests, and constant instability in governance and coup d’etat stem from the indiscipline of the political class in their quest to control state power at all cost for their selfish interests.

### **BACKGROUND LEGACY AND CHARACTER OF ECOWAS MEMBER STATES**

The quest by ECOWAS that member states should enthrone and sustain democracy and good governance in their countries through its Protocol on Democracy and Good Governance of 2001 and the challenges arising therefrom since its enactment cannot be understood except by looking at the background and character of member states of the organization. In this section we intend to study the characters and legacies of West African States with a view to determining whether they provided the needed foundation for democracy and good governance or not.

## **COLONIAL ERA**

### **Legacy of Deception in Acquisition of Territories**

All member states except Liberia were once colonial territories of France, Britain or Portugal. The quest by Europe to colonise Africa stemmed from, among other things, to secure sources of raw materials for their home industries as well as market for their industrial products (Ubani et al, 2013). Owing to stiff competition among them, the colonialists employed crude and undemocratic methods to acquire as many African territories as they could. In Nigeria, the British authorities entered into dubious treaties of unequal relationship with indigenous chiefs which, according to them, was to protect Africans from other European competitors which later turn out to be a deception to seize territories from African chiefs (Abia, 2003). After King Kosoko of Lagos, for example, signed the so-called protective treaty with the British colonialists in 1861, his attempt to trade with Brazilian merchants earned him a deposition by the British Consul by name John Beecroft who accused him of insubordination (Ubani et al, 2013). Similarly in the French territory of Cote D'Ivoire (Ivory Coast), French colonial administrators trickishly forced chiefs to sign treaty of protection with them. In the execution of these treaties Governor Gabriel Angoulvant in 1908 tried to bring about effective control of the sections of Cote D'Ivoire through *method rigoureuse*. This brought constant fighting between French forces and the indigenous African people (Uwechue, 1991). The situation was not different in the Portuguese West African territories of Guinea Bissau and Cape Verde.

In the post-colonial era, colonial deception for acquisition of territories became replaced by deception for acquisition of political power by indigenous political actors. This forms the background of the current widespread culture of deception regularly used by politicians through their empty promises in electioneering campaigns which they intend not to fulfill during their tenure in office.

### **Legacy of Primitive exploitation and accumulation of wealth**

European colonialists were the first people to demonstrate to Africans that power can be used as an instrument for wealth acquisition. Thus, the colonialists used their political control of various territories of Africa to exploit the natural resources of the occupied areas and repatriate them to their home countries at a price determined by them, an action which they initially openly declared that they had no intension to do. They in turn exported their industrial products back to Africa of a price also determined by them (Dumont, 1988). In this process of unequal relationship, the colonialists amassed huge profits which they used to develop their European home countries to the detriment of Africa. (Offiong, 1980). Indeed, colonies were not free to sell their primary products to markets offering higher prices or to buy manufactured goods from markets offering cheaper prices. This was particularly the case with France under the obnoxious programme of Colonial Pact which involved the policy of economic assimilation or exploitation of her West African colonies. The situation in the British West African colonies, although a little more liberal in this regard, were still restrictive as similar policy in the

1930s barred the importation of cheap Japanese cloth and other goods in her West African colonies (Onwubiko, 1973).

It is clear from our analysis above that the main motive for colonization of African territories by the European colonialists was to accumulate wealth from the exploitation of African natural resources which they repatriated back to their home countries and not to develop African countries or encourage democracy. Indeed, although European colonialists practiced democracy at their home countries, it became imperative for them to use undemocratic methods of administration to hold down the conquered African people in order for them to succeed in their policy of resource exploitation and wealth accumulation.

This became the legacy which many post-colonial African political leaders imbibed which now forms the background of the present-day uncontrolled competition for corrupt wealth acquisition which is anathema to democracy and good governance.

### **Legacy of Authoritarian Governance**

The three colonial powers of West African States viz: France, Britain and Portugal bequeath a legacy of authoritarianism on post-colonial political leaders of their colonial states. Although it is claimed that Britain was a little more liberal in running the affairs of its colonial territories (Onwubiko, 1973), France and to a greater extent Portugal were repressive in their style of governing their territories. The British colonial authorities first introduced indirect rule which worked in some areas (Hausa/Fulani areas of Northern Nigeria, Asante federation of Ghana and the protectorate areas of Sierra Leone and Gambia) (Onwubiko, 1973). It however failed in the Fante and Ga regions of Ghana, the Igbo and Ibibio family areas of Eastern Nigeria and partly successful in the Yoruba region of western Nigeria. Indirect Rule, in its conception and practice, was antithetical to democracy for it promoted traditional institutions and enhanced the powers of traditional rulers who were not amenable to democratic processes. It also sowed the seed of ethnicity which later on impeded smooth practice of true democracy in Nigeria. That partly explains why nationalists and other educated Africans overwhelmingly opposed the policy.

In the French territories, France adopted the policy of Assimilation and Association. Based on French notion that their colonies are overseas provinces and as such extension of France, they adapted Assimilation policy. The policy involved the adoption of French culture, enjoyment of French citizenship rights, the introduction French system of local and central government including representation of the colony in the French National Assembly. All these were for Africans living in the communes only such as Dakar, St. Louis, Goree and Rufisque all in Senegal (Senghor, 1975). Apart from these four communes majority of Africans living in the rest of the French territories including the interior of Senegal were not assimilated. They were subjected to the humiliation of the *code indigement* (that is trial without a jury and without defence by lawyers; arbitrary taxation and forced labour, no rights of representation in the French National Assembly) (Onwubiko, 1973). Following the failure of this policy owing to its rejection by both French scholars and most Africans of the territories who kicked against its discriminatory principles, the policy was substituted with that of Association. The policy of Association sought to respect and preserve the colonial people's tradition, institutions, religions, customs and ways of life of the African people under an indissoluble French empire. An assessment shows that in theory this policy gave liberty to indigenous people to run their affairs using their traditional institutions. However, in practice French colonial authorities continued with its direct centralized rule using French officials who deposed many paramount chiefs who

opposed French rule and created artificial chiefs to replace them. Those appointed were subordinate to local French authorities (Onwubiko, 1973).

The above analysis shows that the three colonial powers in West African states practiced authoritarianism instead of democracy. As the foundation of authoritarianism was laid in these states it is difficult for post-colonial indigenous political leaders to be familiar with the practice of democracy.

## **POST COLONIAL ERA**

### **Sit-Tightism**

Sit-tightism or tenure elongation is a practice whereby a head of state, owing to his dictatorial control over key institutions of government, tampers with the state's constitution to remove tenure limit to his office to allow him to stay in office indefinitely. Although it is an aberration in democracy, it is however widely embraced by some heads of state in Africa. This stems from repressive and authoritarian colonial past where colonial authorities regarded themselves as demi-gods. Examples of such sit-tight heads of state in West Africa were: Leopold Sedar Senghor of Senegal, Gnassingbe Eyadema of Togo, Felix Houphouët-Boigny of Ivory Coast, Mathieu Kérékou of Benin, Yahya Jammeh of Gambia among others.

### **Creation of Family Dynasty**

Family power inheritance mostly occurs in states where the head of state mostly a former military man, has tampered with the constitution in order to elongate his tenure. Inclination to do this is probably being influenced by African tradition of perpetual chieftaincy family succession and its encouragement by colonial policy of indirect rule which strengthened the power of traditional chiefs. Creation of family dynasty or succession is a violation of democratic principle of free choice whereby citizens are empowered to choose their leaders from among many contestants who present themselves before voters. The propensity to resort to this kind of practice by some African and West African leaders in particular is an indication that it may be difficult to achieve widespread democracy and good governance in West Africa. Togo is an example of a country where the son Faure Gnassingbe succeeded his father Gnassingbe Eyadema in 2005.

### **Judicial Dependency**

Independence of the judiciary has severely suffered in many post-colonial West African states in both civilian-led and military regimes. The weakness of the judiciary in upholding its independence is blamed on such factors as the methods of appointing and removing judges from office which is left to the discretion of the chief executive and the legislature; the funding of the judiciary and general poor condition of service of judicial officers (Nigeria: Report of the Political Bureau 1987). In many ECOWAS member states these problems have not been thoroughly addressed in order to ensure that the court is indeed the last hope of the common man. That explains why it is very rare for the court to pronounce judgement against the government in ECOWAS states especially in the French speaking states. In Franco-phone West African states, constitutional courts almost always rule in favour of the person in power.

### **Frequent Military Coups**

The military usually blame their intervention in politics on corruption and unpopularity of the ousted civilian government. This is mostly self-serving excuse because many military regimes have also been overthrown by fellow military for performing very poorly for example

Abacha in Nigeria and Yahya Jammeh of Gambia. Military intervention in politics is a result of cut throat competition between the civilian and the military to control state power at all cost for their selfish interests. As long of this competition ensues democracy and good governance cannot be attained.

These are the colonial and post-colonial political weaknesses that formed the background upon which ECOWAS member states enacted and signed protocol 2001 with a view to instituting democracy and good governance in ECOWAS states.

### **DEMOCRATIC SUSTAINABILITY IN ECOWAS STATES: A RE-ASSESSMENTS OF PROTOCOL 2001**

ECOWAS Protocol 2001 titled “Protocol on Democracy and Good Governance” premised on the assumption that since all member states signed up to it, they will adopt and pursue all its principles and this will in turn bring about enthronement and sustenance of democracy and good governance in all member states. In this section we intend to critically assess this assumption with a view to identifying its flaws which could militate against the success of the protocol.

#### **Separation of Powers**

Article 1 (a) prescribes that the constitution of member states should contain the principle of separation of powers between the executive, legislative and judicial arms of government. The article prescribes that states under military administration such as Guinea, Burkina Faso and Niger and those of civilian-led ECOWAS states provide for separation of powers between the three arms of government for example in Nigeria, Ghana, Senegal among others. This provision has not however ensured democracy and good governance in these civilian-led countries owing to some factors. These are the undisciplined character of African political leaders and authoritarian legacy they inherited from their colonial masters. Their undisciplined nature is exemplified by inability to respect and adhere to democratic rules and regulations as practiced by advanced democracies world-wide while their authoritarian nature ensures that chief executive of each member state subjugate the other two organs of government under them to protect their interest. In Nigeria for example, the 1999 constitution provides for separation of powers but under the Obasanjo civilian-led administration (1999-2007) Senate Presidents (Legislative branch) were installed and deposed in quick succession at the influence of President Obasanjo (executive branch). A typical example was Dr. Chuba Okadigbo, the second Senate President of the 4<sup>th</sup> Republic who “... brought legislative independence (and also)... his assertive style of leadership brought about a frosty relationship with the executive (President Obasanjo) who instigated internal division and disloyalty among members. He (Dr. Chuba Okadigbo) was impeached along with his deputy after only 11 months in office”. (Ubani, et al, 2013).

Similar infractions also occur in French-speaking and Portuguese speaking ECOWAS countries where their legislatures cannot legislate against the President’s interest nor can their constitutional courts enter judgement against their presidents.

The doctrine of separation of powers, even if stipulated in the constitution, cannot therefore guarantee democracy and good governance in ECOWAS states.

#### **Preparation, Conduct and Announcement of Election Results**

Article 6 recommends transparency on the part of electoral body in the preparation, conduct and announcement of election results in each member state. The fact that complaints of absence of transparency in the conduct and announcement of election results is still

widespread in many ECOWAS member states shows that this provision has largely been ignored. This could be traced to constitutional powers bestowed on the president to appoint the head and members of electoral bodies as well as the high premium which members of these electoral bodies place on wealth acquisition which make them susceptible to manipulation by the ruling party. Electoral bodies in Nigeria and Sierra Leone are recent examples of those of accused of lack of transparency in their activities. The recent attempt to shift general election date in Senegal by President Macky Sall which ignited protest from citizens of that country is another. These complaints are evidence that democracy is not grounded in these countries.

#### **Concession of Defeat by Losers of Election**

Article 9 recommends that losers of election should concede defeat to the winners within the deadline stipulated by the law. This apparently is an advisory clause which have been largely ignored by political actors. It is because control of state and its apparatuses is the prime prize of post-colonial leaders and it is the quickest means of amassing enormous wealth and property through corrupt means. (Uwak and Esetang, 2023). Consequently, losers of competitive election often employ all means lawful and unlawful to achieve their goal of controlling state power. In Ivory Coast for example, in 2011 civil war broke out which led to the intervention of ECOWAS to restore normality when former president Laurent Gbagbo was defeated in a general election by Allasan Quatarra but Gbagbo refused to accept result and declared himself winner resulting in a civil war.

#### **Intimidation and Harassment of defeated candidates and their Supporters**

Article 10 prescribes that all holders of power at all levels of government should refrain from intimidating and harassing defeated candidates or their supporters. Many ruling political actors in Africa generally and in ECOWAS countries in particular have occasionally intimidated and harassed opposition or defeated candidates and their supporters having witnessed and experienced same authoritarian tendencies from colonial administrators who presided over West African territories. In other words, authoritarian tendencies exhibited by the ruling political leaders in ECOWAS states is rooted in the colonial foundations of these states which may not be easily wished away by signing of treaty.

#### **Dispersal of Non-Violent Demonstrations/Protests**

Article 22 forbids member states from using security forces to execute cruel, in-human and degrading punishments to non-violent demonstrators/protesters and when demonstration becomes violent only minimum force should be employed. In most member states constitutional provisions guiding the appointment of heads of security forces by heads of government constrains the appointed officers to exhibit overzealousness in carrying out their responsibilities in order to ingratiate themselves to their chief executives with a view to keeping their jobs. As long as such constitutional provisions and such gullible heads of security organizations exist, harassment, intimidation and use of crude tactics by security forces will not abate for example #End SARS protest in Nigeria under Buhari's administration.

#### **Execution of Poverty Alleviation Programmes and Promotion of Social Dialogue.**

Articles 25, 26, 27 & 28 indicates that member-states have agreed that social peace is predicated on the execution of poverty alleviation programmes such as equitable distribution of income and resources of the society to meet the basic human needs of their populations and to promote social dialogue with various ethnic groups, labour unions and association in their countries.

Many ECOWAS countries have instituted their poverty alleviation programmes and allocated stupendous sums of money for their execution for example National Social Investment Programme (NSIP) in Nigeria and Poverty Eradication Programme (PEP) in Ghana. However, these programmes have so far failed to have significant impact on the huge poverty profile of these countries owing to their corrupt abuse in the hands of their executors. In Nigeria, for example, the minister for Humanitarian Affairs and Poverty Alleviation under Buhari administration and her successor under Tinubu administration who were alleged to have embezzled billions of the programme fund were subjected to probe by Economic and Financial Crime Commission (EFCC) in 2024.

Government rarely voluntarily holds dialogue with social, economic and labour groups in their countries except there is threat to peace. This is an example of authoritarian disposition which does not promote democracy.

### **Respect for Rule of Law and Human Rights**

Articles 32, 33 and 34 stipulate that member states are in agreement that press freedom, rule of law, human rights and justice strengthen democracy. The protocol directs ECOWAS Executive Secretary to take practical measures to enforce them. There is no gainsaying that rule of law, press freedom, human right and justice are essential principles of western liberal democracy but in most ECOWAS countries they are observed in the breach. Rule of law favours the rich and mighty in the society; press freedom is abused by the population through sharing of fake news in the social media while print and electronic media are either self-censored or tightly regulated by the government. This is the vestigial remains of authoritarian colonial legacy of these countries which political leaders, including those who signed protocol 2001, are not in a hurry to abandon.

### **Corruption Fight**

Article 38 indicates the undertaking of member-states to fight corruption and manage national resources in a transparent and equitable manner. The protocol directs ECOWAS Executive Secretary to establish appropriate mechanism to address the menace. The prevalence of corruption in governance of most member states are the usual excuse bandied by the military for seizing power for example in Mali in 2012. However, experience have shown that this is a mere ruse design to conceal the main aim of controlling state power which is to use it to establish their personal and friends economic base through corrupt means. This legacy of deception inherited from colonial past have not been abandoned despite many years of independence. Experience has shown that both civilian and military governments are susceptible to corruption. Some military governments may be more corrupt than civilian government for example Abacha Loot in Nigeria.

### **Women, Children and the Youth**

Articles 40, 41 and 43 confirm the agreement of member states to promote the welfare and rights of women, children and youth in their countries with a view to achieving progress and peace in the society. In this case some success stories co-exist with some humiliating failures. Age qualification for political contest has been lowered for the youths in many countries. Women are offered free election nomination forms in many countries while they are being offered more political appointments. In some countries children are enjoying free education and free school feeding. However, Africa, including ECOWAS countries, are still suffering from high illiteracy rate, high number of out-of-school children and street children

than other continents. Many qualified youths still remain unemployed thereby being available as ready reservoir for recruitment into terrorism gangs.

It should be noted that if key principles of Protocol 2001 such as respect for separation of powers, transparency in the conduct and announcement of election results, concession of defeat by candidates, stoppage of intimidation and harassment of defeated candidates/supporters, use of inhumane methods to disperse protests and demonstrations, implementation of poverty alleviation programme/social dialogue, respect for the rule of law and human rights, fighting of corruption, and lastly the prioritization of the welfare and rights of women, children and youths, were sincerely implemented they could have stabilized the polity and sustained democracy. We have shown that the implementation of these programmes has however suffered in the hands of post-colonial African leaders of various ECOWAS member states because of colonial legacies they inherited and their related post-independence outgrowths such as sit-tightism, setting up of family dynasty, judicial dependency and frequency of military coups. As long as these factors are prevalent among member-states, democratic sustainability and good governance may not be achieved.

## **CONCLUSION AND RECOMMENDATIONS**

As long as there is continuous prevalence, in modern days, of such debilitating factors in ECOWAS states as political deception, primitive accumulation of wealth and corruption, authoritarianism in governance, sit-tightism, creation of family dynasty among political leaders as well as judicial dependence, and frequent military coup d'état, the right foundation does not exist to establish and sustain democracy. Consequent upon this, Protocol 2001 may not succeed in instituting and sustaining democracy and good governance in ECOWAS states. Indeed, the recent decision by the so-called Alliance of Sahel States – Mali, Burkina Faso and Niger (all controlled by the military) to break away from ECOWAS underscores this point. They chose to break away because ECOWAS instructed them to respect the spirit and letters of Protocol 2001 and restore civilian government in their countries. Some member-states criticizing these three recalcitrant states are themselves not implementing the treaty wholeheartedly for example in the area of sincere fight against poverty. There is therefore the need for strategic rethink on the part of ECOWAS if its objectives concerning democracy are to be achieved.

Our findings have clearly shown that sustained democratic governance cannot thrive in the sub-region owing to its tensed socio-economic and political environments as extensively discussed in this paper. To reverse the situation, we recommend that member-states should deploy a higher proportion of the wealth of their countries to enhance the welfare, security and comfort of ordinary citizens of their countries through the following programmes: fight against poverty, fight against corruption and control of population growth.

### **Fight against Poverty**

Member states should fight poverty through:

- (a) engagement of youths in farming and other agro-allied businesses;
- (b) intensive training and equipping of all unemployed youths including degree holders in skill acquisition ventures;
- (c) provision of technical guide and interest free loans to entrepreneurs;
- (d) improvement on the ease of doing business to attract foreign investors.

### **Fight Against Corruption**

Member states should fight corruption through:

- (a) provision of free education to children at all levels,
- (b) free medical treatment to all citizens,
- (c) good condition of service, good salary and good pension to public service workers; and
- (d) upgrade in the investigative powers of code of conduct officers, the police and financial crime bodies.

**Control Over Population Growth**

Member states should, depending on the severity of the situation in their countries, limit the number of children per man to 4 and per women to 4 also. This will, in the long run, ensure that population does not outstrip resources.

It is postulated that sincere and scrupulous implementation of these recommendations by each member state can reduce tension among their citizens and create conducive environment for democracy and good governance to grow.

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