

# WestAfrica

## INSIGHT



# MOROCCO's ACCESSION TO ECOWAS



Centre for  
Democracy and  
Development

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# Editorial

This December, the Economic Community of West African States (ECOWAS) has to decide whether Morocco's application to join should be accepted or thrown out. Jibrin Ibrahim makes the case that ECOWAS should not allow itself to be stampeded into accepting Morocco into its fold without thinking through the implications for its core principles and practices. The request by Morocco for a phased entry into ECOWAS with exemptions on the constitutional convergence principles enunciated in the Supplementary Protocols on Democracy and Good Governance and the Free Movement of Persons means it's only interested in the free movement of goods – Moroccan goods into West Africa.

Babatunde Idowu uses the notion of 'Soft Power' to explore the power of attraction and persuasion ECOWAS possess that makes it more attractive for Morocco relative to other RECs on the continent. He makes the case that the ECOWAS Treaty clearly defines who ECOWAS Member States are, and Morocco is not on the list. Indeed there is no provision in the ECOWAS Treaty for the admission of new Member States, although, Article 90 of the 1993 Revised Treaty provides the framework for amending and revision of the Treaty. The path to take in considering Morocco's application is to initiate the laborious process of reviewing the treaty.

Omarou Toure makes the assessment that the legal texts in force are not explicit on the accession of new members to ECOWAS. A comparative analysis with those of 1975 suggests that they were not designed to include the definition of "ECOWAS Member States", States outside the West African region. However, the Heads of State and Government may decide otherwise with all the consequences that this implies. He argues that the Kingdom of Morocco's application does not fully meet the criteria for accession to ECOWAS and proposes that the current partnership could be strengthened through the conclusion of a cooperation agreement.

Chukwuemeka Eze makes the argument that Morocco's application to join ECOWAS is moved by self-interest. Morocco is seeking to position itself as a continental power sitting at the top of the political and economic table in Africa. By joining ECOWAS Morocco would have additional opportunities and benefits in the international community and would also benefit from the Arab League quota as well as West African quota. This is apart from the possibility of displacing Nigeria and Ghana as the most influential and second most influential member of the sub-regional organization respectively. He also believes that Morocco would be a divisive rather than uniting factor for the region.

Jideofor Adibe argues that ECOWAS should insist on the principles of the ECOWAS Protocol on Democracy and Good Governance lists a number of democratic principles "shared by all member states." The Kingdom of Morocco, as a monarchy, clearly does not meet this condition. This means that the ECOWAS Protocol on Democracy and Governance will need to be amended for Morocco to meet the criteria for admission. But if ECOWAS has to amend its protocol just to admit a member, then several of its other protocols may also be subjected to amendments and revision whenever it receives a new application from a prospective member. This will contrast with the general norm where countries applying to join any REC or international organisation will have the obligation of meeting the requirements of membership rather than the REC or international organisation having to amend its requirements just to accommodate a new member.

**Idayat Hassan**



**Director, CDD**



# ECOWAS

## Expansion Versus Integration: Dynamics and Realities

Chukwuemeka Eze

### Introduction

The Economic Community of West African States (ECOWAS) was founded in 1975, primarily to promote economic cooperation and integration. However, this initial idea of economic integration soon spilled over to cooperation in a wide scope of areas including politics, governance, peace and security among others. In terms of geographical delimitation, the ECOWAS treaty of 1975 defined the membership of ECOWAS as: "States that ratify this treaty and any other such WEST AFRICAN States as may accede to it". Since its formation, the only changes relating to its composition was the joining of Cape Verde in 1976, and the exit of Mauritania in 1999. Chad, which belongs to the Economic Community of Central African States (ECCAS), had shown interest in becoming a member of the Community but currently enjoys an observer status. Morocco has also enjoyed observer status since 2005, but on 24 February 2017, the country put in a formal request on its intention to join ECOWAS as a full member. Furthermore, Morocco followed up its request by

designating an Extraordinary Ambassador to ECOWAS, HE Moha Ou Ali Tagma, who presented his credentials to the President of the ECOWAS Commission on 2 March 2017. Morocco's request was expectedly on the agenda of the 51st ordinary session of the Authority of Heads of State and Government held in Monrovia-Liberia on June 4 2017, and King Mohammed VI of Morocco would have participated but for the controversy surrounding the presence of Israeli Prime Minister Benjamin Netanyahu at the summit.

This recent bid by Morocco to join ECOWAS has understandably aroused a lot of curiosity and debate because unlike Chad for instance which shares boundaries with two ECOWAS member states, Morocco has no geographical relationship with West Africa. Many are therefore questioning the rationale and interest in Morocco's bid to become a member of the Community. This presentation seeks to address some of these pressing questions such as: what are the



dynamics surrounding the issue of Morocco's request? Should ECOWAS be interested in expanding its membership or focus on harnessing the integration of states that already form part of the ECOWAS geographical space. What are some of the myths that need to be debunked and what are the realities that must be faced?

### **Morocco's relationship with West Africa**

It is important at this point to state that Morocco did not apply for ECOWAS membership out of a vacuum. The relationship between Morocco and West Africa dates back to the 10th century with trade and the introduction of Islam especially in the Sene-Gambia region. Indeed, Morocco's formal request to join ECOWAS came at a time when King Mohammed VI was visiting Guinea (23-24 February, 2017), and Cote D'Ivoire (24 February-3 March, 2017). The tour was one of the about 25 visits since 2001 by the Moroccan King to 15 countries in the region aimed at enhancing sectorial relations with West Africa.

Morocco has had an observer status in ECOWAS for over a decade (since 2005)-possibly in preparation for its request to join ECOWAS. In addition, the Kingdom has sought active presence in all-important ECOWAS forums. An example is the fact that Morocco was granted observer status at the ECOWAS Ministerial Council Meeting of the Ministers of Transport, held in Lomé, Togo on 17 October 2016. The country has made significant contributions to the region over the years in diverse areas. For instance, Morocco supported mediation efforts in Cote d'Ivoire, Guinea, and stabilization in Guinea Bissau. The Kingdom of Morocco further contributed to mediation efforts in the Mano River Union (MRU) including in the convening of a Summit of the MRU in Rabat on 27 February 2002, on the initiative of King Mohammed VI where dialogue was renewed amongst the Heads of State of Guinea, Liberia and Sierra Leone who reiterated their willingness to restore a climate of peace and security in the MRU

in accordance with the aspirations of their peoples. The country was also involved in the negotiations for the exit of Mr. Jammeh, former president of The Gambia.

In the area of peace keeping, Morocco has contributed to peacekeeping operations in the region (including UNOCI in Cote d'Ivoire). And the deployment of a military and humanitarian missions to Mali (2013) partly in support of the France-led Operation Serval; Guinea (2014), and Guinea Bissau (2015) with the establishment of field hospitals in the respective capitals of these countries. The military field hospitals in Conakry offered quality care in various specialties, including cardiology, pulmonology, dermatology, general and plastic surgery, paediatrics, gynaecology, and the dentistry and traumatology.

As part of its religious diplomacy, Morocco, trains scores of West African religious students to become Imams, in the philosophy of Wasatiyya (middle of the road) or moderate Islam that encourages interfaith dialogue, respect of the other and inter-cultural communication, in the

Mohammed VI Institute for the Training of Imams in Rabat. Additionally, Morocco's has made direct investment in West Africa in virtually all sectors, with the leading sectors being the banking, telecom, cement and real estate sectors. Despite the understanding that can be obtained from their involvement in the economy and politics of the ECOWAS region, several questions and challenges arise from Morocco's request to become a full member of ECOWAS.

### **Dynamics, Myth and Realities: What does Morocco want?**

According to Morocco, its move to join organisation comes "to crown the strong political, human, historical, religious and economic ties at all levels with ECOWAS member countries" but International and Local affairs analysts describe the expression of interest as suspicious and chary. The country, which recently quit her isolation policy to re-join the African Union after 33 years is seen to have a history of bellicosity and egoism in her international relations. Analysts are therefore giving a forewarning to West African leaders and citizens of the implication of accepting Morocco,





an Arab state located in the North of Africa into its body.

Secondly, it is obvious that Morocco is moved by self-interest. Morocco, so to speak, is aiming to position itself as a continental power sitting at the top of the political and economic table in Africa. It should be noted that if Morocco were admitted, her opportunities and benefits in the international community would also increase. Morocco will benefit from the Arab League quota as well as West African quota. Also, she will have more chances in the distribution of elective and appointive posts in international organizations. This is apart from the possibility of displacing Nigeria and Ghana as the most influential and second most influential member of the sub-regional organization respectively.

### **Why ECOWAS?**

According to experts, the regional group has exceeded the expectations of its founding fathers. Today, the organization is recognized globally as a successful regional body. ECOWAS, despite its challenges can be seen now as a model of

integration and regional co-existence. As an umbrella organization for economic development and integration, ECOWAS weighs US\$630 billion, representing the world's 21st largest GDP. The vision of ECOWAS is the creation of a borderless region where the population has access to its abundant resources and is able to exploit them through the creation of opportunities under a sustainable environment. In this bloc, the population is expected to enjoy free movement, have access to efficient education and health systems and engage in economic and commercial activities while living in dignity in an atmosphere of peace and security.

According to the World Bank, Morocco's economy is doing well and is very well integrated into global value chains. It also has a vibrant private sector that is eager to engage with the rest of Africa though currently doing business more with Europe. As Morocco leverages on ECOWAS' trade liberalization programme, the North African country will make significant in-roads into key markets – Considering its sound economic performance, Morocco might be seeking to take

advantage of the West African economy – with a population of 335 million. Besides, Morocco already has bilateral relations with almost all the 15 countries of the ECOWAS making the region its softest target.

By integrating Morocco, the 15-member bloc would become the 16th largest world economy with an additional \$115 billion and a GDP approaching US\$745 billion, ahead of Turkey and right after Indonesia. ECOWAS member states will have access to a larger market for their goods and services and may also gain easier access to European markets. On the other hand, weaker economies without the benefit of high levels of industrialization may face unfair competition as they struggle to cope with the flooding of cheaper goods from Morocco.

#### **Does ECOWAS make room for Expansion?**

As already alluded to, ECOWAS made room for expansion in the Lagos treaty of 1975, establishing the organization. This was clearly to allow other West African States like Cape Verde to join. The revised treaty of 1993, however simply states in its Article 2.2 that "the Member States," shall be the

States that ratify this Treaty without specifying the geographical zone of West Africa. This omission can be viewed from two angles. First it has been argued that during the conceptualization of the organisation in 1975, it was necessary to specifically refer to WEST AFRICA in order to ensure that those states, which fell within the geographical zone but were not members, could later join. However, the revised treaty of 1993 did not see the need to make this distinction because there were no other West African states left to be considered. The other school of thought is that at this point, the possibility of other states which were not within West Africa geographically speaking, but seeking membership was envisaged and therefore the deliberate omission of a geographical definition, such that any other state which wanted to apply for membership could do so. An argument that is provided by the proponents and advocates of the entry of Morocco is that the ECOWAS and African Union extant statute did not restrict any of the regional economic communities to geographical location.



Our view is that Morocco has no regional connection with ECOWAS and even if the ECOWAS document is not specific about who should be a member, there is a presumption from the name – the Economic Community of West African States – literally suggestive of states in West Africa. The name; the Economic Community of West African States, defines membership along contiguous States in the West of Africa. The request of Morocco must therefore satisfy a geographical criterion, for membership in the West African region. As defined by Resolution CM / RES.464 (XXVI) of the OAU Council of Ministers “Region” means the «geographical zone known as West Africa”

### **The Elephant in the Room**

Morocco regards the Western Sahara as part of its historic territory and has spent much of the last three decades trying to strengthen ties with Europe at the expense of relations with Africa. With its diverse Arab, Berber and influence of European culture, Morocco describes itself as a constitutional monarchy. In 2011 it adopted a new Constitution, which laid the grounds for what it describes as a more open and democratic society, with the separation of powers and increased decentralization. Despite the claim to democracy, the monarchy has a tight grip on the country.

One of the sticky issues surrounding Morocco's ECOWAS membership is whether the country being a Monarchy, would be willing to subject itself to ECOWAS protocol on democracy and good governance as Article 1 of ECOWAS Protocol on Democracy and Good Governance calls for the separation of powers, and among others, the independence of the judiciary and judges. The Protocol is also clear on the secularism and neutrality of the State in all matters relating to religion but does not preclude the right of the State to regulate with due respect to human rights. There are therefore contradictions between the Moroccan political system, as a constitutional monarchy and the constitutional convergence



principles on democracy that underpin the ECOWAS protocol.

### **To expand or to integrate**

Expansion and integration are not mutually exclusive and could work very well together given the right conditions. However, at this point, I believe ECOWAS still has a very long way to go in its integration drive. Most of the ideals espoused in the treaty are still far from realization and efforts should be geared towards consolidating the integration process, which has been rather slow.

For now, available evidence seems to point to the fact that Morocco would be a divisive rather than uniting factor for the region. Its bid for membership, if endorsed by ECOWAS, will create deep division within the Organisation especially between Francophone and Anglophone member states. The reality is that Morocco has an immense capacity to destabilize ECOWAS, its programmes



and projects, by rendering policy implementation impossible and by re-directing its decisions away from the core interests of the region it was established to serve. With Morocco as a full member, ECOWAS will be compelled to include as part of its regular agenda both political and economic interests of Morocco as a Maghreb and Arab nation.

While this won't be the first time that North African countries have joined organizations originally meant exclusively for countries in other regions of Africa, as Libya and Egypt are members of the Common Market for Eastern and Southern Africa (COMESA), a group of countries in East and South Africa, Morocco's bid to join ECOWAS is bizarre even if it serves its interest. Morocco's adherence would be an infraction on the legal text of the 1993 ECOWAS Revised Treaty, which affirms, "that our final goal is the accelerated and sustained economic development of Member States, culminating in the economic union of West Africa".

On the positive side, the expansion of ECOWAS to a North African State such as Morocco will be a first. This amounts to admitting that the

geographical criterion cannot be an obstacle to accession to regional economic grouping. Even though such a decision can only be motivated by political and economic imperatives, it could be a sign of an acceleration of the establishment of the African Economic Community. With the accession of Morocco, ECOWAS will become the 16th world economic power before Turkey. This economic, and even political, weight would be further strengthened by the accession of Chad, which has the status of observer and possibly Tunisia. At this rate ECOWAS could become the epicentre of African integration

### **Conclusion**

ECOWAS has in principle, accepted the membership of Morocco in the regional body and there is no denying the fact that there are many benefits to be derived from the country's membership in the regional body. Firstly, the country's military might and equipment, as well as wealth could become handy in support of regional efforts at peace and stability, in areas of peacekeeping operations, counter-terrorism and fight against extremism, conflict mediation among others.

In addition, the strong economic might of the country may also be brought to bear on the regional organization in helping to fund other programs and activities that were hitherto lacking funds, akin to Libya's singular support to the African Union during the era of President Gadhafi. Furthermore, a strong and diversified economy of Morocco can provide impetus to the development efforts and private sectors of member states, enhance the performance of the regional economy and actually provide a direct and cheaper route for ECOWAS exports to Europe, etc. Despite the apparent favourableness of the accession of Morocco to ECOWAS, however, the following issues need be considered along with the accession negotiations.

- The insistence of Morocco that it does not belong to a REC despite the fact that the headquarters of UMA is in Morocco. It would be wise to uncover the basis for this contradiction, and to establish the role of Morocco in the current condition of UMA.

- The absence of Morocco at the last Summit because Israel was invited could indicate some hidden extremism, which is uncommon in ECOWAS, and very dangerous in a multicultural - multireligious – multipartner Community like ECOWAS. This is more important considering the likely influence that Morocco will wield with

its economic resources and cultural affinities.

- It will also be interesting to know the full details of Morocco's non-membership and re-joining of the AU after all these years until January 2017.

- Besides, Morocco is known to be one of the main recruitment hubs of jihadist groups, mainly ISIS and al-Nusra. It is estimated that Morocco has a contingent of about 1,500 fighters in Iraq and Syria. These radicalized fighters pose enormous security threats to the North African country as they return home notwithstanding the government's efforts to contain the risks. With the freedom of movement granted under ECOWAS, Nigeria and other countries – which are still battling Boko Haram – may face a renewed risk of terrorism if Morocco joins the regional bloc.

In light of these, it is recommended that civil society be carried along fully in the negotiation process to ensure inclusion and collective responsibility. At the end of the process, if membership is granted, the adhesion process should be gradual, commencing with multilateral agreement for some years, to allow for observation, before full membership is granted.



# ISSUES AND OPTIONS IN MOROCCO'S QUEST TO JOIN THE ECOWAS

Jidefor Adibe

Morocco's recent application to join the Economic Community of West African States (ECOWAS) has raised concerns among some members of the regional politico-economic community. It will be recalled that Morocco left the Organization of African Unity (OAU), precursor to the AU, in 1984 after the continental organization admitted the Sahrawi Arab Democratic Republic (SADR), which was proclaimed in 1976 by the Sahrawi People's Polisario Front. Morocco claimed – and has not given up on that claim – that the Sahrawi Arab Democratic Republic, (which is also known as the Western Sahara) is its 'Southern provinces'. Morocco has in fact ignored several United Nations Resolutions calling for referendum to decide the fate of Western Sahara.<sup>1</sup>

After shunning the OAU and its successor, the AU, for over 30 years, Morocco applied to re-join the

continental body. At its 28th summit meeting held in Addis Ababa, Ethiopia, on 30 January 2017, Morocco's application for re-admission generated heated discussion but the North African kingdom managed to win over sufficient member states on its side and was allowed to join the fold unconditionally.<sup>2</sup> Months after its re-admission to the AU, Morocco surprised many by also applying for admission into the Economic Community of West African States (ECOWAS).

There have been discussions about Morocco's possible motives for wanting to join ECOWAS – arguably the most successful regional economic community in the continent. In foreign policy analysis, it is recognized that national interest is the driving force of the games played by states in their interaction with state and non-state actors outside their national borders.<sup>3</sup> So what does Morocco want with ECOWAS?

<sup>1</sup> United Nations (2016), „Security Council Extends Mandate of United Nations Mission for Referendum in Western Sahara by 10 Votes in Favour, 2 against, with 2 Abstentions“, April 29, <https://www.un.org/press/en/2016/sc12346.doc.htm>

<sup>2</sup>Open Democracy (2017), „The world's last colony: Morocco continues occupation of Western Sahara, in defiance of UN“, April 13, <https://www.opendemocracy.net/north-africa-west-asia/nizar-visram/world-s-last-colony-morocco-continues-occupation-of-western-sahara-in-de>

<sup>3</sup> See for instance Krasner, S.D. (1978), *Defending the National Interest: Raw Materials Investment and US Foreign Policy* (Princeton, Princeton University Press).



pulled out and relinquished its claim as a colonial power over the territory. This former Spanish colony was then annexed by Morocco. Sahrawi people, who fought Spanish colonial oppression, were now forced to fight Moroccan occupation. They conducted resistance struggle under the leadership of the Polisario Front until 1991 when the United Nations (UN) brokered a truce.<sup>6</sup> Some have argued that Morocco should not have been re-admitted into the AU without first accepting the AU Act which recognizes African colonial boundaries,

Louw-Vaudran has argued that Morocco's quest to join the West African bloc is not to pursue trade and investment but because it no longer wants to be the —black sheep of the African continent anymore.<sup>4</sup> If we accept this proposition, it raises the question of whether joining ECOWAS is the only way Morocco can prove that it no longer wants to be the —black sheep of the continent. But surprisingly and despite Morocco's location in North Africa, in June 2017, ECOWAS said it had in principle approved Morocco's membership application – though it also added that —the implications of its membership still needed to be considered before Morocco could formally join.<sup>5</sup> What is clear is that Morocco's application to join the ECOWAS raises a number of issues.

### The Issues

The first issue is that of Western Sahara, which has been occupied by Morocco since 1976 when Spain

thus making its continued occupation of Western Sahara illegal. The argument is that by re-admitting Morocco unconditionally, the continental body appeared to have tacitly endorsed the country's occupation of Western Sahara, which remains the continent's last colonial outpost – ironically occupied by another African state.<sup>7</sup>

Ironically while the AU failed to stand by its principled decision on Western Sahara in its treatment of Morocco's application for re-admission into the continental body, the kingdom of Morocco is under increasing global pressure over the issue. For instance on December 21, 2016 - a few days before the Addis Ababa Summit - the European Court of Justice (ECJ) dismissed Morocco's claim to Western Sahara. The ruling means the European Union's trade deals with

4The National (2017), „Morocco applies to join West African regional economic bloc“, March 7, <https://www.thenational.ae/world/morocco-applies-to-join-west-african-regional-economic-bloc-1.89837>

5BBC (2017), „Ecowas agrees to admit Morocco to West African body“, June 5, <http://www.bbc.com/news/world-africa-40158089>

6 Visram, Nizar (2017), „The world's last colony: Morocco continues occupation of Western Sahara, in defiance of UN“, *Open Democracy*, April 13, <https://www.opendemocracy.net/north-africa-west-asia/nizar-visram/world-s-last-colony-morocco-continues-occupation-of-western-sahara-in-de>

7 See Ibid



Morocco do not apply to the occupied territory of Western Sahara which is endowed with fish stocks, mineral deposits, agricultural produce and oil reserves.<sup>8</sup>

So how was Morocco able to gain an unconditional re-admission to the AU despite the growing international pressure on the country over the Western Sahara? It has been argued that Morocco's re-admission was made possible by the Kingdom's 'pocketbook diplomacy': As Visram noted:

... prior to the AU vote the King embarked on a charm offensive by touring African countries, seeking support for his AU bid. In February 2014 he set off on a tour of Mali, Ivory Coast, Guinea and Gabon. This was his second regional trip in less than five months. He took with him a contingent of advisors and business executives who negotiated

a pile of agreements covering practically everything – from religious training to agriculture and mining projects.

In December 2016, the King concluded the second leg of a nearly two-month, six-country Africa tour, resulting in some 50 bilateral agreements. The visits came on the heels of trips to Rwanda, Tanzania, and Senegal in October, when more than 40 bilateral agreements were signed.<sup>9</sup>

However, if pocket book diplomacy was all it could take to sway Africans from their principled support of Western Sahara, it also raises the question of how far the continental body has matured politically and whether it has at all overgrown what is generally called its 'begging bowl syndrome'.<sup>10</sup> Mohamed Yeslem, foreign minister of SADR, hopes that Morocco's re-admission to the AU will

<sup>8</sup> Dudley, Dominic (2016), „European Court Dismisses Morocco's Claim To Western Sahara, Throwing EU Trade Deal Into Doubt“, Forbes, December 21, <https://www.forbes.com/sites/dominicdudley/2016/12/21/european-court-dismisses-moroccos-claim-to-western-sahara-throwing-eu-trade-deal-into-doubt/#4c29bb394493>

<sup>9</sup> Visram, Nizar (2017), Op Cit

<sup>10</sup> Namibian Economist (2015), „The Curse of the "Begging Bowl" Syndrome“, July 31, <https://economist.com.na/12555/speak-your-mind/the-curse-of-the-begging-bowl-syndrome/>

result in a solution to the territorial dispute through a referendum and a United Nations resolution.<sup>11</sup>

### Morocco's role in the Arab Maghreb Union

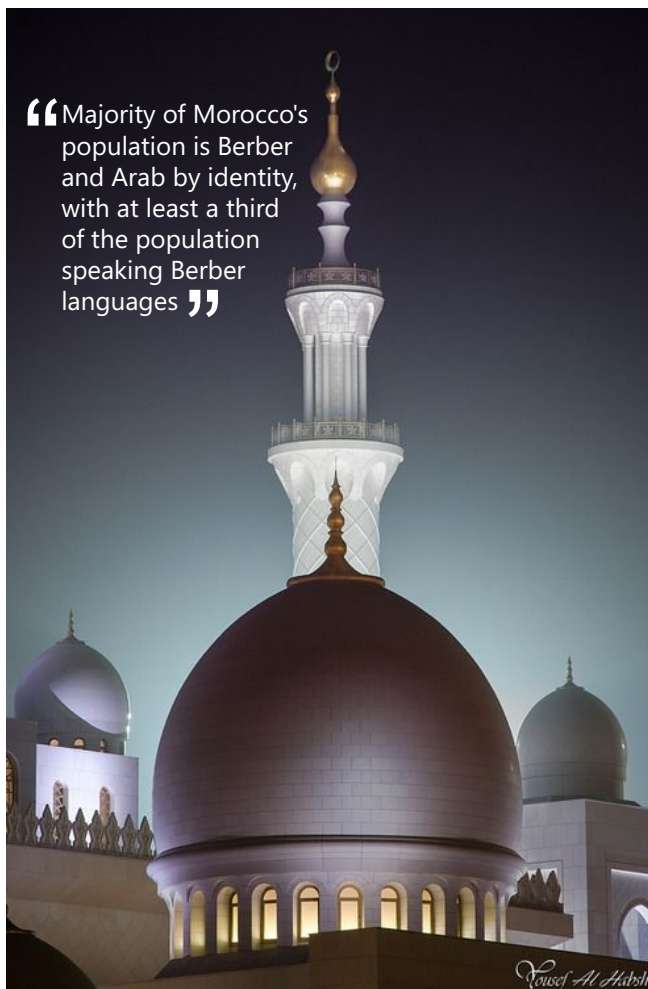
The Union of the Arab Maghreb or Arab Maghreb Union (AMU) - as it is often referred to - was established in 1989 when the five founding members - Algeria, Tunisia, Morocco, Libya and Mauritania - signed the Treaty of Marrakesh.<sup>12</sup> However, hopes for substantial political and economic integration in the Maghreb region quickly dimmed as inter-state political tension – especially between Morocco and Algeria over the status of Western Sahara – complicated the consolidation of the Union. In fact, a summit between AMU heads of state has not taken place since 1994.<sup>13</sup>

More recently, political instability in the wake of the Arab Spring uprisings has created further uncertainty about the union's future. Morocco's admission into ECOWAS could lead to tensions between members strongly opposed to Morocco's position on SADR and those willing to have the Northern African country have its way. In other words, there is the possibility that just as Morocco's membership of AMU helped to stymie the Union so could its membership of ECOWAS also either help to undermine the effectiveness of the regional economic community or torpedo it entirely.

### Arab identity

The majority of Morocco's population is Berber and Arab by identity, with at least a third of the population speaking Berber languages - also known as Amazigh languages.<sup>14</sup> Though Morocco was a former French colony, the country takes special pride in its Arab identity as can be seen in its

“Majority of Morocco's population is Berber and Arab by identity, with at least a third of the population speaking Berber languages”



role in the formation of the Arab Maghreb Union (AMU). There is probably no country within the ECOWAS that flaunts its Arab identity as a country as much as Morocco does – though some countries within the sub-region with substantial Muslim population share some cultural heritages with the Arab world. While scholars like Kramer have contended that many Arabs these days are doubtful of whether there is anything like a common Arab mission<sup>15</sup>, the fact remains that Morocco's pride in its Arab identity raises the question of whether the country's membership of

11 Cited in Kazeem, Yomi (2017), „Morocco has rejoined the African union after a 33-year absence“, Quartz Africa, January 31, <https://qz.com/898645/morocco-has-rejoined-the-african-union-but-the-western-sahara-question-remains/>

12 European Parliamentary Research service blog (2014), „The Union of the Arab Maghreb And Regional Integration: Challenges And Prospects“, January 16, <https://epthinktank.eu/2014/01/16/the-union-of-the-arab-maghreb-and-regional-integration-challenges-and-prospects/>

13 Gilfillan, Bowman (2017), „Egypt: Is The Maghreb Union Finished And Dead?“, *gIObserver – Africa*, July 9, 2017,

<http://globeobserver.cn/en/africa/press/Is%20The%20Maghreb%20Union%20Finished%20And%20Dead%3F>

14 Morocco Guide (n.d.), „Culture and Customs of Morocco“, <https://www.morocco-guide.com/culture/>

15 Kramer, Martin (2017), 'Arab Nationalism: Mistaken Identity', [http://www.academia.edu/344314/Arab\\_Nationalism\\_Mistaken\\_Identity](http://www.academia.edu/344314/Arab_Nationalism_Mistaken_Identity), p.172



ECOWAS will not create cultural dissonance within the regional economic group, made up almost entirely by Black African countries.

### African integration dynamics

At an AU Summit in Banjul, The Gambia, in March 2006, the African Union resolved to rationalise the numerous regional economic communities (RECs) from 14 to 8, so that each region would have its own —regional reference. The 1980 Lagos Plan of Action for the Development of Africa and the Abuja Treaty had earlier proposed the creation of RECs as the basis for wider African integration, with a view to regional and eventual continental integration. The eight RECs recognized by the AU are:

- Arab Maghreb Union (AMU)
- Common Market for Eastern and Southern Africa (COMESA)
- Community of Sahel–Saharan States (CEN–SAD)
- East African Community (EAC)

- Economic Community of Central African States (ECCAS)
- Economic Community of West African States (ECOWAS)
- Intergovernmental Authority on Development (IGAD)
- Southern African Development Community (SADC).<sup>16</sup>

Following from the above, the request by North Africa's Morocco to join ECOWAS will not only complicate Africa's efforts to rationalize existing regional economic groupings but also means that Morocco stands to benefit from both the Arab League quota (AMU) and the West African quota. The scale of the challenge from this becomes more obvious when it is realized that the United Nations and virtually other international institutions increasingly use the concept of regionalism in the distribution of both appointive and elective positions.<sup>17</sup>

<sup>16</sup> African Union (n.d.), Regional Economic Communities (RECs) <https://au.int/en/organs/recs>

<sup>17</sup> Biswaro, Joram Mukama (2013), *The Role of Regional Integration in Conflict Prevention, Management and Resolution in Africa*, (Brasilia, The Alexandre de Gusmão Foundation, Funag)

“  
*CEN-SAD must be particularly attractive to Morocco, for several reasons. Its pre-eminence in the organization will likely go uncontested;*”

### The ECOWAS Protocol on Democracy and Governance

Article 1 of the ECOWAS Protocol on Democracy and Good Governance lists a number of democratic principles —shared by all member

states.

These include separation of powers between the executive, legislature and judiciary and that —accession to power must be made through free, fair and transparent elections in every member State.<sup>18</sup> The Kingdom of Morocco, as a monarchy, clearly does not meet this condition. This means that the ECOWAS Protocol on Democracy and Governance will need to be amended for Morocco to meet the criteria for admission. But if ECOWAS has to amend its protocol just to admit a member, then several of its other protocols may also be subjected to amendments and revision whenever it receives a new application from a prospective

member.

This will contrast with the general norm where countries applying to join any REC or international organisation will have the obligation of meeting the requirements of membership rather than the REC or international organisation having to amend its requirements just to accommodate a new member.

### Why ECOWAS, and not CEN-SAD?

A question can be asked of what Morocco hopes to achieve in the 15-member ECOWAS that it cannot possibly accomplish in the 28-member CEN-SAD of which it is a member? CEN-SAD – the Community of Sahel-Saharan States- was established in February 1998 by six countries – Burkina Faso, Chad, Libya, Mali, Niger and Sudan. Its membership has since grown to 28 and includes several of the countries in ECOWAS such as Nigeria, Ghana, The Gambia, Togo, Benin and Ivory Coast.

CEN-SAD became a regional economic community during the 36th ordinary session of the Conference of Heads of State and Government of the Organization of African Unity, held in Lomé, Togo, from July 4-12 2000. CEN-SAD gained observer status at the General Assembly under



18 Economic Community of West African States (2001), 'Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism For Conflict Prevention, Management, Resolution, Peacekeeping and Security', December, [http://www.internationaldemocracywatch.org/attachments/350\\_ECOWAS%20Protocol%20on%20Democracy%20and%20Good%20Governance.pdf](http://www.internationaldemocracywatch.org/attachments/350_ECOWAS%20Protocol%20on%20Democracy%20and%20Good%20Governance.pdf)

Resolution 56/92. Thereafter it initiated cooperation agreements with numerous regional and international organizations with the purpose of consolidating collective work in the political, cultural and economic and social fields.<sup>19</sup> Though CEN-SAD was shaken by the Arab Spring, which unmoored the African Peace and Security Architecture (APSA) and shook the African Union (AU) by removing its key supporter, Muammar Qaddafi, as the Carnegie Endowment for International Peace noted:

CEN-SAD must be particularly attractive to Morocco, for several reasons. Its pre-eminence in the organization will likely go uncontested; no other member has the spur, stature, and stability to lead it. Other potential leaders (namely Nigeria and Kenya) are firmly ensconced as anchor states in existing, functional RECs—Nigeria in the Economic Community of West African States (ECOWAS) and Kenya in the East African Community (EAC), among others.

Egypt remains deeply embroiled in regional diplomacy and its own internal affairs, and Algeria's absence from CEN-SAD should allow Morocco free reign to guide the organization independent of its neighbour. Moreover, the Kingdom may enjoy novel forms of influence within a REC based on a projection of Africa's Arab and Muslim North into the continent's South; CEN-SAD apparently an abbreviation taken from Arabic letters sin and sad (for al-sahil and al-sahara), covers over half of Africa's nations, and what unites such a diverse set of countries—from the Gambia to the Comoros, and Somalia to Sierra Leone—more than any connection to ecoclimatic or environmental conditions, is Islam. With the exception of Algeria, CEN-SAD is the REC of all Muslim-majority African states (as well as member

states with significant Muslim minorities)—convenient for a king whose authority rests in part on his position as —Commander of the Faithful (amir al-muminin).<sup>20</sup>

With the above, the question must be asked why Morocco is not interested in taking a leadership role at CEN-SAD, which will offer it more influence and at the same time enable it reap whatever benefit it hopes to reap by being in ECOWAS?

### Contiguity

Though this will not be the first time that north African countries have joined organizations originally meant exclusively for countries in other regions of Africa - as Libya and Egypt are members of the Common Market for Eastern and Southern Africa (COMESA) - Morocco's bid to join ECOWAS is a different pot of fish. Located in North Africa between the Atlantic Ocean and the Mediterranean Sea, the distance between Morocco and Ghana in West Africa is some 2714km.<sup>21</sup> ECOWAS – as the name implies - is a REC for countries in West Africa and all the members are Black African countries. So what is the interest of a North African country in becoming a full member of a grouping for West African States?

### Implications for Nigeria

Morocco's application to join the ECOWAS has several implications for Nigeria: One, Akinterinwa has argued that Morocco's admission into ECOWAS will require the re-articulation of the 'Concentric Circle' and 'Beneficial Concentricism' principles articulated respectively by Professor Ibrahim Gambari and Ambassador Oluyemi Adeniji, which have been driving forces of Nigeria's foreign policy. Akinterinwa further argues that if there is a re-conception of the geo-

<sup>19</sup>United Nations Economic Commission for Africa (n.d.), CEN-SAD - The Community of Sahel-Saharan States, <https://www.uneca.org/oria/pages/cen-sad-community-sahel-saharan-states>

<sup>20</sup>Carnegie Endowment for International Peace (2003), „Morocco's Engagement with the Sahel Community“, January 3, <http://carnegieendowment.org/sada/?fa=50490>

<sup>21</sup>Ghana Business News (2017), „Morocco applying to join ECOWAS – Issues to consider“, March 9, <https://www.ghanabusinessnews.com/2017/03/09/morocco-applying-to-join-ecowas-issues-to-consider/>



political definition of a 'region', then the notion of West Africa being Nigeria's concentric circle will also have to change, meaning that the interests pursued in the new West Africa will also need re-articulation.<sup>22</sup>

Two, Professor Bolaji Akinyemi, a former Nigerian Minister of Foreign Affairs, has argued that the aim of Morocco's quest to join the ECOWAS was to whittle down Nigeria's influence in the sub-regional organization.<sup>23</sup> Nigeria contributes 73.7 per cent of ECOWAS's budget. Between 2003 and 2011 for instance, Nigeria contributed \$918.7 million (N138 billion) to the running of the Community, followed at a distance by Ghana at \$225.7 million (N34 billion), and Cote D'Ivoire at \$107.5 million (N16.1 billion).<sup>24</sup> As the largest donor in the organization, which is dominated by

French-speaking countries, Nigeria naturally exercises disproportionate influence there. The suspicion therefore is that the French-speaking members of the organization are welcoming the membership of Morocco, (which is also French-speaking) into the organization and which has the power of the purse to match Nigeria's financial contributions to the organization in order to whittle down Nigeria's influence in the organization.

Akinyemi regards the issue of Morocco's quest to join the ECOWAS as the greatest threat to Nigeria's foreign policy since the end of the Civil War and argued that should Morocco be admitted into the organization, Nigeria has just one option left – to quit the sub-regional body.<sup>25</sup>

<sup>22</sup>Akinterinwa, Bola (2017), '51st ECOWAS Summit of Heads of State: Beyond Israel's Carrot and Stick and Morocco's Membership Virus', *ThisDay*, June 11, <https://www.thisdaylive.com/index.php/2017/06/11/51st-ecowas-summit-of-heads-of-state-beyond-israels-carrot-and-stick-and-moroccos-membership-virus/>

<sup>23</sup>Vanguard (2017), 'Morocco's admission in ECOWAS is anti-Nigeria, says Akinyemi', June 8, <https://www.vanguardngr.com/2017/06/moroccos-admission-ecowas-anti-nigeria-says-akinyemi/>

<sup>24</sup>Premium Times (2017), 'Nigeria, ECOWAS' largest donor, continually outsmarted by smaller West-African countries', February 4, <http://www.premiumtimesng.com/news/118585-nigeria-ecowas-largest-donor-continually-outsmarted-by-smaller-west-african-countries.html>

<sup>25</sup>Vanguard (2017), 'Morocco's admission in ECOWAS is anti-Nigeria, says Akinyemi', June 8, <https://www.vanguardngr.com/2017/06/moroccos-admission-ecowas-anti-nigeria-says-akinyemi/>

## Options

Given the above issues, the question is what options does ECOWAS have regarding Morocco's quest for membership of the sub-regional organisation?

One option is to encourage the black African civilisation and the Arab civilisation to grow and flourish on different platforms – as currently obtains. This may mean encouraging Morocco to strengthen its role in the African Maghreb Union (by resolving its differences with Algeria) and then let AMU forge close cooperation with ECOWAS.

Another option is to encourage Morocco to continue or strengthen its existing bilateral relations with the ECOWAS countries while enjoying an observer status in the regional body.

## Conclusion

We have discussed Morocco's quest for full membership of ECOWAS. We argued that the country's application for membership raises a number of issues such as Morocco's continued claim over Western Sahara, which the OAU and its successor AU recognized as an independent country. We noted that Morocco left the Organisation of African Unity in 1984 precisely because the continental body chose to recognize Western Sahara as an independent state, which Morocco claims is its southern provinces. We argued that Morocco's membership of ECOWAS will bring the country in collision course with ECOWAS members who still recognize Western Sahara as an independent country.

We also note that the African Maghreb Union has been rendered ineffective largely because of the disagreement between Algeria and Morocco over Western Sahara and wonder whether that will be the fate of ECOWAS if Morocco were to join it. We

equally noted that the admission of Morocco into ECOWAS will violate Article 1 of the ECOWAS Protocol on Democracy and Good Governance, which lists a number of democratic principles —shared by all member states, including separation of powers between the legislature, the executive and the judiciary and freedom of the press. We noted that Morocco, a monarchy, does not meet these conditions.

We equally posed the question of what Morocco hopes to achieve in the 15-member ECOWAS that it cannot possibly accomplish in the 28-member Community of Sahel-Saharan States (CEN-SAD) of which it is a member? We also noted that the request by North Africa's Morocco to join ECOWAS will not only complicate Africa's efforts to rationalize existing regional economic groupings but also means that Morocco stands to benefit from both the Arab League quota and the West African quota.

We equally argued that ECOWAS members could negatively affect Nigeria, including whittling down its influence on the continental body.

Based on the above, we contended that ECOWAS has two options – one is to encourage Morocco to strengthen its role in the African Maghreb Union (such as by resolving its differences with Algeria) and then let AMU forge close cooperation with ECOWAS. The other option we proffered is to encourage Morocco to continue or strengthen its existing bilateral relations with the ECOWAS countries while enjoying an observer status in the regional body.

“ To achieve these goals and objectives, Morocco will have to support Community action, including harmonization and coordination of national policies and the promotion of programmes, projects and activities in various fields. ”



# THE ACCESSION OF THE KINGDOM OF MOROCCO TO THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES

Omarou TOURE

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## Introduction

In a press release from the Ministry of Foreign Affairs and Cooperation of the Kingdom of Morocco issued on 24 February 2017, His Majesty King Mohamed VI informed Her Excellency Ellen Johnson Sirleaf, President of Liberia and Chairperson of the Economic Community of the West African States (ECOWAS), the will of the Kingdom to join the Regional Economic Community as a full member (See - <https://www.diplomatie.ma/English/English/Language/English/tabid/136/vw/1/ItemID/14476/language/en-US/Default.aspx>). This request followed Morocco's re-adhesion to the African Union in January 2017.

This is proof that Morocco intends to benefit from all the advantages associated with its dual observer status of ECOWAS and the largest investor in Africa. Clearly, the continent and West Africa are fully back as priority focal points for Morocco's foreign policy.

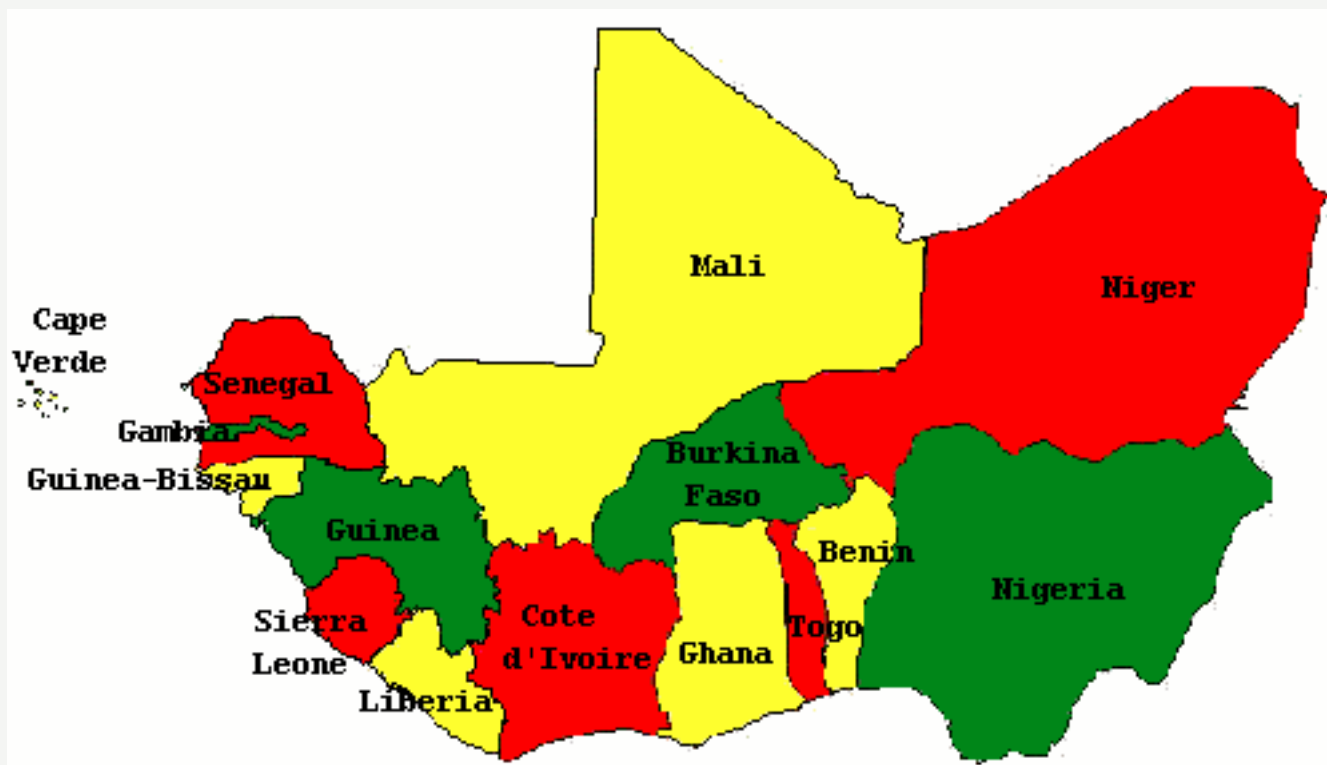
This request for membership however raises the question as to whether a State located in northern Africa can join an organization that is specifically for the West African geographical zone. We will seek to answer this question on the basis of legal documents. Nonetheless, whatever responses we come up with, it is clear that only the Authority of

Prof. Alexander Thurston

Heads of State and Government of ECOWAS can decide on the accession of new members as stated in the Treaty.

## Morocco's Membership Application

According to the Royal Communiqué, Morocco's request complies with the provisions of the founding Treaty of ECOWAS and fully complies with its membership criteria. This assertion stems from an interpretation of Article 2.2 of the revised ECOWAS Treaty, which is not sufficiently explicit on these accession criteria. It is through a joint reading of this provision with others that it can be seen that these criteria relate to membership in the West African



region (A) and commitment to respect for the goals, objectives and of the fundamental principles of the Community (B). The request of Morocco must satisfy a geographical criterion, that of membership in the West African region. « "Region" means the «geographical zone known as West Africa as defined by Resolution CM / RES.464 (XXVI) of the OAU Council of Ministers ».

This Resolution, on which the Abuja Treaty is based, divides Africa into five Regional Economic Communities (RECs): West Africa (sixteen Member States), East Africa (thirteen Member States), Southern Africa (ten Member States), Central Africa (nine Member States), North Africa (five Member States) (See - Resolution CM / RES.464 (XXVI) of the Council of Ministers of the OAU, 23 February to 1 March

1976, in Addis Ababa, Ethiopia).

The RECs covering these regions signed the Protocol of Relations between the African Economic Community (ECA) and the RECs on 25 February 1998. Subsequently, in September 2006, starting from the Banjul Summit in the Gambia, the African Union initiated a first rationalization of regional integration initiatives by designating ECOWAS as the only strategic framework for regional integration in West Africa. This rationalization made it possible to maintain a certain coherence with Resolution CM / RES.464 (XXVI) and the Treaty of Abuja in the face of the multiplication of groups within the existing RECs or between two or more RECs (Ibriga, 2008).

The 1993 revised ECOWAS Treaty

respects this regional delimitation (ECA, 2016).

According to Article 2.2 «the members of the Community, hereinafter referred to as « the Member States», are the States that ratify this Treaty». For the States that have ratified the Treaty, reference should be made to the Preamble. Francophone countries are the most numerous, with a total of eight countries, namely Benin, Burkina Faso, Côte d'Ivoire, Guinea, Mali, Niger, Senegal and Togo, followed by five Anglophone States, The Gambia, Ghana, Liberia, Nigeria, Sierra Leone and two Portuguese-speaking States: Cabo-Verde and Guinea-Bissau.

It follows that any West African State may apply to become a member of the Community, which requires that the applicant



*“In the light of the foregoing, it can be said that Morocco's request does not satisfy the criterion of geographical affiliation”*

be a State and that it is West African. Its territory must be located at least in part on the geographical space of West Africa. This requirement can be deduced from the 1975 Treaty, which states that «The Members of the Community, hereinafter referred to as" Member States ", shall be the States that ratify this Treaty and such other West African States as may accede to it " (Articles 2 and 3 of ECOWAS Treaty of 1975). This formulation made sense in 1975 when the challenge was to extend the organization to the States that occupy the West African geographical space. On this basis, these States acceded to ECOWAS on the date of its establishment in 1975 (see J-C Gautron). Enlargement only

concerned Cabo Verde in 1976. ECOWAS therefore exhausted the regional geographical contours, so that the phrase "and such other West African States as may accede to it» was not included in the Revised Treaty of 1993. The withdrawal of Mauritania in 2000 revived the issue of ECOWAS enlargement to a West African State. In the light of the foregoing, it can be said that Morocco's request does not satisfy the criterion of geographical affiliation.

With regards to the respect of the goals, objectives and principles of ECOWAS (B), Morocco must commit itself to achieving the objectives and objectives of the Community, specifically, Article 5 of the Revised ECOWAS Treaty in

addition to honouring its obligations under the Treaty and to respecting the decisions and the community. These aims and objectives, as set out in Article 3 of the revised ECOWAS Treaty, are limited to the promotion, cooperation and integration in the perspective of an economic union of West Africa with a view to raising the standard of living of its peoples, maintaining and increasing economic stability, strengthening relations between Member States and contributing to the progress and development of the African continent.

To achieve these goals and objectives, Morocco will have to support Community action, including harmonization and coordination of national policies

and the promotion of programmes, projects and activities in various fields. It would also have to adhere to the following fundamental principles: respect for the principles of a market economy, the principles of freedom, democracy and the rule of law, as well as human rights and fundamental freedoms, Regional peace and security and stability through the promotion and strengthening of good neighbourly relations, respect for community cohesion, and so on. In principle, Morocco will be able to meet this second criterion.

But that will be a real challenge. In particular, its commitment is expected on certain sensitive aspects of integration policy such as immigration referred to in Article 59 of the Revised Treaty and covered by Protocol A / SP.1 / 5/79 signed in Dakar on 25 May 1979 with a view to promoting the free movement of persons who are nationals of the member countries.

This is reflected in the respect of the principle of the abolition of visas, citizens' entry fees, residence and establishment, adoption of the ECOWAS passport and identity card. In this context, Morocco has regularized and integrated thousands of sub-Saharan migrants into its territory. It is a good way to prove its Africanism, especially since the country has secular ties of cooperation with West African states like Mali, Senegal and Mauritania with exemption from entry visas. In addition to

immigration policy, Morocco will then commit itself to joining the Common External Tariff (TEC) in force in the West African space since January 2015, to fiscal policies with a view to adopting a common currency by 2020.

Our assessment is that the legal texts in force are not explicit on the accession of new members to ECOWAS. A comparative analysis with those of 1975 suggests that they were not designed to include the definition of "ECOWAS Member States", States outside the West African region. However, the Heads of State and Government may decide otherwise with all the consequences that this implies. The application for accession shall be addressed to the Authority of Heads of State and Government, which shall decide upon presentation of a report from the Commission. To do this, it has two options. The first is to accept the Moroccan request, which raises the question of the enlargement of ECOWAS. The second is to reject the application and propose the conclusion of a cooperation agreement.

### **The Enlargement Option**

The ECOWAS Heads of State and Government is the supreme institution of the Community and "shall be responsible for the general direction and control of the Community and shall take all measures to ensure its progressive development and the realisation of its objectives" (Article 9). It has a real decision-making power in the areas under

its jurisdiction. Under the provisions of Article 9.4 of the Revised Treaty, its acts, referred to as "decisions", are binding and enforceable against the Member States and the Community institutions, with the exception of the Court of Justice of the Community. Depending on the matters defined in a separate protocol, decisions shall be taken either unanimously or by consensus or by a two-thirds majority of the Member States (Article 4).

By virtue of this power, the Authority decides unanimously on the enlargement of ECOWAS to new members. Such a decision implies taking into account the cohesion of the organization (Goutron). Already in 1975 enlargement to other States in the West African region was worrying to the Heads of State and Government, who felt that any new accessions should make it possible to safeguard the strength and momentum of the Community enterprise without internal cohesion and dynamism (UNECA, 2016).

It is clear that this concern persists today ECOWAS is one of the continent's most integrated communities where people are ahead of political authorities. This explains why the Member States are more focused on deepening regional integration and full ownership of the regional integration process in West Africa (\*16). Therefore, any application for membership must be seriously considered.

The State in relation to which the enlargement poses fewer problems is Mauritania, which withdrew from ECOWAS in 2000 to join the Arab Maghreb Union.

It has opted for an association agreement with ECOWAS for the negotiation of the Regional Economic Partnership Agreement with the European Union. This agreement provides for Mauritania's accession to the ECOWAS Common External Tariff and its Scheme of Liberalization of Exchanges. It also provides that Mauritania accepts the provisions on liberalization of services and others the possibility of concluding a trade agreement with tariff concessions with a third party. Finally, Mauritania will have to commit itself to acceding to the ECOWAS protocol on the free movement of persons.

The expansion of ECOWAS to a North African State such as Morocco will be a first. This amounts to admitting that the geographical criterion cannot be an obstacle to accession to ECOWAS. It is sufficient for the Authority of Heads of State and Government to authorize the accession negotiations with the Applicant State on the basis of its commitment to respect the fundamental aims, objectives and principles of the Community. Such a decision can only be motivated by political and economic imperatives. With the accession of Morocco, ECOWAS will become the 16th world economic power before Turkey.

This economic, and even political, weight will be further strengthened by the accession of Chad, which has the status of observer and possibly Tunisia.

This enlargement decision logically raises the question of adapting the name of the organization to the new configuration. Indeed, a North-West-Center Union no longer meets the criteria of the RECs defined by Resolution CM / RES.464 (XXVI) and the Treaty of Abuja. But the creation of such groupings is a phenomenon that is observed on the continent. For example, North African states such as Egypt and Libya are members of COMESA. Tunisia will join in October 2017 while Algeria has just begun accession negotiations. Other examples of groupings are provided by the Tripartite Free Trade Area (TFTA) of June 2015 between three RECs, namely the Common Market of Eastern and Southern African States (COMESA), the African Community of The Southern African Development Community (SADC), the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), which covers East Africa and parts of North Africa and Central Africa, the Intergovernmental Authority on Development (IGAD), which covers the Horn of Africa and the northern part of East Africa.

This tendency to create new groupings can be doubly assessed. Negatively, it can be

seen as a failure of these RECs that no longer meet the aspirations of the States parties. Positively, it is a sign of an acceleration of the establishment of the African Economic Community. This can produce a ripple effect, the consequence of which is to move to a stage without having identified the obstacles and challenges of the previous one. In this regard, the expansion of ECOWAS to a non-West African state is likely to be a hasty decision, with all implications unknown. The option for a cooperation agreement is then fully justified.

### **The Cooperation Option**

The second option available to the Heads of State and Government is to propose to Morocco the conclusion of a cooperation agreement instead of full membership in ECOWAS. In accordance with Article 83 of the Revised Treaty specified in Additional Protocol A / SP.1 / 06/06 of 14 June 2006, the President of the Commission may conclude cooperation agreements with third countries (See Article 83 of the Revised Treaty). The President of the Commission appears to favour this option - see Interview of Marcel Alain de Souza, «Opening ECOWAS to Morocco», extending the West to the North?» Available Online at: <http://www.rfi.fr/emission/20170307>). The third country is 'a State other than a Member State'. These agreements are immediately brought to the attention of the Council of

Ministers through its President.

The conclusion of such agreements will be based on several aspects of cooperation and will be fostered by strong political, human, historical, religious and economic ties with the ECOWAS member countries. Historically, educationally and culturally, Morocco shares with the ECOWAS Member States a civilizational legacy thanks to Islam, which has 190 million followers. The first contacts between the Muslim world and Africa date back to the eighth century thanks to the trans-Saharan trade and the quest for knowledge provided in the famous cities of Timbuktu and Djenné. Today, hundreds of West African marabouts follow training in Morocco for the spread of moderate Islam. To this must be added the thousands of students, scholars of the Moroccan State, who pursue their academic studies in Moroccan universities and higher institutions.

Geopolitically, ECOWAS is considered as the natural geopolitical environment of Morocco, which will strengthen its position on the issue of Western Sahara. Only two countries in the region recognize the Sahrawi Arab Democratic Republic, while all the others are clear supporters to the Kingdom. Morocco will assert its leadership thus filling the vacuum left by the Libyan guide KHADAFI. This does not mean that Morocco will

renounce its membership in the Arab League and the Arab Maghreb Union, even though during the speech delivered in Addis Ababa on January 30, King Mohammed VI considered that his flame for an Arab Maghreb Has been extinguished because faith in a common interest has disappeared. From now on, Morocco considers that the African family is its reference family.

With its status as an observer to ECOWAS, a non-permanent member of the UN Security Council, its membership in the Maghreb and the Sahelo-Saharan region, the Kingdom has become a key player in the stability, Peace and development in the region. He has been heavily involved in operations in the region (notably in Côte d'Ivoire) and mediation efforts to resolve conflicts (mediation in the crisis of the Mano River countries, contribution to the resolution of the serious institutional crisis in Guinea in 2009-2010 and the stabilization of Guinea Bissau ...). Morocco has also undertaken actions of solidarity with the countries of the region, particularly during the period of the Ebola pandemic, and in the face of the natural disasters that some countries have experienced.

Economically, ECOWAS is the Kingdom's best sub regional opportunity, as highlighted in the communiqué, considering that it

has a process of integration of the most ambitious and more advanced on the scale of the African continent. It offers Morocco a market of 320 million consumers for a gross domestic product of 700 billion dollars. The main natural resources are oil, gold, cocoa, cotton, coffee and rubber. The economic integration of the ECOWAS countries reaches 10% for interregional trade, with the free movement of people, goods and capital. By 2015 a common external tariff has been established by nine ECOWAS countries, while great efforts have been made to harmonize the laws and regulations governing the economy.

Following 23 visits to 11 countries in the region, Morocco is in the process of realizing its desire to create a North-West African pole with the signing of several hundred agreements and the conclusion, in December 2016, of the extension of the Morocco-Nigeria gas pipeline through the countries of the region. As the second largest investor in Africa after South Africa, it is the largest investor in the ECOWAS region (\*27). Moroccans often organize or participate in fairs in the countries of the region, as well as missions with local businessmen. Moroccan investments are quite diversified. Maroc Telecom has several African subsidiaries including Moritel (Mauritania), Onatel (Burkina Faso), Sotelma (Mali), Gabon télécom. The main

Moroccan banks, Attijariwafa Bank and BMCE (through the 2009 acquisition of Bank of Africa) are present in 19 African countries. Other major national companies, such as the Addoha Group, the Sanad Holding, Management and the National Office for Water and Electricity (ONEE), are also active in many countries in West Africa and of Central Africa. Others are present in mining, construction, port management, air transport (Royal Air Maroc), which operates in

more than 20 sub-Saharan countries.

### **Conclusion**

It appears from the present analysis that the Kingdom of Morocco's application does not fully meet the criteria for accession to ECOWAS. The current partnership could be strengthened through the conclusion of a cooperation agreement. However, given the current context of grouping on the basis of political and

economic interests, the ECOWAS Heads of State and Government may accede to this request. This implies that they have carefully studied the implications of such a decision. Morocco is an added value to ECOWAS thanks to its political, human, historical, religious and economic ties with its member countries.

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# MOROCCO"s APPLICATION TO JOIN ECOWAS: A SOFT-POWER ANALYSIS

Babatunde Idowu

27

The Kingdom of Morocco"s application to join ECOWAS at the 51st Ordinary Session of the Economic Community of West African States (ECOWAS) Authority of Heads of States and Government held in Monrovia, Liberia on June 4, 2017 took many foreign analysts by surprise. The reaction of the ECOWAS Heads of States was equally surprising and interesting.

The Final Communiqué of the Summit (para 58) states that the "The Authority supports in principle the granting of membership to the Kingdom of Morocco having noted the strong and multidimensional ties it has with Member States. The Authority directs the Commission to further reflect on the implications of the request from the Kingdom of Morocco in the light of the provisions of the Revised ECOWAS Treaty and to submit the conclusions at the next ordinary session of the

Authority". The Communiqué continues: "the Authority decides to invite the King of Morocco to the next Ordinary Session of the Authority" (para 59).<sup>1</sup>

There are arguments for and against the application, however, a Soft-Power theory helps to reshape the argument, by positing that it is ECOWAS"s power of attraction and persuasion that is driving the quest for many countries such as Morocco, Tunisia and Mauritania seeking the membership of the organisation.

Three reasons can be made for opposing Morocco"s application. One, as the name implies, the Economic Community of West African States was established through the Lagos Treaty of 1975 to promote economic cooperation among states in the West African region. Morocco is a North

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1. The Final Communiqué of the 51st Ordinary Session of the Economic Community of West African States (ECOWAS) Authority of Heads of States and Government held in Monrovia, Liberia on June 4, 2017



*“Morocco does not meet the basic criteria for admission to ECOWAS.”*

African country, not a West African state. Meanwhile both the Lagos Treaty and the ECOWAS Revised Treaty of 1993 expressly state that the Member States shall be the States that ratify these Treaties, therefore, using geographic-specific narrative, Morocco does not meet the basic criteria for admission to ECOWAS.

That said, it is worth noting that this would not be first time that North African countries have joined organisations meant exclusively for countries in other regions of Africa, as Libya and Egypt are members of the Common Market for Eastern and Southern Africa (COMESA). It is equally worth noting that while the Abuja Treaty of 1993 resolved that ECOWAS was one of the five regional groups that should constitute the building blocs for the African Economic Community; and in March 2006, the African Union rationalised the numerous economic communities (RECs) from 14 to 8, so that each region would have its own „regional reference“, that has not precluded any AU Member States from being exclusively tied to one REC. Several of the RECs overlap in membership: for example, in East Africa, Kenya and Uganda are members of both the EAC and COMESA, whereas

Tanzania, also a member of the EAC, left COMESA and joined SADC in 2001. This multiple and confusing membership creates duplication and sometimes competition in activities, however, each country has the sovereign right to join any REC based on its own regional, continental priorities and national interest.

Acknowledging that the Treaties clearly define who ECOWAS Member States are, however, in customary international law, there are arrangements for amending the Treaty to reflect contemporary changes and dynamics in international arena. Whilst there are no provision in the ECOWAS Treaty for the admission of new Member States, however, Article 90 of the 1993 Revised Treaty provides the framework for amending and revision of the Treaty.

Like other international instruments such as Treaty and Agreements and Protocols, the Preamble to the 1993 Revised Treaty justifies the rationale for reviewing the Treaty, as it makes it clear that “aware that the review of the Treaty arises, inter alia, from the need for the Community to adapt to the changes in the international scene in order to

derive greater benefits from those changes".<sup>2</sup> That it would be laborious process to change the treaty is not a sufficient reason to oppose new membership to the organisation.

The second argument against Morocco's application is the incompatibility of the external behaviour of Morocco, especially its occupation of the Saharawi Arab Democratic Republic (SADR), with one of the foundational principles of international law- the use of aggression and annexation of territories. The Moroccan occupation of Western Sahara on 31 October 1975 was in violation of numerous UN and OAU resolutions as well as the OAU principle of intangibility of colonial borders and the ICJ advisory opinion on Western Sahara.

In line with General Assembly resolution 2625 (XXV), which stipulates that no territorial acquisition resulting from the threat or use of force shall be recognised as legal, the UN, the OAU/AU and all UN Member States have never approved Morocco's occupation of Western Sahara or recognised the legality of its forceful annexation of the territory. In accordance with General Assembly resolutions 34/37 (1979) and 35/19 (1980), Morocco is an occupying power of Western Sahara, and the UN has never recognised it as administering power of the territory.

The AU Assembly of Heads of State and Government, meeting in its Nineteenth Ordinary Session, which was held in Addis Ababa, on 15 – 16 July 2012, adopted the Report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa.

Regarding Western Sahara, the Assembly renewed the AU's appeal to the Security Council for a more proactive approach to the dispute. In particular, it called upon the Security Council to endeavour to create conditions that would enable the people of Western Sahara to exercise their right to self-determination in line with international legality and the relevant AU decisions, including the AU Plan of Action adopted on 31 August 2009.<sup>3</sup> The decision to admit the SADR into the African Union led Morocco to withdraw from the OAU immediately. However, in January 2017, after 33 years, Morocco was re-admitted as a member of the AU. Presumably Morocco's re-admittance opens the door for constructive engagement and dialogue between Morocco and the continental organisation towards finding a lasting solution to the SADR issue.

The third argument for opposing Morocco's application relates to the perceived threat that Morocco's accession to ECOWAS would pose to the regional power status of Nigeria within the ECOWAS sub-region. Many influential decision makers such as former Nigeria Foreign Affairs Ministers, former Secretary General of the



<sup>2</sup> ECOWAS Revised Treaty of 1993 – Preambles to the Revised Treaty of the Economic Community of West African States. ECOWAS Commission, Abuja, Nigeria. (pp. 2)

<sup>3</sup> Dr Sidi M. Omar (2014), 'OAU/AU and the question of Western Sahara', - extract from <http://www.sadr-emb-au.net/oauau-and-the-question-of-western-sahara>. Downloaded on 22/09/2017.

Commonwealth and organisations in Nigeria such as the Manufacturers Association of Nigeria (MAN) and the Association of Retired Career Ambassadors of Nigeria (ARCAN) with a membership of over 200 retired career ambassadors have expressed the view that allowing Morocco to be a member of ECOWAS would further erode the influence of Nigeria in the sub-region.<sup>4</sup> In other words, Nigeria would lose its „regional super power status“ if Morocco were to be admitted to ECOWAS. This line of reasoning goes against the principle of competition.

The international arena is a competitive stage, where each Member States has to compete for power, prestige and influence. Regional power status is not given and cannot be the preserve of one particular member state for ever, especially if that member states is not maximizing its potentials and opportunities within the sub-region. Given that competition is the critical driver of performance and innovation; paradoxically the admittance of Morocco to ECOWAS could be catalyst for Nigeria to raise its game, re-examine and reposition its foreign policy postures in West Africa with a view to extract the best outcomes possible with minimal costs and investment relatives to other Member States: new and old.

On the other hand, Morocco's decision to join ECOWAS could be argued to be part of Morocco's economic diplomacy and a rational, calculated and pragmatic move to advance its economic and national interests beyond its immediate North African frontier.

This forward expansion of Morocco's is an attempt to create a new "North-West Africa" geographical bloc with the aim of consolidating and expanding Morocco commercial interests in oil and gas, banking and insurance and pharmaceutical

sectors. Sectors where Morocco has a comparative advantage relative to many West African countries. Morocco might be seeking to take advantage of the West African economy – with a population of about 340 million, West Africa has a GDP of \$345 billion, and Morocco already has strong economic and bilateral relations with almost all the 15 countries of the West Africa.

Taking an institutional dimension, and moving beyond the reasons for opposing or supporting Morocco's membership of ECOWAS, there is a need to ask one fundamental question, of which „Soft Power“ theory might prove to be helpful in providing the answer. The question is what power of attraction and persuasion ECOWAS possess that makes it more attractive for Morocco relative to other RECs on the continent? This should be placed within the context of Tunisia seeking an Observer Status and Mauritania wanting to be re-admitted. Joseph Nye originally coined the term „soft power“ in 1990, defining it as the ability of one state to change the behaviour of others through the means of attraction and persuasion, rather than coercion or payment.

Whereas hard power is about bringing others into line, soft power is about co-option; not because partners are forced to align, but because they want to share the same goals, values and visions, due to their perceived attractiveness.<sup>5</sup> Nye pointed out three primary sources of soft power: culture, political values and foreign policy.

It is worth highlighting that while the soft power model was initially state-centric and premised on state behaviour and state action, however, Hettne and Soderbaum have noted that the European Union's eastward expansion into the former Soviet Union Bloc through an attractive economic model is an example of soft power<sup>6</sup>. Expanding this

<sup>4</sup> Dapo Fafowora (2017), 'Morocco seeks ECOWAS membership', *The Nation*, Thursday, August 10 2017.

<sup>5</sup> Nye, J., (2004) *Soft Power: The means to success in world politics*, New York, Public Affairs. (pp.5)

analysis further, Nielsen noted that, the EU's historical narrative of peaceful integration between previously warring states is a significant source of soft power.

The reordering of relations between larger and smaller members, make the EU attractive in the eyes of outsiders; similarly, the prosperity that has sprung from that recasting of relations and some of the concrete achievements of European integration, such as the Single Market and Schengen zone Another potential source of soft power is EU's stated commitment to certain normative values, particularly democracy and human rights, including a strong emphasis on women's rights.<sup>7</sup>

Using the soft power as a theoretical framework is worth narrating that in the past forty-two years, ECOWAS has made significant progress in consolidating the regional integration process at the political, economic and institutional levels, which possibly make the organisation more attractive to outsiders. Some of these achievements including normative and agenda setting in good governance, peacekeeping and peacekeeping operations and regional economic integration, and specifically, they are:

*The Promotion of Peace, good governance and democracy, with the adoption of relevant protocols and tools on conflict prevention, management and resolution. Strengthening of the ECOWAS Early Warning System in Member States, supporting elections monitoring in Member States (Benin, Niger, Cabo Verde and Ghana). Peacekeeping operation in Liberia and Sierra Leone in the 1990s. Recent mediation efforts to end the political crisis in Guinea Bissau, Mali and The Gambia. Strengthening of the ECOWAS Stand-by Force as well as the fight against Terrorism, Violent Extremism and the proliferation of small arms and light weapons.*

The consolidation of regional market with the adoption of ECOWAS Common External Tariff. To date, thirteen (13) Member States have implemented the CET. Only two (2) Cabo Verde and Sierra Leone are yet to implement the CET. The Free Movement of Goods and Persons with the abolition of visa for all Ecowas citizen and the adoption of the ECOWAS Biometric Identity Card.

The ECOWAS Biometric Identity Card is replacing the ECOWAS Travel Certificate. Three Member States, namely, Senegal, Mali and Niger have already commenced its implementation. Ratification and Implementation of the EU-ECOWAS Economic Partnership Agreement (EPA) – 2 Member States (Nigeria and The Gambia are yet to ratify the EPA). The implementation of the Road Map for the creation of the single currency with 2020 set as the deadline. The harmonisation of all sectorial policies, in particular, in priority areas of agriculture, infrastructure energy, education, youth, gender.

In conclusion, change, as the only constant in life, has become a universal aphorism. Nonetheless, humans are evolutionarily predisposed to resist change because of the inherent uncertainties and unknown risks; hence the opposition to Morocco joining ECOWAS could be seen through this „uncertainty and risks" perspective. Yet in a Darwinian sense, organisations and people that don't embrace change are bound to lose ground, stagnate and move into a state of anomie. With ECOWAS's soft power of persuasion and attraction, neither the ECOWAS itself nor its Member States themselves can turn the tide of wind of change that is blowing in favour of the organisation to the extent that countries such as Morocco, Tunisia and Mauritania are knocking its door for membership.

6 Hettne, B. & Soderbaum, F., (2005) 'Civilian Power or Soft Imperialism? EU as a global actor and the role of interregionalism', *European Foreign Affairs Review*, 10(4) Winter, pp 535-552.

7 Nielsen, L. Kristian, (2013) 'EU Soft Power and the Capability-Expectations Gap' *Journal of Contemporary European Research*, Vol. 9 (Issue 5), pp. 729



# Morocco and ECOWAS: Picking Cherries and Dismantling Core Principles

Jibrin Ibrahim

**T**he big issue for the Economic Community of West African States (ECOWAS) this December is whether it would allow itself to be stampeded into accepting Morocco into its fold without thinking through the implications for its core principles and practices.

My first concern has to do with acceptance of democracy and the requirement that all ECOWAS members must practice democracy. My second concern is that Morocco is a colonial power that has illegally taken over another African country. How can ECOWAS welcome an imperial power into its fold? It is for these two reasons that I believe ECOWAS should pause and reflect before positively considering the June 4, 2017 application of the Kingdom of Morocco to join ECOWAS. Clearly, there was little thinking done at its 51<sup>st</sup> Ordinary Session of Authority of Heads of States and Government held in Monrovia, Liberia where Morocco's quest to join the ECOWAS was accepted in principle. The Authority had directed the Commission to further reflect on the implications of the request from the Kingdom of Morocco in the

light of the provisions of the Revised ECOWAS Treaty and to submit the conclusions at the next ordinary session of the Authority holding this December.

## **Morocco's Implantation in West Africa**

Morocco has a long history of engagement with West Africa that goes back for a millennium. It has played an important historical role in the transmission of Islam and has over the centuries maintained networks with movements in Senegambia, Mali, Burkina Faso and Nigeria. Commerce between Morocco and West Africa also has a long history going back to the days of famous Moroccan leather exported from Northern Nigeria. More recently, Morocco has invested massively in banking, transport and agriculture in West Africa. Morocco has become a positive force for regional integration in the zone.

Nonetheless, it is difficult to make the argument that Morocco could become a logical part of ECOWAS. The organisation was established on 28th May 1975 as one of the five regional pillars of



the African Economic Community (AEC). "Region" in this context was quite clearly the geographical zone of West Africa as defined by Resolution CM / RES.464 (XXVI) of the OAU Council of Ministers. It would be recalled that the resolution on which the Abuja Treaty was based, divided Africa into five Regional Economic Communities (RECs): West Africa (sixteen Member States), East Africa (thirteen) Southern Africa (ten Member States) Central Africa (nine Member States), North Africa (five Member States). Morocco is therefore clearly placed in a different geographical zone.

#### **Commitment to Democratic Development**

West Africa has been undergoing an intense period of political conflict and transformation over the past three decades. It involves a process of political recomposition under the impulse of struggles aimed at combating and reversing the region's authoritarian past and the construction of a democratic future. The on-going struggles are intense and the direction of development is towards the consolidation of democracy. Admitting a monarchy into the region would create a huge opening for anti-democratic forces in the region. Let us not forget that West Africa is the only zone in Africa that has succeeded in stopping the current trend on the continent of the removal of term limits and re-introduction of life presidency that we see currently playing out in

Uganda, Burundi, Rwanda, DRC, Congo, Equatorial Guinea and so on. Specifically, citizens in West Africa have succeeded in stopping former presidents - Obasanjo, (Nigeria), Wade (Senegal), Tandja (Niger), Jammeh (The Gambia) and others from tenure elongation and life presidency. Bringing an absolute monarch into the ECOWAS could change the trend.

The Supplementary Protocol on Democracy and Good Governance (21 December, 2001) was adopted by ECOWAS as a normative framework to deepen democracy. It sets out the constitutional convergence criteria to be fulfilled by Community members based on the principles of good governance – respect for the rule of law, the separation of powers, the independence of the judiciary, the promotion of non-partisan and responsible mass media and the democratic control of the armed forces. It also commits Member States to ensure poverty alleviation, uphold, defend and promote international norms regarding basic human rights, including the rights of minorities, children, youth and women. The Protocol on Democracy and Good Governance also advocates for the strict adherence to constitutional norms in electoral practices that reject unconstitutional accession to or maintenance of power and sets the parameters for

the conduct of peaceful and credible elections that are free, fair and transparent. The Protocol further tasks ECOWAS to assist Member States in electoral matters.

Morocco wants to join ECOWAS without having to adhere with the constitutional convergence principles in the Protocol. It wants to maintain its present constitutional order and be an exception to the rule that democracy must prevail. It would be politically foolhardy to allow such an opening. When presidents Obasanjo, Tandja, Wade, Jammeh and the others sought to extend their rule, the Supplementary Protocol was raised as a banner signifying they would not be allowed to do it. The adhesion of Morocco into ECOWAS without the rules of the game means there would be no democratic banner to fly in the future. Morocco should be asked to first democratise its political system and then re-submit its application after that.

### **The Occupation of the Saharawi Arab Democratic Republic**

The other core principle that disqualifies Morocco's application is its occupation of the Saharawi Arab Democratic Republic (SADR), in total disregard to one of the foundational principles of international law - the use of aggression and annexation of territories. The Moroccan occupation of Western Sahara in October 1975 clearly violated numerous UN and OAU resolutions. It would be recalled that the OAU was founded on the principle of the intangibility of colonial borders. The General Assembly Resolution 2625 (XXV), stipulates that no territorial acquisition resulting from the threat or use of force shall be recognised as legal. Our international and regional bodies including the United Nations and the African Union have not accepted Morocco's occupation of Western Sahara or recognised the legality of its forceful annexation of the territory. Morocco is an occupying power and it is currently engaged in "pocketbook diplomacy" to legitimise its occupation of another African country. We cannot abandon the Sahrawi people, who have been fighting Spanish colonial oppression and are

today fighting Moroccan occupation of their country. Currently, Morocco is looting the phosphate resources of their colony and using it to provide fertiliser to West African countries it's trying to persuade to allow it access into ECOWAS. Although Morocco was re-admitted into the African Union after walking out of the organisation for 33 years, it cannot return on its conditionalities that the continent accepts its occupation of another country. Morocco is an African country and can return to the fold. It should however not be allowed to do so on its terms of remaining a colonialist.

It is important to point out the ECOWAS Strategic Vision is to transform the region from an "ECOWAS of States" into an "ECOWAS of the Peoples". Citizens are therefore the bedrock for the consolidation of integration. In Morocco, what you have are subjects of the King. We cannot have a two-tier region with citizens on one side and subjects on the other. It is important to note that although elections occur in the Kingdom, effective power is with the King.

### **Conclusion**

Morocco is seeking for a phased entry into ECOWAS with two important exemptions. The first exemption is that it does not want to adhere to the constitutional convergence principles enunciated in the Supplementary Protocol and Democracy and Good Governance. It is not ready to accept the core democracy principle in the region. Secondly, it is insisting the Protocol on Free Movement of Persons should not apply to it. In other words, it is only interested in the free movement of goods – Moroccan goods into West Africa. By insisting that West Africa's two core principles should not apply to it, Morocco is clearly not sincere in its application. Precisely because Morocco is not ready to join ECOWAS as a "real" member that accepts the values of the organisation, their application should be rejected. Other forms of cooperation with the zone could however be negotiated.

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