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Regional Integration and Warlord Politics.

The Case of West Africa

Master Thesis

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by

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Acronyms

ACP	African Caribbean and Pacific Countries
AFRC	Armed Forces Ruling Council
ASEAN	Association of South East Asian Countries
APC	All Peoples Congress
ECOWAS	Economic Community of West African States
ECOMOG	ECOWAS Cease-fire Monitoring Group
EAC	East African Community
EEC	European Economic Community
ECA	United Nations Economic Commission for Africa
EO	Executive Outcomes
GNP	Gross National Product
LPC	Liberia Peace Council
LDF	Lofa Defence Force
INPFL	Independent National Patriotic Front of Liberia
IMF	International Monetary Fund
NAFTA	North American Free Trade Area
NPFL	National Patriotic Front of Liberia
NPRC	National Provisional Ruling Council
OAU	Organisation for African Unity
RUF	Revolutionary United Front
SADC	Southern African Development Community
SMC	Standing Mediation Community
SLPP	Sierra Leone Peoples Party
ULIMO	United Liberation Movement of Liberians for Democracy

Chapter One

Introduction

This research thesis is a critique of the main explanations of regional integration in West Africa. In critiquing West African regional integration, this research introduces and integrates the growing literature on the concept of warlords with theory of regional integration. The main explanations of West African regional integration are functionalism and federalism respectively.

The critique in this study is informed by the practical lack of successful regional integration in West Africa, i.e. the failure to merge West African states and establish regional co-operation through regional integration. With regards to West African regional integration, the conventional, also known as the traditional view, argues and maintains that on practical and theoretical levels, integrationist approaches are inherently inappropriate to such integration because they ignore complex realities faced by states that are integrating or wish to integrate¹. According to the conventional argument, these realities include forces such as globalisation, the nature of North-South trade relations, the colonial experience, which today is responsible for the chaotic social-political and economic landscape in regions such as West Africa. This landscape is characterised by economically, politically and institutionally weak countries.

The economic, political and institutional weaknesses of these countries render them incapable of providing goods and services that are necessary, not only to regional integration, but also the collective well-being of West Africa. In this context, Zartman argues that such states are, in fact, incapable of meeting goals of statehood i.e. providing goods and services and maintaining law, economic and political order². Zormelo, commenting on West African regional integration, captures the sentiments of the conventional view very succinctly when he mentions “regional integration in West Africa faces two related problems, firstly, a theoretical misfit and secondly an economic,

¹ Ndi-Zambo, B. (2001), *African Unity: Looking Back, Looking Forward, and Recipe for failure in Maloka*, E. United States of Africa. Africa Institute of International Affairs, South Africa.

² Zartman, W. (1995), *Collapsed States: Disintegration and Restoration of Legitimate Authority*. Lynne Rienner Publishers.

political and social environment which makes regional integration difficult”³. This environment makes regional integration difficult because forces such as globalisation and the influence of many non-state actors such as international non-governmental organisation are dictating the organisational logic of the international political economy.

The conventional argument or view establishes the entry point of this study. This study argues that this explanation of regional integration has a missing dimension. This missing dimension is partly a result of certain political developments such as the transformation of war and warfare in the West African region. In other words, the explanation has been superseded by certain post-Cold War political developments in a number of West Africa countries. These countries include Liberia, Sierra Leone, Guinea, Guinea-Bissau, Senegal and recently the Ivory Coast. A number of scholars such as Reno, in his studies, “War, Markets and the Reconfiguration of West African States” and “Warlord Politics and African States”, Zartman, “Collapsed States: Disintegration and Restoration of Legitimate Authority” and Robinson “Twenty-First Century Warlords: Diagnosis and Treatment” have called these politics “warlord politics”.

Warlord politics is therefore the missing dimension with regards to the conventional explanation of regional integration that on practical and theoretical levels has major implications for West African regional integration. Warlord politics has major implications for West African regional integration because the politics are based on war, as well as informal political and economic transactions⁴. War and informal political and economic transactions do not conform to the principles of integrationist approaches. These principles include liberal democracy with its twin pillars of liberal politics and free market economies and good and accountable governance and leadership,⁵. As such, the research undertaken here critiques the traditional view by introducing warlord politics as

³ Zormelo, D, K, D. (1994), *Integration Theories and Economic Development: A Case Study of the Political and Social Dynamics of ECOWAS*. The British Library Services.

⁴ Reno, W. (1997), *War, Markets, and the Reconfiguration of West African States*, City University Press: New York. See also Chabal, P. (1999), *Warlord Politics and African States*. *International Affairs*, April 2000, Vol. 76 Issue 2, p. 409.

⁵ Chikuhwa, T. (2000), p.54 and Haas, B. (1964), *Beyond the Nation State: Functionalism and International Organisations*, Stanford: Stanford University Press.

an added political phenomenon with grave implications for West African regional integration.

The study looks at two West African countries namely Liberia and Sierra Leone and uses leadership as the unit of analysis. By using leadership as the unit of analysis, Charles Taylor of Liberia and Joseph Momoh of Sierra Leone are crucial to the provision and illustration of the missing dimension with regards to the conventional or traditional explanation, as well as the added challenge to the integration of West African countries.

Consequently, this thesis is based on the notion that regional integration explanations and approaches are not inherently inappropriate to West African regional integration. However, were necessary, they require strategic modifications that suit the requirements of West African states.

Establishing the Research

West African regional integration, like Western European integration that established the European Union (EU), should also be understood in a historic context. Since the decolonisation of most West African states in the latter part of the 1950s, the desire to integrate in West Africa, as indicated by Kwaku, became a *sine qua non* for development⁶. In part, this was a recognition by West African Countries that they were an artificial creation of the colonial scramble of the 1884-1885 Berlin Conference, coupled with the fact that they were too small to become economically viable⁷.

The first Pan-African Conference that discussed a movement for a united Black World convened in London in 1900, followed by a Congress in Manchester in 1945, which stressed the indigenous African quest for regional integration and unity. It was not until December 1958, when the late president of Ghana, Kwame Nkrumah, organised the historic All-African Peoples Conference in Accra, that the first call for African integration in the form of removal of customs and other restrictions on intra-African trade and the introduction of multilateral payments agreements was made that regional integration for West Africa and the continent was tabled⁸.

However, at the following conferences, the Monrovia and Casablanca Conferences of 1961, Lagos 1962, and Addis Ababa 1963, two opposing schools of thought emerged. The proponents of each school can be divided into, on the one hand, the participants at the Accra and Casablanca Conferences, "radical proponents of unity", and on the other, the Pan-African Conferences of Monrovia and Lagos, "sceptics and gradualists". The so-called "radicals" or continentalists advocated continental unity while the "sceptics and gradualists" or functionalists wanted less ambitious regional projects⁹. West African functionalists proposed gradual and technical or functional co-operation in the economic sphere as economic development was seen as the panacea and means to self-sustenance

⁶ Kwaku, D. (1995), The African Economic Community: Problems and Prospects. Africa Today, 4th. Quater, Vol 42 Issue 4.

⁷ Laird, S. (1995), Fostering Regional Integration: Regionalism and its Place in the Military Trade System, OECD Publication, 1996.

⁸ Asante, S. K. B. (1986), The Political Economy of Regional Integration in Africa. New York: Praeger Publishers.

⁹ Ndi-Zambo, B. (2001), p.1.

and reliance which would “spill-over” into the political sphere establishing what Haas and Mitrany call federalism by instalment¹⁰. The literature on West African integration points to a number of broad and complex reasons for the emergence of the two schools in West Africa. The commonly agreed upon reasons point to the ideological differences between the two schools. The continentalists wanted a continental federal government, whilst the functionalists wanted regional bodies. According to the literature, other factors included the linguistic differences between the Franco and Anglophone enclaves in the region, as well as the lack of trust between and amongst West African leaders, the lack of political will to transfer a measure of the newly won sovereign authority in the region¹¹.

Despite such divisions, regional integration and economic co-operation facilitated by a supranational body was deemed the best mechanism and the way forward for West African economic, social and political developmental malaise¹². This belief established the terrain on which the ECOWAS Treaty was signed and the formal inception of ECOWAS in May 1975. ECOWAS was mandated to promote the liberalisation of intra-ECOWAS trade and related forms of co-operation, such as regional roads and telecommunications networks. Other ECOWAS activities included measures to facilitate the free flow of people, through the introduction of visa-free travel citizens of West Africa countries¹³. The major objectives of ECOWAS as indicated in the ECOWAS Treaty are:

- The creation of a customs union with suppressed customs duties.
- The establishment of a common external tariff.
- The harmonisation of national economic and financial policies.
- The creation of a single monetary zone.

¹⁰ Oesterdiech Hoff, P. (2000), Regional Integration in Africa with Particular Reference to the Southern African Development Community. Resident Representative, Friedrich Ebert Stiftung of Germany and Botswana. p3

¹¹ Gambari, I. (1991), Political and Comparative Dimensions of Regional Integration: The Case of ECOWAS. Humanities Press International, Inc New Jersey and London. p.5. See Haas (1964), and Mitrany (1966).

¹² Asante, S. K. B. (1997), Regionalism and Africa's Development: Expectations, Reality and Challenges. New York: McMillan Press. p. 8

¹³ Lavergne, R. (1997), Regional Integration and Co-operation in West Africa: A Multidimensional Perspective. International Development Research Centre and Africa World Press, Inc. p. 31.

- The abolition of obstacles to the free movement of persons, goods and services.
- The transference of a measure of sovereignty to the ECOWAS body.
- The building of and sharing of common values and trust¹⁴.

Bach has argued that ever since the formal inception of ECOWAS some 27 years ago. West African regional integration has not achieved the objectives of the ECOWAS Treaty nor has the envisaged economic co-operation produced favourable results. Instead, his study shows that per capita income in ECOWAS member states increased moderately at a rate of 1.4% in the 1960s, but declined to 2.8% in the 1970s and 5.02% between 1980 and 1996 and fell even further in the 1990s¹⁵. Moreover, the online official ECOWAS website, indicates that the creation of a customs union, elimination of trade barriers, free movement of persons, goods and services, as well as the harmonisation of national economic policies are still ambitions very much in their infancy¹⁶. In this context, Banjo, argues that ECOWAS' achievements are merely symbolic¹⁷. Sirjoh Bah, having seen the lack of favourable integration results, comments in similar vein that regional integration in West Africa has had a turbulent history. This history does not paint a good picture for West African regional integration¹⁸.

The lack of successful integration and the conventional explanation establishes the terrain for the research question of this study by setting the following argument in motion: The conventional explanation of regional integration has been superseded by certain political developments in West Africa. These political developments, identified as warlord politics, are impacting upon the integration logic because the politics are based on war, illegal and informal political and economic transactions that are contrary to and do not conform to the principles of regional integration approaches.

¹⁴ Online Official ECOWAS Website. www.ecowas.int

¹⁵ Bach, D. (1999), *Regionalism Versus Regional Integration: The Emergence of New Paradigms in Africa*. In Grugel, J. and Hout, W. (1999), *Regionalism Across the North-South Divide: State Strategies and Globalisation*, Routledge, London. Note that these growth were calculated per decade in Bach's study.

¹⁶ www.ecowas.int

¹⁷ Banjo, A. (2000), *Linkage Politics Revisited: Domestic Politics and Foreign Policy in Nigeria and South Africa*. Unpublished. University of Cape Town.

¹⁸ Sirjoh Bah, M. A. (1999), *Policy Issues and Regional Integration: A Case Study of Nigeria Foreign Policy in the Economic Community of West African States (ECOWAS), 1979-1997*. Unpublished Masters Thesis, University of Cape Town.

The Research Question

- *Why is West African regional integration unsuccessful and how can this be better explained?*

Research Design

The research undertaking in this thesis is descriptive and analytical in nature. The study employs two approaches, a historic approach and a political-economic framework. The research that underlies the study has been qualitative, meaning that it is a survey of primary and secondary literature on the subject of regional integration and warlord politics. Since, the study is on regional integration, the research moves between two levels of analysis i.e. the regional and local levels making the research a systemic analysis. However, particular focus is given to the regional level.

Limits of the study

At this stage of the study, it is important to highlight and stress the limitations of the study. Firstly, the research undertaken here does not intend to invalidate the conventional explanations of regional integration. Instead, the study wishes to integrate the concept of warlords on regional integration theory and highlight the implications of warlord politics for West African regional integration. The study introduces the concept of warlords because the research believes the politics are an added challenge and that they are counter-productive and contrary to the postulated principles and positions of regional integration theory that have been identified as liberal democracy with its twin pillars of liberal politics and free-market economies. In short, these postulations include good and accountable leadership and governance committed to the well-being of the populations of the ECOWAS region. Secondly, regional integration is a complex concept with many possible meanings. In the contemporary world, and at the conceptual level no analysis of regional integration attempted without considering the dynamics of globalisation, however, defined. For this reason, the dynamics of regional integration in the research are understood in the context of globalisation. More importantly, globalisation is part of the challenge faced by West African states in their integration endeavour. Therefore, due to

time and space constraint, globalisation in conducting the research has been considered but not touched upon as it is seen to be part of the overall challenge.

Thirdly, in its entirety, the thesis wishes to transcend Western vs non-Western arguments and place the challenges faced by West African regional integration on lack of good leadership, which this views as crucial variable in the development of warlord politics. In other words, this research aims to transcend Western vs non-Western arguments, as they do not give one enough room to put blame on West African leadership.

Methodology

As indicated, the study adopts a historic and political-economic framework. Two concepts, i.e. regional integration and warlord politics serve as the focal analytical tools. The research adopts a historic approach, as it is crucial to illustrating a chronological development of warlord politics and regional integration in West Africa.

The research adopts a political-economic framework of analysis because, as an analytical theoretical tool, the framework aims to narrow the contested gap between the political and economic realms in international studies. Thus to borrow from one of the ground breaking works in the political economy discipline, "to understand the totality of political and economic reality necessitates the integration of individual pieces into a larger theoretical framework of political economic"¹⁹. Although the research has adopted a political economic framework, it must be emphasised that the concept political economy, like any social inquiry discipline travels on contested terrain.

The concept, political-economy travels on contested terrain because it is a vexed one in the political science discipline. Hence, the work by scholars such as Robert Gilpin and Roger Tooze use the term to denote a set of questions generated by the interaction of the political and economic spheres²⁰. These questions can be examined by using any

¹⁹ See Gilpin, R. (1987), *The Political Economy of International Relations*, Princeton: Princeton University Press.

²⁰ Gilpin R. (1987) and Tooze, R. (1984), "Perspective and Theory: A Consumer's Guide," in Strange, ed. (1984b), *Paths to International Political Economy*, London: George Allen and Unwin.

theoretical and methodology means deemed appropriate for a research. For example, Gilpin's analysis in his study, "The Political Economy of International Relations", reflects a mixture of analytical methods and theoretical perspectives to address such questions.

Others like Martin Staniland maintain that as a field of study, political economy derives "how politics determines aspects of the economy, and how institutions determine the political process", as well as the "dynamic interaction amongst these forces"²¹. This postulation by Staniland, is supported by the fact that some scholars have ignored the role of the market in their analysis, while some economists have neglected the political context of events, which in this case is the emergence of warlord politics²². Furthermore, political economy implies a reciprocal and dynamic interaction in the pursuit of wealth and power²³. For Gilpin therefore, "economics is the creation and distribution of wealth and politics is the realm of power". Both power and wealth have the capacity to produce and provide certain results²⁴. Gilpin refers to wealth as anything (capital, land or labour) that can generate a future economic livelihood. As far as he is concerned, wealth includes physical and human capital²⁵.

Simply put, in international politics, it is difficult to determine where economics end and politics begin. Thus, in order to carry out the study, this research has chosen an analytical framework that recognises these complexities, but aspires to treat economic and political phenomena simultaneously.

²¹ Staniland, M. (1985), *What is Political Economy?* New Haven, CT: Yale University Press, p.6.

²² See Staniland M. (1985), p.7.

²³ Gilpin, R. (1987) p.8.

²⁴ Gilpin, R. (1975), p.53.

²⁵ Gilpin, R. (1975), p.54.

Conceptual Clarification: Regional Integration and Warlord Politics

The study of regional integration has attracted a growing audience in academia and in policy related realms. This growing focus on regional integration has brought such realisation that actors behind regional projects are no longer states only, but a large number of non-state actors, such as international and national non-governmental organisations (NGOs)²⁶. This has led to scholars distinguishing between two kinds of regional integration methods, referred to as old or introverted integration and new or extroverted methods of integration²⁷.

The old regional integration method was a process that was initiated in the aftermath of World War I and II²⁸. The old method of regional integration was shaped by a bipolar Cold War context²⁹. The new or extroverted method appeared on the international scene in the 1980s amidst comprehensive structural transformation of the global political and economic system³⁰. Similar to the old method, the new wave of integration should also be understood in a historic context. This context includes a move away from bipolarity towards a multipolar global structure, the growth of interdependent trade, as well as the changed attitudes towards neo-liberal conceptions of economic development models towards the developing parts of the world³¹. The extroverted nature of the new method of integration is simultaneously linked with domestic factors which may challenge the nation-state as will be shown in the study, while at times may strengthen the nation-state³².

The new regional integration is a phenomenon appearing in more regions of the world than ever anticipated before. Evidence of this is the resurgence of regional projects; notably the move of European Community (EC), now the European Union (EU), to secure a single integrated market, the creation of MERCOSUR to link South American

²⁶ Chikuhwa, T. (2000), p.4.

²⁷ Hettne, B. and Fredrick, S. (2000), *Theorising the Rise of Regioness*. New Political Economy, Nov 2000, Vol. 5. Issue 3.

²⁸ Bach, D. (2000), *Regionalisation in Africa, Integration and Disintegration*. Indiana University Press.

²⁹ Chikuhwa, T. (2000), p.8.

³⁰ Larvernge, R. (1997), p.1.

³¹ Hettne, B. and Fredrick, S. (2000).

³² Hettne, B. (1997), p.1.

countries, the creation of the Northern American Free Trade Area (NAFTA), the growing assertiveness of the Association of South East Asian Nations (ASEAN), and the Asia Pacific Economic Co-operation.

A distinctive characteristic of the old and new methods of integration is that the new is a more spontaneous process from within regions in the sense that it constitutes nation-states and other non-state actors such as NGOs³³. As such, the new regional integration method is considered in this study. For the purpose of the study, regional integration is defined as an “empirical process that leads to patterns of co-operation, integration, complementarity, shared values, vision and trust within a particular cross-national geographical space”³⁴. To borrow from Hettne, “it is a multidimensional process of integration that includes economic, political, social and cultural aspects of a polity”³⁵.

The concept warlord politics, like the term regional integration, has returned to international political studies after a 60-year absence. In international politics, the term warlord is also divided into new and old. However, in political studies, this concept is vague and therefore a number of scholars dismiss and question its analytical rigour and value. As far as this study is concerned, this vagueness is a result of using the term warlord. The usage of the term is vague because any armed non-state leader of organisations such as insurgent groups, guerrilla organisations, rebel movements and gangs are now referred to as warlords. As Robinson points out, one explanation for this state of affairs is that the term fits neatly and is succinct in dramatising media coverage³⁶. Despite this vagueness, Robinson, Chabal, Morton and Adam, and Charlton and May have offered criteria that can be used to explain and distinguish the new warlord from its predecessor³⁷. These criteria can be divided into five criterion. These criterion also form the definitional basis of the term warlord in this research. They are:

³³ Hettne, B. (1997), p.1.

³⁴ Hettne, B. (1999).

³⁵ Gambari, I. (1997).

³⁶ Robinso, T. (2000), p.124.

³⁷ See bibliography for full references of the authors.

1. A warlord is an actor whose organisation functions and operates in a state where non-state actors challenge the authority of the state by waging war on the state. Such states, according to scholars like Reno, Chabal, Cornwell, Migdal and Zartman, are failed or weak states³⁸. In West Africa, for a example, Charles Taylor's Independent National Patriotic Front of Liberia (INPFL) is such a non-state actor.
2. To qualify as a warlord, an actor's *raison d'etre* should be the pursuance of narrow self-commercial interests.
3. The actor should have access to an armed force, which can be anything from a few hundred men to a full-fledged military contingent³⁹. According to Charlton and May, one crucial issue about such a force is that it exercises control over a fairly well-defined territory by means of force and that rank and file combatants obey no higher authority than that of the warlord⁴⁰. In other words, such a force is "personalised politico-military"⁴¹. Before Charles Taylor's questionable election to president in Liberia, the area that he exercised such control over was nicknamed "Taylorland or Greater Liberia".
4. The actor must be prepared to use violence to protect self-interests, regardless of the needs of society or the commonly agreed fundamentals of human rights law. For example in a recent Special Assignment program televised on SABC 3, the degree to which such rights are ignored was graphically clear when an opposition combatant cut open and ate the heart of a Liberian government soldier⁴².
5. Finally, the actor must be without a democratic mandate or accountability.

³⁸ Reno, W. (1997), Chabal P. (1999), Cornwell, R. (1999) and Zartman, W. (1995).

³⁹ Robinson, T. (2000), p.124.

⁴⁰ Charlton, R. and May, R. (1987), p.2.

⁴¹ Charlton, R. and May, R. (1987), p.20.

⁴² South African Broadcast Services, 11 November 2002.

In this study, therefore, a warlord is an individual who fits neatly in this criterion and uses war as a means to an end objective⁴³. This type of war, as Laasko points out, is not solely “civil”, “economic” or “ethnic” for that matter but usually about political power⁴⁴. However, these factors are instrumental as they play a role and become sources of mobilisation in the pursuit of the warlord’s objectives. In this context, Kaldor argues, “unlike the historical “total-war” which was nation-building and production-oriented, the new political economy of this type of war is a “predatory social condition that results in the breakdown of the legitimacy of state itself⁴⁵.”

With regards to the above criteria, warlord politics is therefore a political phenomenon that includes the contest for political power and organised violence, i.e. deliberate, rationally calculated strategies aimed at accumulation by creating war economies⁴⁶.

The five criteria mentioned above are the basis on which the study’s argument is based because these are seen to be contrary vis-à-vis the theoretical positions of regional integration namely functionalism and federalism.

⁴³ Robinson, T. (2000), p.123-124.

⁴⁴ Laasko, L. (2002), Regional Integration For Conflict Prevention and Peace Building in Africa: European Approach and the Cases of SADC and ECOWAS. Draft Report. University of Helsinki, Department of Political Science. Unpublished.

⁴⁵ Kaldor, M. (1999), New and Old Wars: Organised Violence in a Global Era, Cambridge, Polity Press.

⁴⁶ Duffield, M. (1998), Post-Modern Conflict: Warlords, Post-Adjustment States and Private Protection, Civil Wars. Australian Journal of International Affairs April 2001, Vol. p.65.

Chapter Outline

The research undertaken here is organised into six chapters. Chapter one has introduced the subject and describes the central problem and research question. It also defines the central concepts, which in turn serve as the focal analytical tools.

Chapter two provides the main explanations or the theoretical postulations of regional integration approaches namely functionalism and federalism.

Chapter three describes and illustrates warlord politics by looking at it from a historical point of view. This approach is used to illustrate the conditions that gave rise to warlord politics in West Africa. These conditions are:

1. The Colonial state
2. The Post-Colonial state
3. The Neo-Patrimonial state

Chapter four is concerned with the ECOWAS region. This chapter commences by looking at the political economy of West Africa. This is followed by a discussion on the economic and political reasons for regional integration, and a discussion on the theoretical origins of ECOWAS and finally an assessment of the ECOWAS achievements. These achievements are critical as they are the basis of the critique of this study.

Chapter five looks at the two case studies namely Liberia and Sierra Leone. This chapter describes the conduct of warlord politics by tracing in a historic manner the conflicts in the two countries. The historic approach is used in this chapter so as to describe the nature of warlord politics, there level of social and economic destruction in West Africa.

Chapter six is the analysis. It provides a discussion of the implications of warlord politics as well as how the politics are an added challenge to regional integration in West Africa.

Chapter Two

Introduction

The main conditions that gave rise to regional integration theories are World War I and II. David Mitrany provided much of the early functional or technical thinking in his thesis "A Working Peace System", first published in 1943. Karl Deutsch enriched Mitrany's thesis with the publication "Political Community at the International Level" in 1954 and "Political Community in the North Atlantic Area" in 1954⁴⁷. Federalist theory also gained momentum during this period. Both approaches were based on normative assertions after the demise of the two world wars and the experience of the balance of power system and collective security⁴⁸.

The premise of functionalism, as a method of integration, is that the nation-state cannot respond adequately to the technical, economic and social challenges of modern societies⁴⁹. In similar vein, the premise of federalism in regional integration literature is that problems facing countries can be solved once the nation-state is transcended without recourse to coercion or agents that led to World War I and II⁵⁰. As such, both approaches have a common objective, i.e. the creation of supranational institutions. Although these theories support a common objective, they differ on a number of issues such as the process and structure of supranational institutions. For the purpose of this study, these differences are not crucial. However, it is the theoretical positions to regional integration that are important. This chapter outlines the central theoretical positions of these approaches. Six theoretical positions are identifiable in functionalism whilst four are discernible in the federalist approach.

⁴⁷ See Bibliography for full references.

⁴⁸ Alger, C. (1977), *Analytical Approaches: Functionalism and Integration*.

⁴⁹ Alger, C. (1977).

⁵⁰ Haas, B. (1971), *The Study of Regional Integration in Lindberg and Schneingold: Regional Integration Theory and Research*. Harvard University Press, Cambridge, Massachusetts.

Functionalism

1. The functionalist approach to regional integration is premised on the position that one can isolate non-political problems, such as social, technical and humanitarian matters, and then concentrate on solving them.
2. As a method for integration, functionalism seeks to integrate or link people on a sub-national level across national boundaries in accordance to their common occupational activities. According to functionalism, this can be achieved by indirectly seeking out areas of mutual interest, which are common, where they are common, and to the extent to which they are common⁵¹.
3. Institutions based on function, not territory, would be appropriate for solving basic social and economic problems.
4. Certain distinct strands of political theory speak to the functionalist approach. These strands are pragmatism and utilitarianism. Pragmatism is reflected in the functionalist approach, as the functionalist seeks to avoid a constitutional approach to integration. The emphasis on pragmatism is an escape from the vertical divisions of the nation-state.
1. Functionalism prefers a common and horizontal problem-solving approach that relies on an incremental building process that will eventually result in integration across all domains i.e. "spill-over". Utilitarianism is also reflected in functionalism, as functionalists suggest that people will co-operate with each other in order to maximise their own physical welfare. In this sense, functionalism believes that placing emphasis on regional integration can creatively transcend conflict⁵².
6. In functionalism, the ultimate goal of integration is the evolution of a regional community increasingly tied together by functional interactions. As such, functionalism sees the creation of a supreme political authority as unrealistic and undesirable.

⁵¹ Haas, B. (1964), p.20.

⁵² Haas, B. (1964), p. 20.

Functionalists thus entertain the notion that co-operation in economic and social fields may “spill-over” into the political fields. This type of co-operation and the accumulated agenda of constructive work may bring about federalism by instalments or peace by pieces⁵³. Implicit in this suggestion is that once functional relationships have been identified and established a process of change towards pervasive integration commences⁵⁴.

In this sense, functionalism is argued to be a dynamic approach to integration in that it does not specify a structural blueprint for regional integration. Instead, it proposes incremental structural integration based on the convergence of interests⁵⁵. Finally, functionalism stresses that the discernment of functional areas of co-operation must be narrowly defined as broad programs often end up hamstrung by unforeseen eventualities⁵⁶.

Neo-Functionalism

Early European integration efforts of the 1950s and 1960s signalled the need to reformulate integration theories. Neo-functionalism emerged as a reformulated theory of functionalist thinking. The reformed functionalist paradigm aimed to provide a theoretical framework to better understand the subject of integration in relation to political and economic realities; and, specifically to apply functionalist ideas to the integration process of Western Europe. Neo-functionalism owes much to the guru of functionalism, David Mitrany.

Functionalism and neo-functionalism are similar in that they both place emphasis on the economic, political and the centrality of technocrats in the integration project. According to Chikuhwa, “neo-functionalism has, in common with functionalism, an acceptance of the determining nature of the economic, social and technological environments”. Within the paradigms, the ultimate goal is the maximisation of the social good and in

⁵³ Gambari, I. (1991), p. 2.

⁵⁴ Chikuhwa, T. (2000), p. 48.

⁵⁵ Mitrany, D. (1966), p.10-11.

⁵⁶ Chikuhwa, T. (2000), p.40.

rudimentary technical co-operation. Both paradigms reflect a utilitarian ideal as they stress community building and a belief in liberal pluralistic social settings. One can therefore discern that neo-functionalism is merely an added and broadened paradigm of functionalist thought⁵⁷.

Neo-functionalism can be distinguished from functionalism as follows:

- Neo-functionalism sees as implicit democratic governance to be important for the achievement of co-operation and integration. Chikuhwa says, "Neo-functionalism identifies liberal democracy, liberal politics and free market economies to be the viable and legitimate ingredients for co-operation and integration".
- Loyalty is strictly emphasised in the integration process and for co-operative means. To the neo-functionalist loyalty represents a measure of political and social harmony or homogeneity.
- Finally, neo-functionalism maintains that "spill-over" is crucial to the linking of institutions such as functional agencies. The "spill-over" phenomenon is based on collaboration; the understanding is that collaboration on one functional area or issue has "spill-over" effect for collaboration on another, eventually resulting in advanced integration⁵⁸.

Federalism

Federalism is understood and defined in a number of ways in political science. For instance Wheare defines federalism as the method of dividing powers so that the general and regional authorities of a state, each within a specific sphere, can act in a co-ordinated way and yet independent of one another⁵⁹. La Palombara points out that federal systems are praised for their capacity to permit unification without losing the separate identities⁶⁰. In regional integration theory, the premise of the federal principle aims to systematically consider problems of political integration. As such, different scholars see federalism as a structure and others as a process, while there are those who see federalism as a balance

⁵⁷ Chikuhwa, T. (2000), p.42.

⁵⁸ Chikuhwa, T. (2000), p.66.

⁵⁹ Wheare, K.C. ((1964), Federal Government. London: Oxford University Press. p.121.

⁶⁰ See La Palombara, J. (1974), Politics Within Nations. Englewood Cliffs, NJ: Prentice-Hall.

between unity and diversity, or alternatively, as a social and political phenomenon. Despite these variations in understanding federalism, each of these is concerned with territorial representation and most specifically, the representation of regional units⁶¹. Mally divides federalism into three types namely federation, confederation and a supranational community⁶².

According to Mally, a federation is a political system of governance based on a constitution, which allocates powers between a central sovereign government and autonomous provincial and local governments. The central government represents the state externally and has jurisdiction over subordinate units. A confederation is an association of sovereign states linked together by a treaty. The central power formed in this case is given certain powers of policy co-ordination but retains final decision-making with the individual states, which retain the autonomy in veto powers. A confederation unlike a federation has only limited external sovereignty with all decisions being implemented indirectly⁶³.

Finally a supranational community is made up of elements of both confederation and federal type of administration⁶⁴. Since the concept of federalism has in itself certain ambiguities, this study offers a general understanding of the concept. For the purpose of this research, federalism is understood as a multi-dimensional concept of principles, institutions and processes that deal with the problems of concentration, diffusion and sharing political power⁶⁵. In other words, or as stated by Elazar, federalism is seen as diversity-in-unity, while being equally observed as an institutional matter with no particular concern for either promoting or undermining such a form of unity⁶⁶. In the study, this indicates that federal principles are concerned with a combination of self-rule

⁶¹ King, P. (1982), *Federalism and Federation*, Croom Helm International Series in Social and Political Thought, University of New South Wales. p21

⁶² Mally, G. (1973), *The European Community in Perspective*, Lexington. London. p.21.

⁶³ Mally, G. (1973), p.21.

⁶⁴ Zormelo, D. K. K. (1995), p.121.

⁶⁵ Mally, G. (1973), p.21.

⁶⁶ Elazar, D. J. (1972), *Federalism*. International encyclopedia of the social sciences, Vol.5 New York: Mcmillian/The Free Press, p.353.

and shared rule or as indicated by Friedrich, it organises co-operation⁶⁷. In the broadest sense and applied to regional integration, federalism has four main positions if states wish to form a supreme political authority. These positions are:

1. The federal approach assumes the identity of political postulates concerning common purpose and common need among actors irrespective of level of action. It also assumes the transferability, again on the basis of identical postulates, of institutions from the national to the regional level⁶⁸.
2. As a political principle, federalism concerns itself with legal and formal political and economic transactions, as well as the constitutional diffusion of power so that the constituting elements in a federal arrangement share in the process of policy making⁶⁹.
3. In relation to regional integration, the logic of federalism is the desire to integrate different polities while preserving legitimate internal diversities and linking countries for economic development and security⁷⁰.
4. Federalism sees the drawing up of constitutions and the transfer of power from the national to the regional through means such as a Treaty, a viable mechanism to integration. In this sense, federalism views regional integration as a *de jure* rather than a *de facto* undertaking⁷¹.

Functional and Federal Organisations

Mitrany argues that federal states, more than unitary states, develop their own common life on a functional basis. For example, the functional trend that has made headway under federal constitutions confirms the functionalist thesis that in the international sphere such

⁶⁷ Friedrich, C.J. (1964), *International Federalism in Theory and Practice*, in Plischke, E. *Systems of Integrating the International Community*. Princeton van Nostrand.p.121

⁶⁸ Haas, B. (1971), p.19.

⁶⁹ Greilsammer, I. (1970), p.107.

⁷⁰ Elzar, (1979), p.13.

⁷¹ Alger, C. (1977).

functional beginnings can grow into a rounded political system. Implicit is the suggestion that once functional relationships have been identified and established, a process of change towards more pervasive integration is ignited. Thus, the dilution of nationalism and sovereignty is not an explicit functionalist project, but becomes an incremental and natural process underpinned by the initial forging of common functional links⁷².

Functionalist scholars, such as Mitrany, argue that there is nothing incompatible between functionalism and federalism. The functional arrangement should be regarded as an organic element of federalism. A functional organisation does not crack if one of the participants tries a political or a social experiment. Its existence would not be in jeopardy, when compared to a sectional federation. For example, if one of the members were to secede altogether, or if the seceding member should happen to be a vital factor in certain activities in a federation, the results might be detrimental⁷³.

The essence of functionalism is that no one is forced to come into the international organisation and no country is forced to stay out. Countries would come in for those functional activities in which they would be entitled to participate by the weight of their interest and resources. All countries would benefit from the performance of a general service. Instead of breaking government into a pyramid of subordinate territorial areas, the aim should be to dissect its functional tasks and relevant authorities in lines that correspond to and fit those tasks.

Instead of pursuing the establishment of a formal and fixed division of sovereignty, functionalism aims to change conditions, distribute power in accordance with the practical requirements of every function and objective. In Mitrany's language; "the elements of a functional system could begin to work without a general political authority, but a political authority without an active social function would remain an empty temple. Society will develop by our living and not by policing it. Thus, no political agreement

⁷² Mitrany, D. (1945), p.41.

⁷³ Chikuhwa, T. (2000), p.63.

would survive long under economic competition, but economic unification would build up the foundation for political agreement”⁷⁴.

Conclusion

The central aim of this chapter was to provide the positions advanced by the main explanations to regional integration namely functionalism and federalism. The main position advanced in the theories is the notion that the nation-state should be transcended, as it cannot adequately respond to social, economic, political and technological challenges of the modern era. A supranational body, created through the merging of sovereign states i.e. regional integration, is thus purported as a viable mechanism to respond to such challenges. For such a process to begin, these explanations provide theoretical and practical ways of initiating regional integration.

However, according to regional integration theories such a process is dependent upon good leadership and governance i.e. liberal democracy with its twin pillars, liberal politics and free economies, and politically mobilised masses that participate freely in the integration process. These positions are also crucial in the study, in fact they are the basis on which the traditional or conventional argument is critiqued. However, before this is done the conditions that gave rise to warlord politics need to be provided. The following chapter outlines the conditions that gave rise to warlord politics in West Africa.

⁷⁴ Mitrany, D. (1945), p.50-60.

Chapter Three

Introduction

In order to explain how the phenomenon, warlord politics is a missing dimension with regards to the traditional view and an added challenge to regional integration in West Africa, one needs to understand the conditions that gave rise to warlord politics in countries like Liberia and Sierra Leone. As mentioned, a historical survey of West Africa is an approach that can be used to establish and ascertain the conditions. Insofar as the conditions are concerned, these were inherited at independence and perpetuated in the post-independence era until their sudden disruption in the post-Cold War era. This sudden disruption is crucial as it marks the descent into warlord politics in West Africa. Therefore, the aim of this chapter is to provide a historical analysis of the political context in which warlord politics emerged in West Africa.

The Colonial State

The colonial state was “based on domination and on its ability to impose its hegemony upon the subject peoples to extract from them taxes necessary for the maintenance of the colonial state apparatus”⁷⁵. The control exercised by the colonial state machinery was based on its “monopoly and its capacity to use force... to impose its will on people who were at odds either with the authorities or each other”⁷⁶. However, the state did not only exercise its dominance and control over the local population directly, but also, and more importantly, by ruling indirectly through ‘customary’ intermediaries i.e. ‘native’ institutions or ‘native’ authorities⁷⁷. Van Hoyweghen and Vlassenroot argue that colonial and missionary anthropology “pictured an Africa of tribes, each with their cultural traditions”⁷⁸. Colonial bureaucracies drew territorial boundaries around these pictures of cultural units and “imagined them as socio-political enclaves for action”⁷⁹. Thus, colonial bureaucracies forged specifically native institutions through which to rule subjects, “but

⁷⁵ Cornwell, R. (1999), *The Collapse of the African State*, in J Cilliers and P. Mason (Eds.) *Peace, Plunder or Profit? The Privatisation of Security in War Torn African Societies*: Pretoria. p.64.

⁷⁶ Cornwell, R. (1999), p.66.

⁷⁷ Mamdani, (1996), *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton University Press. Princeton.

⁷⁸ Van Hoyweghen, S. and Vlassenroot, K (2000), “Ethnic Ideology and Conflict in Sub-Sahara Africa: The Culture Clash revisited”, I R Doom and J. Gorus (Eds.) *Politics of Identity and Economics of Conflict in the Great Lakes Region*. VUB University Press: Brussels.

⁷⁹ Van Hoyweghen S. and Vlassenroot, K. (2000), p. 100.

the institutions so defined were not racial as much as 'ethnic', not native as much as 'tribal'”⁸⁰. Key to these developments were the 'middle men' i.e. the 'customary intermediaries' through which the colonial state ruled (located between the urban colonial power and the rural local population divided in tribes). They received an extra income through the colonial state, presided over the moral exchange networks and were meant to block political disruption and social disintegration⁸¹. Moreover, they intentionally used ethnicity to justify their position of power as ethnicity allowed them to “enlarge the community they relied upon (for access to wealth and power from the state) and who relied upon them for the redistribution of resources”⁸².

However, the educated elites also profited from the politics of the colonial state machinery as education enabled them to skip a few steps up the social ladder⁸³. Education and a post within the bureaucracy “became the avatars of prestige as they provided influence and access to wealth”⁸⁴. Therefore, through ethnically coloured patronage, the “spoils of public office were redistributed and their newly acquired positions within society justified”⁸⁵. Divided ethnic communities proved to be a way of political tribalism, i.e. the use of ethnic identities in political competition with other groups was born⁸⁶.

The Post-Colonial State

The post-independence era is crucial in providing a clear picture of the development of warlord politics in West Africa because it is this state that is a politically, economically and institutionally weak state that is central as rulers and warlords vie for power in countries like Liberia and Sierra Leone. In other words, the post-colonial state is crucial because it is exactly this state that was inherited by the post-independence leaders that created the terrain for warlord politics in the identified West African countries.

⁸⁰ Mamdani, M. (1996), p. 7.

⁸¹ Van Hoyweghen, S. and Vlassenroot, K. (2000), p.97.

⁸² Van Hoyweghen, S. and Vlassenroot, K. (2000), p.97.

⁸³ Van Hoyweghen, S. and Vlassenroot, K. (2000), p.101.

⁸⁴ Van Hoyweghen, S. and Vlassenroot, K. (2000), p.101.

⁸⁵ Van Hoyweghen, S. and Vlassenroot, K. (2000), p.101.

⁸⁶ Van Hoyweghen, S. and Vlassenroot, K. (2000), p.101.

As a consequence of colonialism, post-independence leaders of West Africa such as Kwame Nkrumah of Ghana, made extensive and ambitious attempts to invest in state building projects by providing social services such as health and education⁸⁷. They attempted to create an idea of nation⁸⁸. However, the machinery that they inherited remained unchanged. According to Van Hoyweghen and Vlassenroot “the power structure was still based on bureaucratic authoritarianism, surplus appropriation, market control and coercion”⁸⁹. Moreover, in practice, the state, mirroring the colonial state, also remained the central focus for private accumulation of wealth, i.e. reforming national economies into patronage networks for political elites. This damaged the productive side of the economy, “bringing no development at all”⁹⁰.

Faced with increased internal fragmentation and security threats from former local intermediaries of strongmen created by colonialism, and eager to limit this fragmentation of internal social control and rein in the strongmen, some West African leaders sought external alternatives to construct their political authority⁹¹. As Mohammed Ayoob argues, instead of investing in a development project that served the collective good and creating an independent and efficient bureaucratic state apparatus, the ruling elite tried to manipulate the material benefits of state-sovereignty to construct its political authority⁹². Thus, they did not build their political power primarily from internal legitimacy, bureaucratic efficiency, nurturing of local revenue sources or attractiveness of foreign capital to investors⁹³. Rather, the possession of globally recognised sovereignty, coupled with access to international organisations and creditworthiness, allowed rulers to claim resources from powerful outside patrons⁹⁴.

⁸⁷ Van Hoyweghen, S. and Vlassenroot, K. (2000), p.101.

⁸⁸ Van Hoyweghen, S. and Vlassenroot, K. (2000).

⁸⁹ Van Hoyweghen, S. and Vlassenroot, K. (2000), p.102.

⁹⁰ Van Hoyweghen, S. and Vlassenroot, K. (2000), p. 102.

⁹¹ Reno, W. (1998).

⁹² Ayoob, M. (1998), *Subaltern Realism: International Relations Theory Meets the Third World*, in S. Newman (Ed.) *International Relations Theory and the Third World*. St Martin's New York.

⁹³ Jackson, R (1990), *Quasi-States: Sovereignty, International Relations, and the Third World*. Cambridge University Press: New York.

⁹⁴ Jackson, R (1990).

State sovereignty was therefore not based on internal legitimacy, but rather on external recognition that was only used to attract resources from outside⁹⁵. Morton and Adam have even gone as far as to say that this situation provided an ideal condition for the emergence of 'Caesarism', whereby a dominant personality is entrusted with great power and arbitrates in an absolutist form of government⁹⁶. As Fatton argues, these weak state rulers maintained their patrimonial power through illegal appropriation of state revenues and the establishment of corruption in a network of patrons and clients⁹⁷. As a result, patronage and corruption were enhanced in the absence of effective institutions to check the abuse of power and ensure administrative accountability.

This created the terrain on which internal security was threatened by local strongmen. As such, Reno argues that "the widespread practice of political graft, corruption, patron-client and patrimonial networks in weak states are not simply the result of 'breakdown' of normal politics, or the rise to power of corrupt leaders, but are rather an action necessitated by the fragility of the market conditions of the ruling elites"⁹⁸. In other words, it is a survival strategy available to weak state rulers to preserve and extend elite coalitions to support their political authority and fend off rivals. They therefore, develop alternative rational forms of political organization. During the post-independence era or Cold War period, weak state regimes bolstered their internal power with "entitlements to aid from former colonial powers and interested superpowers engaged in Cold War competition in efforts to attract diplomatic support"⁹⁹.

The threats that such rivals pose to weak state rulers are considerable especially in West Africa where 72 attempted coups have taken place and 32 have been successful¹⁰⁰. In similar vein, an actuarial calculation in Reno's study shows that "as of 1991 the 485 post-colonial African rulers face a 59.4 percent chance of dying, being imprisoned, or being

⁹⁵ Reno, W. (1998), Jackson, R. (1990), and Ayoob, M. (1998).

⁹⁶ Morton and Adam, (2002), p.12.

⁹⁷ Fatton, Jr R. (1998), *Bringing the Ruling Class Back in: Class, and Hegemony in Africa*. Comparative Politics, p. 259.

⁹⁸ Reno, W. (1998), p.18.

⁹⁹ Reno, W. (1998), p. 18.

¹⁰⁰ Adebayo, A. (2002), *Building Peace in West Africa: Liberia, Sierra Leone, and Guinea-Bissau*: International Peace Academy Occasional Paper Series

exiled as a consequence of holding office”¹⁰¹. Consequently, rulers who reject or fail in the pursuit of a broader state project that serves a collective good and creates institutions capable of articulating the population’s interests distinct from the rulers’ personal exercise of power, faces threatening internal behaviour. Those leaders who face internal threats, “intentionally cripple the arms of the state, which weakens the agencies that outsiders prescribe as the best means to mobilize resources to alleviate pressure from the international economy such as debt repayment”¹⁰².

In part, this is done to deny resources to internal rivals and to use outsider’s skills and connections to gather as much wealth as possible¹⁰³. For example, Chad’s rulers used foreign military and diplomatic aid to garner resources to fight internal rivals¹⁰⁴. Nolutshungu maintains that in “fact French assistance in the 1980s provided as much as 70 percent of the Chadian governments expenditure. Chad’s politicians used rivalries amongst the Libyan, French, U.S. and Nigerian interests to manipulate patrons”¹⁰⁵.

This shows that a large number of weak states were sustained by patronage from Cold War protagonists, which allowed them to buy off political rivals, suppress local strongmen or quell internal opposition in the name of anti-communism or anti-imperialism. Reno argues “internal weakness need not render African political actors incapable of exercising choice relations with outsiders”¹⁰⁶. “Limited autonomy to manipulate outsiders while facing an internal crisis exerts strong pressure on rulers to find new sources of external aid without the benefit of strong state institutions”¹⁰⁷.

Patrimonial control over state resources became the main objective of Africa’s independence and post-independence rulers, while external resources such as diplomatic, economic and military aid went into patronage networks. These networks, which

¹⁰¹ Reno, W. (1998), p. 18.

¹⁰² Reno, W. (1998), p. 19.

¹⁰³ Reno, W. (1998), p.1.

¹⁰⁴ Charlton, R. and May, R. (1988), p. 12.

¹⁰⁵ Nolutshungu, (1996), *Limits of Anarchy: Intervention and State Formation in Chad*. University of Virginia Press: Charlottesville.

¹⁰⁶ Reno, W. (1998), p. 20.

¹⁰⁷ Reno, W. (1998), p. 20.

continue as in the colonial era, are the key links between state and society aimed at “reigning in unruly strongmen at the expense of development”¹⁰⁸. In most cases, these regimes “reproduced the colonial modes of surplus appropriation and extended control over markets”¹⁰⁹. The political environment was transformed into one in which official decisions provide an environment for personal gain¹¹⁰. This practice of patrimonialism led to a political ligature in which “state or civil service departments constituted bottomless financial reservoirs for those who managed them and for the political authorities which headed them”¹¹¹. Therefore, although the nation-state model of development was focused on the achievement of unity and national integration, the way in which power and wealth became related and the benefits of development became distributed, “provoked a competition for the scarce material and social resources”¹¹².

The trappings of sovereignty, such as the capacity to manipulate enforcement of laws to generate globally accepted documents, and to hide clandestine activity behind diplomatic immunity, also gave many rulers the capacity to meld commercial opportunities with political alliances¹¹³. Weak state rulers, who lacked strong bureaucratic institutions, found intervening in markets useful for controlling and disciplining rivals and their supporters¹¹⁴. Intervening in markets enabled rulers to bypass the politically and economically risky project of strengthening institutions and “accumulate wealth directly, which is then converted into political resources they can distribute at their discretion”¹¹⁵. This strategy is also aimed at limiting the entrepreneurial activities of rivals. Such a strategy, however, is in direct contraction to a number of market principles such as those in liberal thought that separate private and public spheres¹¹⁶. Rulers learned that as with “sovereignty, economic reforms outsiders insist upon in return for aid i.e. military and

¹⁰⁸ Reno, W. (1998), p.21.

¹⁰⁹ Van Hoyweghen, S. and Vlassenroots, K. (2000), p.103.

¹¹⁰ Bayart, J-F. (1993), *The State in Africa: The Politics of the Belly*: Longman: London p. 78.

¹¹¹ Bayart, J-K. (1993).

¹¹² Van Hoyweghen et al, (2000), p.10.

¹¹³ Reno, W. (1998), p.21.

¹¹⁴ Reno, W. (1998).

¹¹⁵ Reno, W. (1998), p.21.

¹¹⁶ This contradiction will be further highlighted in the analysis part of the study.

otherwise could be manipulated to gain access to resources and enhance a vulnerable rulers' political authority"¹¹⁷.

While rulers intervene in the market through agencies such as foreign firms in order to limit rival access to wealth, the bureaucratic state mechanism is allowed to decay as a ruler's patronage network extends into spheres of activity farther removed from the realm of conventional state functions. Notions such as state or society, and private and public, become blurred as regimes that preside over such patronage systems focus on controlling all kinds of accumulation and translating resources into political power¹¹⁸. Such a strategy, according to Reno, "permits elites in Africa's most heavily patrimonial economies, such as those in the ECOWAS region, to avoid relying on citizen's support to rule, since it denies citizens autonomous control over resources the regime needs to manage strongmen"¹¹⁹.

Baryat has termed this informal political network into wider spheres of economic activity a criminalisation of the state¹²⁰. Reno comments that "this means that an alliance of state officials and normally private commercial networks has manipulated state prerogatives in global society to combine the alliances' capacity to create disorder for rivals with its private business acumen to expand its commercial reach". Such a partnership established an elite accommodation that helped to mitigate a ruler's internal security threat without needing to build bureaucracies¹²¹. Those who collaborated benefited and profited. This is not to imply that non-compliant strongmen existed in the margins of this patronage system. They also focused on accumulation making the market a struggle between rulers and strongmen.

However, after the Cold War, such a strategy was unsustainable, as it did not remove the dangers that certain strongmen such as Charles Taylor of Liberia, and Foday Sankoh of Sierra Leone and Mane of Guinea-Bissau posed. The loss of superpower support

¹¹⁷ Reno, W. (1998), p.21.

¹¹⁸ Reno, W. (1998), p.22.

¹¹⁹ Reno, W. (1998), p.22.

¹²⁰ Baryat, J-K. (1995).

¹²¹ Reno, W. (1998, and 2000).

following the decline of superpower rivalry and the subsequent pressures towards economic and political liberalism undercut the ability of weak state rulers to maintain their regimes. This disruption or the subsequent decline in patronage encouraged even stronger strongmen to organise personal followings among citizens who endured austerity measures, who would also rival these weak state rulers through warfare using these very commercial networks. Meanwhile, a flood of cheap small arms and light weapons found easy access across West Africa's porous borders. These guns in the hands of young men at the bottom of the patronage hierarchy provided material benefits or what has been called the "Kalashnikov lifestyle"¹²².

In order to maintain power, control and adapt to changing patron-client politics and post-Cold War power shifts, weak state leaders resorted to war in the hope of reinventing patrimonialism in new and innovative forms¹²³. However, the logic of weak states, i.e. the political dynamics and access to markets created by the end of Cold War, provided grounds for ongoing struggles between rulers and strongmen. Enterprising strongmen, like weak state rulers, also focused on controlling and accumulating wealth, which may mean collecting aid, seizing natural resources and manipulating calls for reform¹²⁴. This political struggle, i.e. the violent contest to control commerce, is the way politics have functioned in weak states such as Liberia and Sierra Leone in West Africa, (referred to in this study as warlord politics). Global markets serve a variety of internal political functions and war is thus a "new form of politics" or as posited by Morton and Adam, "war is politics by other means"¹²⁵.

As far as Reno is concerned, such a dynamic "should not be seen as an implosion or disintegration of a state, but also an alternative technique for building a new kind of political authority and system"¹²⁶. Heads of militia factions emerge "when it is easy to

¹²² Reno, W. (1997), p.496. Kalshnikov lifestyle, is the looting that takes place in weak states by militias.

See Reno, W. (1997), p. 43.

¹²³ Morton, and Adam, (2002).

¹²⁴ Reno, W. (1997 and 1998).

¹²⁵ Morton and Adam, (2002), p.15.

¹²⁶ Reno, W.(1998), p.26-27.

become a military or commercial entrepreneur”¹²⁷. A recent example is Ivory Coast, Africa’s largest cocoa producing country, where Gbagbo’s regime is meeting such rivals, the Patriotic Movement of Ivory Coast (PMIC). From their bases, these entrepreneurs, or strongmen, assemble and control resources and convert them into their own political advantage and rulers of weak states confront these strongmen on this terrain¹²⁸. Foreign funding and multiple party militias that enjoy the patronage of politicians and strongmen are used as instruments of disorder, as strongmen and rulers struggle with one another for power¹²⁹. This according to Reno, is “a ‘criminalisation of the state’ and a militarisation of the economy that is the target of political struggle”¹³⁰. This struggle has its origins in the Cold War era tendency for rulers to tolerate and manage elite independence in patronage systems through such conventional means as clandestine diamond trafficking¹³¹.

The Neo-Patrimonial State

Global forces like the oil slump of the 1970s had major effects that were felt throughout the 1980s in West Africa. In the 1980s, these effects also impacted upon the practice of patrimonialism¹³². As a result, patrimonialism underwent growing stress due to the declining internal resources. As a consequence of the loss of and new conditions for external patronage. This according to Van Hoyweghen and Vlassenroot “announced the end of broad-based patronage networks in large parts of the African continent”¹³³. The loss and new conditions for external patronage cut off easy access to loans and aid, the lifeblood of Cold War patronage politics¹³⁴. As internal and external pressure to reform grew, informal political networks based on patronage could no longer serve the interests of local elites, forcing them to seek new strategies to extract resources¹³⁵.

¹²⁷ Reno, W. (1998), p.27-30.

¹²⁸ Reno, W. (1998), p.30.

¹²⁹ Reno, W. (1998), p.38.

¹³⁰ Reno, W. (1998), p.38.

¹³¹ Reno, W. (1998) p.30.

¹³² Spech, I. and Van Empel, C. (1998), *A Challenge for Social and Economic Reintegration: Targeting Ex-Combatants or All War-Affected People?* International Labour Office, Geneva (ILO), p.17.

¹³³ Van Hoyweghen, S. and Vlassenroot, K. (2000), p.107.

¹³⁴ Duffield, M. (2000), “Globalisation, Trans-border Trade and War Economies, in M. Berdal and D. Malone (Eds) *Greed and Grievance: Economic Agendas in Civil War*. Lynne Rienner Publishers: London

¹³⁵ Duffield, M. (2000).

Global changes at the end of the Cold War created new commercial opportunities, i.e. increased the attractiveness of rulers “of a reliance on commercial exploitation as a quick way to solve the problem of political authority”¹³⁶. According to Reno and Duffield, warlord politics for weak state rulers and strongmen became an interesting alternative to the old unsustainable patronage politics¹³⁷. This sudden post-Cold War increase in the pace of change opened uncharted paths for building political power and rewarding local patrons and clients¹³⁸.

In this context, Duffield maintains that reflecting the logic of globalisation in the post-Cold War era, this has often meant “moving beyond the state in pursuit of wider alternative economic networks”¹³⁹. As the old system of patronage gave strongmen the capacities to endanger the position of weak-state rulers, “the response of these rulers was not one of looking for new and broad bases of legitimacy, but eventually, one of mimicking local strongmen’s strategies of warlordism”¹⁴⁰. Thus, in adapting to these changes, both weak state rulers and strongmen introduced and used new commercial alliances with foreign actors as an attractive alternative to the old practices of patronage¹⁴¹. These new alliances resulted in what Zartman identifies as the “disintegration or collapse” of state institutions¹⁴². Although institutions were disintegrating or collapsing, Van Hoyweghen and Vlassenroot argue that this also enabled weak state rulers to survive and “strengthen them in neutralising old patronage clients and local autonomous strongmen who pose a threat to their regimes”¹⁴³. As Reno notes in the case of Sierra Leone in his study “War, Markets and the Reconfiguration of West Africa’s Weak States”:

¹³⁶ Reno, W. (1998), p.217.

¹³⁷ Reno, W. (1998), and Duffield, (2000), p.70.

¹³⁸ Reno, W. (1998).

¹³⁹ Duffield W. (2000), p.74.

¹⁴⁰ Van Hoyweghen S. and Vlassenroot, K. (2000), p. 108.

¹⁴¹ Van Hoyweghen, S and Vlassenroot, K. (2000), p. 108.

¹⁴² Zartman, W. (1995), p.1.

¹⁴³ Van Hoyweghen, S. and Vlassenroot, K. (2000), p.108.

“Rulers address the internal threat of warlord politics by transforming their own political authority into effective means of controlling markets without reliance on formal state institutions. As a corollary to market control without institutions, weak state rulers use new and strengthened alliances with outsiders to shed old clients and discipline those who remain, which results in a strategy that deals with the threat of warlord politics by mimicking the political innovation of warlords”¹⁴⁴.

Thus, both warlords and weak state regimes integrate these new commercial actors by “intensifying patrimonial ties to cross-border commerce, trading diaspora’s, and clandestine trades”¹⁴⁵. Individuals vying for political power “incorporate mercenaries as it is alleged by the media in the one month old uprising in Ivory Coast, foreign firms, arms traders, money launderers, and the like along with elements of the old patron-client alliances, into their new political networks to strengthen their positions”¹⁴⁶. Within this new political arrangement, foreign firms pursue different but compatible interests. Clandestine and small marketers “perform in ways the giant De Beers cannot, taking advantage of the commercial benefits that come with rulers ability to manipulate laws and provide cover for clandestine activities”¹⁴⁷. Drug cartels and money launderers “bring visible physical might, which, in partnership with politicians, is important in shaping local politics”¹⁴⁸.

During the Liberian civil war, for example, former warlord and rival strongman Charles Taylor, in building his power base, found reliable sources of income and political benefits in co-operation with Firestone Tire and Rubber¹⁴⁹. This subsidiary of the Japanese-owned Bridgestone, a cornerstone of Liberia’s export orientated economic policies, “reached an accord with Taylor in 1991 to co-operate in rubber production and marketing in return for Taylor’s NPFL (The National Patriotic Front of Liberia) protection”¹⁵⁰. Firestone

¹⁴⁴ Reno, W. (1998), p.8.

¹⁴⁵ Reno, W. (1998), p.8.

¹⁴⁶ Reno, W. (1998), p36.

¹⁴⁷ Reno, W. (1998), p.36.

¹⁴⁸ Reno, W. (1998), p.36.

¹⁴⁹ Reno, W. (1995), *Corruption and State Politics in Sierra Leone*. Cambridge University Press New York p.180.

¹⁵⁰ Reno, W. (1995), p.180.

provided communication facilities and a supply base for Operation Octopus, the NPFL's October 1999 assault on Monrovia"¹⁵¹.

Taylor also arranged 'arms-for-timber exchanges. These sales were organised through a 'Forestry Development Authority' with close ties to his brother's Bong Bank "collecting cash for licenses and tax on rough log exports"¹⁵². French firms and Lebanese owned enterprises in the Ivory Coast became so heavily involved in this trade that "Greater Liberia or Taylorland" "a huge peace of territory conquered and owned by Taylor during the civil war became France's third largest source of tropical timber in 1991"¹⁵³. For each timber export license, the NPFL collected US \$300 000 cash and levied a 10% tax on export logs¹⁵⁴.

This access to foreign exchange enabled Taylor to "take advantage of good prices from Eastern bloc arms vendor who were eager to sell their wares for hard currency"¹⁵⁵. Other commercial alliances incorporated into Taylor's war economy during the civil war were consortiums of North American, European and Japanese mining firms such as NIMCO (Nimba Mining Company), EUROFER, and AMCL (Africa Mining Company of Liberia)¹⁵⁶. According to Reno, Taylor incorporated these commercial networks as a quick, cheap and efficient means of extending his authority "precisely because they are so integrally connected to the exercise of violence"¹⁵⁷.

Thus, disorder, in this sense, or as Van Hoyweghen and Vlassenroot comment is not a cause, but rather a consequence of warlord politics¹⁵⁸. Disorder becomes constructive as it creates an environment for, and becomes a strategy of the ruling elite to get rid of very powerful warlords. Therefore, the search for new commercial alliances further alienates

¹⁵¹ Reno, W. (1995), p.180.

¹⁵² Reno, W. (1995), p.180.

¹⁵³ Reno, W. (1995), p.180.

¹⁵⁴ Reno, W. (1995), p.181.

¹⁵⁵ Reno, W. (1995), p.180.

¹⁵⁶ Reno, W. (1995), p.180.

¹⁵⁷ Reno, W. (1998), p.98.

¹⁵⁸ Van Hoyweghen, S. and Vlassenroot, K. (2000), p.109.

state from society¹⁵⁹. By shifting their strategies from patronage to warlordism, rulers of weak states try to manage their struggles for power “further increasing the need of the populations which become extremely marginalised, to seek ‘escape’ strategies”¹⁶⁰. For weak state rulers facing powerful warlords like Taylor and Sanku, “short-term security options prevail on a sustainable development policy, a strategy which ultimately results in a further informalisation of political power, and a wider privatisation of sovereign functions of the state”¹⁶¹. Kaldor calls this situation a “predatory social conditions as it does not contribute to the provisions of goods and services”¹⁶². Zartman mentions that the “state becomes an inoperative and paralysed bureaucracy with blurred private and public spheres”¹⁶³.

Thus, the problem for post-Cold War weak-state rulers was that the political arena became more open to strongmen challenging rulers as internal rivals could more easily invite collaboration with outsiders who provided cheap small arms and light weapons from the private arms market. This gave strongmen new opportunities to arm themselves and directly challenge rules. Rulers also learned that they could afford surplus weapons from regions such as the former communist bloc, even as revenues grew tighter¹⁶⁴. Therefore, whereas commerce had long been a tool of political control in the de-bureaucratized weak states of West Africa, the struggle over its continued control became increasingly fragmented and bred violent conflict, i.e. descent into warlordism¹⁶⁵.

Conclusion

This chapter examined how the colonial, post-colonial and neo-patrimonial states are the roots or conditions that gave rise to warlord politics. This chapter shows that this particular form of politics is rooted in the structures and processes of these states. Furthermore, it also shows that the sudden disruption of the structures and processes by the end of Cold War provided grounds for ongoing struggles between rulers and

¹⁵⁹ Van Hoyeweghen, S. and Vlassenroot, K. (2000), p.109.

¹⁶⁰ Van Hoyeweghen, S. and Vlassenroot, K. (2000), p.109.

¹⁶¹ Van Hoyeweghen, S. and Vlassenroot, K. (2000), p.109.

¹⁶² Kaldor, M (1999), p.6.

¹⁶³ Zartman, W. (1998).

¹⁶⁴ Reno, W. (1998), p.48.

¹⁶⁵ Reno, W. (1998), p.48.

warlords. This political struggle, i.e. violent contest to control commerce or warlord politics, is way the politics have functioned in some West African countries. An outcome of this politics includes the deliberate creation and maintenance of war economies, situations that benefits a number of local and international actors. The following chapter provides in a historic manner the political and economic reasons for regional integration as well as the theoretical nuances or origins of ECOWAS.

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Chapter Four

Introduction

As mentioned, regional integration in West Africa should also be looked at from a historical perspective. This perspective offers one the tools to determine not only the political and economic reasons for regional integration in West Africa but also the theoretical origin and rationale of ECOWAS. A historical approach also provides the platform from which to assess the achievements of ECOWAS. As such, this chapter offers the political and economic reasons for regional integration in West Africa from a historical perspective. Thereafter, an examination of the objectives of the ECOWAS Treaty of 1975, revised in 1991 and 1994 is discussed. The research then provides a discussion of the level of success. In other words, the research chapter comments on the ECOWAS objectives that it set itself to achieve in the ECOWAS Treaty of 1975 revised in 1991 and 1994.

The Political Economy of West Africa

ECOWAS, as a sub-region constitutes a geographical area larger than Western Europe. The region is the most heavily populated of all African sub-regions, with a population density of about 150-200 million inhabitants that could account for a GDP of approximately U.S. \$125 billion per annum.¹⁶⁶ The sub-region consists of Nigeria, Africa's largest nation, as well as one of its smallest, Cape Verde¹⁶⁷.

The West African political economy has been shaped by natural, socio-economic and political factors. The colonial legacy, however, is the common denominator that has shaped the current political economy in the region. One feature of this political economy is the clear demarcation between the Anglophone and Francophone divide and a small Lusophone cluster¹⁶⁸. The Francophone cluster stretches from the Atlantic Ocean in the West to Lake Chad in the East, collectively known as the Sahel, meaning the coast of the Sahara in Arabic. These countries are Senegal, the Gambian Anglophone enclave-

¹⁶⁶ Bach, D. (2000), p.24.

¹⁶⁷ Kelechi, A. (1999), Post-Cold War Era Regional Economic Diplomacy. Africa Today, Vol. 42 Issue ½ p. 153 p.1.

¹⁶⁸ Nyong'o, A. (1990), p.23.

Mauritania, Mali, Burkina Faso and Niger. All of these countries are poverty stricken, ex-colonial clusters of France. Senegal is a spatial exception as it is one of the regions more prosperous economies¹⁶⁹.

The other group consists of small coastal states reaching back in a narrow strip through the forest to a portion of the Sudanic Savannah. It includes Sierra Leone, Guinea, Guinea Bissau, Liberia, the Ivory Coast, Ghana, Togo and Benin. The Ivory Coast and Ghana are the only two countries with the infrastructure, population and resources to attempt a reasonably viable political economy. However, the Ivory Coast, West Africa's largest cocoa producer is at war. Apart from Nigeria, the Ivory Coast, Ghana and Senegal represent states left behind by the British, French and the Portuguese¹⁷⁰.

Today, much of West Africa is experiencing major socio-political and economic upheavals, with civil wars and coups being a major variable that distinguishes and characterises the region in the post-Cold War era. See table 1.1 below on military coups in West Africa.

Table 1.1: The Frequency of Military coups in ECOWAS States 1960-1993

Country	No. of Successful Coup Attempts	No. of Abortive Coup	No of Reported Plots
Benin	6	3	3
Burkina Faso	6	1	4
Cape Verde	-	-	-
Ivory Coast	-	1	4
Gambia	-	1	1
Ghana	5	6	13
Guinea	1	2	8
Guinea Bissau	1	2	10
Liberia	1	-	4
Mauritania	3	1	5
Niger	1	4	1
Nigeria	6	3	5
Senegal	-	1	-
Sierra Leone	3	1	4
Togo	2	1	5

Sources: Liisa Laakso, (2002), p105

¹⁶⁹ Sirjoh Bah, M. (1999), p.186.

¹⁷⁰ Sirjoh Bah, M. (1999), p.191.

These socio-economic and political upheavals have been going on for the past three decades. This has led to significant numbers of internally and internationally displaced people, unknown numbers of casualties and deaths.¹⁷¹ Economically, the region has witnessed continued falls in per capita income levels, which according to Bach study shows increased at a moderate rate of 1.4% per decade but started to decline at a of 2.8% in the 1960s and 0.2 % between 1980 and 1986 and continued to fall on a fast rate in the 1990s and 2000¹⁷².

Politically, the region is characterised by the many authoritarian and undemocratic regimes¹⁷³. Only three countries, i.e. Nigeria, Ghana and the Ivory Coast have populations of over 15 million people. Most countries in the region have markets that appear to be too small and too poor to survive in the current international economic system without harnessing their efforts to the wider sub-region. Despite such facts, i.e. poor economic performance and the conditions of the economies, West Africa is presently one of the world's most politically unstable and violent regions¹⁷⁴.

The region has experienced certain political developments, i.e. warlord politics that have led to a civil war that has roots in Liberia but triggered in the Ivory Coast by a warlord, Charles Taylor, with military support from Burkina Faso and Libya. This civil war split ECOWAS by creating regional tensions between the Francophone and Anglophone states and spilt 750 000 refugees into the Ivory Coast, Guinea, Sierra Leone, Ghana and Nigeria. The civil war also led to military incursion by Liberian factions in the Ivory Coast and Guinea. At the time of writing, Ivory Coast is embroiled in a bloody military mutiny, allegedly backed by a so-called "rogue state", Burkina Faso, and wanting to topple the democratically elected president of the Ivory Coast, Laurent Gbagbo¹⁷⁵. Finally, Senegal and Guinea intervened in the conflict in Guinea-Bissau, which produced

¹⁷¹ Bach, D.(2000), p.24.

¹⁷² Bach, D. (2000), p.23.

¹⁷³ Adebajo, A. (2000), p.23.

¹⁷⁴ Bach, D. (2000), p.25.

¹⁷⁵ In other circles he is regarded as a Strongman like Charles Taylor. Sunday Times 29/10/2002

more than 500 000 refugees who spilled over into Senegal causing more military incursion by other warlords and their militias in the country¹⁷⁶.

The political economy of West Africa as described here already contradicts the terrain, more importantly, the principles regional integration paradigms advocate and postulate for successful regional integration. However, before looking at this argument, the study will discuss the economic and political reasons for regional integration in West Africa, as well as the origins, theoretical rationale and integration objectives of ECOWAS since its inception in 1975.

The Economic Framework

Hettne commented that due to the turbulence of the global political and economic system, developing countries wish to integrate because they want to arrest a process of marginalisation, as their regional arrangements are fragile and ineffective¹⁷⁷. Consider the following, during the early 1990s, flow of investment into Africa stagnated while that of other developing regions, notably Asia and Latin America, increased. Africa's share of foreign investment declined from 8.9% in 1981 to 2.9% by 1994. Moreover, 70% of investment in Africa in the early 1990s was concentrated in oil-exporting countries such as Nigeria¹⁷⁸. Similarly, Zormelo says that economic integration in the developing world and ECOWAS, in particular, is premised upon the rationalised notion of prospective gains that can be derived from the so-called dynamic effects" or as suggested by integration theories "spillover gains". These, according to Zormelo, include industrialisation, increased bargaining power in international trade and economies of large-scale production¹⁷⁹.

These gains form the economic rationale as well as a basis for the establishment of schemes, such as ECOWAS. Economic integration should encourage specialisation by allowing some of the domestic production to be replaced by intra-regional imports, which

¹⁷⁶ Adebajo, A. (2000), p.19.

¹⁷⁷ Hettne, B. (1999), p.1.

¹⁷⁸ Hettne, B. (1999), p.1.

¹⁷⁹ Zormelo, K. (1995), p.46.

again improve resource allocation and availability, enhancing industrialisation through joint production of goods and services, as well as protection against adverse developments in world markets. The economic rationale thus expects imports to enlarge the domestic market, which leads to economies of scale.

The traditional view, however, rejects the conclusion of integration theories as being irrelevant and alien to Africa. Proponents of this explanation point out the irrelevance by arguing that these assumptions apply mainly to developed countries, and that they ignore the economic, political, social and ethnic heterogeneity of Africa. In this context, Zormelo says that "the argument for this position is that trade creation and trade diversion which are used as the main measure of the viability of a prospective integration scheme, are based on static equilibrium analysis. These analyses use as their criterion the reallocation of existing resources to the most efficient producer within a region"¹⁸⁰.

Others, like Kwesi, argue that although such arguments have been proposed as a justification for regional and economic integration in developing regions, what has not happened is the formation of a framework in which the process of change can occur. The change from low economic integration amongst partners to relatively high integration is expected to occur within the traditional framework of moving through a free-trade area, a customs union, a common market, economic union and finally total integration. This framework is clearly illustrated in the treaties for such schemes such as the ECOWAS Treaty¹⁸¹.

As far as this study is concerned, the so-called dynamic effects, which integration theories claim, are likely to be positive because there is evidence that suggests that countries that trade heavily with each other converge, i.e. upwards in terms of income earned¹⁸². As such, for developing countries regional integration is suggested as it generates economies of scale, the flow of foreign direct investment that increase the market size for traded goods. Therefore, there may be permanent effects on the rate of

¹⁸⁰ Zormelo, K. (1995) p.48.

¹⁸¹ Kwesi, (1999), p.335.

¹⁸² See Hoekman, B. Schiff, M. and Winters L. (1998), *Regionalism and Development: Main Messages From Recent World Bank Research*. online publication, www.ecowas.int.

economic growth through a transfer of technology, labour and greater investment. Moreover, developing countries like those in West Africa can obtain dynamic gains from a larger and open liberalised economy or market¹⁸³.

The Political Framework

In addition to the economic framework within which regional integration is expected to occur, the entire process is also political, as was clearly evidenced during the construction of the European Union. In fact, the setting up of an integration scheme is a political decision. The decision is political because regional integration assumes that neighbouring countries that have security problems between them may benefit from integrating their economies and creating a situation of mutual dependence and good and accountable governance.

Analysts such as Taylor and Killick, argue that political integration implies that at the national level, decision-making processes must be bureaucratic and participatory. There are an independent policy formulation and an environment free from external influences from the IMF, the World Bank and GATT. Taylor argues, that decisions at national are to be taken on an impersonal basis and foreign policy should transcend the “personal idiosyncrasy of and disagreements between national leaders” this has still to materialise in the ECOWAS region¹⁸⁴. Citizens are able to interact freely despite personal differences between leaders. Also, national borders between states are open. On the global level, individual countries are assumed to have a high level of independence in determining their prospective political and economic relations and countries can choose whom they trade with and retain flexibility in foreign policy orientations. Finally, political integration presupposes that the collective impact on international political economies is large enough to influence decisions in their favour or at least leave them at, what Zormelo has termed, a ‘*pareto optimum*’ position¹⁸⁵.

¹⁸³ See Hoekman, B. Schiff, M. and Winters L. (1998), p.5.

¹⁸⁴ Taylor, (1990).

¹⁸⁵ Zormelo, D. K. K. (1995), p.35. and Killick, (1981), p.40 and Taylor, (1990).

A key issue in relation to the political reasons for integration is that regional decisions on issues such as trade are superior to national ones. Hence, federalist and functionalist arguments subsume the integration process in that they believe that the nation-state is not capable of addressing the political and economic conditions of modern societies. In this context, Chikuhwa and others such as Asante, posit that economic arguments merely provide the platform for the creation of a scheme that has major political ramifications¹⁸⁶. The political implications of regional integration are described in the various theories of international political integration.

Hence, the political reasons for integration include improving the collective bargaining power vis-à-vis industrialised countries, consensus building on political and economic issues on the regional level and the surrender of a measure of national sovereignty to the regional level. Last but not least, political reasons include liberal politics or democracy that is associated with formal political and economic transactions.

Therefore, insofar as the economic and political reasons for integration are concerned, they expect a qualitative evolution from low to high regional collective decision-making by making national policies a part of regional agreements. In other words, regional integration is a vehicle for governments to test the waters of freer trade in comfortable economic and political contexts. In the words of Chikuhwa, “regional integration is essentially a projection of decision-making from the national to the regional level” or as indicated in the study, the merging of two or more states in order to create a supranational body¹⁸⁷. Therefore, regional integration is the precondition for economic and political integration that can enhance regional stability and development that contains institutional arrangements and continuity¹⁸⁸. In the long term, such common institutions and instruments are the best to strengthen the accountability of national and regional authorities and confidence building¹⁸⁹.

¹⁸⁶ Asante, S. K. B. (1984), p.28.

¹⁸⁷ Chikuhwa, T. (2000), p.56.

¹⁸⁸ Laakso, L. (2002), p.1.

¹⁸⁹ Laakso, L. (2002), p.6.

The Origins of ECOWAS

As in Europe, regional integration became a prominent political issue in the 1960s, following the wave of independence in Africa. During the first two post-independence decades, the 1960s and 1970s, developmental endeavours were influenced by paradigms such as modernisation theory. African leaders, in conjunction with their colonial masters, aimed at modelling the continent on Europe's image¹⁹⁰. The Westphalia model became the governmental blueprint for African states. They hoped this developmental approach, in the form of import substitution industrial strategy, would leapfrog and put the continent into the modern world order¹⁹¹.

Likewise, two schools of thought also emerged on the continent. These are the continentalists or federalist school and the gradualist or functionalist school of thought. The continentalist advocated an African Union, or the so-called United States of Africa. Influential individuals such as the former president of Ghana, Kwame Nkrumah, drove this school. The functionalists, influenced by individuals such as the former president of Tanzania, Julius Nyerere, promoted a less ambitious concept of sub-regional co-operation. Although, the latter's intention came to fruition, the Pan-African approach is still alive today and it recently gained momentum when the South African president Thabo Mbeki called for an African Renaissance¹⁹².

Like the European functionalist and federalist debate, the African schools of thought also present different theoretical arguments as to whether a functionalist or federalist regional body is viable for regional integration. Although these schools advocate different arguments, they do however, agree on and cite the same benefits that integration should produce. Therefore, similar to the European outcome, both schools settled for a body that would be a blend of both approaches. This is evident in the Lagos Plan of Action, and its update, the Abuja agreement of 1991¹⁹³.

¹⁹⁰ Nyongo, A. (1990).

¹⁹¹ Udogo, (1999), *Economic Community of West African States: From An Economic Union to a Peacekeeping Mission?*. Review of Black Political Economy, Spring 99, Vol 26 Issue 4 p.55.

¹⁹² Udogo, (1999), p.59.

¹⁹³ Oesterdich Hoff, P. (2000), p.1.

Theoretical Framework of ECOWAS

The West African sub-region is endowed with a lot of minerals and other natural resources. Nonetheless, the region has witnessed unprecedented cases of starvation and human tragedies resulting from severe drought and war. A study of West Africa's political economy indicates that the post-independence period has striking features of underdevelopment, sparse diversification in production systems and an external market far out-weighting the internal trade. Some leaders saw the construction of a supranational body by a group of politically independent countries as a viable medium through which to address the developmental challenges, as well as jointly harness resources for the socio-economic development of the sub-region. This desire to co-operate is summed up in the words of Professor Adebayo Adedeji, who says, "...economic co-operation among African states is a *sine qua non* for the achievement of national socio-economic goals and not an extra to be given thought after the process of development is well advanced"¹⁹⁴. This desire for co-operation was also endorsed by one of the founding fathers of ECOWAS, the former Nigerian head of state General Yakubu Gowon, who stated, "...the case for economic co-operation in West Africa is self-evident"¹⁹⁵.

The theoretical rationale of ECOWAS is premised on the benefits that regional integration promises, with its functionalist notion of "spillover" and co-operation in technical spheres. As Haas says this could in turn lead to federalism by instalment¹⁹⁶. The promised benefits are increased numbers of new industries and supply of resources, the reduction of dependence on primary exports, as well as solving thorny economic issues. Apart from the above, regional integration was also perceived to be a viable medium through which peace and security could be maintained¹⁹⁷.

The widespread trend towards integration and the associated promise of promoting economic growth, self-reliance and greater co-operation would strengthen the position of African states in the global world order, and pave the way for West African countries to

¹⁹⁴ cited in Asante, S. K. B. (1991).

¹⁹⁵ cited in Gambari, I. (1991).

¹⁹⁶ Haas, B. (1964).

¹⁹⁷ Langhammer, J. and Hiemenz, U. (1990), *Regional Integration Among Developing Countries: Opportunities, Obstacles and Options*. Kieler Studien, J.C.B. Mohr Tubingenp.26.

put into effect plans for regional integration. Due to these perceived benefits, the Economic Commission of Africa was born in West Africa, in 1963. This body became the platform from which the foundation of ECOWAS was to be designed¹⁹⁸.

Four years later, the Treaty that marked the formal establishment of ECOWAS was signed in Accra, the capital of Ghana. The heads of state then met in Monrovia, Liberia and signed the protocol establishing the West African Regional Group (WARG). The initial areas of co-operation that were identified by the group included, trade, transport, communication, education, cultural exchange, health and heavy industry¹⁹⁹.

However, attempts made at regional co-operation ended in a fiasco during this period. As initially argued, scholarly research attributes the lack of success to a number of domestic and external factors. These factors range from the inherent structural weaknesses of African countries, the colonial heritage, deficiencies in the integration program that was designed and antagonism amongst leaders, as well as mediocre leadership in the region²⁰⁰.

These failures or their causal factors did not stop some West African leaders from seeking other means of co-operation. Instead, these failures prompted Nigeria, the dominant power in the region, and Togo to work assiduously for the creation of a regional economic and co-operation body. This co-operation led to the treaty that established ECOWAS on May 28, 1975. Thereafter, Western African states started to devise new functional ways of economic integration based on the possible ways in which economic integration could lead to higher rates of growth in the Gross National Product (GNP)²⁰¹.

¹⁹⁸ Udogo, (1995), p.55.

¹⁹⁹ Gambari, I. (1997), p.24.

²⁰⁰ Gambari, I. (1997), p.28.

²⁰¹ Treaty of ECOWAS

As a result, ECOWAS took a functionalist approach to economic issues such as economic policy harmonisation, achievable through a customs union²⁰². However, the federalist dimension, as suggest by Haas, has currently stalled. According to Kelechi, one reason for this inertia, i.e. the stalling of the federalist dimension, is due to the lack of political will by leaders to subvert any political sovereignty to the supranational body²⁰³. Nevertheless, the functionalist dimension, as was envisaged in the Treaty of Rome that established the European Economic Community (EEC), became the blueprint for the Treaty that established ECOWAS. This is evident in Article Two of the Treaty that founded ECOWAS. The functionalist stipulations of the Treaty are as follows:

- It shall be the aim of the community to promote co-operation in the fields of industry, transport, monetary union, finance, and in social and cultural matters for raising the standard of living.
- Elimination of customs duties regarding the importation and exportation of goods among member countries.
- The abolition of quantitative and administrative restriction on trade.
- A common customs tariff and common commercial policy towards third countries.
- Abolition of obstacles to the free movement of persons, services and capital.
- The harmonisation of agricultural policies²⁰⁴.

The question now is whether ECOWAS has achieved what it set out to do, and if not, why not? The following section investigates ECOWAS's achievements since its inception in 1975.

Assessment of the ECOWAS Integration Objectives

This study indicated that the centrifugal objectives of ECOWAS are the pooling of economic and political sovereignty in the hope of establishing a full monetary union. Through regional integration, economic co-operation would be encouraged hopefully resulting in growth and development as the ECOWAS market is enlarged. As argued by

²⁰² ECOWAS Revised Treaty, Published by the ECOWAS Secretariat, Abuja, Nigeria, 1992. Online Publication, www.ecowas.int.

²⁰³ Kelechi, A. (1990), p.15.

²⁰⁴ The ECOWAS Revised Treaty of 1993 and Asante, (1984).

Oteiza and Sercovich, African integration aims to intensify the struggle for political decolonialization into one for economic decolonialization or “an autarchic self-reliant body”²⁰⁵. As indicated before, ECOWAS’s objectives were and still are:

- The creation of a custom union with the suppression of customs duties or the elimination of tariffs on member countries.
- The establishment of a common external tariff.
- The harmonisation of economic and financial policies.
- The creation of a single monetary zone.
- The abolition of obstacles to the free movement of persons, capital and goods and services.
- Finally, the right of ECOWAS citizens to reside and accept employment in any member country²⁰⁶.

Twenty-five years have lapsed since the formal inception of ECOWAS in May 1975. Taking stock of ECOWAS achievements shows a rather poor quantification and recording of successes and failures. This complicates a proper quantification of objectives by the research. Despite the disappointment, there are those spokespersons such as Elbadawi that argue that ECOWAS has indeed made some progress towards the objectives it set itself to achieve²⁰⁷. The Economist points to the relaxation of the obstacles to the free movement of persons and goods, and the introduction of an ECOWAS passport in the sub-region²⁰⁸. Most importantly the Financial Times points to the implementation and circulation of the West African regional or the ‘ECOWAS Travellers Check’²⁰⁹. An ECOWAS online newspaper also contends that the harmonisation of economic and financial policies has been achieved. The Anglophone

²⁰⁵ Oteiza and Sercovich, (1976) p.666.

²⁰⁶ Ecowas Revised Treaty signed by the 15 West African Heads of State on 24 July 1993. www.imf.org

²⁰⁷ Elbadawi, O. (1997), The Impact of Regional Trade and Monetary Schemes on Intra-Sub-Saharan African Trade. In Regional Integration and Trade Liberalisation in Sub-Sahara Africa, (eds), Oyejide, Elbadawi, Collier. McMillan, Houndmills, Basingstoke, London. p.48.

²⁰⁸ The Economist, June 1997 Vol. 343 No. 8056.

²⁰⁹ The Financial Times, (2000).

UEMO and Francophone CFA currencies will be merged to establish a single currency in West Africa by 2004²¹⁰.

Another ECOWAS official online newspaper argues that to date the community has been implementing such sectoral programs as the inter-connection of national electricity grids and regional pipelines for the distribution of natural gas²¹¹. Community seed production and cattle breeding centres, agricultural research programs, a regional master plan for industrial development, co-ordination of desertification control programs and rural water supply schemes are some of the achievements that ECOWAS allegedly implemented. Most importantly, the paper points to the recently established West African Monetary Institute (WAMI), which is a forerunner of the West African Central Bank²¹².

If one consults the theoretical premise of integration theories and empirical evidence of ECOWAS achievements, a different picture emerges. Scholars like Banjo contend achievements are merely symbolic or are still codified in treaties waiting for implementation after 25 years of ECOWAS existence²¹³.

Economic integration approaches also argue that to achieve effective and successful integration a Free Trade Area should be established. A customs union, common market, economic union and finally a full economic community should follow this²¹⁴. This has yet to be achieved in West Africa simply because each phase has its own eco-political and social commitment, such as the harmonisation of national policies and elimination economic and political barriers, e.g. the transferring a measure of sovereignty, which is still a very much cherished ideal in West Africa. Moreover, intra-regional trade only accounts for 11% of all trade when compared to extra-regional trade or country-by-country trade²¹⁵. Therefore, the implementation of trade policies is still experiencing

²¹⁰ Ecowas Official site www.ecowas.int/sitecedead/

²¹¹ Ecowas online newspaper. www.ecowas.int/pressrelease/

²¹² www.ecowas.imf.org

²¹³ Banjo, A. (2000), *Linkage Politics Revisited: Domestic Politics and Foreign Policy in Nigeria and South Africa*. Unpublished. University of Cape Town. p.45.

²¹⁴ *The Economist* 2000

²¹⁵ Lavergne, R. (1997), *Regional Integration and Co-operation in West Africa. A Multidimensional Perspective*. Trenton, NJ: Africa World Press Inc., p.144.

major problems. Scholars like Gambari, argue that intra-regional trade is insignificant. Consequently, extra-regional trade takes precedence over the former²¹⁶.

Apart from this evidence, the Malian Head of State, Alpha Oumar Konare called upon West African countries to converge macro-economic and institutional policies at a ministerial meeting in the capital of Mali, Bamako. They hope was still to establish a common market and a free trade zone, as well as the implementation of the liberalisation blueprint for putting common external tariffs in place²¹⁷. Although an ECOWAS passport has been established, countries like Liberia and Nigeria have not dismantled the barriers that impede the free movement of persons and goods. This clearly shows that the achievements are merely symbolic and mediocre²¹⁸.

Yeast has also argued that there has been disappointing progress from individual countries. For example, the establishment of efficient systems and institutions that would provide access to products or the manufacturings of products that can meet international competitive prices are non-existent²¹⁹. To date, and if compared to other regional groupings, ECOWAS is characterised by low economic growth. Finally, Oyejide argues that virtually all ECOWAS countries have not diversified their production and export products²²⁰. See table 2.1 for basic statistics on ECOWAS.

	population	GDP	Intra-regional exports	Intra-regional imports.
ECOWAS Total	210 million	US\$106.768b	US\$20.1b	US\$16.43b
Benin	2.79%	2.22%	1.89%	3.66%
Burkina Faso	5.20%	2.43%	0.84%	2.85%
Cape Verde	0.22%	0.35%	0.03%	0.72%
Ivory Coast	7040%	8.98%	20.57%	16.68%
Gambia	0.59%	0.33%	0.14%	1.07%
Ghana	8.84%	5.69%	14.45%	16.14%
Guinea	3.26%	3.76%	3.25%	3.49%
Guinea Bissau	0.56%	0.18%	0.09%	0.38%
Liberia	1.56%	0.46%	0.29%	1.06%
Mali	4.32%	2.45%	2.71%	4.37%

²¹⁶ Gambari, I. (1999), p.23.

²¹⁷ www.ecowas/english/protocols/html

²¹⁸ ECOWAS Dept of Information, (1999-2000).www.ecowas.int²¹⁸

²¹⁹ Yeats, (1997), Does Mercours's Trade Performance Raises Concerns About the Effects of Regional Trade Arrangements?. Policy Research Working Paper 1970 World Bank, p.356.

²²⁰ Oyejide, (1997), p.27.

Niger	4.70%	1.83%	1.51%	2.58%
Nigeria	50.59%	61.02%	47.86%	33.40%
Senegal	4.26%	6.74%	1.96%	7.34%
Sierra Leone	2.26%	1.10%	0.24%	1.00%
Togo	2.06%	1.38%	1.17%	2.28%

Source: Liisa Laakso (2002), 107²²¹.

Critical evidence of the non-achievement of the ECOWAS' objectives can be ascertained by looking at the political and economic terrain in the region. On the political terrain, there are three types of leaders are identifiable in the region, non-state actors i.e. warlords, democratically and undemocratically elected leaders, who do not share a common political view and commitment to the integration on the regional level. There is no free movement or participatory mechanisms for the masses of ECOWAS. Nigeria, Senegal, Liberia, Guinea and Ghana have recently emerged from protracted civil wars. In some of these cases large parts of resource rich areas are under the control of non-actors, i.e. warlords. The warlords and the wars have displaced and disrupted production as well as the little infrastructure the region inherited at independence²²². As indicated these resources are not used for the collective good, hence, this leads one to question what ECOWAS has really achieved in the past three decades. Economically, the region failed to establish a viable regional organisation that can increase the ECOWAS domestic market nor have any member states benefited from intra-regional trade.

Conclusion

This chapter commenced by providing the economic and political reasons for regional integration and the theoretical framework of ECOWAS. Thereafter, the chapter assessed ECOWAS' achievements since its inception in 1975. According to the evidence provided in this chapter, the integration of ECOWAS, i.e. the voluntary pooling of resources or the merging of West African states is still a collective dream. As such, the following chapter shows how the politics i.e. warlord politics have developed by tracing in a chronological manner the history of the conflicts and there destructive capacity in Liberia, Sierra Leone and the greater West African region.

²²¹ Laakso, L (2002), p.107. calculated the population and trade figures on 1997 and the GDP on 1995 data as there is a lack of recent trade data available for the region.

²²² Langhammer, J. and Hiemenz, I. (2000).

Chapter Five

Introduction

The conditions that set the stage for warlord politics in West Africa were provided in the previous chapter. This chapter seeks to highlight the nature of these politics by looking at the conflicts in the two country case studies namely Liberia and Sierra Leone. A historical approach is also used to describe the nature of the conflicts, and the level of social and economic destruction of warlord politics in the two countries. The nature of the conflicts and the level of social and economic destruction are crucial for the study, as it is partly the basis on which the conventional argument is critiqued. This historical approach is a brief overview of chronological events vis-à-vis the Liberian and Sierra Leone conflicts.

Liberia: A Banquet for Warlords

“Doe came to redeem us and what did we get? Taylor came as our redeemer- to get Doe off our backs, and all these people joined him.

More redeemers, what did they get us?”²²³.

History of the conflict

Liberia, one of the oldest republics on the African continent, experienced a most violent and cruel civil conflict from December 1989 until mid-1997. A recent news article by James Brabazan says this war continued after the Abuja peace accord ushered in democratic elections in 1997²²⁴.

During the nineteenth century, Liberia was used by the United States of America to settle freed black slaves from the Southern States. In 1847 these Liberians of Afro-American origin proclaimed the republic of Liberia. Although, Liberia was never colonised, the political and economic domination of the African-American elite over the Liberians of indigenous origin “referred to as Country People or Tribal People”, is often referred to as colonialism in Liberia²²⁵. Through the True Whig Party a highly developed patronage

²²³ Archbishop Francis of Monrovia in Adebajo, (2000), p. 43.

²²⁴ Sunday Independent, November 10 2002.

²²⁵ Spect, I. and Van Empel, C. (1998), p.18.

network was established which enriched itself and consolidated power for decades²²⁶. According to Aboagye, “an apartheid type oligarchy, which deliberately perpetuated economic, social and political inequality through coercion, economic deprivation and ethnic engineering was established”²²⁷.

The True Whig Party reached its peak under president William Tubman (1944-1971) who, according to Specht and Van Empel, “reinforced the patronage machine and created a personalisation of authority to an unprecedented level”²²⁸. Gradually the True Whig national patronage network was opened to “Country People”, especially under Tubman’s successor, William Tolbert in the 1970s. However, as indicated earlier, this extension of the True Whig patronage system coincided with world-wide economic recession due to the oil crisis of the early 1970s. Consequently, competition among the elite for the advantages of the system increased. As the pressure grew, Tolbert also opened the army to non-American-Liberians, especially for the urban population²²⁹. The opening of the army, as argued by Specht and Van Empel, disturbed the fragile hierarchical balance and relationships within the armed forces²³⁰.

Thus in 1980, Liberia joined the list of West African countries which experienced a military coup²³¹. Master Sergeant Samuel Doe took over the reins of power with support from lower ranking soldiers. Parochial and kleptocratic rule, as well as mounting unrest and growing opposition to Doe’s authoritarian and abusive regime marked the years that followed²³². Mounting civil unrest, according to Specht and Van Empel resulted in the rapid promotion of the Krahn ethnic group especially in the military (Doe’s own ethnic group made up 5% of the population)²³³. Tension and accentuated clan and lineage

²²⁶ Adebajo, A. (2000), p.45.

²²⁷ Aboagye, F. M. (1999), *ECOMOG: A Sub-Regional Experience in Conflict Management and Peace-Keeping in Liberia*, SEDCO, Ghana p.62.

²²⁸ Specht, I. and Van Empel, C. (1998), p.20.

²²⁹ Specht, I. and Van Empel, C. (1998), p.21.

²³⁰ Specht, I. and Van Empel, C. (1998), p.21.

²³¹ Adebajo, A. (2000), p.40.

²³² Keen, D. (1998), *The Economic Functions of Violence in Civil Wars*, Adelphi Paper Oxford. Oxford University Press. P.45.

²³³ Specht, I. and Van Empel, C. (1998), p.35.

divisions mounted in the armed forces²³⁴. This led to a failed coup by a former colleague of Doe, Thomas Quiwonkpa, the founder of the National Patriotic Front of Liberia (NPFL) in 1985. Doe's response to this failed coup led to 3 000 civilian deaths and reinforced and spread traditional rivalry between the Krahn, Gio and Mano ethnic groups²³⁵.

To break the political influence of the Gio and Mano ethnic groups in their native Nimba County, Doe favoured the Mandingo ethnic group. This predominantly Muslim group was in charge of most political functions and land ownership. This led to major civil unrest in the Nimba County, and led to the massacre of mostly Gio and Mano civilians. Thus, many Gio and Mano civilians fled to neighbouring countries, notably Burkina Faso, Sierra Leone and Ivory Coast²³⁶.

The refugees joined a previous wave of Liberian exiles, which included remnants of the True Whig Party oligarchy who had fled to Burkina Faso, Ivory Coast, and Sierra Leone in 1980²³⁷. Whilst in exile, Thomas Quiwonkpa, a former Doe confidant, formed the NPFL, which found support amongst the exiled community. In the latter part of the 1980s, Charles Taylor, a former official of Doe and an alleged embezzler of US \$ 900 000 before fleeing to Sierra Leone, became leader of the rebel movement. This movement received military and logistical support from the Ivory Coast, Burkina Faso, and Libya²³⁸.

As the Cold War ended the NPFL, under the leadership of Taylor, invaded Nimba County with 186 rebels²³⁹. According to Herbert, the "movement maintained and espoused no ideological identity beyond the concept of 'democracy and opposition'"²⁴⁰. The rebel movement lacked legitimacy in Liberia and the West African region. However, Doe's leadership style, which was characterised by clandestine, ethnic-oriented, and most of all

²³⁴ Specht, I. and Van Empel, C. (1998), p.35.

²³⁵ Herbert, H. (1996), *Lessons of Liberia*. International Security, 96/97, Vol.21 Issue 3. p.12.

²³⁶ Adebajo, A. (2002), p.45.

²³⁷ Adebajo, A. (2002), p.46.

²³⁸ Herbert, H. (1996), p.402.

²³⁹ Sirjo Bah, M. (1999), p.70.

²⁴⁰ Herbert, H. (1996), p.402.

authoritarian and kleptocratic rule, drew support from young disgruntled Liberians, who were united against Doe's largely Krahn and Mandingo regime²⁴¹. By 1990, all but the capital Monrovia was in rebel hands which became commonly known as 'Greater Liberia or Taylorland'. The fighting was characterised by widespread Krahn and Mano massacres and atrocities, committed mostly by young adolescent soldiers, 'The Small Boys Units'. In Adebajo's words, "the NPFL's onslaught singled out, as retributive justice, the Krahn and Mano ethnic groups"²⁴². The violence unleashed by these youths attracted Taylor making them his personal body guards²⁴³. The advance to the capital resulted in about 300 000 refugees and 100 000 displaced people. By 1996, 200 000 of Liberia's 2.4 million people had died, 750 000 lived outside the country as refugees, and the number of displaced people grew to 1.2 million. Apart from this social-political disruption of the Liberian social-political fabric, the Gross National Product (GNP) declined from US \$ 1.1 billion in 1989 to \$ 250 million in 1990 and fell further in the mid 1990s²⁴⁴.

During this time more people fled to Sierra Leone to escape ongoing massacres that received major media coverage in the late 1990s. Within the rebel movement, ethnic tension and power struggles, lack of identifiable command structures and discipline created more strongmen²⁴⁵. Before the final battle with Doe's forces, the NPFL divided into two factions and Prince Yormie Johnson, a former high ranking soldier, emerged as the new warlord for the newly created Independent National Patriotic Front of Liberia (INPFL). This rebel movement comprised of militias from the Gio and Mano ethnic groups²⁴⁶. Johnson, a so-called "unpredictable warlord prone to public acts of cruelty", captured Doe and publicly executed him²⁴⁷. However, in 1993, this rebel movement ceased to exist when ECOMOG banished Johnson to Nigeria and many fighters joined other groups.

²⁴¹ Herbert, H. (1996), p.404.

²⁴² Adebajo, A. (2002), p.46.

²⁴³ United Nations Secretariat, Special Conference on Liberia. Background, New York, 3 Oct, 1997, p.6.

²⁴⁴ Kelechi, A. (1999), Post-Cold War Era Regional Economic Diplomacy. Africa Today, Vol 42 Issue ½ p.153.

²⁴⁵ Adebajo, A. (2002).

²⁴⁶ Specht I. and Van Empel, C. (1998).p.49.

²⁴⁷ Sirjo Bah, M. (1999), p.70.

During this time, more rebel factions and warlords emerged, these included the NPFL Central Revolutionary Council (CRC) led by Tom Woewiyu, Laveli Supuwood, and Sam Dokie; the Armed Forces of Liberia (AFL) headed by General Hezekiah Bowen; ULIMO-J headed by Roosevelt Johnson; ULIMO-K headed by Alhaji Kromah, and finally the Liberia Peace Council headed by George Boley and the Lofa Defence Force (LDF) headed by François Massaquoi²⁴⁸. According to Adebajo, “none of the faction leaders spelled out their ideological reason for waging war. None provided any coherent plan for fundamentally changing Liberia’s political and economic structures and society. All defined their struggle in vague, broad terms that were based more on personal expediency than political ideology”²⁴⁹. In Kwesi’s words, “the Liberian war was not war in any ordinary sense of the term, i.e. Clausewitzian sense, which states that war is a continuation of diplomacy by other means”²⁵⁰. The division of Liberia into a mosaic of rebel factions, and the chaotic, violent and social-political and economic destructive nature of the conflict prompted ECOWAS to establish a mediation committee after internal attempts to stop the war of plunder failed. ECOMOG was deployed in Liberia but failed to stop the system of warlordism, widespread violence, looting and plunder in which Taylor derived an estimated US \$ 75 million from exports annually, including a reported US \$ 10 million a month from a consortium of North American, Japanese, and European miners, and an estimated US \$ 300 00 a month from foreign timber firms, while the LPC exported rubber from Buchana port estimated at US \$ 3 million. Thus, by the mid to late 1990s an estimated US \$300 million and US \$ 500 million worth of diamonds and gold, and US \$ 53 million worth of timber, and US \$27 million worth of rubber were exported to markets in Europe and Southeast Asia by Liberia’s warlords. By 1996 the GNP of the country was calculated at US \$ 300 million and the debt burden of US \$ 2077 million²⁵¹.

²⁴⁸ Adebajo, A. (2002), p.47.

²⁴⁹ Adebajo, A. (2002), p.47.

²⁵⁰ Kwesi, (1999), p.335.

²⁵¹ <http://www.africa-confidential.com/com/country.asp>. Paranoid or What? International Pressure upsets President Taylor but Brings Peace no Nearer, Vol 43 No. 18-13, Sept 2002.

While the country's resources were being looted and plundered by all rebel factions, many peace accords were signed and broken between May 1990 and August 1994. However, in August 1996, after Taylor and Kromah unified their forces in the battle known as "April 6", the Accra Peace Agreement was signed. This accord led to the democratic elections of July 1997, in which Taylor was victorious with three quarters of the votes²⁵². Although Taylor was elected president, today... 6 years, the so-called West African supreme warlord is facing a new rebel movement called LURD. This 3 000 strong rebel movement comprises ex-ULIMO-J and K militias headed by Seyaa Sheriff, a former ULIMO-J deputy Chief of Staff²⁵³.

Sierra Leone: A Feast for 'Sobels'

"We are always preaching the ministry of reconciliation, no matter what those guys (Soldiers and rebels) may have done, there is no one of the side of the lord to forgive them and to bring them back on the road that they are supposed to be on" ²⁵⁴

History of the conflict

The civil war in Sierra Leone erupted in March 1991. A historical survey of Sierra Leone provides one with the tools to trace the outbreak of violence to the political and economic misrule of Siaka Stevens, the former president (1968-1985) and General Joseph Momoh (1985-1992)²⁵⁵. However, Adebajo argues that this situation combined with collapsing diamond revenue, worsening socio-economic inequalities between a corpulent urban elite and impoverished countryside, not forgetting external global market forces are the major reasons for the outbreak of the civil war²⁵⁶. Thus, this section examines the political and economic objectives of the principle actors involved in that war.

²⁵² Adebajo, (2002), p.49.

²⁵³ Sunday Times, November 10 2002.

²⁵⁴ Reverend Fornah, Wesleyan Minister, Makeni in Adebajo, (2000), p.79.

²⁵⁵ Reno, W. (1996), African Weak States and Commercial Alliances African Affairs Journal, Vol96 p.165.

²⁵⁶ Adebajo, A. (2000), p.79.

Sierra Leone achieved its political emancipation from British colonial rule in April 1961. The so-called “Margai Brothers, Milton and Albert, under the Sierra Leone People’s Party (SLPP) ruled the country until 1967. In the same year, the SLPP lost the elections to the All Peoples Congress (APC) headed by a charismatic and cunning Siaka Stevens. Stevens ran a populist campaign in which he mobilised rural communities against the corrupt urban elite and rural chiefs. Like most West African leaders, Stevens was overthrown in a coup in 1968²⁵⁷. However, whilst in power, Stevens established a staggering Kleptocratic patrimonial system in which he doled out patronage to loyal clients ensuring their support. By 1973, Sierra Leone’s political landscape was transformed into a *de facto* one party system and by 1979, had become a *de jure* one party state with parliament being the rubber stamp for Stevens decrees²⁵⁸.

This situation had major implications for the country’s bureaucratic institutions. The military, for instance, was weakened and made way for attempted coups. Steven’s Kleptocratic rule saw a diminishing role of civil society in the political life of Sierra Leone as he single handily controlled trade unions, agriculture co-operatives, business and professional organisations. Like his predecessor, Stevens did not escape international pressure from International Finance Institutions namely the World Bank reform is regime because of economic crises and official and non-official government corruption in Sierra Leone²⁵⁹.

Despite international pressure, Stevens amazingly continued to rule unabated in his Kleptocratic regime. However, as the Cold War’s military and ideological demise reached resolution, Steven’s rule was severely hampered. Adebajo notes that “global and domestic factors saw a rapacious Sierra Leone political class and a Lebanese business clique combine to loot the country’s diamond revenues”²⁶⁰. This situation resulted in most investment firms abandoning Sierra Leone’s diamond and iron ore mines “setting

²⁵⁷ Adebajo, A. (2000), p.79

²⁵⁸ Adebajo, A. (2000), p.82.

²⁵⁹ Chabal, P. (1999), p.8.

²⁶⁰ Adebajo, A. (2000), p.36.

the stage for adventurers and a motley crew of shady Israeli firms”²⁶¹. By 1982, Sierra Leone was earning about US \$ 200 million a year from its diamonds. By the time Stevens left political office, only about US \$ 100 million of diamond revenues entered the government’s coffers, while his personal wealth was estimated at US \$ 500 million between 1975 and 1979²⁶².

In 1985 Stevens handed over power to his loyal army chief General Joseph Momoh. Momoh inherited a deeply divided political enclave, weak institutions and weak national security apparatus. The country’s economic downturn continued to spiral to unrecorded levels. Between 1984 and 1992, official diamond exports further declined from 31% to 21%, and 33% to 50% of diamonds were smuggled out of the country. Between 1980 and 1988 Momoh was unable to pay arrears and government spending on education and health fell by 60%²⁶³. This government failure correlates with that of Samuel Doe’s on the eve of the Liberian civil war of 1989, with similar economic, social and political catastrophic results.

Like Liberia, Sierra Leone engaged in an internal civil conflict with external backers as far afield as Libya, Burkina Faso, and Liberia, when members of Taylor’s NPFL rebels and Sierra Leonean fighters from the RUF invaded the diamond rich South-eastern region in March 1991. According to Aboagye, Taylor had three main reasons for backing the RUF. Firstly, to force the withdrawal of Sierra Leone from backing ECOMOG, and secondly, to help install his RUF allies in power and, thirdly, to profit from the diamond trade in Sierra Leone. It is this situation, coupled with massive humanitarian emergencies that prompted ECOWAS to negotiate a military and diplomatic involvement in the conflict²⁶⁴.

ECOMOG’s involvement in Sierra Leone was inextricably linked to its eight-year peacekeeping efforts in neighbouring Liberia. The RUF invasion from Liberia resulted in

²⁶¹ Adebajo, A. (2000), p.36

²⁶² Adebajo, A. (2000), p.39.

²⁶³ Adebajo, A. (2000), p.167-179.

²⁶⁴ Aboagye, M. (1999), p.297.

several hundred Nigerian, Ghanaian, and Guinean troops assisting their fellow ECOMOG members. With the involvement of other forces Sierra Leone, like Liberia, “became a staging post for ECOMOG and other rebel movements”²⁶⁵. The presence of ECOMOG prompted Taylor to warn Sierra Leone by saying they will “taste war”²⁶⁶. Successive allied civilian and military governments fought against the RUF in the Sierra Leone war with civil defence groups known as the “Kamajors”, against the RUF. Corporal Foday Sankoh, a former itinerant army photographer, who had been jailed in 1977 for his role in an alleged coup plot and dismissed from the army, led the RUF.

Sankoh and Taylor fermented their relationship by trading illegally in diamond and arms²⁶⁷. The RUF and certain rogue officers “controlled a diamond trade worth an estimated US \$ 250 million per year, spawning the phenomenon of the “Sobel” i.e. soldiers by day and rebels by night”²⁶⁸. These squabbles over reduced incentives are the primary causal factor of the non-resolution and settlement of the war²⁶⁹.

From 1997, Sierra Leone witnessed a further increase in international military and diplomatic involvement. Consequently, troops from Nigeria, Ghana and Guinea provided security against an RUF onslaught. This coalition of rebels, failed to rally support for their cause. In order to recruit, the RUF kidnapped, tortured, executed and drugged their recruits to carry on the war. Their brutal antics alienated the rural populations who were at the receiving end of the warlordism. The ill-equipped, poorly trained and logistically deficient Sierra Leone army was unable to defeat the rebel threat. By 1991, the RUF was firmly ensconced in the countryside. In the capital, the military felt that its financial needs were being neglected by Momoh’s regime and a coup was staged on 29 April 1992²⁷⁰.

A military junta under the leadership of Captain Valentine Strasser, a former ECOMOG soldier was formed in Liberia. The National Provisional Ruling Council (NPRC) first

²⁶⁵ Adebajo, A. (2000), p.40.

²⁶⁶ Rothchild, D. (1994), p.79.

²⁶⁷ See online Ecowas papers at www.ecowas/english/pressrelease

²⁶⁸ Rothchild, D. (1994), p.79.

²⁶⁹ An Ecowas online press realise is the basis of this statement.

²⁷⁰ Adebajo, A. (2000), p.85.

tried to negotiate a peace deal with the RUF that would involve a broad-based government²⁷¹. The NPFL, under military pressure from ULIMO near the Sierra Leone border, encouraged Sankoh to reject the deal. Sankoh accused Nigeria and Ghana of encouraging Strasser to pursue a military option. By October 1992, the RUF, which maintained bases in Liberia during the war, was threatening the diamond rich Kono district. Following significant military advances against the RUF in 1992 and 1993, the rebels became distracted from the commercial diamond mining activities and transformed their tactics into hit and run attacks. To fund the war, the RUF sold diamonds in exchange for arms in Liberia and Guinea²⁷².

By 1995, the RUF attacked the suburbs and threatened the capital, Freetown. This prompted Strasser to call upon mercenary organisations, such as Executive Outcomes (EO), a private South African security firm to provide the security and logistical support to the Strasser government. With superior military assistance from Executive Outcomes, the government recaptured the aluminium and some of the diamond mines under RUF control. Sierra Leone's military spending stood at 75% of government spending and the economic situation under Strasser was in a crisis. Like leaders before him, Strasser faced international pressure to reform his Kleptocratic regime as a condition for continued international finance²⁷³. In an attempt to appease the international community, Strasser fired a third of all civil servants, creating domestic dissatisfaction and grounds for recruiting more fighters for rebel movements.

In January 1996, Brigadier-General Julius Maada Bio, the Chief of defence staff and deputy head of the NPRC, toppled Strasser in "a palace coup after the latter had reneged on a previous pledge to run for the presidency"²⁷⁴. After his successful coup, Bio formed close ties with three West African military leaders General Sani Abacha of Nigeria, Ghana's Jerry Rawlings and Guinea's Lansana Conte. Abacha and Rawlings encouraged

²⁷¹ Adebajo, A. (2000), p. 85.

²⁷² Adebajo, A. (2000), p. 86.

²⁷³ See Ecowas online papers at www.ecowas/english/pressrelease

²⁷⁴ Adebajo, A. (2000), p.86.

Bio to cling to power and not to rush elections under the pretext of obtaining legitimacy in the eyes of the international community²⁷⁵.

However, domestic and international pressure forced Bio to hold elections in 1996. Tejan Kabbah, a former senior UN official and standard bearer of the SLPP was victorious. Within a few months the new regime, like most regimes in the region, experienced at least three coup attempts. Kabbah, faced with an unruly rebel movement environment and international pressure to reform, failed to maintain confidence in Sierra Leone and abroad²⁷⁶.

On 25 May 1997 the Kabbah regime faced a fate similar to its predecessors. Major Johnny Paul Koromah, a so-called "Putschist" from the failed September coup of 1996, ousted the Kabbah regime. Kabbah fled into exile and the rebel movement, the Armed Forces Ruling Council (AFRC), invited the RUF (against which they had fought for six years) to join the new regime. This prompted ECOWAS members to impose sanctions on the Koromah junta. This was followed by an arms embargo by the United Nations Security Council. The international community also refused to recognise the regime²⁷⁷. ECOMOG's intervention was to be intensified in the country and was referred to as ECOMOG II²⁷⁸.

Despite the government's difficulties, the military pressure from the mercenary-backed coalition of military and Kamajors expelled the RUF, and set stage for the Abidjan Peace Accord, officially signed on November 30, 1996. Kabbah was reinstated as president. Again, under pressure from the IMF to cut costs and in partial fulfilment of the Abidjan accord, Kabbah expelled Executive Outcomes and Nigerian troops provided security. This prompted a peace agreement brokered by Britain, the only permanent UN Security Council member with interests in Sierra Leone²⁷⁹.

²⁷⁵ See also Banjo, A. (2000), p.32.

²⁷⁶ See Ecowas online paper at www.ecowas/english/html

²⁷⁷ See Ecowas online publications at www.ecowas/publications/html

²⁷⁸ Mortimer, (1999), p.198.

²⁷⁹ See Ecowas online papers

During the 1997 coup by Koromah, Nigeria suffered dozens of casualties, the rebels captured some of them, and the rest were forced to withdraw. In the same month, talks were held between representatives of the junta and ECOWAS in Guinea, where accusations almost derailed the resolution of the Lome peace accord²⁸⁰. After that, Nigerian troops clashed with the junta on the outskirts of Freetown. The then Nigerian head of state and ECOWAS Chairman, General Sani Abacha, at first attempted to reverse the coup through diplomatic rather than military means. He convened several regional meetings of the committee of four i.e. Nigeria, Ghana, Guinea, and the Ivory Coast. Liberia was asked to join the committee of four in 1999 and Togo and Burkina Faso followed suit. As a result, the junta was refused recognition and by 22 April 1998 Kabbah was reinstated as president²⁸¹.

Conclusion

Chapter five has examined the Liberian and Sierra Leone crises by looking at the civil wars of both countries which, as argued by the study are partly a result of the transformation of war and warfare in West Africa. As consequence, or due to the nature of the conflicts, they are currently being called 'wars of the third kind' simply because they have introduced new practices to modern warfare, i.e. the transformation of war and warfare. They are called 'wars of the 'third kind' because they involve non-state actors, who as mentioned, do not possess a democratic or legitimate mandate to wage war, nor are they identifiable by any political ideology²⁸². In Kwesi's words, "the sub-state actors effectively contest some archetypical conception of modern warfare in that, for instance, combatants deliberately target civilians rather than opponents in prosecuting goals"²⁸³.

In similar vein, Adebajo maintains "in these wars, atrocities are freely committed as part of a strategy aimed at publicising political statements" and "political goals of these wars i.e. 'third kind wars' interact with multiple logic of resource appropriation such as looting

²⁸⁰ The Lome peace accord was officially signed in 1999 after the conditions of Conakry accord failed to materialise.

²⁸¹ Mortimer, (1999), p.104.

²⁸² Kwesi, (1999), p.335.

²⁸³ Kwesi, (1999), p.336.

of private property, political graft and vandalism”²⁸⁴. A disturbing thing about the wars is that there is no distinction between combatants and civilians, no fronts, no lines and no uniforms. Rank and file soldiers obey no higher authority than that of the warlord, making them less principled politically and militarily²⁸⁵. If this is the nature and destructive capacity of warlord politics then they have major implications for regional integration. The following chapter provides a discussion of these implications

²⁸⁴ Adebajo, A. (2002), p.80.

²⁸⁵ Adebajo A. (2002), p.80.

Chapter Six

Introduction

This chapter provides a discussion of the implications of warlord politics and how the politics are an added challenge to regional integration in West Africa. Therefore it is imperative, at this stage of the research, to reflect on the argument that established the entry point of this study. The literature referred to in the study, points to a number of factors that are crucial variables for the poor performance of regional integration in regions such as West Africa. The factors that these studies have identified include natural, socio-political and economic barriers. The political reasons include the failure to surrender a measure of sovereignty and the colonial heritage. The economic reasons include the relationship between developed and underdeveloped countries, world economic conditions, Structural Adjustment Programs and the debt burden and price instabilities²⁸⁶.

This study has not invalidated any of this, but it argued that the traditional explanation to regional integration has a missing dimension. This missing dimension is a consequence of the evolution of war and warfare in West Africa in the post-Cold War era. The study has taken this line of thought by further arguing that integrationist paradigms are mere guidelines that aim to provide a terrain for countries to commence the regional integration process. As such, the central conviction in this study is that regional integration paradigms are programmatic theoretical blueprints that aim to establish a framework for the development, mobilisation and utilisation of a regions, human and material resources by encouraging co-operation amongst states, the co-ordination, and the harmonisation of national policies on domestic and regional levels. Therefore, regional integration theories are not inherently inappropriate to the merging of states or if states wish to commence a process of establishing a supranational body.

The study thus shows that the establishment and creation of ECOWAS as a regional body was indeed based on the above integrationist positions. As identified in the study, the economic objectives of ECOWAS, broadly aimed to enlarge the size of the ECOWAS

²⁸⁶ Oesterdich Hoff, P. (2000).

domestic market so as to achieve economies of scale, improve resource allocation and enhance industrialisation and protect ECOWAS economies against adverse developments in world markets. The non-economic objectives included improving the collective bargaining power vis-à-vis industrialised countries, as well as consensus building on regional political and economic issues.

The creation of ECOWAS in May 1975 aimed to achieve this by integrating states with the hope of achieving a free-trade area, in stages (first, second and third stages), a customs union, (fourth stage), a common market (fifth stage), and an economic union (six stage). The ECOWAS Treaty proclaims "ECOWAS aims to achieve integration in all fields of economic activity and in social, political and cultural matters"²⁸⁷. As a result, the ECOWAS Treaty of May 1975 and indeed the revised ECOWAS Treaty of 1991 and 1994 calls for the elimination of all restrictions on issues such as the free movement of goods and services, popular participation, and transference of economic and political authority to ECOWAS²⁸⁸.

In order for this to be achieved, integration discourse, particularly, functionalism and neo-functionalism, places emphasis on leaders and leadership in particular, a democratic and transparent mode of governance across the integrating units with politically mobilised masses. Emphasis is placed on leadership because regional integration is not only a politically, but also an economically costly affair. More importantly, in regional integration discourse leaders are the most important catalysts for successful or unsuccessful integration because they determine the success. Therefore, political will and loyalty to the integration process is mostly measured by these factors. In other words, the wellspring of regional integration is determined partly by leadership, a measure of political will and social homogeneity and partly by the capabilities of transnational and national institutions²⁸⁹. Furthermore, these integration paradigms identify liberal

²⁸⁷ ECOWAS online newspaper, (2002)

²⁸⁸ ECOWAS Treaty of May 1975 and Revised ECOWAS Treaty of 1993.

²⁸⁹ Haas, B. (1964).

democracy, with its twin pillars, liberal politics and free-market economies, to be crucial prerequisites for regional integration in a particular geographical area²⁹⁰.

If these are the necessary conditions for regional integration, then, the warlord politics in West Africa have major implications for ECOWAS regional integration as warlordism, unlike integrationist paradigms, does not concern itself with such conditions.

In relation to this argument, the study indicates that warlord politics have their roots in the colonial, post-colonial and the neo-patrimonial state. However, the sudden post-Cold War increase in the pace of change, opened uncharted paths for building and contesting political authority in Africa's post-colonial era, especially in kleptocratic and authoritarian weak states. The change, while giving some rulers such as Samuel Doe and Joseph Momoh "expected leeway to innovative and manipulate external support for personal interest"²⁹¹. The disappearance of the Cold War's superpower rivalry also resulted in the dissolution of external and internal patron client relations, thereby creating and laying the foundation in which enterprising rivals such as Charles Taylor of Liberia emerged.

The study further illustrates that in weak states like Liberia and Sierra Leone, where the bureaucratic mechanism ceased to function, i.e. ceased to provide goods and services, the bureaucracy became a paralysed and inoperative political oligarchy. In such states, the political arrangements and their political dynamics have descended into warlordism. Krasner notes that "such phenomena or political arrangements occur when the fundamental conditions that support old arrangements cease to exist"²⁹².

The study also indicates that since rulers increasingly lost popular legitimacy due to the inability to maintain law and political order, i.e. achieving goals of statehood in their domestic constituencies, they could not mobilise popular support to counter the threats posed by enterprising rivals and strongmen like Charles Taylor. That is why external

²⁹⁰ Haas, B. (1964).

²⁹¹ Reno, W. (1998).

²⁹² Krasner, S. (1984).

support was used, not for development purposes, but as a means to an end objective. The objective is the maintenance of political authority and the continuation of the patron client system i.e. a neo-patrimonial system through clandestine and illicit networks, which as argued in the study is the creation of economies of war and plunder in countries like Liberia and Sierra Leone as warlords and rulers vie for political power.

Hence, the wars that have engulfed countries like Liberia and Sierra Leone are a deliberate and rationally calculated strategy to control the war economies and to contest political authority. Chabal notes that this is why the wars that are being fought are not based on a particular ideology, nor do the warlords profess a legitimate claim apart from ousting kleptocratic leaders or other warlords²⁹³. Thus, the opportunities produced by the sudden end of the Cold War gave enterprising rivals like Taylor the means to challenge weak kleptocratic rulers. This phenomenon, as argued by the paper is a transformation of war and warfare. This warfare, identified as warlord politics, is in fact a political phenomenon that is missing from the conventional or traditional explanation of regional integration. On practical and theoretical levels this has major implications for West African regional integration. This is a missing dimension because the traditional explanation does not include the development of political dynamics such as warlordism and its consequences to regional integration. On practical and theoretical levels, the politics does not create an environment in which masses can be politically mobilised or participate freely in the integration process, nor does it create the terrain on which to mobilise resources for the collective well-being of a country. As such this has major implications for regional integration.

The Implications of Warlord Politics to Regional Integration

These politics have major implications for West African regional integration because they are in direct contrast to those postulations and guidelines advanced by regional integration discourses. These positions as identified in the study include:

1. Good and democratic governance
2. Popular participation

²⁹³ Chabal, P. (2000).

3. Formal economic and political transactions
4. A legitimate leader and state
5. Strong public and private sector institutions with clear distinctions between what is private and public
6. The use of force should be the preserve of the state and be used for protecting and maintaining law and political order.

These politics have major implications for the following reasons:

1. A warlord does not hesitate to use violence to achieve his objectives. These objectives have been identified as controlling natural resources, which he shares with his patronage network. This violence also creates further social and political degradation such as internal and international displacement of peoples a crucial resource and the lifeblood of any economic system.
2. Since the warlord does not have a democratic mandate, the extraction of resources is not destined for the development of the local economy or formal intra-regional trade. Instead, it is used to either silence or punish those who pose threats to this livelihood.
3. It has been mentioned that warlord politics operates in states which are unable to achieve goals of statehood and distribute them for the collective good of the country or the region. Hence, war is a means of achieving the goals that are not provided by the state.
4. Although the informal economy is the lifeblood of the inhabitants in West Africa, it is the nature of the conduct of warlord politics in the informal economy that is crucial. The nature or conduct of the politics is based on illicit and clandestine activities and methods that only benefit a few.

This has implications for integration because integration as argued by regional integration discourses, depends on formal political and economic transactions which are regulated by harmonised national policies on the regional and national levels. As a result in many

West African states have lost legitimacy, not only within the country, but also on the international stage. The loss of legitimacy on the international stage further impacts on the entire region as it is viewed as a risky environment for foreign direct investment.

Conclusion

The research has illustrated how much of West Africa is experiencing major socio-economic and political upheavals. Ever since the end of the Cold War, the ECOWAS region has been ravaged by wars that have spilled over and affected the entire region, prompting certain scholars to call them “third kind Wars, a new form of politics or as the study indicates warlord politics”. These wars, although internal, have had external support from within as well as outside the region. The typology and conduct of this warfare is what has been crucial to the study. According to Robson, and Cilliers and Dietrich, this type of warfare has evolved overtime and is directed towards the control of resources rather than a change in policy, ideology and indeed patterns of patronage²⁹⁴. In similar vein, Kaldor argues that this war is “a predatory social condition”²⁹⁵. It damages national integration processes in the whole region, but does not contribute to institutional regional integration either.

In Liberia, Charles Taylor has gained control of the highest seat of political office and he is now the president. In Sierra Leone and the Ivory Coast rebels are in control of major resource rich areas. This evolution of war and warfare in post-colonial West Africa is characterised by the increased importance of the informal political-economy²⁹⁶. This according to scholars like Reno, Robinson and Zartman is a result of or a response to inappropriate economic policies, donor prescriptions, authoritarian and illegitimate governments and the exploitative nature of the elites as well as the lack of institutionalisation of the state itself²⁹⁷.

²⁹⁴ Robinson, T. (2000), Cilliers and Dietrich, (2000), p.3.

²⁹⁵ Kaldor, M. (1999), p.6.

²⁹⁶ Reno, W. (1998), Cilliers, J and Dietrich, C. (2000).

²⁹⁷ Reno, W. (1998), Robinson, T. (2000), and Zartman, W. (1999).

This has led to a situation in West Africa, where a large volume of cross-border, i.e. intra-regional trade, occurs outside the legally binding principles of the market and the regulated economy. The impact of this on the states in West Africa is that these states have become functionally differentiated from society, thereby serving largely as a private resource rather than a public institution²⁹⁸. As a result, Cilliers and Dietrich argue, wealth, politics and power are personalised in much of West Africa, further weakening and rendering the state a paralysed central governing system²⁹⁹. A country with a paralysed central governing system creates the terrain on which resourceful warlords emerge with armies that do not obey any higher authority than that of the warlord and have no political ideology or conviction. They simply challenge the state by waging war on the state.

In these wars, the control of resource rich areas and resources such as oil and diamonds are central. These resources, as indicated in the study, are used for a number of purposes which include rewarding clients and patrons. Hence, one crucial factor is the allocation of resources. The allocation of resources is crucial because as such they are not used to achieve societal goods and services in order for the state to achieve goals of statehood aimed at collective well-being.

This study also shows that economically, per capita incomes have continued to drop ever since the 1960s and still continue to do so in West Africa. This has been caused by a number of internal and external factors. The external factors have been global market forces and internally have included weak government institutions. However, in this study, leadership and warlord politics is to blame for this state of affairs. In this context, the conduct of warlord politics is arguably a new factor that has added another challenging dimension to regional integration in West Africa.

Therefore, this thesis argues that regional integration paradigms are not inherently inappropriate to West African regional integration as argued by the conventional view.

²⁹⁸ Adebajo, A. (2000), p.28.

²⁹⁹ Cilliers, J and Dietrich, C. (2000), p.8.

They are mere guidelines that can be modified to suit those conditions that they ignore in regions such as West Africa. Hence, the conventional critique or explanation is limited in that it does not capture what has recently developed in West Africa. If West Africa wishes to produce good results in its integration endeavour, the issue of warlord politics needs to be addressed.

Therefore, instead of putting blame on regional integration discourses, Africa needs to transform its political landscape and modify the theories to suit their conditions, characteristics and prerequisites. The adoption of policies must be informed by the provision of goods and services for its populations and not just a few elites. As Mbeki comments, "Leaders must, through their actions, proclaim regions, of and most of all, a continent of democracy, a continent of democratic institutions and culture. A continent of good governance, where the people participate and the rule of law is upheld by the common person and the elites"³⁰⁰.

³⁰⁰ Thabo Mbeki, (2002). *Africa Define Yourself*: Tafelberg Publishers

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Difference as a Potential for European Constitution Making

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Abstract: *This article examines the hypothesis that the impact of difference of ideas and interests on European constitution making can, under certain conditions, be a positive potential for legitimate and effective constitution making. The prerequisite conditions include actors that take differences seriously, structures of constitution making that are suitable for recognising differences, and processes of constitution making in which actors deal with differences in a democratic and communicative way. The analytical approach will be applied to the European Convention. Two case studies concerning the Convention's work will be examined: the process of decision-making that led to the protocol on national parliaments and the decision-making process concerning a permanent president of the European Council. Both case studies give evidence that the way in which members of the Convention were dealing with difference influenced the degree to which the positive potential of difference was activated for a legitimate and effective European constitutional treaty.*

I Introduction

The predominance of linear processes and the importance of balance are central assumptions in theories and real politics of European integration. Yet, empirical research shows that European integration has to do with non-linear processes and states of imbalance.¹ Differences play a vital role in such non-linear processes and states of imbalance. This is why I propose an approach² to analysing the evolution of European integration in which the phenomenon of difference is in the centre. Differ-

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¹ For an approach stressing imbalance and non-linear processes see A. Stone Sweet and W. Sandholtz, 'European Integration and Supranational Governance', (1997) 4 *Journal of European Public Policy* 299.

² An analytical approach can be defined as a frame of relatively general categories with which to grasp empirical facts. Such analytical approaches include specific theoretical assumptions and are the basis for explaining why certain events or developments have happened; R. Mayntz and F. W. Scharpf, 'Der Ansatz des akteurzentrierten Institutionalismus', in R. Mayntz and F. W. Scharpf (eds), *Gesellschaftliche Selbstregulierung und politische Steuerung* (Campus, 1995), p. 39. See also T. Diez and A. Wiener 'Introducing the Mosaic of Integration Theory', in A. Wiener and T. Diez (eds), *European Integration Theory* (Oxford University Press, 2004), p. 17.

ence with a potential to influence the degree of effective and legitimate constitution making in the European Union is the central category in my analytical approach.³ The potential can be positive or negative.

Political scientists who work on the impact of difference on European integration have stressed the negative potential of difference in their research.⁴ Now, the perspective should be widened with a focus on the positive potential of difference.⁵ From such a perspective the process of European constitution making will be analysed in the following article. It is the hypothesis of this article that, under certain conditions, differences can offer positive potential for establishing a constitutional treaty that provides a basis for effective and legitimate governance in the European Union. The most important condition is that actors deal with differences in a democratic and communicative way in the process of constitution making. I start with a brief outline of the theoretical assumptions that are related to my analytical approach. I go on to test these assumptions against the empirical findings of two case studies concerning the role of differences in the European Convention. Lastly, I show that the empirical findings have normative implications for effective and legitimate European constitutional politics.

II Theoretical Assumptions: Difference as a Potential for European Constitution Making

European constitution making can be understood as a process of co-evolution. The process started with a public debate on the question of whether a European Union with 25 Member States and far-reaching competences in policy making can be governed on the basis of the existing treaties. In February 2000 the former President of the Czech Republic, Václav Havel, pleaded in a speech in the European Parliament for a European constitution that could be read and understood by schoolchildren. The speech of the German Foreign Minister Joschka Fischer at the Humboldt University in May 2000 was another impetus in the debate. A debate among political élites on the future of Europe took place. Antje Wiener characterised this phase in European constitutional politics as a 'constitutional turn' in which a politicisation of European integration took place.⁶ The establishment of the Convention on the Future of Europe on 28 February 2002 can be interpreted as an institutionalisation of this debate.⁷

Constitutional debates, the challenge of eastern enlargement, the unsatisfactory conference in Nice, the establishment of the Convention, and slowly emerging European public spheres became elements of a dynamic system of constitution making. Equilibrium is rare in such a dynamic system.⁸ Metastable balance and imbalance are more

³ For a more detailed outline of the theoretical approach, see C. Landfried, *Das politische Europa* (Nomos, 2002, 2nd edn 2005) Chapter I.

⁴ F. W. Scharpf, 'Legitimate Diversity: The New Challenge of European Integration', in T. A. Börzel and R. A. Cichowski (eds), *The State of the European Union. Law, Politics, and Society* (Oxford University Press, 2003), pp. 79–104.

⁵ U. Beck and E. Grande, *Das kosmopolitische Europa* (Suhrkamp, 2004) put forward the same argument.

⁶ A. Wiener, 'Institutionen', in A. von Bogdandy (ed.), *Europäisches Verfassungsrecht* (Springer Verlag, 2003), p. 136.

⁷ *Ibid.*

⁸ H. Wallace, 'Designing Institutions for an Enlarging European Union', in B. de Witte (ed.), *Ten Reflections on the Constitutional Treaty for Europe* (Robert Schuman Centre for Advanced Studies and Academy of European Law, 2003), p. 90: 'The illusion of institutional balance'.

common. The sequence of balance, metastable balance, and imbalance produces non-linear development. Differences are especially numerous and important in states of imbalance. Such states, in which the arrangement of elements and the characteristics of the system change with time, have been frequent in the process of European constitution making. They allow the system to develop new structures,⁹ which influence the direction of further development. This is exactly what happens in European constitution making.

Political élites, institutions, treaties, policies, burgeoning European law, and the Europeanisation of public spheres co-evolve. The elements of the system are independent and interdependent. Europeanisation is more rapid in some policy areas than others and impetus given in one part of the system can, though not necessarily, prompt change elsewhere. Development is non-linear, shifting direction over time. Europeanisation proceeds at different speeds in different policy areas. Governance in the European Union has to do with the 'ups, downs and plateaus of the integration process'.¹⁰ Moreover, implementation of European policies furthers differentiation because changes in national policy engendered by European decisions depend on the different political systems with their specific form of interest mediation, administration, and problem-solving philosophies.¹¹ European constitution making has to take into account all these different elements of a complex non-linear process of co-evolution.

Difference is derived from the Latin term '*differre*' and can be defined as the state of being distinct in a neutral sense.¹² It is assumed in this understanding that it is important to recognise differences in their own right. Differences *per se* do not imply differences in values. With regard to different cultures this would mean that 'we all recognize the equal value of different cultures; that we not only let them survive, but acknowledge their worth'.¹³

A typology of differences in the European Union still has to be developed. Such a typology should be based on the results of empirical research and should be constantly reconsidered with regard to empirical research. Research in administrative science on the impact of difference on workgroup performance shows that this impact varies with the type of difference.¹⁴ In political science such research is still missing. I distinguish between types of structural difference and concrete differences. There is structural difference of ideas, identities, interests, institutions, power, problems, knowledge, and difference in space and time.¹⁵ These structural differences induce concrete differences in a multitude of fields, among which are history, religion, language, culture, public

⁹ C. Böhrer and G. Konzendorf, *Ko-Evolution von Gesellschaft und funktionalem Staat* (Westdeutscher Verlag, 1997), p. 243, speak of an 'evolutionary theory of complexity'.

¹⁰ J. A. Caporaso, 'Regional Integration Theory: Understanding our Past and Anticipating our Future', in W. Sandholtz and A. Stone Sweet (eds), *European Integration and Supranational Governance* (Oxford University Press, 1998), p. 345.

¹¹ A. Héritier, C. Knill, D. Lehmkuhl, M. Teutsch and A.-C. Douillet, *Differential Europe. The European Union Impact on National Policy-Making* (Rowman & Littlefield Publishers, 2001).

¹² One has to distinguish between difference, diversity, and divergence. Difference is the state of being distinct and the opposite of congruence. Diversity is the variety of attributes of objects, opinions, policies, or policies, and the opposite of conformity. Divergence is the process of decreasing similarity and the opposite of convergence being the process of growing similarity. For conditions of policy convergence see K. Holzinger and C. Knill, 'Causes and Conditions of Cross-National Policy Convergence', (2005) 12 *Journal of European Public Policy* 775–796.

¹³ C. Taylor, *Multiculturalism. Examining the Politics of Recognition* (Princeton University Press, 1994), p. 64.

¹⁴ K. A. Jehn, G. B. Northcraft and M. A. Neale, 'Why Differences Make a Difference: A Field Study of Diversity, Conflict and Performance in Workgroups' (1999) 44 *Administrative Science Quarterly* 741–763.

¹⁵ Of course the types of differences are often interconnected.

sphere, civil society, polity, politics and policy, administration, interest mediation, social stratification, technology, and the economy. Let us take examples from the two case studies that will be analysed in more detail below.

In the first case study (IIIB) structural difference of ideas for realising more democracy in the European Union will be in the centre. There is the idea of having more democracy by giving national parliaments as institutions real influence on European politics or by relying primarily on the representation of parliaments by governments. This structural difference between two meanings of European democracy became concrete in the Convention. The choice between having a procedure enabling national parliaments to put a veto on a proposal of the European Commission or rather having a procedure limiting national parliaments to initiate the review of a proposal has been one of these concretisations of a structural difference of ideas.

In the second case study (IIIC) we have an example for structural difference of interests between large and small states. This structural difference became concrete in the Convention when deciding about the mandate of the president of the European Council. While the small states preferred the *status quo* of having a rotation system for the presidency the large states pleaded for having a full-time president elected for two and a half years.

Differences can be a driving force for successful constitution making in the European Union. Such differences can be said to have a positive potential. The question now is: Under what conditions is it possible to reduce the negative and activate the positive potential of difference for a legitimate and effective European constitution making?

In the first step of the analytical approach the work of the Convention is examined. The prerequisite conditions for activating the positive potential of difference in the Convention's work include the following. First, members of the Convention in order to recognise differences and have an interest in the positive potential of differences should represent differences themselves. In this regard, to meet the requirements for unfolding the positive potential of difference the membership of the Convention has to be representative. Second, the exploitation of the positive potential of difference in the Convention depends on structures that are suitable for recognising and organising differences. Were the standing orders of the Convention favourable for an inclusive approach towards differences? What about the strategy of the Convention praesidium to debate institutional issues only at the end of deliberations?¹⁶ Third, processes of decision-making have to enable members of the Convention to deal democratically and communicatively with differences if they want to profit from the positive potential of difference (Figure 1, first analytical step).

In the second analytical step the focus is on the potential of difference in implementing the Convention's draft treaty. The prerequisite conditions for the exploitation of the positive potential of difference are similar to the conditions in the first analytical step: members of intergovernmental conferences must have an interest in the positive potential of difference, structures of ratification must be such that a communication on difference is possible and processes of ratification must enable actors to deal democratically and communicatively with difference concerning the constitutional treaty (Figure 1, second analytical step).

¹⁶ 'We knew that the biggest difference of opinions were on the institutions... So we intentionally put the institutions at the end of the agenda, expecting that meanwhile the Convention in its thinking would be far enough to say that we now cannot fail the institutions—and that's exactly what happened' (interview with a Member of the Praesidium, 11 February 2004).

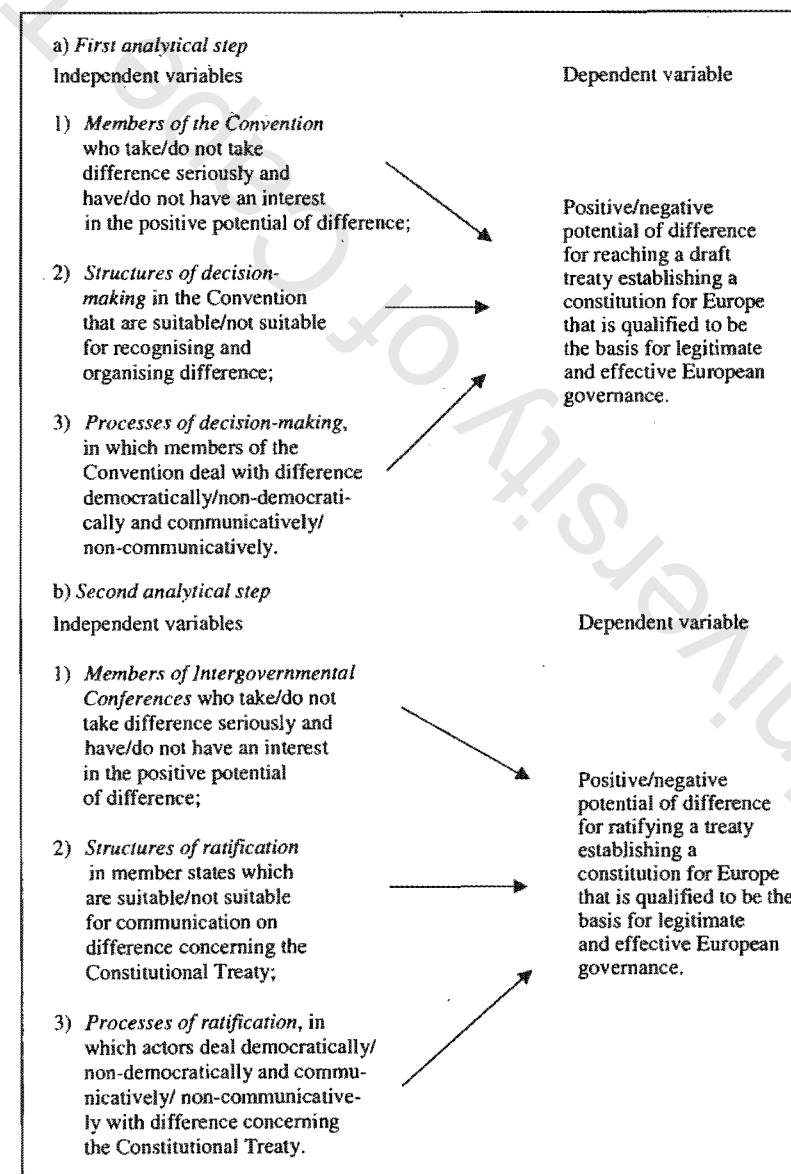


Figure 1. Difference and European Constitution Making—An Analytical Approach

In the analytical approach the hypothesis is established that there is a correlation between the way differences are dealt with in processes of constitution making and the output of constitution making. The more actors take differences seriously and the more they deal with differences in a democratic and communicative way the better the chances for successful constitution making. In this article I will restrict my analysis to the first step of the approach and therefore to the work of the Convention. The criteria by which I want to find out whether members of the Convention dealt democratically and communicatively with differences are detailed below.

A democratic way of dealing with differences can be defined as a decision-making and implementation process that generates collectively binding decisions of the free volition of the people and with reference to the will of the people.¹⁷ On the basis of political freedom and political equality being the central values of a democracy, the right of the individual to participate in public affairs becomes crucial.¹⁸ For effective participation it is important that citizens have adequate information for developing an 'enlightened understanding' of the political issues that have to be decided.¹⁹

Democratic participation by citizens is realised primarily through free, equal, and periodic parliamentary elections on the basis of universal suffrage.²⁰ The influence of the European Parliament and national parliaments is accordingly an important criterion for the degree to which differences in the European Convention were dealt with democratically. Not only participation through representation, but also the degree of participation and interaction²¹ inside and outside²² the Convention has to be analysed. Which groups of the Convention participated most often in the debates? Did Accession State members participate on an equal basis? How often did members of the Convention refer to one another during the debates?

A communicative way of dealing with differences can be defined as a decision-making and implementation process in which arguing and bargaining are the modes of communication.²³ A clear-cut classification between arguing and bargaining is not always easy. Communication on differences rather shifts along a scale from dealing with differences predominantly by arguing to dealing with differences predominantly by bargaining with a lot of stages in between.

Dealing with differences by arguing means a decision-making process involving an intensive exchange of arguments and concepts that affects the final decision. Arguing implies that participants in a discourse are open for the better argument and do not stick to fixed preferences: 'Argumentative and deliberative behaviour is as goal oriented as strategic action, but the goal is not to attain one's fixed preferences, but to seek a

¹⁷ See the definition of a democratic constitutional state by J. Habermas, 'Die postnationale Konstellation und die Zukunft der Demokratie', in J. Habermas, *Die postnationale Konstellation: Politische Essays* (Suhrkamp, 1998): 'Der demokratische Verfassungsstaat ist seiner Idee nach eine vom Volk selbst gewollte und durch dessen freie Meinungs- und Willensbildung legitimierte Ordnung, die den Adressaten des Rechts erlaubt, sich zugleich als dessen Autoren zu verstehen', p. 100.

¹⁸ E. O. Eriksen, 'Deliberative Supranationalism in the EU', in E. O. Eriksen and J. E. Fossum (eds), *Democracy in the European Union. Integration through Deliberation?* (Routledge, 2003), p. 51.

¹⁹ R. A. Dahl, *A Preface to Economic Democracy* (Polity Press, 1985), p. 59.

²⁰ R. A. Dahl, *Democracy and its Critics* (Yale University Press, 1989), pp. 220–221.

²¹ A. Wiener, 'Editorial', in A. Wiener and J. Shaw (eds), 'Special Issue: The Evolving Norms of Constitutionalism', (2003) 9 *European Law Journal* 11.

²² Participation from 'outside' the Convention would include contributions by civil society. This type of participation is not dealt within this article.

²³ K. Holzinger, 'Verhandeln statt Argumentieren oder Verhandeln durch Argumentieren?', (2001) 42 *Politische Vierteljahresschrift* 414–446.

reasoned consensus'.²⁴ In my analytical approach the goal of arguing is not only to seek a 'reasoned consensus'. A 'reasoned compromise' might be the result of arguing as well. Dealing with differences by bargaining is prevailing if status, power, and majority are more important for the final political decisions than the better argument. The goal of bargaining is to maximise or optimise fixed preferences.²⁵

Contributions of members of the Convention and of actors in the ratification processes are classified as arguing if the aim is to realise an idea or an interest by arguments. Arguing requires non-hierarchical conditions of communication, argumentative consistency, openness for the better argument, and compliance with the norms that have been agreed upon.²⁶ Contributions in which members of the Convention and actors in the ratification processes are trying to realise an idea or an interest by status, power, or majority are classified as bargaining. Did the praesidium of the Convention take the arguments of members of the Convention brought forward in the plenary sessions seriously? Was consensus defined by the praesidium alone or did it have a real basis in the arguments of the 'conventionnels'?

Having defined a democratic and communicative way of dealing with difference it is possible to formulate the hypothesis in a more specific version. The more members of the Convention represent adequately different societal groups and cultures of Member and Accession states and the more the decision-making process inside the Convention is characterised by *participation*, *interaction*, and *communication on difference* in the mode of arguing²⁷ the better are the chances for an effective and legitimate constitutional agreement.

In the next paragraph I will test the hypothesis in two case studies. First, the process of decision-making in the European Convention that led to the protocol on national parliaments is looked at. Second, the process of decision-making that led to the full-time president of the European Council is investigated. In the first case we have to deal primarily with structural difference of ideas and in the second case with structural difference of interests.

Two methods are combined in researching the potential of difference in the Convention: a content analysis of the documents and a discourse analysis of the plenary debates. The sources I am using for the content analysis are the drafts of specific articles, their revisions, and the final text of these articles. For the discourse analysis of the plenary debates the sources are the videos of the Convention's plenary sessions with an English translation of the debates.²⁸

III Empirical Findings: The Role of Difference in the European Convention

A The Representativeness of Membership of the European Convention

The Convention has not been a democratically elected constitutional assembly. At Laeken in 2001, Member State heads of state and government decided to delegate the

²⁴ T. Risse, 'Let's Argue! Communicative Action in World Politics', (2000) 54 *International Organization* at 7.

²⁵ *Ibid.*, pp. 3, 18.

²⁶ *Ibid.*, pp. 18–19.

²⁷ J. Habermas, *Faktizität und Geltung* (Suhrkamp, 1992), p. 369.

²⁸ I want to thank Ornella Manzo from the audiovisual services of the European Parliament for making these videos available.

task of preparing one or more proposals for achieving greater democracy and efficiency in an enlarged Union to a Convention. The Convention started its life as a 'preparatory body'.²⁹ At the Nice Summit, the Belgian delegation claimed that more effective procedures for institutional reform had to be found. The Belgian move was initially supported only by Germany, Finland, and Portugal.³⁰ The other Member States agreed to the Laeken Declaration because they were convinced that intergovernmental bargaining would be the crucial factor of constitution making regardless of the Convention.³¹ The 'top-down' setting-up of the Convention is also demonstrated by pre-nomination of the presidency.

Nevertheless, membership of the Convention was far more representative than the membership of intergovernmental conferences. It should not be forgotten that it was considered progress when, for the first time in the history of European integration, two members of the European Parliament, Elmar Brok and Elisabeth Guigou, were able to attend meetings of the representatives of governments once a month (!) during the 1996/1997 Intergovernmental Conference that led to the Treaty of Amsterdam. It is a long way from this step to the innovation of the European Convention. In the dynamic system of the European Union it was accomplished within four years.

The European Convention with its 105 members, comprising the presidency of Giscard d'Estaing, Giuliano Amato, and Jean-Luc Dehaene, 15 representatives of Member State governments, 30 representatives of Member State parliaments, 13 representatives of Accession State governments, 26 representatives of Accession State parliaments, 16 European Parliament representatives, and 2 Commission representatives, was definitely much more representative than intergovernmental conferences (Table 1). It was an innovation to include accession countries in the decision-making process, although they did not participate on a fully equal footing. The Slovenian parliamentarian Alojz Peterle became a 'guest' in the praesidium, and Accession State 'conventionnels' were unable to block a consensus reached by Member State 'conventionnels'.³² Only 17 of the 105 Convention members—some 16%—were women. The multicultural character of many Member and Accession States was not taken into account, either. 'Here the deficit is even more severe than in relation to the paucity of women, since it amounts to an almost complete silence'.³³

Members of national parliaments, constituting the biggest group in the Convention (56 of 105 members), are said to have been the 'least cohesive' group. They lacked a common culture and the capability to act as a single body.³⁴ In my view, more research is needed to evaluate the influence of national parliaments in the Convention. One has to take into account that 44.6% of members of national parliaments have been ministers in their former careers and therefore had political experience in parliaments as well

²⁹ J. E. Fossum, 'Still a Union of deep diversity? The Convention and the Constitution for Europe', in E. O. Eriksen, J. E. Fossum and A. J. Menéndez (eds), *Developing a Constitution for Europe* (Routledge, 2004), p. 233.

³⁰ P. Magnette, 'Deliberation or Bargaining? Coping with Constitutional Conflicts in the Convention on the Future of Europe', in Eriksen, Fossum and Menéndez, *op. cit.* note 29 *supra* at 210 for a detailed analysis.

³¹ *Ibid.*

³² J. Shaw, 'Process, Responsibility, and Inclusion in EU Constitutionalism', (2003) 9 *European Law Journal*, 57.

³³ *Ibid.*, 59.

³⁴ C. Closa, 'The Convention method and the transformation of EU constitutional politics' in Eriksen, Fossum and Menéndez, *op. cit.* note 29 *supra*, at 189.

Table 1. Composition of the European Convention

Members	Number
Presidency	3
European Parliament	16
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National Parliaments—Accession States	26
Governments—Member States	15
Governments—Accession States	13
Total	105
Women	17 (16%)
Representatives of Accession States	39 (37%)

as in governments.³⁵ Thus, they represented a double difference: Difference in parliamentary experience with regard to their specific home state and difference in experience with regard to legislative and executive bodies.³⁶ This representation of difference in democratic practice may well prove to have been an advantage in the quest for solutions in the Convention.

One such solution that suggests difference was a potential is the protocol on the role of national parliaments in the European Union. The decision-making process in the Convention that produced this solution is a good example for a democratic and communicative handling of difference in ideas.

B Difference of Ideas in the European Convention

There is a structural difference of ideas between a European democracy in which national parliaments are primarily represented by their governments and a European democracy in which national parliaments are represented as institutions in their own right with their own specific tasks on the European level. This structural difference of ideas became concrete in the European Convention's debate about different concepts for a greater involvement of national parliaments in European politics. One issue was whether a new institution for national parliaments at the European level was needed.³⁷

The first debate in the plenary session on 7 June 2002 showed that a vast majority of Convention members was in favour of national parliaments playing a greater role. The secretariat had prepared a paper describing the role of national parliaments in the architecture of the European Union (CONV 67/02). The plenary debate addressed four questions, including whether it was useful for Member States to compare practices of parliamentary control over government and to establish 'best practices'. Procedures in Finland and Sweden were debated. Some members of the Convention proposed that representatives of national parliaments join the government delegation of their country to the Council. There were also proposals to strengthen the effectiveness of COSAC

³⁵ Twelve of 30 members from Member State parliaments (40%) and 13 of 26 members from Accession State parliaments (50%) have been ministers in their former careers.

³⁶ I want to thank Gisela Stuart for giving the idea to research how many members of national parliaments had executive experience as well.

³⁷ CONV 68/02 of 31 May 2002, No. 2.iv: 'Would it make sense to create a new organ for a collective representation of national Parliaments? If yes, what should be the composition and competences of such an organ?'

Table 2. Participation in the Convention Debate on National Parliaments, Plenary Session, 7 June 2002

Source of contribution	Number
European Parliament	17
European Commission	2
National Parliaments—Member States	30
National Parliaments—Accession States	13
Governments—Member States	6
Governments—Accession States	2
Total number of contributions	70
Women	16 (23%)
Representatives of Accession States	15 (21%)

(Conférence des organes spécialisés dans les affaires communautaires et européennes des parlements de l'Union européenne). On the whole, a wide range of possibilities was discussed (CONV 97/02). In the plenary debate on 7 June 2002 from 9.30 until 12.50, Convention members used a 'blue card' for immediate intervention five times, and, in a total of 70 contributions, the interventions of fellow members were referred to 30 times.

Many members from accession countries contributed to the debate. When, for instance, the Slovenian MP Alojz Peterle pleaded in favour of the Scandinavian model of parliamentary control, Vice-President and chairman of the session, Giuliano Amato, commented: 'Excellent!'. Lithuanian MP Vytenis Andriukaitis met with a positive reaction for proposing a multilateral agreement between the European Parliament and national parliaments. It cannot be said, however, that accession country members enjoyed equal status in the debate on national parliaments. With 15 interventions, representatives of Accession States were clearly under-represented in the debate in proportion to the composition of the Convention (Table 2).

Parliamentarian representatives clearly participated most actively: 60 of 70 contributions, 86% of the total, were made by parliamentarians. This does, of course, reflect the overall composition of the Convention and the subject of the debate on 7 June 2002. The structure of participation in the debate shows a hierarchy: The United Kingdom took first place with five contributions, followed by Finland and Italy with four, and Austria and Denmark with three. Then there was a broad middle-field with countries that made two contributions. Among the eight countries that intervened only once, five were Accession States. Lastly, there were three countries that did not intervene at all: Bulgaria, the Czech Republic, and Estonia.

While the Latvian representative Maris Sprindzuks was speaking, many members of the Convention did not pay attention. This became so blatant that session chairman Amato called the session to order: 'Please, no private assemblies around the room!'. But Sprindzuks indicated by gesture that he did not mind.³⁸

Such modesty was not the rule for representatives of Member States or the European Commission.³⁹ When Commissioner Michel Barnier exceeded his speaking time, Amato again intervened: 'I can understand that there are only 2 Commissioners in the

³⁸ European Convention, Plenary session, 7 June 2002, Video No. 12, Archive, University of Hamburg.

³⁹ C. Closa, 'The Convention method and the transformation of EU constitutional politics' in Eriksen, Fossum and Menéndez, *op. cit.* note 29 *supra*, at 191.

Convention. But we can't turn the Convention into Orwell's animal farm. We must all be equal'.⁴⁰ And later on in the debate, MEP Alexander Earl of Stockton used his blue card to criticise members of the Convention for exceeding their allotted time in the debate. He explicitly mentioned his 'good friend Barnier' who was able 'to turn three minutes into five'. Stockton proposed: 'You should, in future, and I would like to formally suggest that when the time limit is reached the microphone is cut off at that moment, without fear or favour'. 'That's a good suggestion', Giuliano Amato answered.⁴¹

Evaluation of the debate on national parliaments shows that it was interactive. Nearly half of all participants referred to one another in their contributions—either by naming a fellow member or through statements such as 'as many members have said', or really taking up the argument of another member. And of 30 'conventionnels' who referred to others, half took up the argument of another member at length.

Table 3. Interaction in the Convention Debate on National Parliaments, Plenary Session, 7 June 2002

Type of interaction	Number
Reference by Convention members to one another—total number	30*
Reference to another Convention member by name	8
Reference to 'many members' of the Convention	7
Reference taking up the argument of another member at length	15

Note: *Out of a total number of 70 contributions.

In 40 out of 70 contributions the difference between a supranational and an inter-governmental European Union was emphasised (Table 4). In 32 out of these 40 contributions in addition members of the Convention discussed the difference between having a new institution for national parliaments and not having a new institution. The difference concerning a new institution for national parliaments was seen as a more technical question of how to reach more influence for national parliaments in the European Union. Thus, this difference between institutional concepts was based on the common conviction that national parliaments should become more influential. Communication on difference between concepts for strengthening parliaments was superimposed by the more general communication on difference between a supranational and an intergovernmental Europe.⁴² Yet, the debate on national parliaments is no concretisation of the structural difference of ideas between a supranational and an intergovernmental Europe. The debate rather points to a structural difference of ideas with regard to European democracy and to new options for more participation of national parliaments.

⁴⁰ European Convention, Plenary session, 7 June 2002, Video No. 12, Archive, University of Hamburg, protocol, 16.

⁴¹ European Convention, Plenary session, 7 June 2002, Video No. 12, Archive, University of Hamburg, protocol, 40.

⁴² P. Magnette and K. Nicolaidis, 'The European Convention: Bargaining in the shadow of Rhetoric', (2004) 27 *West European Politics*, 390 emphasise that the supranationalist versus the intergovernmentalist split has been very influential in the debates of the Convention.

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(Conférence des organes spécialisés dans les affaires communautaires et européennes des parlements de l'Union européenne). On the whole, a wide range of possibilities was discussed (CONV 97/02). In the plenary debate on 7 June 2002 from 9.30 until 12.50, Convention members used a 'blue card' for immediate intervention five times, and, in a total of 70 contributions, the interventions of fellow members were referred to 30 times.

Many members from accession countries contributed to the debate. When, for instance, the Slovenian MP Alojz Peterle pleaded in favour of the Scandinavian model of parliamentary control, Vice-President and chairman of the session, Giuliano Amato, commented: 'Excellent!'. Lithuanian MP Vytenis Andriukaitis met with a positive reaction for proposing a multilateral agreement between the European Parliament and national parliaments. It cannot be said, however, that accession country members enjoyed equal status in the debate on national parliaments. With 15 interventions, representatives of Accession States were clearly under-represented in the debate in proportion to the composition of the Convention (Table 2).

Parliamentarian representatives clearly participated most actively: 60 of 70 contributions, 86% of the total, were made by parliamentarians. This does, of course, reflect the overall composition of the Convention and the subject of the debate on 7 June 2002. The structure of participation in the debate shows a hierarchy: The United Kingdom took first place with five contributions, followed by Finland and Italy with four, and Austria and Denmark with three. Then there was a broad middle-field with countries that made two contributions. Among the eight countries that intervened only once, five were Accession States. Lastly, there were three countries that did not intervene at all: Bulgaria, the Czech Republic, and Estonia.

While the Latvian representative Maris Sprindzuks was speaking, many members of the Convention did not pay attention. This became so blatant that session chairman Amato called the session to order: 'Please, no private assemblies around the room!'. But Sprindzuks indicated by gesture that he did not mind.³⁸

Such modesty was not the rule for representatives of Member States or the European Commission.³⁹ When Commissioner Michel Barnier exceeded his speaking time, Amato again intervened: 'I can understand that there are only 2 Commissioners in the

Convention. But we can't turn the Convention into Orwell's animal farm. We must all be equal'.⁴⁰ And later on in the debate, MEP Alexander Earl of Stockton used his blue card to criticise members of the Convention for exceeding their allotted time in the debate. He explicitly mentioned his 'good friend Barnier' who was able 'to turn three minutes into five'. Stockton proposed: 'You should, in future, and I would like to formally suggest that when the time limit is reached the microphone is cut off at that moment, without fear or favour'. 'That's a good suggestion', Giuliano Amato answered.⁴¹

Evaluation of the debate on national parliaments shows that it was interactive. Nearly half of all participants referred to one another in their contributions—either by naming a fellow member or through statements such as 'as many members have said', or really taking up the argument of another member. And of 30 'conventionnels' who referred to others, half took up the argument of another member at length.

Table 3. Interaction in the Convention Debate on National Parliaments, Plenary Session, 7 June 2002

Type of interaction	Number
Reference by Convention members to one another—total number	30*
Reference to another Convention member by name	8
Reference to 'many members' of the Convention	7
Reference taking up the argument of another member at length	15

Note: *Out of a total number of 70 contributions.

In 40 out of 70 contributions the difference between a supranational and an inter-governmental European Union was emphasised (Table 4). In 32 out of these 40 contributions in addition members of the Convention discussed the difference between having a new institution for national parliaments and not having a new institution. The difference concerning a new institution for national parliaments was seen as a more technical question of how to reach more influence for national parliaments in the European Union. Thus, this difference between institutional concepts was based on the common conviction that national parliaments should become more influential. Communication on difference between concepts for strengthening parliaments was superimposed by the more general communication on difference between a supranational and an intergovernmental Europe.⁴² Yet, the debate on national parliaments is no concretisation of the structural difference of ideas between a supranational and an intergovernmental Europe. The debate rather points to a structural difference of ideas with regard to European democracy and to new options for more participation of national parliaments.

³⁸ European Convention, Plenary session, 7 June 2002, Video No. 12, Archive, University of Hamburg, protocol, 16.

³⁹ European Convention, Plenary session, 7 June 2002, Video No. 12, Archive, University of Hamburg, protocol, 40.

⁴² P. Magnette and K. Nicolaidis, 'The European Convention: Bargaining in the shadow of Rhetoric', (2004) 27 *West European Politics*, 390 emphasise that the supranationalist versus the intergovernmentalist split has been very influential in the debates of the Convention.

³⁸ European Convention, Plenary session, 7 June 2002, Video No. 12, Archive, University of Hamburg.

³⁹ C. Closa, 'The Convention method and the transformation of EU constitutional politics' in Eriksen, Fossum and Menéndez, *op. cit.* note 29 *supra*, at 191.

Table 4. Communication on difference in the Convention debate on National Parliaments, Plenary Session, 7 June 2002

Type of communication	Number
Stating a difference	43*
Stating a difference between a supranational and an intergovernmental EU	40
Out of these 40 contributions stating in addition a difference between having/ not having a new institution for national parliaments	32
Stating a difference only between having/not having a new institution for national parliaments	3
Dealing with difference by the way of arguing	42
Dealing with difference by the way of bargaining	1

Note: *Out of a total number of 70 contributions.

Not many members of the Convention were in favour of a new institution for national parliaments at the European level. The few advocates of a new institution for national parliaments insisted that the proposal should not be removed from the agenda without further discussion. Portuguese MP Maria Eduarda Azevedo said: 'A new chamber for national parliaments is worth a debate without prejudices'.⁴³ Similarly, Baroness Scotland of Asthal from the British House of Lords argued:

We all agree that we must think creatively to develop a new environment within which national parliaments will be able to contribute effectively to the European debate. . . . The UK has contributed some ideas to the debate. My Prime Minister's proposal for a body of national parliamentarians to police subsidiarity, for example. Others have put forward interesting ideas. In particular, I would like to commend Mr. Bruton's thoughtful contribution to this Convention and that of the Swedish and Finnish parliaments. We are very encouraged by this and feel that we must seize the opportunity to examine a wide range of proposals on their merits and without preconceived prejudices.⁴⁴

Another member of the Convention, Dutch MP René van der Linden, admitted that he had not yet made up his mind: 'Frankly—I'm not sure what my stance will be'. He wanted to wait for the results of the working group.⁴⁵ The debate was thus a real one in that it was not clear from the beginning what the best solution would be for giving national parliaments a greater role.

President Giscard d'Estaing was disappointed by the debate on national parliaments. Did public opinion note expect more than just improving the system? Should there not be a more dramatic approach? The working group, to his mind, should take a 'bolder approach with a higher democratic profile'.⁴⁶

The working group on national parliaments was headed by Gisela Stuart from the British Parliament. The group held its first meeting soon after the plenary debate at the

end of June. Members of the working group described the experience of their national parliaments with participation in European decision-making. Swedish MP Sören Lekberg, for example, pleaded for a strong role for national parliaments in European matters, and explained the Swedish example (Working Group IV, Working document 18 of 3 September 2002). In this paper Lekberg made reference to the plenary debate and to the arguments of Convention members who believed an active role for national parliaments at the European level would be jeopardise the effectiveness of the Council.

Finally, the working group tabled two recommendations. First, there should be a mechanism giving national parliaments the opportunity to monitor the principal of subsidiarity at an early stage in the legislative process. 'Most members' of the working group were in favour of this recommendation. Second, members agreed that COSAC, as a conference of parliamentary committees on European affairs, should be strengthened. Interparliamentary conferences between committees of the European Parliament and of national parliaments on a broad range of subjects should be made possible (CONV 353/02).

On 18 March 2003 the next important plenary debate on national parliaments took place. In this debate it became more obvious that the structural difference of ideas was about a European democracy in which parliaments are represented by their governments versus a European democracy in which parliaments participate as institutions. In preparation of the debate Gisela Stuart, together with 11 members and alternate members, submitted an amendment proposing a power of veto for national parliaments and direct access of national parliaments to the European Court of Justice at the end of the early-warning system. The two proposals read: 'Where at least two-thirds of the chambers of national parliaments (counting for this purpose a unicameral parliament as two chambers) issue reasoned opinions on the Commission's proposal's non-compliance with the principles of subsidiarity or proportionality, the proposal shall not be proceeded with'. And: 'The Court of Justice shall have jurisdiction to hear actions brought by national parliaments on grounds of infringement of the principles of subsidiarity or proportionality'.⁴⁷ Both proposals went quite a long way in giving rights to national parliaments and it does not come as a surprise that out of 11 members signing the amendment, three members came from a state with a strong tradition of parliamentary sovereignty (Gisela Stuart, David Heathcoat-Amory, and Lord Tomlinson from Great Britain).

The debate on the two proposals in the plenary session on 18 March 2003 was very lively, with many referrals of members of the Convention to one another. In 27 contributions out of 66 there was no reference to another member of the convention, while in the other 39 contributions members of the Convention were referring 61 times to one another. And 25 times in these references members of the Convention were taking up the argument of a colleague at length (Tables 5 and 6).

The structural difference of ideas on European democracy became concrete in the Convention between those members advocating giving national parliaments real decision-making power on the European level and those members preferring to limit the influence of national parliaments. Gisela Stuart argued that the early-warning mechanism had to be strengthened. Reconsideration of a proposal by the Commission would not do. The national parliaments should be given the possibility to stop a proposal, to have a 'red card'.

⁴³ European Convention, Plenary session, 7 June 2002, Video No. 12, Archive, University of Hamburg, protocol, 38.

⁴⁴ European Convention, Plenary session, 7 June 2002, Video No. 12, Archive, University of Hamburg, protocol, 31.

⁴⁵ European Convention, Plenary session, 7 June 2002, Video No. 12, Archive, University of Hamburg, 38.

⁴⁶ European Convention, Plenary session, 7 June 2002, Video No. 12, Archive, University of Hamburg, protocol, 41.

⁴⁷ Document of the European Convention, SUB 52 and CONV 610/03 of 12 March 2003.

Table 5. Participation in the Convention Debate on National Parliaments, Plenary Session, 18 March 2003

Source of contribution	Number
European Parliament	14
European Commission	2
National Parliaments—Member States	27
National Parliaments—Accession States	9
Governments—Member States	12
Governments—Accession States	4
Total number of contributions	66
Women	11 (17%)
Representatives of Accession States	13 (20%)

Table 6. Interaction in the Convention Debate on National Parliaments, Plenary Session, 18 March 2003

Type of interaction	Number
Reference by Convention members to one another—total number	61*
Reference to another Convention member by name	24
Reference to 'many members' of the Convention	12
Reference taking up the argument of another member at length	25

Note: *Out of a total number of 66 contributions.

If one third of parliaments object, reconsideration is a significant step, but will not be taken very seriously if consequences do not flow from it when we get to a much greater level of dissent . . . Therefore I would suggest to change it to one-third, yellow mechanism; two-thirds, the Commission may not proceed but can readmit.⁴⁸

Lamberto Dini from the Italian parliament was strongly against such a red card.

First of all, if the Commission were to make a proposal that was objected to by two-thirds of parliaments, that would mean that it was an outrageous proposal; it would mean that the Commission was out of its mind. So we should not try to envisage such a thing. It is enough to have the trigger of one-third. If we accept the red card for the two-thirds proposal it means giving national parliaments the power of veto over the initiative of the Commission. And that we should not do.⁴⁹

Gisela Stuart retorted:

I do not one moment wish to suggest . . . that the Commission would ever be crazy enough to propose something that would be objected by two-thirds of national parliaments. However I am also a realist. This is supposed to last us for at least 50 years. Just in case—just in case!—there was a temporary moment of madness in the Commission, we should have this.⁵⁰

Members who were against the veto argued that such a veto would not fit into the system of governance of the European Union. After all, ministers of Member States were sitting in the Council being accountable to the majority of their parliaments.

⁴⁸ European Convention. Plenary session, 18 March 2003, Video No. 40, Archive, University of Hamburg, protocol, 4.
⁴⁹ *Ibid.*, protocol, 8.
⁵⁰ *Ibid.*, protocol, 26.

Andrew Duff from the European Parliament put the short question: 'Mr. President, what is the Council for?'⁵¹ The members of the Convention applauded. President Giscard d'Estaing made the 'conventionnels' laugh when he remarked: 'Je vous signale que c'est la première fois qu'on entend applaudir le Conseil dans la Convention'.⁵²

Table 7. Communication on Difference in the Convention Debate on National Parliaments, Plenary Session, 18 March 2003

Type of communication	Number
Stating a difference	40*
Stating a difference between having a veto for national parliaments or not	17
Stating a difference between having direct access of national parliaments to the Court of Justice or not	14
Mentioning the difference concerning the veto as well as the difference concerning direct access	9
Dealing with difference by the way of arguing	33
Dealing with difference by the way of bargaining	7

Note: *Out of a total number of 66 contributions.

Only six members of the Convention spoke in favour of the parliamentary veto while 20 members spoke against the veto. The idea to give national parliaments direct access to the European Court of Justice met with support: 16 speakers were in favour of the proposal and 7 speakers pleaded against. The concrete differences between granting or not granting national parliaments the possibility to stop legislative proposals of the Commission and to give parliaments direct access to the Court of Justice or not were dealt with by members of the Convention in a communicative way. Arguments did matter in 33 contributions while members of the Convention had fixed preferences in only 7 cases.

The proposals did not find their way into the final text of the Convention. But the original draft of the protocol on national parliaments from 27 February 2003 was amended after the debate. The praesidium took into account the many contributions in favour of the right of national parliaments to bring actions before the Court of Justice on grounds of infringement of the principle of subsidiarity and decided that each Member State can determine whether or not parliament or government will be going to the Court of Justice.⁵³ The debate shows that arguing did take place in the Convention and had an impact on the final text. It was an impact that favoured difference in the role of national parliaments in Europe. Qualifying the work of the Convention as 'bargaining in the shadow of Rhetoric'⁵⁴ is not consistent with the facts.

When it came to the final debate on national parliaments on 5 June 2003 the decisions how to reach a greater involvement of national parliaments in the European

⁵¹ *Ibid.*, protocol, 12.
⁵² *Ibid.*
⁵³ European Convention CONV 724/1/03 REV 1 of 28 May 2003, 144.
⁵⁴ Magette and Nicolaidis. *op. cit.* note 42 *supra*, p. 381.

Union had been made.⁵⁵ The draft protocol on the role of national parliaments had existed since 28 May 2003.⁵⁶ Therefore it is no surprise that members of the Convention did not discuss at great length any more different ideas for strengthening the influence of national parliaments. But the fact that critical comments on the protocol were made until the very last moment demonstrates that arguing was the mode of communication on difference in this debate as well.

The Portuguese deputy Maria Eduarda Azevedo stressed that national parliaments had to be effectively involved in the European arena. She pointed to the opportunity to involve national parliaments in shaping the European Union—now. This chance should be taken honestly—there should be no playing to the gallery. In her view, the interparliamentary conferences should exchange opinions on important subjects like the common foreign and security policy and justice and home affairs. She felt that these conferences should not only be mentioned in a protocol, but in the first part of the Constitutional Treaty.⁵⁷

The French parliamentary representative, Hubert Haenel, regretted that there would be no congress of the peoples. With reference to the Portuguese fellow member, he therefore pleaded in favour of at least an interparliamentary conference.⁵⁸ The British MP David Heathcoat-Amory criticised the solution preferred by the majority of the Convention:

Mr. President, a couple of quick points. First, regarding subsidiarity, everyone agrees with subsidiarity but there is an inconsistency. Article I-9 says that national parliaments shall ensure compliance with the subsidiarity principle, which implies a power; but the protocol only grants national parliaments a request. The matter has to be reviewed, but then the Commission can proceed anyway. So I urge that we bring the various parts of this Constitution into line with each other to ensure consistency. If there is an implied power it has got to be backed up with an actual power.⁵⁹

Again, the underlying structural difference between two meanings of democracy in the European Union can be discerned.

President Giscard d'Estaing's idea of a 'congress of the peoples' had no prospect of success. In the plenary session of 5 June 2003 he stressed that he had abandoned it: 'The article on the Congress disappeared though I thought it to be important'.⁶⁰ Not in all areas, members of the Convention have been successful in convincing the presidency and the praesidium. The hierarchy in the Convention and difference in interests between big and small countries played a role in many institutional questions, such as a full-time President of the European Council. But as far as the debates and the decision-making process on the protocol of national parliaments are concerned one has to say that arguments played a role for the final decision. Different experiences in

parliamentary practice proved to be a positive energy for finding a solution for the participation of national parliaments in European politics.

The debates in the Convention on the influence of national parliaments on European politics engendered a procedure for the participation of national parliaments in applying the principle of subsidiarity. An 'early-warning system' is to inform national parliaments about all Commission legislative proposals at the same time as the European Parliament and the Council of Ministers. Within six weeks of notification of the Commission's proposal, any national parliament may send a 'reasoned opinion stating why it considers that the proposal in question does not comply with the principle of subsidiarity' (§5 of the protocol on the application of the principles of subsidiarity and proportionality). In cases where reasoned opinions from national parliaments represent at least one third 'of all the votes allocated to the Member States' Parliaments and their chambers' (§6), the Commission has to review its proposal. After review, however, the Commission is free to maintain, amend or withdraw the proposal. At the end of the procedure, the Court of Justice shall have jurisdiction to hear actions on grounds of infringement of the principle of subsidiarity by a legislative act 'brought in accordance with the rules laid down in Article III-266 of the Constitution by member states, or notified by them in accordance with their legal order on behalf of their national Parliament or a chamber of it'.⁶¹

From the problem-solving point of view, the 'early-warning system' for national parliaments in controlling subsidiarity has two shortcomings.⁶² National parliaments do not have real participatory power: they can only initiate the review of a proposal by the Commission. And final resort on questions of subsidiarity to the European Court of Justice could intensify the judicialisation of European politics.⁶³ Yet, compared with the *status quo*, where national parliaments have little say in European politics and where governments are gaining more and more power, the solution offered by the Convention's draft is an important step forward towards a more democratic European Union.⁶⁴ And as the problem-solving capacity of European decisions grows with the greater democratic accountability of these decisions, the protocol on the role of national parliaments could be a contribution to the problem-solving capacity of the European Union. This protocol cannot be described in my view as an 'improved status quo'.⁶⁵ It is a potential progress for the influence of national parliaments on European politics⁶⁶ and only the implementation will tell to what degree parliaments will make use of this potential.

The protocol on the role of national parliaments is an example for the positive potential of differences for European constitution making. For the participation of national parliaments at the European level it can be shown that differences of ideas and

⁵⁵ In this debate, again, parliamentary representatives were the most active participants (68% of all contributions), women were overrepresented in participation (24% of all contributions) and Accession State members underrepresented in participation (23% of all contributions) in proportion to the composition of the Convention.

⁵⁶ European Convention CONV 724/1/03 REV 1 of 28 May 2003.

⁵⁷ European Convention, Plenary session, 5 June 2003, Video No. 54, Archive, University of Hamburg, protocol, 9.

⁵⁸ European Convention, Plenary session, 5 June 2003, Video No. 54, Archive, University of Hamburg, protocol, 19.

⁵⁹ European Convention, Plenary session, 5 June 2003, Video No. 54, Archive, University of Hamburg, protocol, 53.

⁶⁰ European Convention, Plenary session, 5 June 2003, Video No. 54, Archive, University of Hamburg, protocol, 5.

⁶¹ Protocol on the application of the principles of subsidiarity and proportionality, Article 7.

⁶² C. Landfried, 'Im Streitfall soll ein Parlamentsparlament entscheiden' in *Frankfurter Allgemeine Zeitung*, 10 May 2003, 10.

⁶³ A. Stone Sweet, *The Judicial Construction of Europe* (Oxford University Press, 2004), p. 96.

⁶⁴ A.-M. Slaughter, *A New World Order* (Princeton University Press 2004), p. 122, argues that more democracy in a supranational organisation like the European Union can be gained by networks of national parliamentarians.

⁶⁵ Magnette and Nicolaidis, *op. cit.* note 42 *supra*, p. 391.

⁶⁶ One has to emphasise that it is a potential progress because one has to wait first if the Constitutional Treaty will be ratified and second in which way the national parliaments will make use of the new early-warning system. For a sceptical view see M. Zier, *Nationale Parlamente in der EU* (V & R unipress, 2005), p. 323.

differences of parliamentary experiences were advantages for the Convention's output. Members of the Convention managed to use this potential. They exchanged their experience of parliamentary influence on European politics. Sweden was referred to by many members of the Convention as an example of a country where the parliament can influence politics at the European level. Different ways of ensuring more influence for national parliaments at the European level were debated.

Though not many members of the Convention were in favour of a new institution, this idea was discussed, as well. President Giscard d'Estaing was unable to use his status to impose his idea of a congress of the peoples. In sum, structural difference of ideas, the concretisation of these ideas in different institutional concepts, and different parliamentary experiences were important resources for the Convention's answer to how to strengthen the participation of national parliaments in the European Union. Even though there have been ongoing discussions about a greater role of national parliaments since Maastricht it has been the Convention that found a solution. And in comparison with prior discussions and proposals as for example the so-called Napolitano report of the European Parliament⁶⁷ the solution of the Convention can be characterised as innovative.⁶⁸

C Difference of Interests in the European Convention

There has been a great deal of structural difference of interests in the Convention in institutional matters like the composition of the Commission, qualified majority, and a permanent president of the European Council (Title IV of Part I of the draft). The decisive debate took place on 15 May 2003. Members of the Convention referred to the contributions of fellow members 39 times, and used blue cards 11 times during the morning session from 9.45 to 12.40. A total of 650 amendments were tabled. At the beginning of the debate there was a discussion on procedures inside the Convention. Forty members of the Convention had signed a motion requesting additional meetings because there would not be enough time for adequate discussion of policies. Heathcoat-Amory from the British Parliament wanted to make sure that the arguments of members of the Convention were taken into account by the praesidium:

Mr. President, when the revised text of Part I is available, I ask that the changes that have been made to it be made clear. There should also be an explanation of the origin of the amendments that have been accepted and the degree of support that they attracted, in order that we can be sure that the changes to the text arise from our discussions and do not come down from above like the tablets from Mount Sinai.⁶⁹

Not only members in plenary but also members in the praesidium could remember a text coming 'down from above like the tablets from Mount Sinai'. On 22 April 2003, President Giscard d'Estaing presented a first draft on 'The Union's Institutions' to the press, that had not been previously discussed. The draft proposed that 'the European Council shall elect a president by qualified majority for a term of two and a half years, renewable once'. The president 'shall be assisted by a vice-president, elected for the

⁶⁷ European Parliament, Report on relations between the European Parliament and the national parliaments in European integration of 23 January 2002. Rapporteur: Giorgio Napolitano.

⁶⁸ Another view on this point take Magnette and Nicolaidis, *op. cit.* note 42 *supra*, p. 39.

⁶⁹ European Convention, Plenary session, 15 May 2003, Video No. 47, Archive, University of Hamburg, protocol, 10.

same term and by the same procedure'.⁷⁰ Such a post of vice-president had been discussed neither in plenary session nor in the praesidium.⁷¹

'Conventionnels' debating institutional reform at a very late stage wanted no further surprises. In the plenary debate on 15 May 2003 they expressed their opposition to a permanent president of the Council.⁷² But even in the heated debate on institutions, members of the Convention discussed innovative solutions, such as a directly elected president of the European Union. Georges Papandreou from the Greek government proposed a directly elected president of the European Union. John Bruton from the Irish parliament supported the proposal:

Here, we are having a debate between institutions, and if you asked most Europeans to identify what the Commission does, to identify what the Council does, to identify what the Parliament does, they would not know. They do not know because they are not consulted in a real way. The most any person can do in a European election is to change one MEP out of seven hundred, by virtue of their vote. They are never asked, in any election, to pronounce on a single, simple European question, where that question is being asked of all Europeans at the same time, on the same day, throughout the continent.

If Mr. Papandreou's proposal was accepted and we allowed the people to elect the president of Europe, then we would create a European demos. Many people say that we cannot have such a thing until we have a European demos. We will never have a European demos until we have a European election because a European election to select a president will create such a demos. It will create such a political space, it will create such a European debate. We will never have it with the present system, and that is why I support what Georges Papandreou has proposed.⁷³

The structure of participation in the debate on 15 May 2003 on the president of the European Council shows that representatives of parliaments, who made 71% of contributions, participated disproportionately frequently in relation to the Convention's composition. Women, who were clearly overrepresented in participation in the debates on national parliaments on 7 June 2002 and on 5 June 2003, took the floor only eight times (17% of all contributions) in the debate on the presidency. Representatives of accession countries, already underrepresented in the debates on parliaments, were even less active in the debate on the Council presidency. Men and representatives of Member States were clearly 'more equal' than women and representatives of Accession States when it came to difference in interests and questions of power (Table 8).

The structure of interaction is similar to the debates summarised above: the debate has a high interactive level. Quite often when referring to one another, members of the Convention mentioned fellow members by name. Sometimes 'conventionnels' spoke of 'those who support the proposal' or stated 'I understand the comments made by the various members of the Convention', and so on. In nearly half the interventions in which 'conventionnels' referred to one another, they discussed the argument of one or more fellow members in depth (Table 9).

Difference of interests between big and small states played an important role in the debate on the presidency of the European Council on 15 May 2003. In 27 out of 48 contributions the members of the Convention stated a difference. In 21 contributions this difference referred to the difference between big and small states.

⁷⁰ The European Convention, Draft Part I of the Constitution, Title IV. The Secretariat, Brussels 22 April 2003. I want to thank Michael Stabenow for giving me a copy of this document.

⁷¹ M. Stabenow, 'Giscard Überraschungen' in *Frankfurter Allgemeine Zeitung* of 24 April 2003.

⁷² The draft text for the session on 15 May 2003 was: CONV 691/03.

⁷³ European Convention, Plenary session, 15 May 2003, Video No. 47, Archive, University of Hamburg, protocol, 26.

Table 8. Participation in the Convention Debate on the Presidency of the European Council, Plenary Session, 15 May 2003

Source of contribution	Number
European Parliament	14
European Commission	1
National Parliaments—Member States	15
National Parliaments—Accession States	5
Governments—Member States	9
Governments—Accession States	4
Total number of contributions	48
Women	8 (17%)
Representatives of Accession States	8 (17%)

Table 9. Interaction in the Convention Debate on the Presidency of the European Council, Plenary Session, 15 May 2003

Type of interaction	Number
References by Convention members to one another—total number	39*
References to another Convention member by name	14
References to 'many members' of the Convention	6
References taking up the argument of another member at length	19

Note: *Out of a total number of 48 contributions.

In the case of the presidency of the European Council, the dominance of parliamentary representatives in the debate, the interactive structure of the discussion, and dealing with difference of interests to a large degree by arguing (Table 10) did not influence the output of the decision-making process to a large extent. Though a majority of Convention members were against a permanent president of the European Council, in the end the Convention decided to propose such a permanent position in the draft text of the Constitutional Treaty.

Whether a general shift from arguing to bargaining occurred towards the end of the Convention's work still needs to be examined.⁷⁴ The influence of the praesidium and the governments of large Member States in the question of the presidency of the European Council was the result of time pressure towards the end of the Convention and the fact that everybody realised that the Intergovernmental Conferences would be taking the final decision. Not surprisingly, bargaining was more important in fields where there was a difference of interests than in areas where difference of ideas was at stake.

But even on the subject of the president of the Council, argument in the decision-making process was not without consequences for the results of the Convention's work.

⁷⁴ C. O. Meyer, 'Konstitutionalisierung ohne Öffentlichkeit? Die Konventsmethode als Testfall deliberativen Regierens', in U. Liebert, J. Falke, K. Packham and D. Allnoch, (eds), *Verfassungsexperiment. Europa auf dem Weg zur transnationalen Demokratie?* (LIT Verlag, 2003), p. 246.

Table 10. Communication on difference in the Convention Debate on the Presidency of the European Council, Plenary Session, 15 May 2003

Type of communication	Number
Stating a difference	27*
Stating a difference between large and small states	21
Stating a difference between a supranational and an intergovernmental EU	6
Dealing with difference by the way of arguing	19
Dealing with difference by the way of bargaining	8

Note: *Out of a total number of 48 contributions. Among the 48 contributions there were ten contributions concerning the time-table of the Convention in which difference did not play a central role.

The far-reaching criticism expressed by Convention members in plenary debate obliged the praesidium to review the text. Roughly one week after the plenary debate on institutions, on 24 May 2003, the praesidium submitted a revised draft of Part I of the Constitutional Treaty to members of the Convention. The draft omitted the articles on institutions. According to the praesidium, the many amendments and different opinions advanced by members of the Convention required more time for reflection.⁷⁵

The praesidium took the difference of interests concerning institutions seriously. The first draft of the article⁷⁶ on the president of the European Council discussed by the Convention in plenary session on 15 May 2003 differs in wording from that finally included in the Convention draft. The first draft provides for a European Council option omitted from the final Article I-21 of the draft constitutional treaty to decide by consensus on establishing a presidency consisting of three members of the Council.⁷⁷ And the final draft of Article I-21 contains a passage not included in the first draft submitted to the plenary Convention by the praesidium. This passage deals with the competencies of the president of the European Council, providing for the president to cooperate with the president of the Commission and with the General Affairs Council in preparing the European Council (Article I-21). This passage was included neither in the draft submitted to members of the Convention by the praesidium on 2 June 2003⁷⁸ nor in the draft of 10 June 2003.⁷⁹ It was inserted only at the very last moment of the Convention's work.

On 12 June 2003, one day before passing the first and second parts of the Convention draft, the praesidium submitted a new version of the article on the president of the European Council to members of the Convention. It now stated: 'The President of the European Council shall ensure its proper preparation and continuity in co-operation with the President of the Commission, and on the basis of the work of the General Affairs Council'.⁸⁰ The praesidium of the Convention added this sentence at the last

⁷⁵ CONV 724/03 of 24 May 2003.

⁷⁶ CONV 691/03 of 23 April 2003.

⁷⁷ CONV 691/03 of 23 April 2003, Art 16(a), para 3.

⁷⁸ CONV 770/03 of 2 June 2003.

⁷⁹ CONV 797/03 of 10 June 2003 Art. I-21.

⁸⁰ CONV 811/03 of 12 June 2003 Art. I-21 and CONV 797/1/03 of 12 June 2003 Art I-21.

moment after consultation with components of the Convention and 'in consideration of their review-proposals'.⁸¹

It is a solution that can be traced back to a proposal made by the Benelux countries in the plenary debate of 15 May 2003. Jacques Santer from the Luxembourg government, speaking on behalf of the Benelux countries, put forward the idea that meetings of the European Council should be chaired by the president of the Council and prepared and coordinated by the General Affairs Council. And, in the Benelux concept, the president of the General Affairs Council would be the president of the Commission.⁸² Thus, continuity and coherence of European politics would be guaranteed.⁸³ Jacques Santer received loud applause and the Benelux proposal was taken up by other members in the debate.⁸⁴

The plenary debate on the president of the European Council was not without influence on the final outcome of the Convention's work. In the end, the governments of the large Member States France, Great Britain, Italy, Spain, and Germany were influential enough to direct the decision-making of the Convention towards accepting a President of the European Council elected for a term of two and a half years (Article I-21) Draft Treaty Establishing a Constitution for Europe).⁸⁵ On the question of a permanent president of the Council, the praesidium of the Convention and the large Member States had their way.

But even in this case, argument demonstrably played a role until the very end of the Convention's work. And it was no minor change included by the praesidium because of criticism from Convention members. Moreover, public debate in plenary session made the decision-making process more transparent. It became clear that the decision to have a permanent president of the European Council was taken against the manifest views of a large number of Convention members. And the transparency of the Convention's work proved to be favourable for the media coverage of European constitution making. The Convention being a 'strong public', in which opinion formation and decision-making took place, was able to foster general publics like the media.⁸⁶ If average media coverage per month from the beginning of the Convention until July 2003 is taken into account, it is not surprising that the media paid so little attention.⁸⁷ But coverage of the Convention was extensive whenever events occurred that were apt to attract media interest. When the Convention started work at the end of February 2002, when the first draft was published on the 28 October 2002, or when the heads of state and government failed to sign the Constitutional Treaty in December 2003, the media reported intensively on developments.⁸⁸

What about the problem-solving capacity of the article in the Convention's draft on the president of the European Council? On the one hand, a president elected by a

qualified majority of the European Council for a term of two and a half years could lead to more efficiency in the Council. On the other hand this solution is deficient in recognising the equal value of difference.⁸⁹ The danger of a hierarchy between Member States and their quite different chances to delegate the president is imminent. This result can be explained by the way in which difference of interests has been dealt with during the decision-making process in the Convention. Bargaining power of large Member States has been more important for dealing with difference than arguing.

IV Conclusion

What follows from my empirical research for the analysis of the role of difference in European constitutional politics? Both case studies have shown that differences have played an important role in the work of the Convention. In the three plenary debates that have been investigated difference of ideas or difference of interests have been mentioned in more than half of the contributions (Tables 4, 7, and 10). It could also be shown that the Convention has been an institutional setting⁹⁰ in which it was possible for members to take difference of ideas and interests seriously and to have debates with a high interactive level (Tables 3, 6, and 9).

There were deficits in the democratic and communicative way of dealing with differences. Members of the Convention did not participate upon a fully equal footing. Representatives of Accession States have been under-represented in the debates on parliaments and have been even less active in the debate on the Council presidency (Tables 2, 5, and 8). The degree to which differences were dealt with in a communicative way was higher in the first than in the second case. But the empirical findings give evidence that members of the Convention practised democratic communication on difference and thereby contributed to the success of the Convention's work. From these findings I want to draw some normative conclusions.

If, under the conditions in the Convention, differences could be a positive potential for European constitution making, the types of structural difference in Europe and the many concrete differences would be in principle no obstacle to the adoption of a European constitution.⁹¹ Multiple *demoi* could be an adequate basis for a European constitution emerging in the long term from a constitutional treaty. Weiler finds a 'remarkable expression' of constitutional tolerance in the political organisation of the European Union. This principle of constitutional tolerance means that citizens accept to be bound by a community composed of different peoples.⁹² Why should it not be possible to codify this principle of tolerance in a formal constitution?⁹³

⁸¹ CONV 811/03 of 12 June 2003, I.

⁸² European Convention, CONTRIB 320, CV 732/03 of 8 May 2003, Arts 16 and 18. Compare the contribution of Jacques Santer in the plenary session, 15 May 2003, protocol, 19 and Video No. 47, Archive, University of Hamburg.

⁸³ Jacques Santer, European Convention, Plenary session, 15 May 2003, protocol, 19.

⁸⁴ E.g. A. van Lancker, European Convention, Plenary session, 15 May 2003, protocol, 29.

⁸⁵ M. Stabenow, 'Lehrstunde europäischer Realpolitik' in *Frankfurter Allgemeine Zeitung* of 9 May 2003.

⁸⁶ E. O. Eriksen and J. E. Fossum, 'Democracy through strong publics in the European Union?', (2002) 40 *Journal of Common Market Studies* pp. 405, 420.

⁸⁷ Meyer, *op. cit.* note 74 *supra*, p. 248.

⁸⁸ C. Landfried, 'Das Entstehen einer europäischen Öffentlichkeit', in C. Franzius and U. K. Preuß (eds), *Europäische Öffentlichkeit* (Nomos, 2004), pp. 123-137.

⁸⁹ I thank Dimitris Th. Tsatsos for pointing to the deficits of the Convention's solution with regard to the equal value of difference during a seminar of the 'Institut für Europäische Verfassungswissenschaften' in Hagen on 18 April 2005.

⁹⁰ J. Elster, 'Deliberation and Constitution Making', in J. Elster (ed.), *Deliberative Democracy* (Cambridge University Press, 1998), pp. 97-122, analyses the 'deliberative setting as an institutional structure' in constituent assemblies.

⁹¹ J. E. Fossum, 'Still a Union of deep diversity? The Convention and the Constitution for Europe', Eriksen, Fossum and Menéndez, *op. cit.* note 29 *supra*, p. 227. According to my argument 'deep diversity' and 'constitutional patriotism' would be no contradiction.

⁹² J. H. H. Weiler, 'A Constitution for Europe? Some Hard Choices', (2002) 40 *Journal of Common Market Studies* 568.

⁹³ *Ibid.*: 'Is it possible to adopt a formal constitution which would codify the principle of constitutional tolerance? I fear not', p. 569.

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Difference as a Potential for European Constitution Making

The democratic organisation of difference and the recognition of 'others' as being different and equal at the same time⁹⁴ are precisely the tasks of a European constitutional treaty. A European constitutional treaty can be conceived as a system for accommodating difference.⁹⁵ The pattern of accommodation should be the democratic organisation of difference.⁹⁶

A constitutional treaty that is qualified to serve as the basis for the democratic organisation of difference in European governance is also best suited for a discourse with other constitutional sites. Relations between state and post-state constitutional sites lead to an 'increasing significance of the relational dimension generally within the post-Westphalian order'.⁹⁷ Walker calls our attention to the dangers and chances of this development. On the one hand, the growing relational dimension between constitutional sites could lead to a refusal of dialogue and to fundamentalism. On the other hand 'it may free up debate, encouraging greater resort to the ample tool-kit of state-constitutionalism, more active cross-fertilisation of ideas between sites'.⁹⁸ Once again, the positive potential of difference can be unfolded best if participation, interaction, and communication are made possible.

In order to learn more about the impact of difference on European constitution making we will have to study in more detail the role of difference inside the Convention and especially outside the Convention. We have to find out why the negative potential of difference came to the fore during some of the ratification processes of the Constitutional Treaty in Member States. The interest of this research is to increase our knowledge about the conditions under which it is possible to reduce the negative and to activate the positive potential of difference for European constitution making.⁹⁹

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⁹⁴ Beck and Grande, *op. cit.* note 5 *supra*, p. 27.

⁹⁵ J. Tully, *Strange Multiplicity. Constitutionalism in an age of diversity* (Cambridge University Press, 1995): 'a contemporary constitution can recognise cultural diversity if it is conceived as a form of accommodation of cultural diversity', p. 184.

⁹⁶ This corresponds to Göle's interpretation of the European Union as a political project that establishes a democratic frame for a new definition of commonality and difference. N. Göle, 'Europa—ein gemeinsamer Traum?', *Neue Zürcher Zeitung* of 26/27 November 2005, p. 28.

⁹⁷ N. Walker, 'The Idea of Constitutional Pluralism', (2002) 65 *Modern Law Review* 355.

⁹⁸ *Ibid.*, p. 358.

⁹⁹ For a similar approach with regard to the enlarged EU, see J. Zielonka, *Europe as Empire. The Nature of the Enlarged European Union* (Oxford University Press, 2006, ch. 3).