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Achievements of Non-State Actors at Diplomacy: A Lesson from ECOWAS

Umar Babani MASHIO1

Prof. Nurettin CAN2

Abstract

Diplomacy has existed since the time when States, empires or other centres of power dealt with each other on an official basis. There are various types of diplomacy but in this context of multilateral diplomacy in the setting of international organisations started to gain importance after the First World War and especially following the Second World War. The global call for regionalism especially in under developed regions and the example and model of the European Union, which started as European Coal community and transformed into what it is today and has made regional organizations like Economic Community of West African States (ECOWAS) become an important non-state actor in the sub-region and the continent at large. The performance of these importance roles and coupled with substantial level of successes it has achieved, has made more prominent diplomatically in the region. ECOWAS has achieved substantially in the area of ensuring peace and stability in the region especially by preventing and resolving conflicts, free economic and diplomatic movement in the region. Typical examples are the cases of Liberia, Sierra Leone, Ivory Coast, Mali and the Gambia. In the second half of the last century, the number of sovereign States in Africa grew very fast, in particular in the wake of decolonisation, and with this the complexity of relations between them. This paper looked into the challenges and focused on the achievements of non-state actors in diplomacy particularly the ECOWAS. The method adopted in the research is qualitative using systems theory as the theory of operation.

Keywords: non-state actors, diplomacy, ECOWAS, peace, conflict, multilateral

1. Introduction

Diplomacy has existed since states, empires and other legally organised human groups began interacting with each other. Numerous diplomatic archival materials have been found in Egypt

¹ Nile University of Nigeria, ubmashio@nileuniversity.edu.ng

² Nile University of Nigeria, ncan@nileuniversity.edu.ng.

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dating back to the 13th century BC. Permanent diplomatic missions, that is, representations set up by one country in the territory of another, date back to the Renaissance in the 15th century.

Multilateral diplomacy in the context of international organisations started to gain importance after the First World War, and became even more so following the Second World War. In the second half of the last century the number of sovereign States in the world grew very fast, in particular in the wake of decolonisation, and with this the complexity of relations between them. In addition, the number and diversity of tasks taken on by the international community have increased at an exponential rate. Switzerland became a member of the League of Nations in 1920. However, it only joined the United Nations (UN), created to replace the League of Nations, in 2002, although it had already been a member of the specialised agencies, functional commissions and other bodies of the UN System for a long time. In 1963, Switzerland became a member of the Council of Europe. Geneva, which was home to the League of Nations and the International Committee of the Red Cross, also became the seat of the European headquarters of the United Nations at the close of the Second World War, and has since established itself as a centre of international cooperation (Kegley and Wittkoph, 1995:110-122).

Diplomatic relations are themselves the object of a series of international conventions. At the Vienna Congress in 1815, the first attempt was made to codify diplomatic law at the international level. The rules which today apply throughout the world for the conduct of diplomatic affairs between States are set out in the Vienna Convention on Diplomatic Relations of 1961. In 1963, the international community also agreed at a conference in Vienna to a set of common rules on the conduct of consular relations. This body of law governs in particular the protection of individual States' citizens abroad. In addition to legal standards, many unwritten rules, customs and conventions exist that date back to the very early days of diplomacy. Their purpose is not to perpetuate traditions and formalities for their own sake but rather to ensure the smoothest possible communication between States. UN (2004)

Before now, State actors were the major and the only players in international politics, but recently non-state actors are becoming more and more influential and important in the international political arena. Major discussion and issues now centre on non-state actors because of the influence some of them wield and threats others pose to global stability and peace. Given

the inherent political and institutional factors impelling governments and non-state actors, the responsibility to ensure that the views of civilians are reflected in the design and delivery of programmes, and that the needs of affected populations remain at the core of humanitarian action, thus rests with humanitarian organizations. But these organizations cannot deliver on this in isolation: they require adequate donor support (Hoffman, 2016) .

The influence and importance became more pronounced after the end of the Cold War when capitalism became a global order and Multi-National Corporations (MNCs) became profitable. The spread of MNCs resulted into more profit and made developing and poor countries more dependent and exploitable, thereby creating more money for MNCs. (Bhardwaj, A. & Hossain, D. 2001)

There is no doubt that modern diplomacy has acquired a distinctive sub-special from which is well reflected in diplomatic terms such as “dollar diplomacy,” oil diplomacy, resources diplomacy and atomic diplomacy (Lee and Hudson 2004). These new issues which today constitute diplomacy go beyond sometimes rather narrow politico – strategic conception which characterized old diplomacy most especially by the influence of non-state actors.

The West African sub-region is a composition of states who share different colonial powers which has resulted into language (lingua franca) division among them. Majority of these countries are Francophone owing to their colonization by France (Adeola, and Fayomi 2012). After independence, France feared that Nigeria which is the biggest in term of resources and population might dominate over the smaller Francophone countries and thereby reduce or water down the influence of France. This created a discord between Nigeria, France and Francophone countries in the region.

After the Nigerian civil war, the importance of good neighbourliness prompted the creation of Economic Community of West African States (ECOWAS) in 1975 after series of shuttle diplomacy in the sub-region (Sesay and Omotosho 2011). The creation of ECOWAS and subsequent signing of treaties, protocols and conventions transferred parts of the sovereignty of

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member states to ECOWAS and its organs. This research work examines the role of non-state actors on diplomacy, especially looking at the ECOWAS as a study.

2. Literature Review

The theory used in this work is “System Theory” which can be regarded as a useful approach to the study of International Politics. It can be used for an overall view of the relations among state actors and non-state actors alike. It can be used for both macroscopic as well as microscopic studies of regional sub-systems which form parts of the international system. The concept of system can be used for achieving the objective of theory-building in international politics(Waltz, 1979). There are two important structural attributes of a state system, according to Waltz. All state systems, he claimed, are alike in having anarchic rather than hierarchical structures. However, there are also structural differences among anarchic systems as a result of differences in the distribution of power among the constituent states (Waltz 1979). Waltz has virtually nothing to say about that in Theory of International Politics (1979), which is usually taken to be the canonical statement of structural Realism, and what he does say seems to contradict the claim that anarchy is an important part of the explanation of war.

System theory seeks to analyze international relations as a system of interactions, which are interdependent and interrelated. It studies international relations as a system of behaviour of international actors. Each nation acts and reacts in the international environment and its behaviour is characterised by regularities (Kegley and Blanton 2011: 16).

System theory is suitable to this research work because it explains the relationship between diplomacy and non-state actors on one hand and the relationship between state actors and non-state in the international system on the other hand. The collapse of the Soviet Union that signifies the collapse of communism and the emergence of globalization has increase the role and influence of non-state actors in the international system. For example, Multi-National Corporations (MNCs) like Shell, ExxonMobil, Coca Cola, Microsoft and others have influence on state actors and the international system more than ever before because of the huge resources at their behest.

The growing regard for regional integration that has led to the establishment of regional bodies like European Union, African Union, ECOWAS and others that have treaties and protocols that influences behaviour and action of states under their jurisdiction.

Principal actors of the world politics are nation-states, but they are not the only actors. The international system consists of nation-states, international organizations, and private actors. Even though thousands of international organizations were established during the post-World War II era, they were underestimated by students of international relations. The increasing number of international organizations is parallel to the increasing levels of economic, political, social and cultural transactions between individuals, societies and states. As the Cold War ended up with the disappearance of the ideological contest, cultural cleavages and hatreds such as tribalism, religious fanaticism, and hyper national ethnicity have resurfaced (Kegley and Wittkoph, 1995:110-122). Many non-state actors have involved in these conflicts and shaped national, regional, and international policies.

Non-state actors play a major role in foreign policy making of nation-states and significantly influence their foreign policy behaviour. By hiring former bureaucrats and political leaders, non-state actors use personal connections of their employees. Nowadays, non-state actors began to substitute nation-states in many areas (Miyoshi, 1993: 726-751).

It has been some decades since the idea of Non-State Actors made its entrance into the sphere of international law. The role of non-state actors is accepted by most political scientists; including neorealist (Krasner, 1982; 185-205).The idea has been the subject of controversy. According to one definition suggested by Clapham (2004): “The concept of non-state actors is generally understood as including any entity that is not actually a state, often used to refer to armed groups, terrorists, civil society, religious groups or corporations”.

More broadly, Article 6 of the Cotonou Agreement (2000) states: “The actors of cooperation will include: a: State (local, national and regional), b: Non-State: - Private Sector; - Economic and social partners, including trade union organizations; - Civil society in all its forms according to national characteristics”.

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Neoliberals accept the state-dominated view of realists; nevertheless, they suggest that international institutions are also part of the world system and effective in international politics. In this regard, Lapid argues that “the gap between the ‘nation-state’ ideal and political reality seems to be actually growing rather than narrowing,” since “recent technological, economic, and social developments have posed enormous challenges to the capacity of territorial states to fulfill their traditional functions of security, welfare, and identity” (Lapid, 1994: 23-29). It is impossible to separate public from private, domestic from foreign, and political from economic and social matters; therefore, previously narrow concepts of the political process became problematic. As mentioned by Bennett (1991:253), “if the political process is defined in terms of the authoritative allocation of values, then private actions in economic and social realms, which affect the values available to other actors, are political actions.

Article 6 of the Agreement, offers a succinct definition of “non-state” actors: a wide range of development actors, other than governments, which participate in the process of cooperation between European Union (EU) and the ACP are included in the category of “Non-state” actors: private sector, economic and trade unions, social organizations, civil society in all its diversity and in accordance with national features.

The definition leaves room for all categories of Non-state Actors (NSA), such as: private sector, human rights associations, Non-Governmental Organisations (NGO), religious organizations, trade associations, research institutes and universities, media, etc. Also, in this definition are included the informal working groups such as informal private sector associations, etc.

Referring to the dangers that Non-State Actor’s may pose in the context of war, the UN Security Council has resolved that, the states are required to refrain from providing any goods, services to or supporting Non-State Actors which develop, obtain, construct or transfer or use chemical weapons (UN, 2004).

In the report of the National Intelligence Council, created in 2007, “non-state” actors are defined as "non-sovereign entities that exert significant influence on the economic, political, social, both national as well as internationally”.

Mâşu (et al.) (2009:30) considered "liberal revolution actors" who have translated into facts, figures and theories advanced liberal capitalism but all they have dynamited the system, the excess of freedom, exhausting the capacity of self and entering the area lack control, preferred land crisis. Higgott, Underhill and Beiler (2000) define "non-state" actors, in conditions of globalization, as "change agents", influential, with operations in many areas of international relations.

Non-State Actors do not possess official or government authorities and powers and do not have institutional and financial relationships with states. As such they have not generally been recognized as traditional objects of international law but, instead, as potentially new subjects of it:

Non-State Actors are subject or persons of international law. The conception of Non-State Actors as an object of international law does, however, not sufficiently explain its present-day position in the international law... In the other words, power and influence of Non-State Actors in many cases goes far beyond that of entities to which international law has traditionally accorded to object-states.

Nowadays international law reaches beyond nations, many acts such as certain criminal acts, trade, finance, commercial relationships, environmental issues, human rights and more. Now international law directly touches many individuals.

Higgott, Underhill and Bieler (2000) identify two main categories of "non-state" actors: the first category consists of private sector corporate actors, they, in their turn, are divided into transnational and multinational companies. The second category includes non-governmental organizations which play an important role at international level, in part because the use of new technologies, including Internet. Lavinia Florea (2006) classified the other way "non-state" actors - state, namely:

- i. International organizations: International Monetary Fund, World Bank, Organization for Economic Cooperation and Development,

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- ii. Regional organizations: Association of South East Asian Nations (ASEAN), North American Free Trade Agreement (NAFTA), ECOWAS, etc.;
- iii. Multi-National Companies (MNC),
- iv. Other actors: NGOs, unions, individuals.

However, these actors present both "non-state" elements as well as influences of the state. Mășu (et al.) (2009:30) identify the following actors: Federal Reserve Bank of United States, European Central Bank, other central banks, investment banks, stock exchanges, the sovereign funds, investment funds, scoring agencies, other actors. From this list are missing two important categories of non-state actors: multinational companies and NGOs.

Analyzing classifications from literature must emphasize that there are two major categories of "non-state" actors with impact on the global economy, respectively multinational companies and NGOs, besides them we can talk about other performing actors.

3. Positive and Negative Role of Non-State Actors

In reality Non-State Actors have positive as well as negative functions. In contemporary international relations, Non-State Actors such as human rights advocacy organizations perform important positive functions ranging from human rights education to the enforcement and monitoring of human rights standards. Perhaps the most significant role of such Non-State Actors as contended by Bernstorff (2007) is that they have played an effective role in the international norm making process like their participation in the preparation of the Draft on the UN Convention on the Rights of Persons with Disabilities. Sometimes, specialized Non-State Actors in the human rights arena may influence international norm making by participating in consultations on specialist legal matters. They may also act as lobbyists (2009). Another particularly important area of activity as observed by Raustiala (2010: 7-29) is that of international norm making in the international environmental area. Even if not directly participating in processes of norm formation, NSAs may still have an impact through the dissemination of information to the public which promote public awareness and transparency.

Furthermore, the supervisory function of Non-State Actors cannot be overlooked. This role of Non-State Actors has two aspects: one is their role in supervising the implementation of

international norms and standards within their own area, and the other is their role in monitoring states conduct in the light of international conventions (Hutter 2006). They may, for example, use the media to reveal the state violation of international legal norms, or they may report abuse of powers to relevant monitoring bodies in the domestic system or to relevant international supervisory bodies such as those in the UN human rights arena.

4. ECOWAS as a Non-state Actor

Since the creation of ECOWAS in 1975, it has steadily play important role as a non-state actor in the community especially in strengthening diplomatic ties both at bilateral and multilateral levels, using diplomacy to prevent and resolve conflicts and using diplomacy to promoting peace and stability in the sub-region (Bossuyt 2016:5).

The global call for regionalism especially in under developed regions and the example and model of the European Union has made regional organizations like ECOWAS become an important non-state actor in the sub-region and the continent at large. In fact, the successes and achievements of European Union has made ECOWAS to strive to do more and copy the European Union model (Tavares 2009:52). The performance of these importance roles and coupled with substantial level of successes it has achieved has made more prominent diplomatically in the region. The role it played by using political and military diplomacy to restore peace and stability in Liberia, Sierra Leone, Guinea and The Gambia has received accolades within and outside the continent and also made a model to others in the continent (Bamfo 2013:12-23).

The creation of Economic Community of West African States Monitoring Group (ECOMOG) in 1990 to help in enforcing peace in Liberia and subsequent participation of ECOMOG in restoring peace and stability to other conflict zones in the region has made ECOMOG a formidable organ of ECOWAS and ECOWAS a formidable non-state actor in the sub-region (Tuck 2000:3-11). The introduction of ECOWAS passport is another way of strengthening ECOWAS as a non-state actor. The passport allows free movement of national throughout the sub-region and it is equally recognized worldwide an acceptable travel document (Gagnon and Khoudour-Castéras 2012:37),

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The moves channelled towards a common central bank and currency if actualized will further strengthen ECOWAS and diplomatic relations between member states. In a similar view the introduction of ECOWAS parliament and especially ECOWAS court has watered down the sovereignty of member states. This is because they have to obey and abide by the decision of the court and compel compliance. Lots of nationals have approached the court since its creation for adjudication on matters involving them and their government. The court has made ECOWAS a prominent and important non-state actor. ECOWAS adopted in 1999 an innovative protocol: the 'Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security' to be complemented in 2001 by the above mentioned protocol on 'Democracy and Good Governance'. Both protocols conferred a clear (and quite unique) mandate to the regional organisation to be a guarantor of peace and a guardian of the effective application of democracy and human rights norms in a region with a relatively large number of fragile states (Bossuyt 2016:5).

Despite the challenges facing the community, it has continued to grow in prominence as a non-state actor by using diplomacy to strengthen and ensure peace, stability, development and economic prosperity in the region. In fact, it has helped through diplomacy both at bilateral and multilateral levels to reduce wrangling between Anglophone and Francophone countries (Earl Conteh-Morgan 1993:36-39)

States and non-state actors form broad differing categories, yet defining non-state actors mainly by their independence from states and state authority would be misleading. Both in domestic and international politics, the theoretical purity of these differing ideal types gets blurred by the complexities of practice. Business networks are known to have links with governments, from funding to participation in government processes. In practice therefore, it is sometimes difficult to single out activities that are exclusively state concerns without non-state actor participation and vice-versa. If the state is providing general direction and control, or policy direction, the private sector on the other hand may be actively involved in implementation; or the state and the private sector may be partners right from policy formulation to implementation.

5. Challenges of ECOWAS

Despite the successes of ECOWAS especially in ensuring stability and security in the West African region, easing access to free movement of persons and goods among others. The regional body is faced with myriad of challenges that are militating ECOWAS from delivering on its objectives in the region (Sunday O. and Mesfin G. 2016). Major among them are as follows:

One of the major challenges of the regional body is the lack of political commitment, which revolves around incompetent leadership among respective West African States. Many members of the community hardly pay their statutory contribution financial contributions to the body (Alli 2012:7). This has seriously hampered the body ability to pursue political and economic programmes with the needed zeal. The increase in the level of awareness for sub-regional integration according to Aloa et al (2012:79) was a bold attempt to stimulate the kind of homogeneous society which once existed. The Economic Community of West African States' (ECOWAS) Trade Liberalization Scheme (ETLS) was designed to progressively establish a customs union among member states over a 15-year period from January 1990 when the scheme took effect. The goal was to ensure free movement of transport, goods and persons within ECOWAS, including the removal of all tariff and non-tariff barriers to trade. The groups of goods covered under ETLS are: unprocessed goods (i.e., agricultural products), handcrafts and industrial goods produced within the ECOWAS region (Aloa et al, 2012:81).

There is equally external interference in the political and other diplomatic deliberations and negotiations in the region. Most times such interference comes from France through their erstwhile-colonized states (Francophone states) who are the majority in the regional body. It is believed that Nigeria will control and dominate the small and poor Francophone states. This notion has influenced France relations with Francophone states and Nigeria (Le Vine, 2006).

More so, there is a general fear and suspicion of domination by small and poor states towards rich and big states like Nigeria, Senegal and Ghana. This has made cooperation and diplomacy rather difficult among member states (Afolabi 2009:24-30).

Another challenge is related to constructive sovereignty. In any international cooperation arrangements and especially in regional integration groupings, member states have to surrender a

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measure of their national sovereignty. In ECOWAS, treaties, protocols and conventions have to be ratified by member states before they enter definitively into force. It has been an uphill task getting to legal instruments ratified by member states (Hartmann 2013:9).

Though primarily an economic union, ECOWAS was forced to step into the security realm in order to address wars and conflicts and avoid the regionalisation of domestic wars (Levitt 1998). By the mid-1980s, several member states realised that the mechanisms focused on protecting the national sovereignty were not adequate to deal with cross-security challenges “grossly inadequate to meet the challenges of an increasingly interdependent region in which ripples of refugee flows, disrupted infrastructure, the proliferation of weapons and the export of violence, were felt far beyond national borders” (Musah, 2011:153).

6. Achievements of ECOWAS

The regional body since its creation in 1975 has achieved substantial successes in important areas. Cotonou Agreement (2000). The body has been proactive in ensuring stability, preventing conflicts and resolving conflicts in the West African sub region over the years, these efforts have been acknowledged by global powers like the United States and global and regional unions like United Nations, African Union and the European Union (Bamfo 2013:12-23). Major among these achievements are as follows:

ECOWAS has achieved substantially in the area of ensuring peace and stability in the region especially by preventing and resolving conflicts in the region (Eze 2017:17). Typical examples are the cases of Liberia, Sierra Leone, Ivory Coast, Mali and the Gambia (Kabia 2009:181-224). ECOWAS has also achieved some infrastructure developments within the sub-region. In the last two decades, road transport sector enjoyed major growth. New roads have been constructed linking member states (Akpan 2014:64-76). Some of these roads include among others- trans-coastal highway from Lagos-Nouakchott which is up to 4,767km and run through Nigeria, Benin, Togo, Ghana, Ivory Coast, Sierra Leone, Guinea Bissau, Senegal and Mauritania. The trans-Sahara highway from Dakar-Ndjamena which covers up to 4,630km and runs through Senegal, Mali, Burkina Faso, Niger, Nigeria and Chad.

The creation of the Economic Community of West African States Monitoring Group (ECOMOG) is a West African multi-lateral armed force established by the ECOWAS in 1990 remained one of the major achievements of ECOWAS in peace and security (Khobe, 2000:103-121). ECOMOG is a formal arrangement for separate armies to work together in the region. It is largely supported by personnel and resources of the Nigerian Armed Forces with sub-battalion strength units contributed by other ECOWAS members including Guinea, Sierra Leone, The Gambia, Liberia, Burkina Faso, Mali, Niger and others. ECOMOG has intervened in several states in the region since its creation in 1990 like in Liberia, Sierra Leone and Mali (Kabia 2009:181-224). ECOWAS deciding to use ECOMOG was backed by the OAU, which strongly condemned the Sierra Leone's military coup. The Security Council also supported ECOWAS's action as well as the embargo, naval blockade, and Nigerian troops occupying the country's major airport. Under traditional legal analysis, however, such interventions might have lacked legal justification (Karsten and Schbacker, 1998). By intervening in Sierra Leone, ECOWAS showed it could legitimately and efficaciously mediate and arbitrate in matters outside traditional economic integration (Doktori, 2008:329-352).

The approval of a common passport for the region is also another landmark achievement in the history of the community (Gagnon and Khoudour-Castéras 2012:37). The passport is accepted by member states and other countries of the world as a valid travel document. This has helped easy movement of persons and goods within the region. Plan is also in place to create a common central bank and currency for the region (Masson 2008:533-547).

More so, the regional body has successfully established a protocol as early as 1979 that allows the free movement of its 340 million citizens across the sub-region (Adepoju 2008:49). The legendary women traders of West Africa have taken advantage and acted as motors of regional integration, while 68% of West Africa's international migrants remain in the sub-region, enjoying one of the world's most impressive mobility rates.

7. Conclusion

States all over the world are in the process of outsourcing their activities to non-state actors, and in the process, they are losing aspects of their power. As a result, states are legitimating non-state

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actors in international relations by empowering them, and at the same time transforming the role that states perform. While the existence of non-state actors is evident throughout history, what has changed are the opportunities that exist for non-state actors as a result of the widening and deepening integration often referred to as globalization. This has allowed states to evade political and legal constraints by outsourcing their activities to non-state actors that do not face such constraints on their actions.

The West African region immediately after independence made little or no efforts at strengthening diplomatic relations both at bilateral and multilateral levels because of fear and suspicion of domination by Nigeria among other issues. This has strained the relationships especially between Anglophone and Francophone states in the sub-region. This continued after independence until the Nigerian civil war when some Francophone states in the sub-region gave support to Biafra. Immediately after the civil war, the experience made the Nigerian government change her diplomatic relations towards her neighbours and the entire sub-region. This eventually led to the formation of ECOWAS in 1975.

The creation of ECOWAS has helped strengthen diplomatic relations among states in the sub-region through the various organs of the community like the Authority of Heads of States, Council of Ministers, ECOWAS court, ECOWAS parliament and ECOWAS commission amongst others. The fast-growing importance of regional integration amidst growing insecurity, insurgency and dependency has made states to outsource their sovereignty to regional organization with the desire to harness a common market towards a common development and prosperity.

The growing influence of globalization has also made non-state actors more prominent and wielding influence over state actors. The prominence of non-state actors has made them an important player in diplomatic relations among state actors. They serve as a unifying force to states with different interests and values but are now together pursuing similar and common interests because of the treaties, conventions and protocols they have entered into through the non-state actor; in this case ECOWAS. The creation of ECOWAS parliament and court further

with away power and sovereignty of states and strengthened ECOWAS diplomatic grip on the sub-region as a non-state actor.

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