

Africa Policy Implementation Impact Lab

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I. Map out RECs decisions and extent of implementation (with particular focus on COMESA and ECOWAS)

a. Mapping COMESA decisions and implementation

COMESA Protocol on the Rules of Origin for Products Between Member States/COMESA Protocol on Rules of Origin consolidated with Annexes 2015: limited implementation, as there's a "complete lack of information about COMESA's purposes and functions, including the existence of the Rules" from most companies and even among some "key government officials who issue and verify Certificates of Origin". Implementation started in 2000 and continues today¹. However, to fully implement the Protocol on Rules of Origin, Member States must implement the 2019 Electronic Certificate of Origin (eCO)². As of June 2020 (latest year available), 15/19 COMESA MS (possibly more³) indicated their readiness to implement it: Burundi, DR Congo, Egypt, Eswatini, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Tunisia, Zambia, Zimbabwe⁴.



¹ <https://www.comesa.int/wp-content/uploads/2020/05/COMESA-in-brief-FINAL- web.pdf>

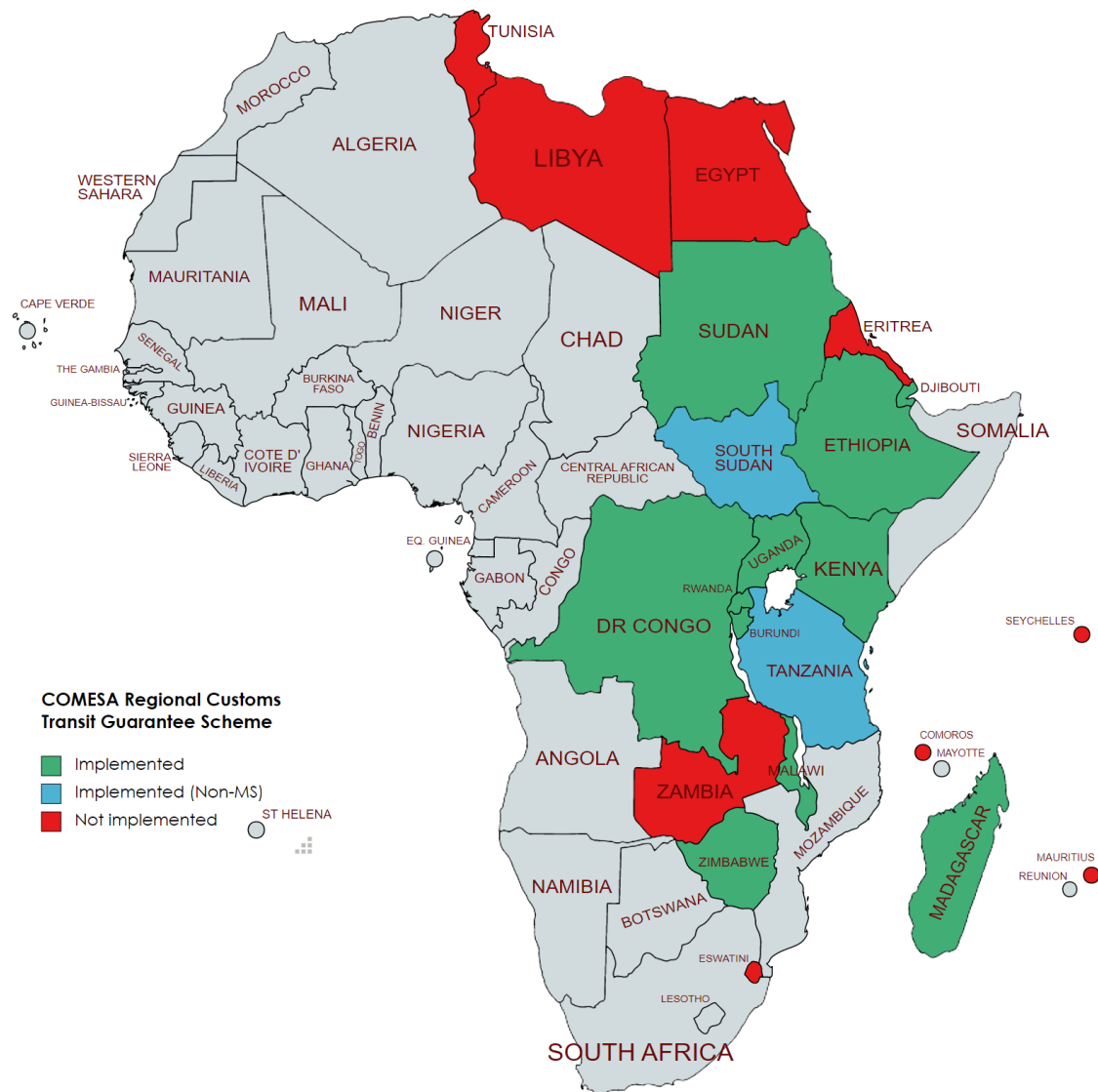
² <https://www.comesa.int/wp-content/uploads/2020/05/COMESA-MTSP-2016-2020.pdf>

³ <https://www.comesa.int/wp-content/uploads/2021/10/COMESA-Annual-Report-2020-English.pdf>

⁴ <https://www.comesa.int/over-10-member-states-ready-to-pilot-the-comesa-electronic-certificate-of-origin/>



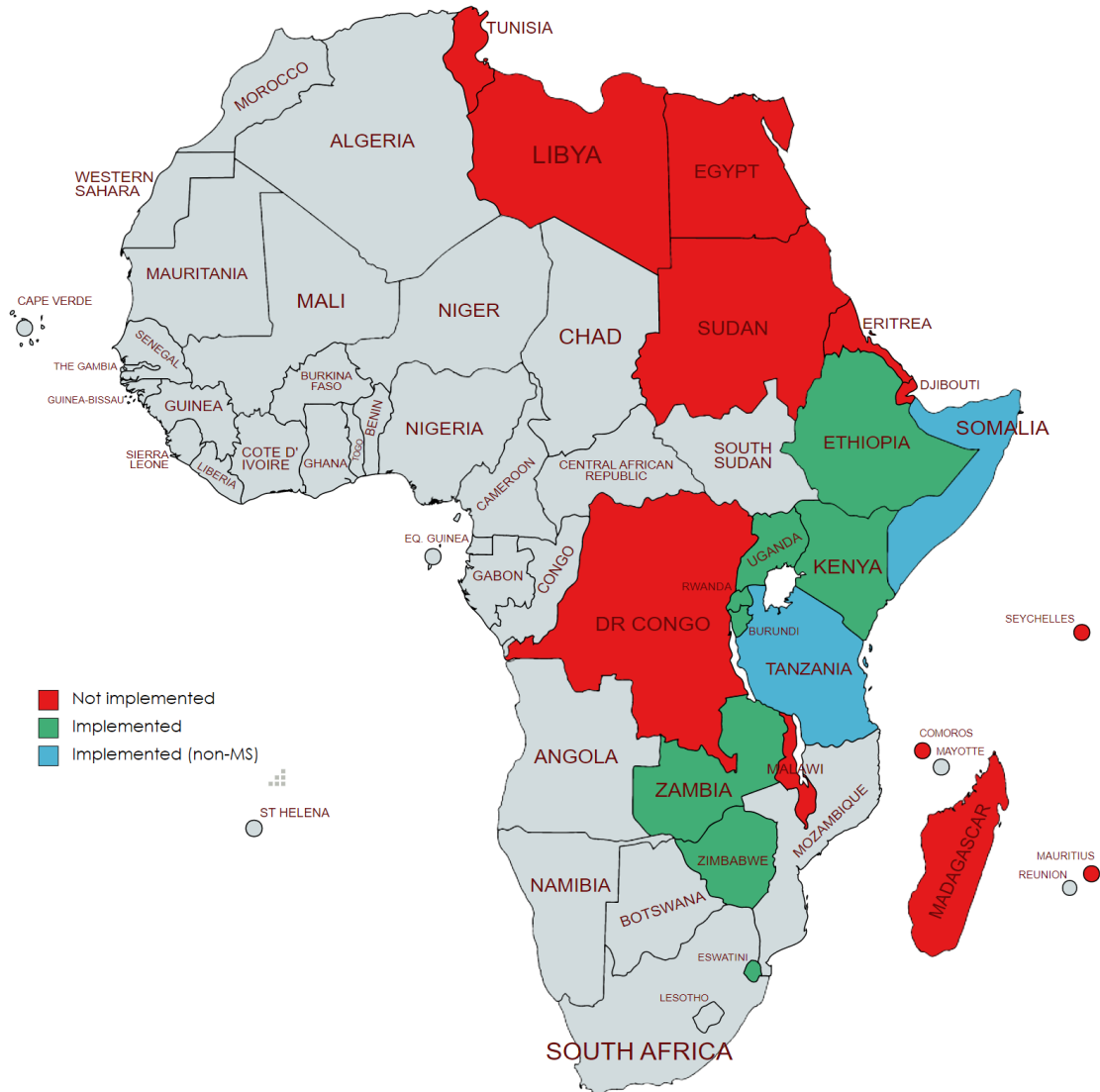
COMESA Protocol on Transit Trade and Transit Facilitation: The Regional Customs Transit Guarantee Scheme is the main component of this protocol. Implemented by 13 COMESA MS and non-MS: Burundi, Djibouti, DR Congo, Ethiopia, Madagascar, Malawi, Kenya, Rwanda, South Sudan, Sudan, Tanzania, Uganda and Zimbabwe. Implementation started in 2012⁵.



⁵ <https://www.comesa.int/wp-content/uploads/2020/05/COMESA-in-brief-FINAL- web.pdf>
<https://www.tralac.org/news/article/14912-comesa-launches-regional-customs-transit-guarantee-scheme-mobile-app.html>



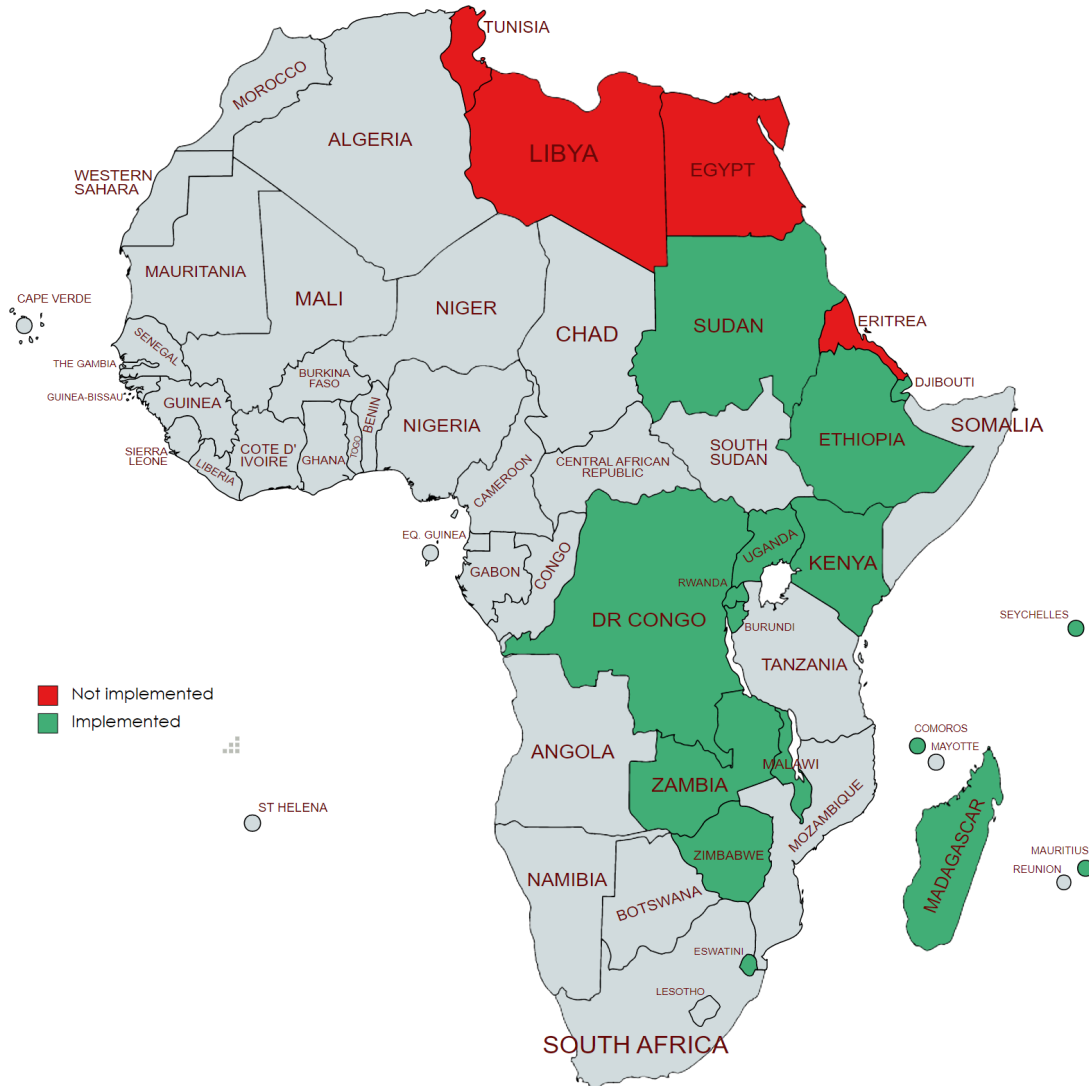
COMESA Protocol on the Establishment of the Third-Party Motor Vehicle Insurance: Implemented by 10/19 COMESA MS and non-MS: Burundi, Ethiopia, Kenya, Rwanda, Eswatini, Somalia, Tanzania, Uganda, Zambia and Zimbabwe. The COMESA Yellow Card Scheme is the main component of this protocol. It “was implemented and started its operations in the above member States while DR Congo, Malawi, and Tanzania a non-COMESA country joined the scheme later”. Implementation started in 1986⁶.



⁶ <https://www.comesa.int/wp-content/uploads/2020/05/COMESA-in-brief-FINAL- web.pdf>



COMESA Fund Protocol/COMESA Aid for trade: Its 2 main components are the Adjustment Facility (CAF) and the Infrastructure Fund (CIF). Implementation started in 2002⁷. There 16 COMESA MS benefiting from the CAF: Burundi, Comoros, Djibouti, DR Congo, Eswatini, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Uganda, Zambia, Zimbabwe⁸.



⁷ <https://www.comesa.int/wp-content/uploads/2020/05/COMESA-in-brief-FINAL- web.pdf>

⁸ <https://www.comesa.int/wp-content/uploads/2021/10/COMESA-Annual-Report-2020-English.pdf>



b. Mapping ECOWAS decisions and implementation

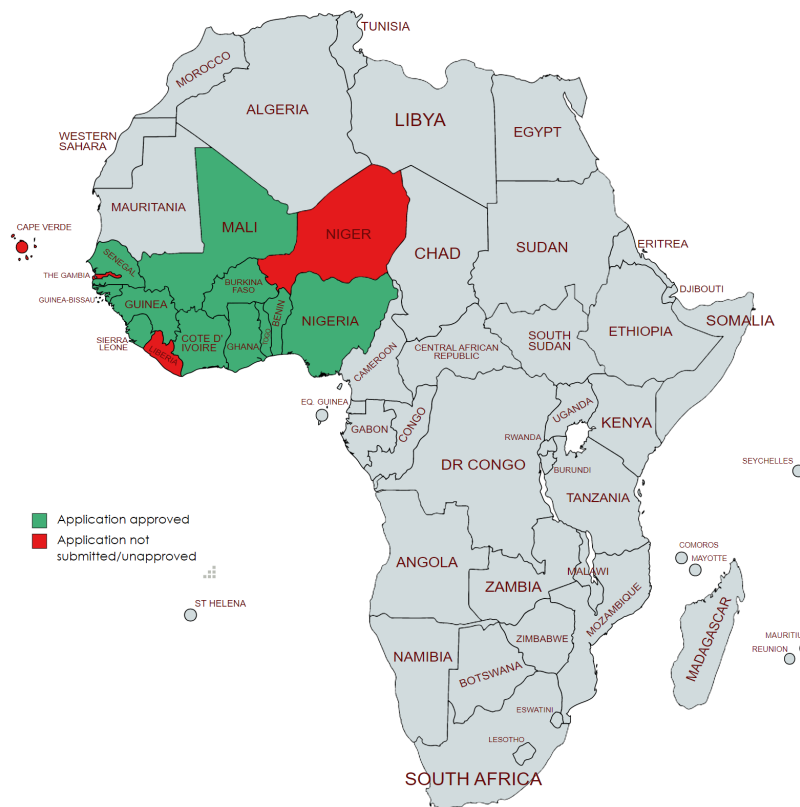
ECOWAS Protocols on the Free Movement of People (1982-2014) in 3 phases: Phase I (right of entry/abolition of visas) has been fully implemented by ECOWAS MS. Phase 2 (right of residence) and Phase 3 (right of Community citizens to establish enterprises) have been slowly, incompletely and unequally implemented by ECOWAS MS¹², as demonstrated in the following table and graph.

Table 1 – Implementation of selected ECOWAS initiatives					
	ECOWAS initiatives ● Implemented ○ Not Yet Implemented				
Country <i>Date of ratification of 1979 Protocol</i>	Abolition of visa and entry requirements for 90-day stay	Introduction of ECOWAS travel certificate	Harmonized immigration and emigration forms	National committee for monitoring free movement of persons and vehicles	ECOWAS Brown Card scheme
Benin <i>4 Jan 1981</i>	●	○	○	●	●
Burkina Faso <i>6 April 1982</i>	●	●	○	●	●
Cape Verde <i>11 June 1984</i>	●	○	○	○	N/A (Island state)
Côte d'Ivoire <i>19 Jan 1981</i>	●	○	○	○	●
The Gambia <i>30 Oct 1980</i>	●	●	○	○	●
Ghana <i>8 April 1980</i>	●	●	○	○	●
Guinea <i>17 Oct 1979</i>	●	●	○	○	●
Guinea Bissau <i>20 Aug 1979</i>	●	○	○	○	●
Liberia <i>1 April 1980</i>	●	○	○	○	○
Mali <i>5 June 1980</i>	●	○	○	●	●
Niger <i>11 Jan 1980</i>	●	●	○	●	●
Nigeria <i>12 Sept 1979</i>	●	●	○	●	●
Senegal <i>24 May 1980</i>	●	○	○	○	●
Sierra Leone <i>15 Sept 1982</i>	●	●	○	○	●
Togo <i>9 Dec 1979</i>	●	○	○	●	●

¹² Bangura, I. (2021). Regional Trade and Security Cooperation: A Case Study of the Economic Community of West African States (ECOWAS). In K. Omeje (Ed.), *The Governance, Security and Development Nexus: Africa Rising*, p. 136. Springer International Publishing. https://doi.org/10.1007/978-3-030-49348-6_7; <https://www.unhcr.org/49e479c811.pdf>



ECOWAS Protocols on Free Movement of Goods (1990-): Created the ECOWAS Trade Liberalisation Scheme (ETLS), seeking to remove tariffs of all kinds in 3 phases: “i. Immediate and full liberalization of trades in unprocessed goods and traditional handicrafts; ii. Phased liberation of trades in industrial products, with the phases reflecting the differences in the levels of development of three categories of ECOWAS member States¹³; iii. Gradual establishment of a Common External Tariff (CET)¹⁴”. ETLS has seen little implementation and was not used much “due to financial shortfalls¹⁵”. An ETLS Task Force was created by the President of the ECOWAS Commission in 2016 to settle disputes on the implementation of ETLS but their findings are not available¹⁶. ETLS “led to the creation, in each Member State, a National Approvals Committee (NAC) responsible for examining applications for approval of products”¹⁷. In 2016, applications were approved under the ETLS by the NAC for 11 ECOWAS MS: Benin, Burkina Faso, Cote d’Ivoire, Ghana, Guinea, Guinea Bissau, Mali, Nigeria, Senegal, Sierra Leone and Togo¹⁸.



¹³ “Category 1 – Cape Verde, Guinea Bissau, The Gambia, Upper Volta, Mali, and Niger. Category 2 – Benin, Guinea, Liberia, Sierra Leone, and Togo. Category 3 – Ivory Coast, Ghana, Nigeria, and Senegal.” See: <https://www.linkedin.com/pulse/trade-liberalisation-west-africa-case-study-ecowas-scheme-olumide-ojo/?articleId=6525838785547104256>

¹⁴ *Ibid.*

¹⁵ Bangura, I. (2021). *Op. cit.*, p. 137.

¹⁶ <https://www.ecowas.int/wp-content/uploads/2017/11/Annual-Report-2016-English-Fina-Final.pdf>

¹⁷ <https://ecotis.projects.ecowas.int/policy-development/common-market-and-custom-union/>

¹⁸ <https://www.ecowas.int/wp-content/uploads/2017/11/Annual-Report-2016-English-Fina-Final.pdf>



ETLS (next):

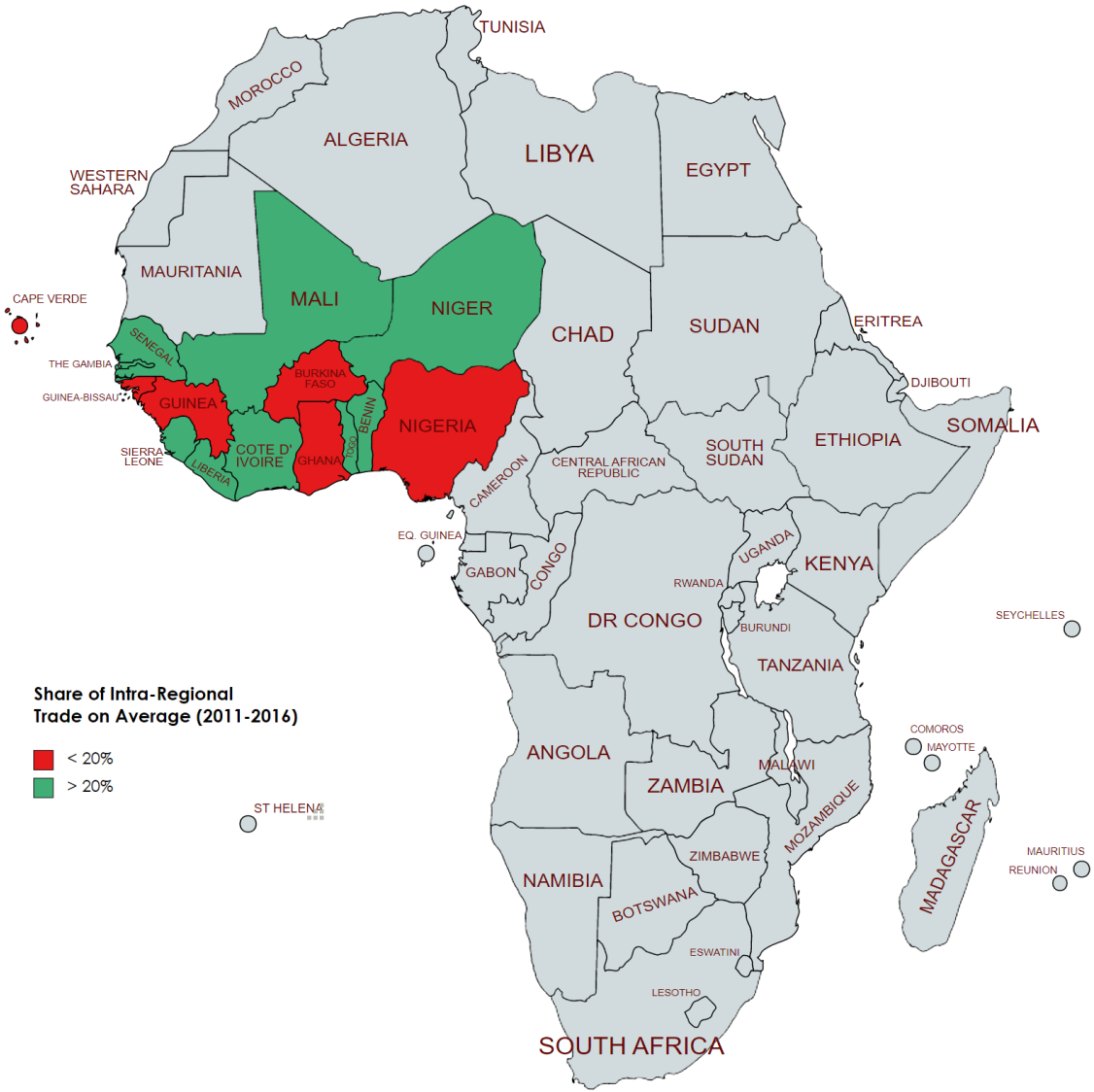
Although the level of intra-ECOWAS trade has generally been low, the trade integration performance has varied among the Member States. Table 1 shows the percentage share of intra-ECOWAS trade in the total trade of the Member States over the period 2011-2016. The high performers are The Gambia, Togo, Liberia, Mali, Senegal, and Cote d'Ivoire, Niger, Sierra-Leone and Benin whose intra-Community trade as a proportion of their total trade was on the average more than 20 percent during this period. At the lower end of the trade integration performance are Cape Verde, Nigeria, Ghana, Guinea, Guinea-Bissau and Burkina Faso whose trade with other Member States as a percentage of total trade on the average amounted to 1.7 percent, 3.4 percent, 9.9 percent, 10.1 percent, 10.5 percent and 17.3 percent respectively over the review period¹⁹.

Table 1: Share of Intra-Regional Trade in the External Trade of ECOWAS Member States (%), 2011-2016.

Member State/Year	2011		2012		2013		2014		2015		2016		Avg
	Exp	Imp	Exp	Imp	Exp	Imp	Exp	Imp	Exp	Imp	Exp	Imp	
Burkina Faso	7.8	25.6	7.6	22.8	11	22.6	17.6	25	13	18.7	13.9	22.3	17.3
Benin	29.5	20.9	28.8	19.9	26.5	16.3	20.2	11.6	22	15.6	20.9	13.2	20.5
Cape Verde	2.2	1.4	0.4	0.8	1.8	0.8	0.3	1.6	3.8	3.4	1.7	1.8	1.7
Cote d'Ivoire	26.4	24.9	29.1	27.3	32	24.6	23.4	23.2	19.7	19.5	25.2	22.6	24.8
Ghana	32.9	9.6	11.4	7.2	8.8	7.8	9.9	3.2	10.5	3.5	10.5	3.4	9.9
Gambia	86.8	26.6	84.3	33	88.8	29.3	84.7	25.9	77.2	33.4	84	29.6	57
Guinea	7.7	4.5	9.2	2.7	3.4	2.3	25.3	2.8	25	6.6	25.2	6.6	10.1
Guinea –Bissau	10.6	15.3	3	11	3.7	13.2	24.6	11.1	5.3	9.8	6.6	11.4	10.5
Liberia	6.7	21.2	28.7	22.4	17	22	55.1	16.8	60.9	13.2	57.6	13.2	27.9
Mali	15.3	41.8	11.7	46.5	13.2	39.5	10.8	38.3	13.5	34.9	13.5	34.9	26.2
Niger	12	14.5	30.5	18.9	41.7	20.3	40.9	17.7	24.4	13.9	34.5	13.9	23.6
Nigeria	2.8	1.2	3.9	0.4	5.3	4.9	4.4	0.6	6.5	3	5.1	2.8	3.4
Sierra Leone	6.2	24.6	1.2	32.7	6.7	34.7	6.5	44.1	32.9	19	11.4	28.3	20.7
Senegal	37	13.5	36	15.6	38.5	13.7	39.1	11.4	37.8	10.8	38.5	13	25.4
Togo	63.1	8.3	55.2	9.4	59.1	10.8	56.4	10.7	56.3	9.6	57.5	10.4	33.9
External trade of ECOWAS: Share of intra-community trade in % of external trade of ECOWAS													
Share of intra-community trade (%)	10	8.8	8	12.2	11.8	13.7	9.8	9.7	13.5	10.7	11.9	11.1	10.9

Source: ECOWAS Commission

¹⁹ https://ghanachamber.org/biat18/images/pdfs/etls_300618.pdf



ECOWAS Common External Tariff (CET): while not a protocol, this important “trade defense measure” was requested in the Revised Treaty of the ECOWAS of 1975, but was implemented in 2013 by 10/15 ECOWAS States²⁰. These countries are Benin, Burkina Faso, Cote d’Ivoire, Mali, Niger, Nigeria, Senegal and Togo, Ghana, Guinea Bissau²¹.



²⁰ Bangura, I. (2021). *Op. cit.*

²¹ https://www.ecowas.int/wp-content/uploads/2017/11/Annual-Report-2016_English-Fina_Final.pdf



c. General policy implementation in RECs²²

Figure 1: RECs implementation status and ambitions

RECs	Date of Establishment	FTA	Customs Union	Common Market	Monetary Union	Political Federation
AMU	1989	Planned (Blue)	Planned (Blue)	Not Planned (White)	Not Planned (White)	Not Planned (White)
CEN-SAD	1998	Planned (Blue)	Planned (Blue)	Not Planned (White)	Not Planned (White)	Not Planned (White)
COMESA	1994	Achieved (Green)	In Progress (Orange)	Planned (Blue)	Planned (Blue)	Not Planned (White)
EAC	2000 ^a	Achieved (Green)	Achieved (Green)	In Progress (Orange)	Planned (Blue)	Planned (Blue)
ECCAS	1983	Planned (Blue)	Planned (Blue)	Not Planned (White)	Not Planned (White)	Not Planned (White)
ECOWAS	1975	Achieved (Green)	In Progress (Orange)	Planned (Blue)	Planned (Blue)	Not Planned (White)
IGAD	1998	Not Planned (White)	Not Planned (White)	Not Planned (White)	Not Planned (White)	Not Planned (White)
SADC	1992	Achieved (Green)	Planned (Blue)	Planned (Blue)	Planned (Blue)	Not Planned (White)

Notes: Achieved (green), in progress (orange), planned (blue), and not planned (white).
^aEAC was first established in 1967, disbanded in 1977 due to internal conflicts among the member countries and reformed in 2000.

Note: Achieved (green), in progress (orange), planned (blue), not planned (white).

Source: AfDB (2014). The blueprint for regional integration is commonly taken from Balassa's seminal book of 1961. This describes five forms of economic integration as represented in Figure 1. Although frequently understood as a linear sequence of deepening integration towards a regional ideal, as Baldwin (2011) points out, these forms of economic integration were never intended to represent an ideal sequence but instead to describe different possible levels of integration. The eight African regions recognised by the African Union have adopted this sequential model, with varying degrees of implementation, as shown in Figure 1.

Figure 2: Country motives for joining a REC (%)



Note: 2014 ACBF survey, where countries could give more than one motive.

Source: ACBF (2014)

II. Identify the political, social, and resource factors hindering the RECs capacity for implementation

a. General hindrances in RECs²³

Political factors

Asymmetries in power: Asymmetries can push implementation, but they can also hinder it by blocking or undermining “efforts at cooperation and integration, or turn these exclusively to their benefits”. Hegemons in Africa include Nigeria in ECOWAS and South Africa in SADC. “Such powerful actors may have more resources or capacities to pursue scenarios that either ignore the preferences and benefits of regional partner countries or, [...] that push collective action”.

Unevenly spread of costs and benefits: “The costs associated with proper preparation, consultation, and coordination of action within states and among states are substantial. Such costs may be unevenly spread among partners, or may even be hard to calculate or agree on”.

Domestic politics: Regional economic integration “involves setting up regional institutions. It often requires that participating countries delegate some parts of their national sovereignty to regional mechanisms or authorities. This entails some loss of national decision-making power, a price that many governments are not prepared to pay. They “may formally commit to ambitious regional agreements for a variety of reasons, including to fortify their position at home, to improve their international image, or to signal pan-African solidarity, rather than a commitment to implement”.

Social factors

Structural features: Colonisation and decolonization “has had a long-lasting impact on [...] political and administrative cultures and institutions, on the management of the artificially drawn borders with a high number of landlocked countries, and prohibitive transport prices and costs”.

Non-state social actors: “Private sector actors (in the financial, telecom, and retail sectors for example), civil society organisations and organised interest groups (ranging from informal traders to regional body of transport associations) set up bottom-up cooperation arrangements and platforms. Such efforts may result in dialogue and bargaining with public authorities”. Also, they can “engage with specialised and multipurpose regional organisations and networks in Africa”.

Resource factors

Other structural factors (e.g., geography, climate, and natural resources): “In the economic sphere, except for minerals, Africa’s global trade is relatively small, with few countries that have transformed their economies structurally, which reduces the potential for intra-regional trade”.

External factors: They “may influence the political incentives at the national level, or raise the stakes for ruling elites to cooperate at a cross-country or regional level”. E.g., global financial crisis, “changes in global trade patterns (demand for natural resources for example)”, etc.

²³ *Ibid.*

b. Hindrances in ECOWAS

*Free movement of goods/ECOWAS Trade Liberalisation Scheme (ETLS)*²⁴

- the persistent fragmentation of trade and monetary policies;
- security problems;
- flaws in the control administrations;
- the refusal of some member states to grant other member states the benefits of [ETLS];
- lack of information for stakeholders on Community provisions on regional trade,
- establishment of tariff and non-tariff barriers that deliberately slow down the movement of goods originating in the region;
- the propensity of some member states to take measures to ban the export of food and cereal products during food crises;
- the increasing number of checkpoints along the corridors.

*Free movement of person*²⁵

- low level of knowledge among community citizens about the ECOWAS protocol;
- economic crisis which occasionally leads to the closure of borders;
- the expulsion of ECOWAS citizens;
- corrupt practices of border officials;
- inadequate lack of domestication.

*Common External Tariff*²⁶

Being competitive: “No matter the amount of protection that is provided to the industrial and manufacturing sectors, we can only achieve sustainable development if these sectors are competitive in the global sense”.

The nature of the physical infrastructure in the ECOWAS region (energy, road, water for industries, telecommunications): “Inadequate infrastructural development in most of our countries has affected industrial growth significantly and pushed the cost of production to very high levels”.

Lack of strategic management skills/best practices: “Businesses [...] maximize profits, compromise on the employment of adequately qualified personnel as well as on human capital development, thereby undermining their ability to compete both domestically and internationally”.

Research and development (R & D): “Most businesses do not see the need to invest in research and development, and so fail to benefit from the industrial and technological advancements, and consequently the competitive urge, that R & D can generate”.

²⁴ <https://newsghana.com.gh/official-inauguration-of-the-second-team-of-the-ecowas-trade-liberalisation-scheme-task-force-etls-tf/>

²⁵ Oshomah. (2019). *An Assessment of The Implementation of ECOWAS Protocol on Free Movement of Persons and Trade: A Case Study of Nigeria and Benin Republic (2014-2018)*. ProQuest Dissertations Publishing.

²⁶ <http://primetimereporters.com/2016/01/understanding-the-rudiments-of-common-external-tariff-cet-regime-a-panacea-for-regional-trade-uniformity/>

Maximizing the benefits of information and communication technology (ICT): “Businesses in the ECOWAS region have not adequately developed the ability to take advantage of ICT as an instrument for undertaking strategic management and for gaining competitive advantage”.

c. Hindrances in COMESA

*Rules of Origin*²⁷

History of unilateral digression from the value-added threshold: “Instead of the prescribed 35 percent, Egypt has, in practice, been applying a 45 percent threshold to its COMESA trading partners and has shown continued recalcitrance on the matter. Egypt is not the only offender”.

Lack of enforcement: “Member states have not used enforcement mechanisms allowed for within the rules to rectify the situation (except for isolated retaliatory actions). Instead, they have adopted a diplomatic-style approach to dispute resolution”. It was only recently changed.

*Electronic Certificate of Origin*²⁸

- COVID-19 pandemic: “changed ways of conducting businesses across the world threatening to reverse the gains already made in fostering a liberalized trade regime”.
- Value of intra-COMESA trade: “remained stagnant and does not mirror the instruments put in place, especially under the FTA trade regime adopted way back in 2000”.

*Regional Customs Transit Guarantee Scheme*²⁹

- Infrastructure – power and connectivity;
- Lack of capacity for Small and Medium Clearing Agent to carry out regional operations;
- Corruption and rent-seeking attitude;
- Duplication of efforts/resources by regional partners. Capacity limitation at Secretariat.

*Yellow Card Scheme*³⁰

- Concerns because the rate of the card set by each MS. Different rates apply in different countries;
- Lack of harmonisation across the region;
- Abundant forgery cases;
- Concerns because they believe there are not enough security features;
- Difficulty in getting payments out of it. Most operators rely on local third-party insurance.

*Adjustment Facility (CAF)/ Regional Integration Support Mechanism (RISM)*³¹

²⁷ https://www.die-gdi.de/uploads/media/DP_1.2016.pdf

²⁸ <https://www.comesa.int/over-10-member-states-ready-to-pilot-the-comesa-electronic-certificate-of-origin/>

²⁹ https://www.wto.org/english/tratop_e/tradfa_e/wks_tradfajune14_e/giday.pdf

³⁰ <https://www.freightnews.co.za/article/africas-yellow-card-deserves-red-card>

³¹ <https://ecdpm.org/wp-content/uploads/ECDPM-2016-Political-Economy-Regional-Integration-Africa-COMESA-Report.pdf>

- Doubts about its sustainability, as the programme is over-reliant on EU funding.
- Doubts about the relevance and suitability of the 18 performance indicators in the PAF;
- Burdensome requirements involved in the administration of the programme;
- Lack of formal processes obliging meaningful engagement w/ private sector/civil society.

*Free movement of person/Visa Protocol*³²

- Need to revise non-compliant laws and policies;
- Improve border management and collaboration;
- Appreciate in-built flexibility, such as to implement in phases;
- Lack of political determination. Need persuasion based on a cost-benefit analysis;
- Absence of an implementation strategy and/or plan of action;
- Need to appropriately inform the general public, and provide dedicated capacity-building to those meant to implement the Protocol;
- Border management procedures need to be harmonized, and data capturing and data exchange/sharing capacity may have to be strengthened;
- Awareness-raising has to allay negative public perceptions, while there is a need to ensure standardized and harmonized cross-border skills and qualifications recognition systems.

³² https://publications.iom.int/system/files/pdf/trainers_manual_comesa_en.pdf