



A State Party as a Consumer of Economic Integration in the West African Sub-Region: a Legal View Point

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A b s t r a c t

For decades, economic integration within the African continent generally and the West African sub-region in particular has been on the front burner of the driving force propelling the continental body, viz, the African Union (AU) and the sub-regional body; the Economic Community of West African States (ECOWAS). This has led to a number of conventions, treaties and protocols aimed at achieving economic integration among the member states of the ECOWAS sub-region. Thus, by reason of the benefits accruable to the state parties, the need arises to undertake an examination of the position of a state party as a consumer of these transnational cooperative arrangements. This is the objective of this paper and which will be undertaken from the point of view of the Law of Consumer Protection with the state parties as consumers. The methodology to be adopted will be to undertake a close study of the available materials relevant to the subject matter and for this purpose, focus will be on the West African sub-region with ECOWAS as the platform for the examination. In furtherance of this, an appraisal of the available legal framework will be undertaken vis-à-vis the identified areas of economic integration with the state parties as beneficiaries. The result of the exercise will naturally lead to key recommendations including advocating for a paradigm shift in the attitude to the treaties and protocols by the state parties.

Keywords: *State party, Economic integration, West African sub-region*

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Background to the Study

Since time immemorial when mankind took charge of the occupation of the earth there had been the dwelling together of people. Man has abinitio recognized the attendant benefits. It was in pursuance of this that even where, in the olden days man dwelt in different pockets of hamlets and huts they still thought out ways of helping one another out, for instance a group doing work on one's farmland today and doing same for another until they had gone round the members of the group. No wonder the Bible stressed the need for people to dwell together in unity. Following suit man has till date continued to establish and maintain economic ties both intro and inter-states all over the world. This has led to the formation of economic bodies and organizations with the aim of achieving economic integration among member states. In Africa there is the African Union with agreements on how the economic activities of member countries shall be run for the benefit of all members among others. The Economic Community of West African States (hereinafter called ECOWAS) is the operative body in the West African sub-region. Consequent upon this there arises the quest to delve into and examine the position of a state member as a consumer of these inter and transnational co-operative and economic arrangements via the point of view of the law of consumer protection.

Furthermore, certain areas of integration shall be centered upon with the attendant benefits hitherto accurable to the member-states. The West African sub-region forms the main area of concentration with the ECOWAS treaty as the major legal framework under study.

Lastly the effect of the multiple bodies of law of members countries on trade and commerce in the West African sub-region shall be considered *visa-a-viz* the state parties and the benefits theretofrom and the attempt will be made at proffering solutions that will enable state parties enjoy as beneficiaries of the economic integration in the region.

Conceptual Framework

A cursory look at the title presents the need for some key words in it to be elaborated upon for a proper understanding of the write-up by a lay man so, it behoves us to succinctly expatiate the expressions, Consumer, State and state party and economic integration. A consumer simply put is any physical person who savours the outcome of any human endeavour. Statutorily a consumer is an individual who purchases uses, maintains or disposes of products or services². On the other hand, a consumer has been defined as any person natural or legal to whom goods, services or credit are supplied or sought to be supplied by another in the course of business carried on by him....³

Different but similar descriptions have been given of a state in *Texas v White*⁴ the Supreme Court of U.S. A said it is used to denote " a community of individuals united more or less closely in political relations, inhabiting temporarily or permanently the same country,

¹Psalm 133 verse 1, The Holy Bible

often it denotes only the country or territorial region inhabited by such Community and infrequently, it is applied to the government under which the people live, at other times, it represents the combined idea of people, territory and government". It is a type of legal person recognized by international law.⁵ Appadosai sees it realize social gaed on the largest possible scale, enabling them potentially to realize the best that is in themselves⁶.

The state as used here is synonymous with a country which denotes a region of lands defined by geographical features and political boundaries or a sovereign state which is a nonphysical juridical entity that is represented by one centralized government that has sovereignty over a geographical area as against secular branches of government that are within a sovereign state. For instance, Nigeria as a state/Country is made up of thirty-six states that constitute the Federal Republic of Nigeria but it is nonetheless a state in relation to countries/state in West Africa, Africa the world.

In the same vein, economic integration has meanings ascribed to it viz-an agreement among Countries in a geographic region to reduce and ultimately remove tariff and non-tariff barriers to the flow of goods or services and factors of production among one another, any types of arrangement in which Countries agree to coordinate their trade, fiscal and or monetary policies. It involves agreements between Countries to permit to varying degrees the flow of capital, labour, goods and services across their respective international borders⁷. It is also described as the unification of economic policies between different states through the partial or full abolition of tariff and non-tariffs restriction on trade taking place among them prior to the integration.⁸

In analyzing and juxtaposing these definitions and descriptions it can be appreciated that a consumer is a natural as well as legal person provided as an entity it makes use of goods and services which include objects of manufacture and consequently articles of trade. This presupposes that a state as its meaning goes as described ante is a legal person although a political contraption which "cannot be seen, touched, tasted, smelled or heard",⁹ - from the fact that a multitude of individuals live together in one country (territory) under a common government, it is conceived as an entity, albeit an artificial one ... the idea underlying it is analogous to that of a Corporation statutory or registered corporation.¹⁰ This automatically qualifies a state as a consumer who can enjoy the benefits of economic integration being represented by the individuals who occupy its territory and the government that pilots the affairs of the state. Therefore as a consumer the state constitutes a party who after partaking in the economic activities involved in the integration enjoy the benefits accruable from the integration.

Apart from political reasons, states pursue regional integration for economic reasons particularly for the increase of trade between member states of the economic union.

⁵Section 32, Consumer Protection Council Act Cap c25 laws of the federation of Nigeria

⁶Tarr, "Consumer Protection Legislation and the Market Place," 5 Otago Law Review, 1981, pp 81 & 397

⁷Texas v White 7 Wall 700 @ 720 per Chief Justice Chase.

⁸Ian Barownlie, Principles of International Law 4th Edn, Oxford University Press, Britain, (1990), 71. Appadozai, The

⁹A. Appadorai, The Substance of Politics, 4th Edn, Oxford University Press, India (2004), 44.

Members countries engage in economic cooperation for use their respective resources more effectively and to provide large markets for member Countries of the integrated area. The need for economic integration has given rise to the formation of different regional groupings world area over. Such bodies include the European Union (E U), Association of Southeast Asian Nations (ASEAN), an organization of countries in Southeast Asia set to promote cultural, economic and political development of that region. North American Free Trade Agreement (NAFTA), an agreement among the United states of America, Canada and Mexico designed to remove tariff brarriers between the three Countries, African Union (AU) an organization formed to promote cooperation and socio-economic trcus formation of the continent Economic Community of West African States (ECOWAS) a regional organization of West African countries with its main goal as the promotion of economic integration among the member states etc. ECOWAS is the main focus of this work.

The Position, Ante Colonial and Post Colonial Period

In the period before the colonization of Africa that is the pre-colonial Africa, there was extensive regional trading links which were characterized by the free movement of goods, persons and factors of production from one region to the another. There were trade interactions and interrelationships between one region and another. A notable example was the Trans-Saharan trade network which made the Western Sudan “a natural common market of considerable antiquity.¹¹ Recording the long list of African products which were traded on a long distance basis, Dr. Rodney¹² catalogued to include-salt from the Atlantic Coast, Kolanuts from the forests Liberia and Ivory Cost, gold from Akan country in modern Ghana, Leather from Hausa land, dried fish from the Coast, cotton cloth from many districts and especially from Futa Jalon in modern Guinea, Shea butter from Upper Gambia and a host of other Local articles. In addition, the trade of the western Sudan involved the circulation of goods originating in North Africa, notably fabrics from Egypt and the Maghreb and coral beads from Ceuta or the Mediterranean coast.¹³ Rodney concluded that “the pattern of Western Sudanic and Trans-Saharan commerce was integrating the resources of a wide area stretching from the Mediterranean to the Atlantic Ocean.¹⁴

Similar patterns of long distance trade and sub-regional economic integration were also well established in other regions of Africa such as the Interlacustrine zone and the old Zimbabwe area.¹⁵ In the latter, for example the presence of gold was a strong stimulus to external trade and the presence of Arab traders as far South as Sofala in Mozambique Channel gave rise to a trading network much the same as the Trans-Saharan trade between North African merchants and the Western Sudan.¹⁶ Unfortunately of these existing trade intercourses were affected by the contact Africa with Europe. Thus these

⁷<http://www.investwords.com/16390/economic-integration.html#IXZZ4859S41JA>, accessed 08/05/16@ 6.34p.m

⁸<http://www.investopedia.com/terms/e/economic-integration.asp#IXZZ485831KKK>

⁹C.C. Rodes et al, Introduction to Political Science, 4th Edn.....(1983), 20 as cited in B Nwasbueze, post.

¹⁰B. Nwabueze, Constitutional Democracy in African, Vol 2, Spectrum Books Limited, Ibadan, (2003), 294.

networks of regional trade were distorted especially by the slave trade and the commercial and colonial economic hegemonies that characterized African colonization by Europe. The super imposition of colonial boundaries on the continent finally disrupted and annihilated the free, widespread intra-regional trade on the continent.

What reinforced colonial boundary demarcations were customs, fiscal and immigration controls which imposed obstacles to the traditional free movement of goods and human beings¹⁷. Each colonial administration sought to restrict the people enclosed within its enclave the territory as delimited by European negotiators. By their nature such delimitations were arbitrary and artificial. Boundary making neither reflected the historical patterns of African development nor took account of traditional or ethnographic factors. Rather boundary demarcations took the form of geometrical lines, lines of longitude or latitude or other geographical features stretching from the coast into the interior of Africa. According to Barbour, approximately 44% of the boundary mileage in Africa was defined according to paracells and medians, 30% by straight lines, arcs of circles and so on, and the remaining 26% by reference to topographical features such as rivers streams, watersheds, mountains and valleys.¹⁸

This form of balkanization of Africa came with its own challenge viz-that relative to its landmass, Africa became the most politically divided continent possessing the greatest total length of land boundaries, such that today there are over fifty countries sharing more than a hundred land based boundaries,¹⁹. Many countries such as Nigeria have borders with some four or five other states, Niger has borders with seven other states Sudan with eight and Zaira with nine others.²⁰

Again this system of African states' boundaries neither corresponded with the socio-economic spaces within which Africans had carried on their activities neither did it reflect the natural cleavages and linkages between African Communities.

Consequently this resultant in the re-ordering of socio-economic fragmentation of complementary economic regions such as North and West Africa, the radical re-orientation of trade routes and flow, the creation of gaps in market networks where none had existed and the emergence of parallel and rival rather than complementary economics designed to serve the external demands of metropolitan Europe²¹

These notwithstanding, informal region exchanges and trans-territorial movement goods and persons persisted. Thus colonial authorities were constrained to adopt several measures of integration or inter-territorial administration. In West Africa, Britain established some joint institutions for her colonies which included the West African Courting Appeal (WACA), Currency Board and later Central Bank, the Airways Corporation and several educational and research establishment²².

¹⁷A. I Asiwaju, "Socio Economic Intergration of the West African Sub-region in Historical Context: Focus on the European Colonial Period" in A. B Akinyemi and ors(ed), Readings and Documents on ECOWAS (NIA) (1983), 31 @ 34'

¹⁸Dr w. Rodney, How Europe Underdeveloped Africa, Tanzania Publishing Housing Ltd, Dar Es Salaam, 1972.

¹⁹Ibid @ 69.

²⁰Ibid.

²¹T.A.T. Yagba, "Legal Pluralism and Economic Integration in Africa: Policy and Research Imperatives"

²²T.A.T Yagba, Ibid, 102

²³Ibid 103

The post independence era witnessed the collapse of most of these colonial-formed institutions with states establishing their own personalized independent bodies although these new states still, to a very large extent, depended on their ex-colonial powers. Member states started socio-economic re-alignment and cooperation which led to the formation of some regional integrations which led to the formation of Economic Community of West African States (ECOWAS).

Available Legal Framework- The Ecowas Treaty

The call for a West African Community was first made by President William Tubman of Liberia in 1964. After series of meetings, the body Economic Community of West African States (ECOWAS) was formed in 1975 Fifteen West African Countries signed the treaty in Lagos on may 28, 1975. It is a regional organization with its main goal as the promotion of the economic integration among its member states. The treaty was of revised in 1993 and signed by member states. In 2007 the secretariat was transformed into a commission. The Commission has specialized Commissions vi2-Fwd and Agriculture, Industry, Science and Technology and Energy, Environment and Natural Resources, Transport, Communication and Tourism trade, custom, taxations, statistics money and payments, Political, Judicial and Legal Affairs, Regional Security and Immigration, Human Resources, Information, Social and Cultural Affairs, Administration and Finance Commissions. There is an ECOWAS Bank for Investment and Development which bank was formerly known as the fund for cooperation. It has the Community Court of Justice.²³ There is the Regional Security Corporation and the ECOWAS Monitoring Group (ECOWOG). The ECOMOG was a West African multilateral armed force established by the ECOWAS, as a formal arrangement for separate armies to work together. It was largely supported by personnel and resources of the Nigerian army forces support with armies from armies from other member states. There is the supporting and Cultural Exchange under which ECOWAS organises cultural and sporting events like ECOWAS Games, CEEAO football and Miss CEDEAO beauty parent.

Under its economic integration structure, there is the West African Economic and Monetary Union (UEMOA in French) made up of eight French-speaking West Africa states of Togo Senegal Niger, Mali, Cote d' Ivoire, Burkina Faso, Benin and Guinea-Bissau. The treaty was signed in Dakar Senegal on the 10th January 1994 its aim is to promote economic integration among the among countries that use the CFA franc as a common currency. It has adopted a customs and common external tariff with one of its aims as the creation of a common market.

There is the West African Monetary Zone (WAMZ) formed in 2000, made up of six countries within the ECOWAS region that planned to introduce a common currency, the ECO by the year 2015. These countries are Gambia, Ghana, Guinea, Nigeria and Sierra Leone with Liberia that joined in 2010. Aside Guinea others are of the Anglophone countries. The WAMZ is to develop the Eco to rival the CFA Franc whose exchange rate is

¹⁸Barbour "A Geographical Analysis of Boundaries Inter-Tropical Africa in Essays in African Populations, Barbour and prothero (ed), 1961, 305.

¹⁹T. A. T. Yagba, footnote 15, @ 103

²⁰M. Shaw, Title to Title to Territory in African, Clarendon Press, London, 1968 229.

²¹T. A. T Yagba footnote 15, 104

²² Ibid 105,

tied to that of Euro and is guaranteed by the French treasury. The eventual goal is for the CFA franc and the Eco to merge to form a stable currency for West and Central Africa. The Launch of the new currency is being developed by the West African Monetary Institute based in Accra Ghana. On transport, ECOWAS has a trans-ECOWAS project which was established in 2007 with the plan to upgrade railways in this zone It known as ECOWAS rail.²⁴

Nature of the Provision of the ECOWAS Treaty

The very essence of the existence of the ECOWAS is to foster cooperation and integration among the member states. Consequent upon which under its aims and objectives it provides that the community is to “promote cooperation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards gifts people and to maintain and enhance economic stability, foster relations among member states and contribute to the progress and development of the Africa continent”²⁵. To achieve these lofty ideas the treaty of the community provides that it shall inter alia ensure the harmonization and co-ordination of national policies and the promotion of integration programmes, projects and activities, particularly in food, agriculture and natural resources, industry, transport and communications, energy, trade, money and finance, taxation economic reform policies, human resources education, information, culture, science technology, health, tourism, legal matters, the establishment of a common market through: the liberalization of trade by the abolition, among member states of customs duties levied on imports and exports, and the abolition of community level the adoption of a commercial non-tariff barriers in order to establish a free trade area at the community level the adoption of a common external tariff and a common trade policy vis-a-vis third world countries, and the removal between members states of obstacles to the free movement of persons, goods, services and capital and to the right of residence and establishment; adoption of common policies in the economic, financial, social and cultural sectors and the creation of a monetary union, , the promotion joint ventures by private sector enterprise and other economic operators, in particular through the adoption of a regional agreement on cross-border investments; the adoption of measures for the integration of the private sectors particularly the creation of an enabling environment to promote small and medium scale enterprise; the establishment of an enabling legal measures....²⁶

The Community to achieve these foregoing objectives created institutions like those of the Heads of States and Government, Council of Ministers community parliament, Economic and Social Council, Community Court of Justice, Executive Secretariat, Fund for Co-operation, Compensation and Development and Specialized Technical Commission.²⁷ The treaty made copious provisions on the establishment and function these institutions Commissions The establishment and functions of these institution²⁸

²³ www.internationaldemocracywatching.org/index.php/economic-community-of-west-african-states, Accessed Sunday, May 15, 2016, @ 9.18p.m

²⁴ https://en.m.wikipedia.org/wiki/Economic_Community_of_West_Africa_States Accessed Sunday May 15, 2016 @ 9.34p.m

The area in which the Community established the Specialized Technical Commissions have been listed ante and provisions for them are as made in chapters-

IV- Co-operation in food and Agriculture- Art 25

V- Co-operation in Industry, Science and Technology and Energy Arts 26-28

VI- Co-operation in Environment and Natural Resource Arts 29-31

VII- Co-operation in Transport, Communication and Tourism- Art 32-34 and Payments Arts- 35 -53.

VIII- Co-operation in Trade, customs Taxation, Statistics, Money and Payments, Art 35-53

IX- Establishment and Completion of an Economic and Monetary Union Arts 54-55

X- Co-operation in Polices, judicial and Legal Affairs, Regional Security and Immigration Arts 56-59

XI- Co-operation in Human Resources, Information, Social and Cultural Affairs Arts 60-66.

The community endeavored to and made provisions for all these areas in order to ensure the existence and promotion of economic development and integration in the West African sub-region. A beautiful and well thought out venture no doubt, but the question is: to what extent are these lofty ideas being actualized to the benefit of the state parties and the individual citizens of the state parties alike?

The Imperative For Real Integration through The Law. True enough, the ECOWAS Treaty has provided what would appear to be the basic framework which provides the legal pedestal upon which to mount the props with which to firmly hold the dream and achieve the gains of integration for the benefit of the state parties who indeed are the consumer of the exercise. However the plural and divergent nature of the legal systems which govern the affairs of the member states following their colonial past would understandably appear to pose a problem in the way of the realisation of the gains of integration.

Thus, much as there is wide and general appreciation and acknowledgement that economic integration nee da legal framework to foster and support it and that as stated by the All African Law Ministers Conference of 1989²⁵ true regional co-operate could only be affect when appropriate international legal infranstures have been agreed upon and put in place, yet it is also clear as rightly stated by Yagba³⁰ that meaningful economic integration cannot take place without deliberate effort to remove or at least reduce the barriers to Socio- economic intercourse across states and regions arising from the diversity of laws applicable from one country to another.

This is understandably so as the ECOWAS member states owe their colonial past to different European Countries with their respective divergent legal systems which they planted in West Africa. Thus, what obtains in the Anglophone countries of West Africa

²⁵ Art. 3(1), Revised Ecowas Treaty, Ecowas Commission, Abuja 2010

²⁶ Art 3(2) a, b, d, e, f, h, I, Ibid. 10

²⁷ Art 6(1), Ibid.

²⁸ Chapter 2, Article 6-24.

with what obtains in the Francophone countries of the same sub-region. The first visible problem is that of monetary policies and currency differences for while the francophone Countries have the CEFA and operate smoothly with it, the Anglophone Countries are not able to present a uniform Currency. The strength of the CEFA has steadily. Showed down the process of adoption of the Eco which had been muted over along time now. The need to cut down and melt away the seeming iron curtain of currency barricade has become rather urgent if the gains of the integration and the logistics of the exercises would be capable of realization. To do this, municipal laws of the member states should be deployed for effective and purposeful approach.

It is perhaps in recognition of the need for a harmonized state of legal system among ECOWAS member states that they in Article 57 expressed the mutual undertaking to co-operate in judicial and legal matters with a view to harmonising their judicial and legal systems, but the modalities for the implementation of the arrangement were made the subject matter of a protocol in section 2 of the article. There then lies part of the problem, for it is one thing that the undertaking was given quite another that such undertaking will be brought to function and if it will when will it be done?. It is not yet known for certain ICT and when effect has been given to the provision contained in Article 54. This is more so because every nation state is not always in a hurry to a tune its legal system to suit the possibility of ceding its sovereignty in any form or manner despite the lofty gains derivable from such co-operation.

Another snag in the way of the realization of the expected degree of co-operation arises from the nature of what is provided for with respect to the entry into force and ratification of the treaty under Article 89 thereof. The Article provides that protocols which shall form an integral part thereof shall respectively enter into force upon ratification by at least nine signatory states in accordance with the constitutional procedures of each signatory state. Thus, the matter does not start and end with the Heads of state or Government of the signatory States appending their signatures but that the same will be ratified by each signatory state applying its internal constitutional procedures.

In the case of Nigeria, for his example, the fact that the then President Babangida appended his signature was one step while the next and more important step was the ratification of the Treaty and every subsequent protocol through constitutional provisions in Nigerian.

Section 12 (1) of the Constitution of the Federal Republic of Nigeria provides that not treaty between the federation other country shall have the force law except to the extent to which any such treaty has been enacted into law by the National Assembly. This means that if in spite of the signing of the ECOWAS Treaty by the Head of State, no legislative action is taken by the National Assembly to domesticate and make it part of the Nigerian municipal law, its application in Nigeria is simply idle. The Supreme Court of Nigeria

²⁹ Chapter 2, Article 6-24.

³⁰ Yagba T. A. T. Legal Pluralism and Economic Integration in Africa: Policy and Research imperative: (1996) Nigerian Current Law Review 100

stated the Legal position on the condition precedent to the bindingness of international treaties on Nigeria in the case of *General Sani Abacha & Ors v Chief Gani Fawehinmi*³¹ to the effect that an international treaty entered into by the Government of Nigeria does not become binding until enacted into law by the National Assembly, and before its enactment into law by the National Assembly it has no such force of law as to make its provision Justiciable in the courts of Nigeria. The decision was in line with the practice in international law as enacted by Section 12(1) of the 1979 Constitution and re-enacted *verbatim et literatim* by section 12(1) of the 1999 constitution. The decision in *Abacha v Fawehinmi* was in respect of the status of the African charter on Human and People's Rights which was a product of the erstwhile OAU now renamed AU, and became part of the Nigerian municipal law through and by the enactment by the National Assembly of African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act³². Thus, if a member states after signing the treaty or Charter, but fails to undertake the internal legislative procedure, such treaty remains idle and will not confer any right or benefit on the state party and by necessary extrapolation of extension, to its citizens. The decision of the privy Council in Great Britain in *Higgs & Anor v Minister of National Security & Ors*³³ was to same effect with respect to treaties entered into by England as a state party. The Privy Council emphasized that domestic Courts had no jurisdiction to construe or apply a treaty nor could unincorporated treaties change the law of the land, as they had no affect upon citizens' rights and duties in common or statute Law. With this Legal scenario in view it then becomes necessary to advocate for a paradigm shift in the way and manner in which such treaties and or protocols are dealt with so as to make it reasonably coercive for state parties to take positive steps to domesticate such treaties of protocols within a reasonable time after it is signed otherwise it acquires the force of law within the municipal law of the state by operation of law. Unless such an approach is adopted so as to stop the current rigid adherence to the customary principles of International Law, member states will always feel at liberty to decide when and when not to key into advantageous or mutually beneficial treaties or protocols. This is more so because all the member states do not operate similar legal systems and while some legal system may be easy to deal with, others may be quite complicated in their requirements that to enable the state party derive the requisite benefits from a particular treaty, the citizens might have lost the quite some opportunity, and which will invariably impact on the nation as a state party. This is the problem of legal pluralism within the sub-region just as in other spheres where Sovereign nations engage in bilateral or multilateral agreements or treaties.

Prescription for the Future

While it is acknowledged that Article 89 of the treaty is couched the way it is framed because of the principle of mutual non-interference or mutual respect for the sovereign status or sovereignty of the member states and accordingly, every member state should reserve the right to actually decide on the matter, and in doing so proceed on the basis of its Legal System and its national consciousness, yet, it has to be fully appreciated that to really

³¹ (2000) 6 NWLR (Part 660) 228 @ 288-289

³² Cap, AO, Laws of the Federal of Nigerian 2004.

³³ The Times of December 23, 1999

realize the *raison d' etre* behind the idea of integration state parties should of necessity shift ground and cede some of their areas of autonomy so as to achieve a workable and beneficial integration in the real sense of it.

Understandably, diversity of national laws and the concomitant complexity of the rules of private international law for determining law applies to a particular transaction constitute a major problem of interstate and intra-regional trade in the West African Sub-region³⁴.

Thus, the necessity for uniform legal rules in the area of free movement of community citizens and rights of residence and establishment cannot be over-emphasized. This is because of the state of inadequacy of the current regime of private international laws in the resolution of conflicts of laws in intra-regional and inter-state transactions. Thus as rightly pointed out by Yagba,³⁵ the existing pluralism characterized by the juxtaposition of received and indigenous legal system is not only a source of conflict but in fact intrinsically inadequate in coping with the challenge of economic growth in Africa's developing economies in general and those of the West African Sub-region in particular.

Quite apart from the problems posed by legal pluralism, several other factors have been identified as constituting clogs in the wheel of economic integration in the ECOWAS area. The speaker of the ECOWAS Parliament aptly captured the scenario recently by identifying narrow-minded naturalism, economic egoism, wrangling for political power and internal conflicts in some countries as the impediment mutilating against the full integration of the region.³⁶ Sure enough Political instability has always been in the fore front of the problems of cohesion and integration within the region as this not only causes distraction from set objectives but also creates an atmosphere of hostility as in most cases other states would pull together to quell the political uprising or usurpation of political power by *coup d' etat* and invariably antagonise the illegal regime against the member states and if the regime persists in political power its disposition towards cooperation will be negative and thus constituting a major source of setback. However, it is believed that if the problem of legal pluralism is solved the sub-region would be the better for it. As Professor Agbede³⁷ put it, the co-existence of diverse systems of law within a locality on a particular arm of integration without spatial separation poses complex problems of legal administration which can only be resolved by reform and integration of laws. He rightly justifies the integration of laws on several grounds; namely (a) the enhancement of the optimum utilization of scarce human and material resources which underlines efforts at economic integration generally, (b) the need for legal certainty which would enable judges predictable and aid commercial and economic planning. This will achieve the objective of legal simplification which in itself will simplify the administration of law and the Courts will be spared the perplexed task of having to decide in each case which law applies (c) the achievement of good policy and social Convenience jettisoning the practice by which citizens of the same region or common market are governed by different laws in their legal

³⁴Yagba T. A. T op Cit 118.

³⁵Yagba T. A. T op Cit 120

³⁶Hon Moustapha Cisse Lo: The Authority Daily Newspaper of Tuesday, May 17 2016 p.37.

relations. Legal system which takes account of contemporary social requirements will be more suitable to the needs of the people than both inchoate and somewhat outdated rules of indigenous laws and the rather esoteric rules of foreign laws³⁸. A further justification for the harmonization of laws from the broader international law perspective has been rightly projected by Yagba³⁹ to be that Africa and by extension; West Africa is an integral part of a global commercial community. Thus according to him Conventional economic wisdom teaches that no Country or region can choose to proceed alone merely for reasons of chauvinistic nationalism not only because the emerging village is built on global interdependence but also certainty and uniformity in the law governing economic activities is a vital pre-requisite for inter-dependence and for the West Africa Sub-region it will African Sub-region it will also be a creative response to the pressures of the regional economy and the demands of international trade and commerce.

Further benefits which will be attained by the Sub-region through effective law engineered harmonization and integration include enhanced economic growth in the areas of agricultural productivity, and diversification, free or reasonably relaxed trans-border movements, of human resources goods and services which will assist in stamping out or achieving a substantial whittling down of the acts and incidents of smuggling, aid the transfer of technology, thriving of e-commerce, cross border protection of intellectual property, boost tourism and enhance educational opportunities for the greater benefits of the state parties and their citizens, elimination of language barriers, increased acculturation, assimilation, industrialization, peace and unity, cross-border socialization leading to marriages which will promote peace.

Conclusion

The gains derivable from economic integration with the employment of the instrumentality of the Law are legion. To achieve this however, the member states need to come away from rigid adherence to the customary international law principles which will naturally continue to hinder the process of smooth integration.

³⁷Agbede Prof 1. 0; Legal Pluralism, Ibadan; Shearson 1991 10.

³⁸Agbede 1. 0- op Cit 253.

³⁹Yagba, Ibid 121-122