



THE FACILITATION OF SOCIAL DIALOGUE AND DEMOCRATIC PARTICIPATION, THE CHALLENGING ROLES OF CIVIL SOCIETY AND WORKERS GROUPS AS FOCAL POINTS IN ECOWAS REGIONAL INTEGRATION PROCESS.

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Abstract: Civil Society and Workers groups are sociologically integral to most emerging societies. Their imperativeness and relevance in terms of facilitating social dialogue and providing effective participation in the democratic process is expedient in aiding regional integration in West Africa. This write up seeks to focus on Civil Society and Workers group as promoters of West African integration. In so doing, the study examined the socio-economic, political as well as the legal scenarios upon which rest the activities of civil society and workers groups in terms of their participatory activities. Again, in the same vein some decisional instruments and protocols were closely telescoped all with a bid to aiding our understanding of social dialogue and democratic participation within the ECOWAS. The revised ECOWAS treaty was also re-focused as a technical facilitator and a vital mechanism in the process of social dialogue and democratic participation. Some key institutional mechanisms such as the Organization of Trade Unions of West Africa [OTUWA] and the Employers' Association were examined with a view to appreciating their strategic relevance in terms of the type of roles they play in promoting social dialogue and democracy within the ECOWAS. This study is essentially dependent on secondary data and empirical works already done in the area and other related fields. The STUDY has further established profoundly the relevance of collaboration between local unions, which together can bring together their financial and technical endowments to participate more consistently and evocatively within the ECOWAS integrative framework. In conclusion the study reconfirmed the strategic essence of a broad based partnership in West Africa's integrative pursuits where all parties are expected to contribute to the process of a more enlarged and people-centered integration.

Key Words: Integration, Mechanism, Actors, Protocols, Unions, Conflict, Community.

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Introduction: Social dialogue is believed to be one of the most fundamental components in building an integrated social dimension into regional integration. Also, as an open and participatory process that includes governments, workers and employers' organizations and even other interested social actors, social dialogue has

the potential to address a diversity of interests and issues, especially in conflict prone entities.

Again, as part of a development strategy, strengthening the capacity of social actors and encouraging them to contribute to social integration process, it has the benefit that extend beyond the social dimension of integration in addition to encouraging greater democratic participation and the strengthening of local governance.

As was stated by ECOWAS itself, Community decisions sometimes rely on direct or indirect implementation by non-governmental actors, making the social partners important conduits for regional action. Yet the ability of social partners to engage with the regional leadership depends first on the willingness of the Community to listen to the “other points of view” and, secondly, on the capacity of the social actors to coordinate and effectively deliver their message or messages. This second aspect is of particular importance in the context of regional integration especially where institutions for national social dialogue do not have a connection to the regional decision-making process, requiring new links and partnerships between regional social partners to forge a coordinated response to Regional Integration. The responsibility for addressing social issues should not however be left to the social partners alone. Members of the ECOWAS have the means to give a regional platform to social dialogue by incorporating not only the values of democratic participation into regional decision-making, but more concretely, by setting up and supporting mechanisms that create space for this dialogue to take place.

The Legal Framework:

The 1993 ECOWAS Treaty has numerous and diversely speckled references and commitments to the idea of social participation and dialogue, thus making it a more people-centered document. The original ECOWAS Treaty included, as it does today, a Social and Cultural Affairs Commission designed to “provide a forum for consultation generally on social and cultural matters affecting the Member States”[ECOWAS, Art 49, 1975].

Yet there was no indication that such consultations were open to non-governmental actors, and in fact, the participation of worker and employer groups in the early development of the Community was negligible. It was not until the Revised Treaty that ECOWAS began constructing mechanisms to create space for broader social participation in the integration process. The centerpiece of the Revised Treaty, as far as social dialogue is concerned, is evidently located in Articles 81 and 82. In these articles, the coalition demonstrated profound commitment to cooperating with nongovernmental and socio-economic organizations. Also in both instances, the coalition is also committed to setting up appropriate mechanisms for consultation with these organizations. Article 82 in particular makes explicit reference to workers and employers among those whose involvement in the integration process should be encouraged. Beyond these commitments however, the Revised Treaty does not reveal or specify how, for example, the social partners would be officially consulted.

Therefore, details about consultation are fleshed-out in a separate ECOWAS decision [ECOWAS, 1993], which graphically introduces rules and policy stipulations for granting observer status to non-governmental organizations to participate in the Community’s institutions. Under this statute, organizations are divided into two categories (A or B) depending on their level of interest in ECOWAS activities. An organization qualifies for an “A” designation if it (1) has a basic interest in the activities of the Community; (2) is closely linked with the social and economic life of the area that it represents; and (3) has made sustained contributions towards the attainment of Community aims and objectives. In comparison, “B” certifications are bestowed on organizations that only have a general interest in the activities of the Community. The difference between the two designations is essentially that “A” observers have privileged access to the ECOWAS Council of Ministers whereas “B” observers are only

accredited for Institutions other than the Authority and the Council.

Having the privileged, “A” observer status, additionally entitles an organization to:

- (a) Send observers to all public meetings of Council;
- (b) Be invited by Council to make oral presentations;
- (c) Circulate documents to Members of Council;
- (d) Be invited to collaborate with any Committee as may be established by Council;
- (e) Submit questions or views for insertion in provisional Council agendas for all meetings except those of the Authority; and
- (f) Consult with the Commission on matters of mutual concern.

Seemingly, an organization of workers or employers would qualify under these rules and benefit from “A”-level access to the ECOWAS organs, whether or not they are of a local or regional disposition. Regional-level organizations would certainly be well-suited as observers, but the question is not whether an organization has cross-country membership or activities but simply whether it has an interest in the activities of the Community as a whole – a more inclusive standard that shouldn’t impose a gratuitous barrier to the participation of small, nationally based groups in Community discussions. Still, both the resurrected Organization of Trade Unions in West Africa and the West African Employers’ Organization have not fully taken advantage of the ECOWAS observer status. The reasons for this do not appear to be the result of Community resistance to the contributions of workers and employers in the coalition’s integration process. The Community’s legal framework and ECOWAS officials are clearly and reasonably receptive in this respect. Unfortunately, however, these two constituents are yet to take advantage of the dialogue opportunities available to them. The Protocol on Democracy and Good Governance is yet another Community instrument showing the commitment of member states to develop broader social participation in the region [ECOWAS, 1994]. Its provisions are demonstrative of some interesting characteristics

about social dialogue in the ECOWAS. Decision A/DEC.9/8/94 Establishing Regulations for the Granting to Non-Governmental Organizations (NGO’s) the Status of Observer and ECOWAS Protocol A/SP1/12/01 on Democracy and Good Governance are Community instruments showing the commitment of member states to the development of broader social participation in the region.

Article 28(1) additionally states that: “Employers and trade unions shall be organized an/or strengthened in each Member State and at the regional level of ECOWAS” while Article 28(2) on the other hand clearly states that “Member States shall promote social dialogue” and that employers associations and workers unions “shall meet regularly among themselves and with political and administrative authorities with a view to preventing social conflict”. In recognizing that dialogue is an integral aspect for managing social concerns within ECOWAS, leaders of the West African coalition acknowledge that it is not simply enough to welcome a wider range of voices into the discussion, especially when these voices often do not exist, or are too weak to be effective. The limitation of the social partners in many of the ECOWAS countries is in itself, an obstacle to the inclusion of worker and employer interests in the pursuit of deeper integration within the West African sub-region. Furthermore, the encouragement of social dialogue in West Africa has perhaps as much to do, if not more, with fostering a climate of peace and stability in the region as it does with inviting other actors to sit around the ECOWAS table. Social dialogue in ECOWAS is therefore both part of a political strategy and a development option or policy – an approach reaching well beyond efforts to merely consult workers and employers on Regional Integration [RI] initiatives.

In a more formal context, ECOWAS encourages participation of the traditional ILO [International Labor Organization] social partners and civil society in the work of the Community. This practice is nonetheless imperfect despite practical efforts by ECOWAS to create space for

participatory dialogue within regional institutions. Part of the explanation for this situation, may very well lie in the lack of political will to follow through and make truly effective the commitment to bring the social partners into the coalition's inner decision-making circles. Until today, one cannot ignore the fact that in a region of such level of under-development, unemployment and poverty, employer and worker groups themselves (where they exist) face significant directorial and resource challenges that hinder their capability to be involved at the regional level, even when appropriate mechanisms are in place to do so. David Dorkenoo, of the Ghanaian Trade Union Congress [TUC] also shared this view as quoted in Robert [2004]. In response to this reality, members of the coalition have urged one another to take a more pro-active role in creating national and regional employer organizations and trade unions – an initiative that invites cautious optimism given the concerns that naturally arise when a government takes an active hand in creating supposedly independent bodies [Robert, R. 2004]

The Organization of Trade Unions in West Africa (OTUWA):

The significance of union participation in the West African integration process extends well beyond matters of regional economic integration. As discussed, regional communities across Africa are the focal point for a number of trade and development projects from NEPAD and the negotiation of Economic Partnership Agreements [EPAs] with the European Union [EU], to PRSPs and the future creation of a continent-wide African Economic Community based on linking the existing Regional Economic Communities [RECs]. Each of these initiatives officially identify the importance of seeking the participation of all interested stakeholders, which at least ostensibly creates space for worker organizations to make vital contributions. Still, despite all of these projects and their undeniable relevance to labor and employment in West Africa, regional coordination between unions has been feeble and the resulting weight or influence on regional

initiatives essentially insignificant. With this perception, one cannot ignore that union advocacy can be an effective tool at the national level, even with regard to sub-regional issues. This is further understandable when one considers the difficulty in finding resources to organize regional trade union meetings. Again, it is an acute problem and an obstruction to dynamic regional union advocacy. ECOWAS is a collection of nations rather than a sovereign regional authority responsible for regional integration. Local unions and national labor congresses may therefore effectively lobby domestic leaders to adopt policies that address labor and employment concerns especially those relating to economic integration. There still remains an undeniable role for regional collaboration between local unions which together can pool together their financial and technical endowments to participate more consistently and evocatively, not just as individual national units but within the regional ECOWAS framework itself. Rene Robert [2004] further displayed that OTUWA was founded in the mid-1980s as a reaction to the need for a permanent regional organization to coordinate the activities of ECOWAS workers. Created by the Authority of Heads of State and Government as an official Community organization, OTUWA was designed with its financial sustainability in mind through provision of a national check-off system, which would allow it to collect dues from members through payroll deductions [ECOWAS Ministers of Labor A/DEC/2/7/86]. Again, as noted in its statutes, OTUWA's aims and objectives are as stipulated below:

- To give strong support to the economic integration process and to work towards the attainment of its economic, social and cultural objectives;
- To protect the rights of migrant workers through policies on free movement establishment and the harmonization of Member States' labor and social security legislations.

It was only recently that OTUWA was rejuvenated after a long period of inactivity when new officers were elected in August 2003.

Despite its scheme for direct membership support, OTUWA nevertheless suffers from financial constraints, which, among other things, make it difficult for its executive members to meet as] #Ghana's TUC's David Dorkenoo further observed. Not surprisingly then, OTUWA has largely been unable to make much progress on its original mission. However, through this restoration, members have taken provisional steps to reposition the organization as a participant in the overall process of regional dialogue. Subsequently, at one of its strategic executive meeting in April 2004, members agreed among other things to hold seminars/workshops on trade and regional integration, as well as launch a Technical Group dedicated to trade issues that would connect its work to the activities of the ECOWAS Secretariat. In addition, members agreed on the need to increase research on migrant labor and to take steps to reinstate political contact with the Abuja based ECOWAS Secretariat. Not unlike the ECOWAS Secretariat, the OTUWA executive has made peace and security in West Africa one of its top priorities, which involves plans to revitalize the trade unions of Sierra Leone and Liberia following years of social unrest and armed conflicts. Such work will undoubtedly help reinforce union activism across the region and OTUWA's role as a representative body. Even though OTUWA is the most representative union association in ECOWAS, it is not the only regional workers' organization in West Africa. In order to correct its underfunding problem, OTUWA members recently agreed that they should each pay annual dues and that Governments in the sub-region should help financially. In addition, policy workshop was held during the same month where the effects of international trade and trade agreements on workers in the sub-region featured prominently on the agenda. OTUWA examined trade rules under the WTO [World Trade Organization], the United States African Growth and Opportunity Act (AGOA), the EU Economic Partnership Agreements [EPA] and how workers and trade unions in West Africa can elaborately enlarge their capacity to make

robust contributions to these processes. WAEMU Member States have formed their own alliance based in Ouagadougou referred to as *La Coordination Syndicale*, which is devoted to promoting decent work, social and economic rights. Others are union rights and social dialogue within the sub-region. Even though focused largely on the concerns of workers falling within the WAEMU integration zone, *La Coordination Syndicale* nonetheless recognizes its role in promoting an expanded RI under the ECOWAS banner and has recommended that its membership consider ways in which it can contribute to broader union activism across West Africa [WAEMU, 2002]. The activities of OTUWA and *La Coordination Syndicale* offer yet another example of the overlap between the two regional organizations but, not unlike the idea of "multiple-speed" integration, the parallel activities of these two regional unions need not work at cross purposes where they can instead build upon one another's relationships with local workers and unions and benefit from shared resources. As observed Delvaux [2001/2], a discussion of regional unions is incomplete however without once again pointing out that the representation of these organizations does not reach a substantial number of informal economy workers – a number that has been growing exponentially in sub-Saharan Africa and which clearly faces a representational predicament within the context of regional integration.

Employers' Organizations:

West African employers, in February 2003, with the explicit support of the ILO's Bureau for Employers' activities (ACT/EMP), convened a sub-regional workshop in Burkina Faso to discuss the role of employers' organizations in regional integration. The gathering focused more emphatically on the contribution of the private sector towards the economic development of West Africa, as well as on building stronger ties between employers across the region to coordinate and promote their particular interests. One thing the participants agreed upon was the need to concentrate their efforts on assisting small and medium enterprise (SME)

development. In order to “allow the West African SME to fulfill its role as the motor for regional integration”, the employers suggested that certain underlying elements were indispensable if ever the region hoped to enjoy sustainable socio-economic development. These included the promotion of social dialogue at local, national and regional levels, the improvement of human production factors, the creation of an optimal business climate to foster decent work and thereby checkmate poverty, and the setting up of human resource strategies based on competences and employability. To pursue these regional objectives, the participants agreed to an engagement strategy focusing on the activities of employer representatives at three different levels: governmental, regional and local. Regionally, employers called for the creation of a “federative structure” uniting employers’ organizations from ECOWAS member countries as a means to create a forum of exchange and dialogue and to better combine the activities of the West African private sector – which, to that point, had been largely uncoordinated. That said, there do exist other regional linkages in the private sector through organizations such as the West African Enterprise Network (WAEN) or the Federation of West African Chambers of Commerce. This has been best explicated in *Conclusions, Regional Integration and International Cooperation in the ECOWAS: The role of Employers’ Organizations*. WAEN nevertheless does not appear to have had much involvement in, let alone impact on, the regional social policy debate since it is more of a consortium of business and investor interests than a forum for employers with a particular stake in regional labor and employment matters. The participation of the private sector in the ECOWAS integration process has been limited. This situation is not lost on the ECOWAS leadership which considers economic prosperity to depend in large measure on the efforts of the business community and, in matters of human resource development and employment, on the participation of employers in RI dialogue.

Civil Society:

In West Africa, Civil Society Groups have very recently become formally engaged in the process of regional integration despite the fact that even back in 1993, the Revised Treaty called upon the Community to co-operate with regional NGOs to encourage the broad participation of citizens in the integration process [ECOWAS, art 81, 1993]. According to a report published in 2003, December, the first ever West African Civil Society Forum (WACSOFF) brought together some 100 representatives from across the region in an initial effort to institutionalize their relationship with ECOWAS. Funded and endorsed by ECOWAS itself, the Forum was prompted by the prior lack of inclusion of civil society organizations (CSOs) in the work of regional institutions and by the lack of coordination between civil society groups themselves in bringing a critical and coherent perspective to the many policy implications of West African integration. In a statement, one time former ECOWAS Executive Secretary, Dr. Mohamed Ibn Chambas, expressed his personal commitment in strengthening the institutional ties with civil society and to building their capacity to intervene more fully in the sub-region’s activities. He further announced that a Civil Society unit would be created in the ECOWAS Secretariat with the goal of harmonizing the disjointed and divergent civil society initiatives. This focal point now exists but has not undertaken any work in relation to labor or employment matters. From all indications, it appears that the priority is to strengthen the capacity of CSOs to support policy development and implement ECOWAS programs in relation to regional peace and security concerns as Robert Rene [2004] similarly concluded.

The draft Charter of WACSOFF describes it as a partner and advisor of ECOWAS with the objective of promoting “permanent dialogue between West African civil society and the ECOWAS Secretariat on vital issues concerning West Africa and its future”. The Forum is designed to enhance the capacity of civil society to contribute to regional policy formulation by,

among other things, undertaking studies independently or at the request of ECOWAS, and by working with all the organs of the coalition and participating in their activities where necessary. In terms of its institutional structure the forum is composed of ten working committees with mandates over such things as gender, regional integration, economic development and trade, yet there is no committee responsible for labor and employment matters. The absence of a committee dedicated to labor and employment issues is not reflective, however, of the Forum membership, which includes worker and employer organizations, market women, retail traders, artisans and farmers among the ranks of non-governmental social groups.

Conclusions and Recommendations:

Greater institutional attention given to the concerns of these groups must be considered as a positive development. However, the concern shown on the part of regional officials represents only a humble and late beginning to including broader social dialogue in the integration process. Significant progress and hardening of regional policies has already occurred since 1975 without the benefit of a more democratic debate. It will be interesting to see how, at this stage, the nascent advocacy of West African civil society and workers and employers will contribute to the RI discussion in the region and, more importantly, how seriously their contributions will be taken by political leaders. INTERACTION and coordination between such groups and the Secretariat must therefore move beyond the administrative level to include meaningful participation in Council of Ministers deliberations. The Secretariat's initiative is a vital step towards that end, but as a framework for real social dialogue on labor and employment matters, the civil society focal point shows only a limited promise. The said framework must thus provide the inputs and modalities for effective engagement of West Africa Civil Society within the ECOWAS process as amply stated by Ghanaian Minister of Regional Cooperation and NEPAD, D.D. Apraku, at the opening ceremony of the first

ECOWAS civil society forum. Accra, 11 December 2003. The framework that is required must create an appropriate opportunity for West African Civil Society groups to fully partner with the ECOWAS in undertaking major initiatives that will contribute significantly to the development of the sub-region. Despite the huge work remaining to be done, it is the opinion of many observers that the ECOWAS coalition should further encourage the relationship between civil society and government in the region, more so, towards making constructive efforts in involving broader social voices in the Regional Integration [RI] process and to recognize that such groups have an important role in promoting democratic governance, security and socio-cultural development in West Africa.

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