

POLITICAL POWER, AUTHORITY AND LEGITIMACY: ANALYSING THE INCONSISTENCY OF MILITARY RULE WITH DEMOCRATIC GOVERNANCE IN WEST AFRICA

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Abstract

On January 28, 2024, the media came alive with the news of the three Francophone West African countries leaving the Economic Community of West African States (ECOWAS). Before this, the military junta of the Niger Republic had approached the ECOWAS Court of Justice praying for the lift of sanctions imposed upon them by the ECOWAS, the quest to lift these sanctions failed because the court made it clear that it recognizes only democratic government as the only legitimate government. The three questions that this article seeks to answer are whether there is any country in West Africa with a democratic military government, whether the military juntas of these countries can withdraw from ECOWAS through media announcements, and whether their withdrawal from ECOWAS has implications. To answer these questions, this article examines the concept of political power, authority, and legitimacy by adopting theoretical and doctrinal study of primary sources and secondary sources. This study examines and evaluates information and provisions contained in international treaties, conventions and protocols, journal articles, books, newspapers, and materials sourced from the internet.

Keywords: Political, Power, Authority, West Africa, Legitimacy

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1. INTRODUCTION

In 1972, a proposal for a union of West African States emerged, the Nigerian head of state Gen Yakubu Gowon, and his Togolese counterpart Gnassingbe Eyadema travelled around the West African region in support of the integration idea. This brought about the emergence of the Treaty of Lagos in 1975 creating the Economic Community of West African States (ECOWAS).

Emerging political events led to the revision of the treaty and the expansion of its scope and powers in 1993. Cape Verde, one of the two Lusophone countries (Portuguese-speaking African countries, is known as Lusophone Africa, it consists of six African countries which are: Angola, Cape Verde, Guinea-Bissau, Mozambique, São Tomé and Príncipe and Equatorial Guinea.) in the region joined ECOWAS, and in December 2000, Mauritania withdrew its membership. The Economic Community of West African States (ECOWAS) is made up of fifteen member countries that are in the Western African region (ECOWAS official website).

Three West African Francophone countries announced on January 28, 2024, that they were leaving ECOWAS for good and forming a confederation alliance (Busari, 2024). These countries are Niger Republic, Burkina Faso and Mali. The military junta in Niger Republic seized power from the democratic president in July 2023, Burkina Faso entered military rule in 2022 while Mali's entrance into military rule was in 2020. These three countries had received sanctions ranging from ECOWAS membership suspension to various economic sanctions. The position of the ECOWAS is that the military juntas of these countries should return power to their democratically elected governments. These military juntas refused to yield to ECOWAS's directive on this. It is from the above that we embark on the analysis of the inconsistency of military rule with democratic governance in West Africa by adopting theoretical and doctrinal study of primary sources and secondary sources. This study critically examines and evaluates information and provisions contained in international treaties, conventions and protocols, journal articles, books, newspapers, and materials sourced from the internet.

The first section is the introduction, the second section discusses the concept of political power, the third section discusses the concept of authority, the fourth section discusses the concept of legitimacy, the fifth section discusses the question as to whether democratic military government exists in West Africa, the sixth section discusses the legal implication of the non-membership of ECOWAS by the three countries and seventh section is the conclusion.

2. CONCEPT OF POLITICAL POWER

Political power is the semantic for the combination of power and politics. Politics involves partial control of human behavior through voluntary habits of compliance combined with threats of possible enforcement (Deutschp, 1967, p. 232), this means that politics is the interplay of habits and threats. Power has also been described as the ability to prevail in conflict and to overcome obstacles (Deutschp, 1967). Power has always been an important concept in the discussion and study of international relations (Ahmad, 2012, p. 83). Ahmad (2012), in discussing power referred to the postulation of Toffler (1990, pp. 15-16) on different ways power can be manifested, he said power can be manifested by violence, wealth, and knowledge. According to him, determination and identification of power in society is in these three elements and those in the position of authority use these three elements. These three elements are the major determinants of the location of power.

Berndtson (1970, p. 73) believes that there is a long and controversial history of the notion of power which has been uncharted. He believes that the approach to power may be discerned and put into some order even though power may be dark but warm at the same time. The concept of darkness and warmness of power lies in the hands of those who wield it, ideology, conscience, and objectivity always determine how power can be used in either a positive or negative way. Berndtson's (1970) figurative expression on the issue of power being "dark" but "warm" shows that the color of power is determined by the wielder of such power.

In discussing power and anarchy, Buzan (1984, p. 117) opines that military power offers one of the solutions to anarchy, but the self-sustaining mechanisms of anarchy would make any military attempt at a universal empire bloody. He recognizes the fact that military rule to any form of anarchy will explode into a bloody empire because the military would try to expand its rule and governance through guns which will bring about the rise of an army of rebels and militia groups.

In explaining the complexity in the definition of power, Emmet (1953, p. 26) opines that:

Nevertheless, an omnibus term such as power may have its advantages when we are thinking about human efforts and relationships. The complexity in its meaning, if we are aware of this, may serve as a reminder that government and the management of human affairs are not simple things that can be formulated in terms of force or impersonal mechanisms of control, but that several subtle considerations of prestige, faith, admiration, personal flair, social function all enter in. And as we try to understand better the symbolic and metaphorical terms in which people try to express these sides of human relationships, we may see further into the problems suggested by the multiple associations of the concept of power (Emmet, 1953, p. 26).

In corroborating the complexity of power, Arendt (1970, p. 44) believes that power does not belong to an individual except when it is surrendered to such an individual by a group of people. The author succinctly put it this way:

Power corresponds to the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together. When we say of somebody that he is "in power" we refer to his being empowered by a certain number of people to act in their name.

The above is a reference to the operation of a democratic government where political power is derived from a group of people. Parsons (1963, p. 232) however describes power thus:

Power is one of the key concepts in the great Western tradition of thought about political phenomena. It is at the same time a concept on which, despite its long history, there is, on analytical levels, a notable lack of agreement both about its specific definition and about many features of the conceptual context in which it should be placed.

He identified the fact that there is no consensus on what power means but went on to give a meaning thus:

There is, however, a core complex of its meaning, having to do with the capacity of persons or collectivities "to get things done" effectively, in particular when their goals are obstructed by some kind of human resistance or opposition. The problem of coping with resistance then leads to the question of the role of coercive measures, including the use of physical force, and the relation of coercion to the voluntary and consensual aspects of power systems.

He identified power as the capacity to get things done and the coping with human resistance which calls into question the methods to get these things done.

Haugaard (2010, p. 1050) identifies the difference between political power and coercive power thus:

The distinction between political and coercive power involves what Max Weber called ideal types, which entail the construction of purified categories of analysis distilled from social life. Pure political power, devoid of violence and coercion, is a rare phenomenon. In most interactions, the two sources of power are mixed, yet some interactions are predominantly characterized by political power, and, with the emergence of the modern democratic state, the

conditions of possibility for political power unsupported by coercion became hugely advanced.

He believes that no political power can exist without coercion and violence. Coercion may refer to the punishment or penalty stipulated in the law for disobedience of such law. In any case, man has never lived without political power, and political power has brought about both good and evil, often necessarily less than the ideal good (Sandelius, 1951, p. 715).

Neumann (1950, p. 162) believes that those who wield political power are always compelled to make the people respond to their rule by creating emotional and rational responses in them which make them accept their commands and instructions, he went further that failure of the political power wielders to successfully invoke people's submission through emotion result to simple violence. Neumann's description of political power is insightful, and the little violence referred to here is the punishment or penalty which attracts the breach of the law of the land.

Lukes (2007, p. 61) believes that there is no neutral, canonical, uncontestable way of conceiving power that is free of controversial political implications. He said this is due to the links between power, responsibility, and interests. He opines that "To attribute responsibility and to identify where agents' interests lie is inherently controversial. Power can be conceived narrowly or broadly and as incorporating one or more dimensions, yielding different pictures of how power is configured".

Uphoff (1989, p. 295) corroborated the above when he opines that power itself is a clear complex notion but when it is mixed with discussion of politics, it becomes more complex to define. In his words, he opines that:

Power is a puzzling notion. It seems so useful as a way to talk about politics in ordinary discourse, but when used to analyze politics systematically it quickly becomes entangled in a snarl of concepts, its precise nature and meaning growing less clear in the underbrush of related terms.

He went further to say that:

Power is often treated as synonymous with "authority," though if the two terms meant the same thing, we would need only one of the two words in our vocabulary. To make matters worse, authority is commonly referred to as "legitimate" power, making the three terms into a conceptual labyrinth (Uphoff 1989, p. 296).

The three terms were used by Hurd (1999, p. 379) who states that political theorists distinctly describe three mechanisms of social control that have the same bearing with the three currencies of power, which he calls coercion, self-interest, and legitimate authority. There has

never been a definite answer to what power is because it depends on the context in which it is used. From the above, political power can only be wielded by a democratic government.

3. CONCEPT OF AUTHORITY

The concept of authority in this section is discussed with politics, that is, we are discussing political authority. Beran (1983, p. 487) analyses the concept of authority as it relates to political authority when he opines that:

When we ask what the basis of political authority is, we are concerned with what I will call authority-over, rather than with authority-on or authority-with. The distinction between the three types of authority is now widely accepted. Authority-over consists of the right to issue orders in certain areas of conduct, a right that one has by a role within a hierarchically organized group. Authority-on is detailed and systematic knowledge that is recognized as such by others. Authority- with readily accepted influence by leadership qualities or office or expertise.

To him, political authority has classification and the most appropriate one for this discussion is the “authority-over” which is what political authority is all about even though a group of people gave such authority willingly.

Carr (1989, pp. 730&731) discusses the concept of political authority in line with Kant’s theory when he opines that “political authority is the precondition for both peace and freedom, and two unite under the political condition promoted by the state.” To him, peace and freedom can only exist where there is political authority. The exercise of political authority requires the citizen to obey without question and the possibility of coercion (Cassinelli, 1961, p. 635).

Edmunson (2010, p. 180) opines that “Political authority consists in the state's (purported) moral power to place us under obligations to obey its commands, particularly its laws". Moral power in this context refers to the duty of the democratic government to provide amenities and a conducive environment for the citizens to strive and this creates the obligation in the citizens’ minds to obey its law. Sanders (1983, p. 555) believes that political authority and natural authority are two different things, but political authority can successfully mimic the natural authority where genuine people hold office. In his words:

Political authority is at best a pale imitation of the "natural" relationship it tries to mimic. For this reason, it is bound to be unsatisfactory, no matter what independent advantages it may be perceived by some to offer. But curiously, it can succeed to some extent in that it is not impossible that genuinely worthy

people may come to hold office, and in that many people may come to regard an office-holder as a "natural" authority simply because of their faith in the institutional process. This, surely, is what the defenders of political authority hope for.

Sanders is referring to a democratic government with political authority in the hands of honest and good leaders which then turns to natural authority where the obedience is observed out of love for the leader as opposed to fear of punishment. The above shows that political authority can only exist in the hands of a democratic government.

4. CONCEPT OF LEGITIMACY

Legitimacy in politics means the right to rule and the acceptance of the government by the governed. Buchanan (2002, p. 719) has argued that where institutional resources are available for the democratic authorization of a wielder of political power, political legitimacy requires democracy.

Sartorius (1981, p. 17) in discussing legitimacy under democratic rule opines that:

Those who legitimately wield the powers of government have the right to rule and the responsibility to do so for the benefit of, and with an eye to the protection of, the rights of those they govern. Those they govern lie under no general obligation to obey them and may, indeed, seek to remove from authority those who abuse the awesome powers of government.

The above paints the picture of a democratic setting where the power belongs to the people and there are checks and balances in governance. Cozzaglio (2022, p. 86) argues that a realist notion of legitimacy must be grounded on both acceptance and acceptability and must prioritize acceptance over acceptability. He believes that "a regime is legitimate when it exercises political power according to standards that are included in subjects' acceptable beliefs". Acceptable beliefs are the principles of democracy. Three fundamental principles of democracy are that (i) individuals have inalienable human rights; (ii) they ought to be free to make decisions for themselves when their actions do not improperly interfere with the lives of others; and (iii) they should have an equal voice over how they are governed, insofar as they are competent Keohane (2011, p. 99).

Pfaff et.al (2022, p. 4) in discussing legitimacy opine that "Legitimacy depends on inter-communal belief and faith in fair and effective government and civic systems. This includes the government's ability to provide services, proportional access to shared funds, available jobs, and other resources fundamental to quality of life".

Koppell (2008, p. 178) stressed that it is important to separate authority from legitimacy; he opines that authority exists in the absence of legitimacy. I agree with this assertion, a government may come into power and have authority but lack legitimacy, for example the military government. The motive for military intervention is at its peak when the military cares very strongly about a policy that can be effectively attained with little or no cooperation from the citizens (Sutter, 1999, p. 140). From the above, it can be concluded that legitimacy cannot exist under military rule.

5. IS THERE A DEMOCRATIC MILITARY GOVERNMENT IN WEST AFRICA?

The ECOWAS Court of Justice on December 7, 2023, dismissed the prayer of Niger Republic for the suspension of the sanctions imposed upon it by the ECOWAS Heads of State and Government. At the hearing of the case on November 21, 2023, it was argued that the sanctions imposed by the Authority of Heads of State and Government of ECOWAS have had negative effects on the people of Niger Republic which include food shortage, medicine shortage, and non-availability of electricity because of the closure of borders and stoppage of electricity supply by Nigeria.

The sanctions were carried out according to Article 77(1) and (2) of the ECOWAS Revised Treaty which provides that:

1. Where a Member State fails to fulfill its obligations to the Community, the Authority may decide to impose sanctions on that Member State.
2. These sanctions may include:
 - (i) suspension of new Community loans or assistance.
 - (ii) suspension of disbursement on ongoing Community projects or assistance programs;
 - (iii) exclusion from presenting candidates for statutory and professional posts.
 - (iv) suspension of voting rights; and
 - (v) suspension from participating in the activities of the Community.

The above provision has shown that the list of sanctions is not exhaustive. The Court, in rejecting the application, explained that the Republic of Niger being currently controlled by the military junta, lacked the legal capacity to bring any matter. It based its decision on Articles 9(2) and 10 of the Protocol of the Court. Article 9(2) of the protocol A/P.1/7/91 on the Community Court of Justice provides that:

The Court shall also be competent to deal with disputes referred to it, in accordance with the provisions of Article 56 of the Treaty, by Member States or the Authority, when such disputes arise between the Member States or between one or more Member States and the Institutions of the Community on the interpretation or application of the provisions of the Treaty.

Article 10 of the Protocol of the Court provides that:

The Court may, at the request of the Authority, Council, one or more Member States, or the Executive Secretary, and any other institution of the Community, express, in an advisory capacity, a legal opinion on questions of the Treaty.

Requests for advisory opinion as contained in paragraph 1 of this Article shall be made in writing and shall contain a statement of the questions upon which advisory opinion is required. They must be accompanied by all relevant documents likely to throw light upon the question.

Upon receipt of the request referred to in paragraph 2 of this Article, the Chief Registrar shall immediately inform Member States, and notify them of the time limit fixed by the President for receipt of their written observations or for hearing their oral declarations.

In the exercise of its advisory functions, the Court shall be governed by the provisions of this Protocol which apply in contentious cases, where the Court recognizes them to be applicable.

In its ruling, the Court opined that an entity emanating from an unconstitutional change of government, and not acknowledged by ECOWAS as a government of a member state, lacks the legal capacity to initiate an action before the court to obtain benefits or reprieve.

The ECOWAS Community Court of Justice was established in 1991 by the ECOWAS Revised Treaty. Article 6(1)e lists the Community Court of Justice among the institutions of ECOWAS. Article 15 of the treaty provides for the establishment of the Community Court of Justice thus:

1. There is hereby established a Court of Justice of the Community.
2. The status, composition, powers, procedure and other issues concerning the Court of Justice shall be as set out in a Protocol relating thereto.
3. The Court of Justice shall carry out the functions assigned to it independently of the Member States and the institutions of the Community.

4. Judgements of the Court of Justice shall be binding on the Member States, the Institutions of the Community, and on individuals and corporate bodies.

The Court had made it clear that there is no democratic military government in West Africa and the military junta cannot benefit from its illegality, this can be likened to two maxims of equity namely "one who comes to equity must come with clean hands" and "one who wants equity must do equity". The Court referred to the Nigerien military government as an "unconstitutional and unrecognized governmental authority". Democracy and military rule are two different concepts that can never co-exist in the same environment. While democracy is the government of the people, military rule is the government of force and coercion.

ECOWAS Revised Treaty gives the Community Court of Justice the final say in settling disputes among member countries. Article 76 provides that:

1. Any dispute regarding the interpretation or the application of the provisions of this Treaty shall be amicably settled through direct agreement without prejudice to the provisions of this Treaty and relevant Protocols.
2. Failing this, either party or any other Member States or the Authority may refer the matter to the Court of the Community whose decision shall be final and shall not be subject to appeal.

From the above, the decision of the ECOWAS Court of Justice is the final and there is no provision for appeal of this decision. It has been emphasized that military rule and democratic governance cannot co-exist.

6. ECOWAS OBJECTIVES, PROCESS OF WITHDRAWAL AND IMPLICATION OF NON-MEMBERSHIP OF THE ECOWAS

Under this section, we are discussing the issue of membership in ECOWAS, the process of withdrawing as a member, and the implications of non-membership to the countries and their citizens.

6.1 Objectives

The Economic Community of West African States (ECOWAS) was created for a purpose. The purpose is as provided in Article 3(1) of the Revised Treaty as follows:

The Community aims to promote cooperation and integration, leading to the establishment of an economic union in West Africa to raise the living standards of its

people and maintain and enhance economic stability, foster relations among Member States, and contribute to the progress and development of the African Continent.

Article 3(2) of the Revised Treaty laid down the process of achieving the objectives. Fundamental principles of the ECOWAS are as provided for under Article 4 of the Revised Treaty as follows:

- a) equality and inter-dependence of Member States;
- b) solidarity and collective self-reliance;
- c) inter-State cooperation, harmonization of policies, and integration of programs;
- d) non-aggression between Member States;
- e) maintenance of regional peace, stability, and security through the promotion and strengthening of good neighborliness;
- f) peaceful settlement of disputes among Member States, active co-operation between neighboring countries, and promotion of a peaceful environment as a prerequisite for economic development;
- g) recognition, promotion, and protection of human and people's rights by the provisions of the African Charter on Human and Peoples' Rights;
- h) accountability, economic and social justice, and popular participation in development;
- i) recognition and observance of the rules and principles of the Community;
- j) promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles adopted in Abuja on 6 July 1991; and
- k) equitable and just distribution of the costs and benefits of economic cooperation and integration.

The treaty recognizes the democratic system of governance.

6.2 Process of Withdrawal

The process of withdrawal is as provided for in Article 91 of the ECOWAS Revised Treaty thus:

1. Any Member State wishing to withdraw from the Community shall give the Executive Secretary one year's notice in writing who shall inform the

Member States thereof. At the expiration of this period, if such notice is not withdrawn, such a State shall cease to be a member of the Community.

2. For one year referred to in the preceding paragraph, such a Member State shall continue to comply with the provisions of this Treaty and shall remain bound to discharge its obligations under this Treaty.

Article 42(2) of the Vienna Convention on the Law of Treaties 1969 provides that “the termination of a treaty, its denunciation or the withdrawal of a party, may take place only because of the application of the provisions of the treaty or the present Convention. The same rule applies to suspension of the operation of a treaty”. It means that the withdrawal of membership follows the provision of a treaty or convention. Also, Article 54 of the Vienna Convention on the Law of Treaties 1969 further provides for the conditions for the withdrawal of a party or termination of a treaty thus:

The termination of a treaty or the withdrawal of a party may take place:

- (a) in conformity with the provisions of the treaty; or
- (b) at any time by consent of all the parties after consultation with the other contracting States.

6.3 *Implication of Withdrawal*

The implication of the withdrawal is succinctly stated in Article 70 of the Vienna Convention on the Law of Treaties 1969 thus:

1. Unless the treaty otherwise provides or the parties otherwise agree, the termination of a treaty under its provisions or in accordance with the present Convention:

- (a) releases the parties from any obligation further to perform the treaty;
- (b) does not affect any right, obligation, or legal situation of the parties created through the execution of the treaty prior to its termination.

2. If a State denounces or withdraws from a multilateral treaty, paragraph 1 applies to the relations between that State and each of the other parties to the treaty from the date when such denunciation or withdrawal takes effect.

Article 92(1) of the ECOWAS Revised Treaty gives credence to the above when it provides that:

Upon the entry into force of this revised Treaty in accordance with the provisions of Article 89, the provisions of the United Nations Vienna Convention on

the Law of Treaties adopted on May 23, 1969, shall apply to the determination of the rights and obligations of Member States under the 1975 ECOWAS Treaty and this revised Treaty.

Under the Treaty, each Member State had undertaken to honor its obligations under the ECOWAS Revised Treaty and to abide by the decisions and regulations of the Community (Article 5(3) of the ECOWAS Revised Treaty). The following are the benefits to be lost at the withdrawal of membership from ECOWAS.

(i) Loss of cooperation in food and Agriculture

Article 25 of the Revised Treaty provides for cooperation in agricultural development and food security. This cooperation will no longer exist the moment the countries cease to be members of ECOWAS.

(ii) Loss of Cooperation in Industry, Science and Technology, and Energy

Article 26-28 of the Revised Treaty provides for cooperation in the areas of industry, science and technology, and energy. This cooperation will be lost as soon as the countries cease to be members of ECOWAS.

(iii) Loss of Co-operation in Environment and Natural Resources

The three countries will lose the cooperation of ECOWAS in environment and natural resources as provided under Article 29-31 of the Revised Treaty as soon as they cease being members.

(iv) Loss of Co-operation in Transport, Communications and Tourism

Article 32-34 provides for cooperation in transport, communication and tourism. This cooperation will cease to exist the moment the three countries withdraw from ECOWAS.

(v) Loss of Co-operation in Trade, Customs, Taxation, Statistics, Money and Payments

One of the important areas of cooperation is in trade, customs, taxation, statistics, money, and payments as provided for under Article 35-53 of the Revised Treaty. The three countries will lose all these cooperations as soon as they withdraw from ECOWAS membership.

(vi) Loss of Benefits in Establishment and Completion of an Economic and Monetary Union

The desire of the regional organization to establish an economic and monetary union had been an uppermost agenda in driving economic and monetary integration in West Africa.

Article 54-55 of the Revised Treaty provides for this union, at the exit of the three countries from ECOWAS, the cooperation on this will cease to exist.

(vii) Loss of Cooperation in Political, Judicial, and Legal Affairs, Regional Security and Immigration

Article 56-59 provides for the cooperation of the member states in political, judicial, and legal affairs, regional security, and immigration. The moment these three countries withdraw from the ECOWAS, their citizens lose all rights to free migration among the ECOWAS countries, and the countries lose the regional political, judicial, legal, and regional security cooperation.

(viii) Loss of immigration Rights

Article 59 of the ECOWAS Revised Treaty provides for the immigration rights of the ECOWAS citizens thus:

1. Citizens of the Community shall have the right of entry, residence, and establishment and Member States undertake to recognize these rights of Community citizens in their territories in accordance with the provisions of the Protocols relating thereto.

2. Member States undertake to adopt all appropriate measures to ensure that Community citizens enjoy fully the rights referred to in paragraph 1 of this Article.

3. Member States undertake to adopt, at the national level, all measures necessary for the effective implementation of the provisions of this Article.

The moment the three countries withdraw from the ECOWAS, their citizens lose their rights of entry, residence, and establishment in ECOWAS member states.

(ix) Loss of Cooperation in Human Resources, Information, Social and Cultural Affairs

Article 60-66 provides for cooperation in human resources, information, and social and cultural affairs among the ECOWAS member states. The three countries will lose this cooperation from the moment they withdraw from the membership of the community.

(ix) Loss of Co-operation in Other Areas

Article 67 provides for the cooperation of the member states in other areas not specifically captured in the treaty. The three countries will lose all cooperation in other areas as soon as they cease to be members of the community.

(x) Loss of Special treatment for landlocked countries

Article 68 provides for the special treatment of the landlocked member states thus:

Member States, taking into consideration the economic and social difficulties that may arise in certain Member States, particularly island and land-locked States, agree to grant them where appropriate, special treatment in respect of the application of certain provisions of this Treaty and to accord them any other assistance that they may need.

Niger Republic, Mali and Burkina Faso are all landlocked countries. Out of Africa's 55 countries, 16 of them which are landlocked are: Botswana, Burkina Faso, Burundi, Central African Republic, Chad, Ethiopia, Lesotho, Malawi, Mali, Niger, Rwanda, South Sudan, Swaziland, Uganda, Zambia, and Zimbabwe.

From the above, the loss of benefits at the withdrawal from the ECOWAS by Burkina-Faso, Mali, and Niger Republic will negatively affect the economic and social lives of their citizens. The loss will be enormous, and the freedom enjoyed by their citizens on free migration will be lost. It is like taking one thousand steps backward.

7. CONCLUSION

We have been able to see that there is nowhere in West Africa where democratic military rule exists because military rule lacks political power, authority, and legitimacy which are willingly given by the people. As rightly opined by Haugaard (2010:1049), political power is a power that comes through authority, which involves a performing act, authority is a democratic subject that interprets the world in a unique way, is disciplined, and therefore accountable to norms of equality and impartiality. In this context, it is the kind of power that everyone will spontaneously agree to identify as such, and it is the index of recognition that accompanies such authority, making its power legitimate (Oyarzún, 2011:225).

The three countries cannot withdraw from ECOWAS with a mere media announcement. The procedure for withdrawal is clear as provided for in Article 91 of the ECOWAS Revised Treaty. One year's notice in writing is required and during the pendency of this one-year notice, the countries must continue to comply with the provisions of the treaty. They can only be discharged at the expiration of such a given one-year notice.

The implication of these three Francophone West African countries' withdrawals from ECOWAS has been highlighted above. One fact is clear, we cannot use illegality to fight illegality, the duty of the military of a sovereign state is to protect the integrity of its territory from external aggression. Sacking their democratic government may not be the right thing to do despite the allegation of corruption against the government, however, reinstating democratic

government by allowing the citizens of these countries to decide who their next leaders are will be the right step to take.

LIST OF REFERENCES

Treaties and Protocols

ECOWAS Revised Treaty
ECOWAS Protocol A/P.L/7/91 on the Community Court Of Justice
Vienna Convention on the Law of Treaties

Periodicals, books of proceedings

- Ahmad, A., (2012) “Concept of National Power” 32(2/3) *Strategic Studies* pp. 83-101.
- Berndtson, A., (1970) “The Meaning of Power” 31(1) *Philosophy and Phenomenological Research*. 73-84.
- Buchanan, A., (2002) “Political Legitimacy and Democracy” 112(4) *Ethics* 689-719.
- Busari, B., (2024) “Mali, Niger, Burkina Faso plan to form new confederation after ECOWAS Exit” retrieved from <https://www.vanguardngr.com/2024/02/mali-niger-burkina-faso-plan-to-form-new-confederation-after-ecowas-exit/>
- Buzan, B., (1984) ‘Peace, Power, and Security: Contending Concepts in the Study of International Relations’ 21(2) *Journal of Peace Research*. 109-125.
- Cassinelli, C.W., (1961) “Political Authority: Its Exercise and Possession” 14(3) *The Western Political Quarterly*. 635- 646.
- Cozzaglio, I., (2022) “Legitimacy between Acceptance and Acceptability” 48(1) *Social Theory and Practice*. 61-88.
- Craig L. Carr, C.L., (1989) “Kant’s Theory of Political Authority” 10(4) *History of Political Thought*. 719-731.
- Deuschp, K.W., (1967) “On the Concepts of Politics and Power” 21(2) *Journal of International Affairs*. pp.232-241.
- ECOWAS Court of Justice, “ECOWAS Court Declines to Grant Request for Interim Measures In Suit Brought by Niger Against the ECOWAS Authority of Heads of State and Government” retrieved from <http://www.courtecowas.org/2023/12/07/ecowas-court-declines-to-grant-request-for-interim-measures-in-suit-brought-by-niger-against-the-ecowas-authority-of-heads-of-state-and-government/>
- ECOWAS, “Member States” retrieved from <https://ecowas.int/member-states/>

- Edmunson, W.A., (2010) "Political Authority, Moral Powers and the Intrinsic Value of Obedience" 30(1) *Oxford Journal of Legal Studies*.179-191.
- Emmet, D., (1953-1954) "The Concept of Power: The Presidential Address" 54 *Proceedings of the Aristotelian Society*. 1-26.
- Franz L. Neumann, F.L., (1951) "Approaches to the Study of Political Power" 65(2) *Political Science Quarterly*. 161-180.
- Habermas, J., and McCarthy, T., (1977) "Hannah Arendt's Communications Concept of Power" 44(1) *Social Research* 3-24.
- Hannah Arendt, H., (1970) *On Violence* (New York: Harcourt, Brace & World)
- Harry Beran, H., (1983) "What is the basis of Political Authority" 66(4) *The Monist*.487-499.
- Haugaard, M., (2010) "Democracy, Political Power, and Authority" 77(4) *Social Research*. 1049-1074.
- Hurd, I., (1999) "Legitimacy and Authority in International Politics" 53(2) *International Organization*. 379- 408.
- Keohane, R.O., (2011) "Global governance and legitimacy" 18(1) *Review of International Political Economy*. 99-109.
- Koppell, J., (2008) "Global Governance Organizations: Legitimacy and Authority in Conflict" 18(2) *Journal of Public Administration Research and Theory*. 177-203.
- Lukes, S., (2007) "Power" 6(3) *Contexts*. 59-61.
- Mark Haugaard, M., (2010) "Democracy, Political Power, and Authority" 77(4) *Social Research*. 1049-1074.
- Pablo Oyarzún R., (2011) "On the Concept of Authority" 11(3) *The New Centennial Review*. 225-252.
- Parsons, T., (1963) "On the Concept of Political Power" 107(3) *Proceedings of the American Philosophical Society*. 232-262.
- Pfaff, C.A., Connable, B., and Mostajabi, M., (2022) "IRAQ: Implementing a Way Forward" (Atlantic Council) p.4 retrieved from <https://www.jstor.org/stable/resrep41251.3>
- Sandelius, W.E., (1951) "Reason and Political Power" 45(3) *The American Political Science Review*. 703-715.
- Sanders, J.T., (1983) "Political Authority" 66(4) *The Monist*. 545-556.
- Sartorius, R., (1981) "Authority and Political Obligation" 67(1) *Virginia Law Review*. 3-17.

Sutter, D., (1999) “Legitimacy and Military Intervention in a Democracy: Civilian Government as a Public Good” 58(1) *The American Journal of Economics and Sociology*. 129-143.

Toffler, A., (1990) “Power Shift: Knowledge, Wealth and Violence at the Edge of the 21st Century” (New York: Bantam Books).

Uphoff, N., (1989) “Distinguishing Power, Authority & Legitimacy: Taking Max Weber at His Word by Using Resources-Exchange Analysis” 22(2) *Polity* 295-322.