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The AES Exit from ECOWAS: A Security Analytics Reading of a Live Treaty-Law Problem



Introduction

On 29 January 2025, Burkina Faso, Mali and Niger ceased to be members of the Economic Community of West African States, and the regional security architecture that had governed roughly half of West Africa's land area for almost half a century lost its legal grip over that territory overnight. Most of the commentary that followed treated the event as a political story, a tale of juntas, sanctions and a pivot toward Russia (Peoples Dispatch, 2025). What the departure actually did, however, has far less to do with diplomatic theatre than with the region's threat picture. The Economic Community of West African States is losing the Sahel at precisely the moment the Sahel has become, by the Global Terrorism Index's own measure, the epicentre of global terrorism, accounting for roughly half of all terrorism related deaths recorded worldwide in 2024 (Obiezu, 2025). What the Alliance of Sahel States exit actually severed, and what survives of the region's collective defence and border control architecture, matters more than the legal technicalities that produced it, even though the analysis has to pass through those technicalities to get there.

This article traces that threat picture in five parts. It begins with the withdrawal itself, treated briefly as a legal event before turning quickly to what it meant operationally for the Mediation and Security Council and the institutions that used to coordinate counterterrorism cooperation across the AES's former territory. It then examines free movement, not as a question of migrants' rights but as a question of border control, asking what an unregulated and legally contested movement corridor means for the people who currently exploit West Africa's porous frontiers for smuggling, trafficking and recruitment. It turns next to the unresolved division of ECOWAS's shared assets and liabilities, arguing that this is not an accounting footnote but a direct input into the funding crisis now constraining the ECOWAS Standby Force. It then assesses the resulting gap in the region's security mandate, where two parallel and uncoordinated defence architectures, the ECOWAS Standby Force and the AES Unified Force, now cover overlapping terrain without a shared command structure or data sharing obligation. It closes with Ghana's own position inside this fractured order, and what the Accra Initiative does and does not solve.

A Rupture in the Order of Battle, Not Just the Order of Law

The legal basis of the withdrawal is not seriously contested. Article 91 of the Revised ECOWAS Treaty requires a withdrawing state to give one year's written notice, during which it remains bound by its treaty obligations, after which its membership lapses automatically (ECOWAS, 1993, art. 91). Mali, Burkina Faso and Niger gave that notice on 28 January 2024 and their membership accordingly ended on 29 January 2025, exactly as the treaty text anticipated (ECOWAS, 2025a). Cowell (2024) has shown that there is no credible legal basis for ECOWAS to treat this exit as reversible by its own fiat,

a reading consistent with Article 70 of the Vienna Convention on the Law of Treaties, which releases a withdrawing party from further performance while leaving undisturbed whatever rights or legal situations the treaty had already created (Vienna Convention on the Law of Treaties, 1969, art. 70). The only precedent, Mauritania's withdrawal in 2000, offers little operational guidance, since it involved a single state with a comparatively small security footprint and was absorbed through quiet administrative silence rather than any structured handover (The New Humanitarian, 2000).

What that silence cannot absorb this time is the security dimension. The 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security built its entire collective defence and early warning architecture, the Mediation and Security Council, the Defence and Security Commission and the mutual assistance guarantee inherited from the 1981 Protocol on Mutual Assistance in Defence, around the premise of continuous ECOWAS membership (ECOWAS, 1999). The moment Mali, Burkina Faso and Niger exited, their governments lost their seats on the body that used to coordinate regional intelligence sharing and early warning reporting on cross border militant movement, and ECOWAS lost any treaty based channel through which to request access, overflight or cooperation inside their territory. Balima (2024) reads the AES's own September 2023 Liptako-Gourma Charter, which created a collective defence pact among the three states more than a year before the ECOWAS exit took legal effect, as evidence that the juntas had already concluded the ECOWAS security guarantee was something to replace rather than merely suspend. The practical effect was therefore not a single rupture on 29 January 2025 but a year long unwinding, during which operational coordination degraded steadily while the treaty clock ran its course, a pattern worth treating as a leading indicator the next time a member state signals an Article 91 notice.

An Open Border With No Legal Floor

Free movement across West Africa is a dual use asset. The 1979 Protocol on Free Movement of Persons, Residence and Establishment is what allows legitimate trade, labour migration and family movement to function across fifteen borders without friction, and it is also the instrument that smuggling networks, arms traffickers and militant facilitators have long used to move people and material with minimal scrutiny, since a functioning free movement regime by design limits the discretion border officers have to stop and question travellers (ECOWAS, 1979). What changed on 29 January 2025 is that this corridor, for AES nationals specifically, stopped resting on any binding legal obligation and started resting on unilateral administrative tolerance. ECOWAS announced it would continue to recognise ECOWAS logo passports and identity cards held by AES nationals until further notice, and the AES states reciprocated informally, but neither side is bound to maintain this arrangement, and a formal six month transitional period that ran from

January to July 2025 expired without any replacement instrument (ECOWAS, 2025a; Fragomen, 2025). Niger has already demonstrated how quickly this tolerance can break down, barring Nigerian nationals travelling on ECOWAS passports in February 2025 on stated sovereignty and security grounds (Grokipedia, 2025). The AES has meanwhile begun issuing its own biometric passport, in circulation since January 2025, creating a second travel document system that ECOWAS border posts now have to recognise informally alongside the ECOWAS passport it was designed to replace (Biometric Update, 2025; Mwangi, 2025).

What matters is not whether this arrangement is generous or restrictive but that it is unregulated, and unregulated border regimes are precisely the environment in which illicit movement thrives. Ghana's own northern frontier is the clearest illustration. Reporting from the Ghana Burkina Faso border has documented young men moving gold, timber, weapons and machinery through informal corridors, citing joblessness rather than ideology as their motive for involvement in these networks, exactly the kind of movement a stable, rules based free movement regime is supposed to channel into visible and taxable trade rather than into smuggling (Africa Defense Forum, 2024). Field research by Promediation has pointed to the possible emergence of jihadist cells in Ghana's Savannah and Upper East regions, with incursions from Burkina Faso, Niger, Mali and Nigeria since 2019 concentrated around the same informal economic hubs used for cross border trade and artisanal mining (African Security Network, 2025). None of this is new, but the collapse of a clear legal floor under free movement removes whatever residual leverage ECOWAS border agencies had to demand reciprocal data sharing or coordinated watch listing from the AES side as a condition of continued access, since there is no longer a treaty obligation to invoke if that cooperation is refused. In Article 70 terms, a residency or establishment right already exercised before 29 January 2025 may well be a vested legal situation that survives the withdrawal. The day to day border crossing that a trafficking or recruitment network depends on is not vested in that sense. It is a fresh exercise of a privilege, which means it is also the single easiest point in the whole legal relationship for either side to restrict, and currently neither side has structured that restriction around any shared threat assessment.

Following the Money: The Capability Gap Behind the Asset Standoff

The unresolved division of ECOWAS's shared assets and liabilities looks, on its face, like an accounting dispute, but it maps directly onto the capability crisis now constraining the bloc's security response. The Revised Treaty contains no withdrawal settlement clause specifying how a departing member's share of the Community Levy, its capital subscription in the ECOWAS Bank for Investment and Development, or its claims on shared pension liabilities are to be apportioned, and nearly two years after the one year notice period began, no ECOWAS instrument has settled any of it (ECOWAS, 1993). The

April 2025 Extraordinary Session of the Council of Ministers in Accra was convened specifically to address what it called the contingency plan and modalities of withdrawal, and its own framing acknowledged that the three departing states had benefited from decades of integration funding whose unwinding required a coordinated response that had, at that point, not yet been designed (ECOWAS, 2025b).

This financial vacuum lands directly on top of ECOWAS's attempt to rebuild a credible counterterrorism capability. In March 2025, ECOWAS activated a standby force explicitly framed around countering the terrorism spreading from what used to be its own northern tier, with Nigeria's Defence Minister acknowledging openly that most of the states that had originally agreed to contribute troops were no longer ECOWAS members, forcing the bloc to look back within its reduced membership to cover the gap (Obiezu, 2025). By August 2025, ECOWAS had announced a far larger counterterrorism brigade, initially envisioned at a scale requiring an estimated annual budget of 2.5 billion United States dollars, with defence and finance ministers meeting that same month to address the absence of predictable, sustained funding for the force (International Security Sector Africa, 2026). Read side by side, these two developments form a single causal chain rather than two unrelated stories. ECOWAS lost, at a stroke, three of its largest and most security engaged former members as funding contributors, lost any clarity on what those members' prior Community Levy contributions and capital subscriptions are owed or owing, and is now trying to stand up a multibillion dollar force on a funding base that has neither been reconciled with its past nor secured for its future. The legal silence on asset division is not incidental to the capability gap. It is one of its direct causes, because an organisation cannot credibly plan a force's financing when its own balance sheet with its largest former contributors remains an open question.

The Security Mandate Hole: Who Owns Counterterrorism in the Sahel Corridor Now

The more consequential question is not whether ECOWAS's claim to jurisdiction over AES territory survives in the abstract, but what has filled the operational space that claim used to occupy, because that space has not stayed empty. The AES has built its own 5,000 strong combined force, headquartered in Niamey and explicitly modelled on a collective defence pact rather than on ECOWAS's older conflict prevention logic, intended to prove that the AES states can compete with ECOWAS on counterterrorism delivery rather than merely on political sovereignty (Military Africa, 2026). ECOWAS, for its part, has stood up its own standby force and newly announced counterterrorism brigade, but analysts assessing its prospects have been blunt that without Mali, Burkina Faso and Niger's participation, the force risks becoming what one commentary bluntly called a coastal defence entity rather than a comprehensive regional shield, covering the states furthest from the conflict's actual centre of gravity (Military Africa, 2026).

The underlying structure is the problem. Two defence architectures, ECOWAS's standby force and the AES Unified Force, now operate across contiguous and in places overlapping terrain, answering to separate political authorities, running separate intelligence channels, and bound by no shared data sharing obligation, because the 1999 Mechanism's jurisdictional hook was always ECOWAS membership and that membership is precisely what no longer exists for the AES states (ECOWAS, 1999). Those tracking the border zones most exposed to militant activity, particularly the Nigeria Niger frontier where both the Islamic State in the Sahel and Jama'at Nusrat al Islam wal Muslimin operate, have warned that fragmented regional cooperation of exactly this kind allows armed groups to exploit the seams between uncoordinated security architectures as safe havens. A group that triggers pursuit on one side of the AES ECOWAS line can simply cross into a jurisdiction whose forces have no standing arrangement to continue that pursuit (Small Wars Journal, 2025). ECOWAS's own Chair has acknowledged that defence and security cooperation with the AES notionally continues on both a multilateral and a bilateral basis, which is itself a telling admission that the multilateral legal architecture built specifically for this purpose, the 1999 Mechanism, is no longer doing the work, and that whatever cooperation does occur is happening through improvised channels rather than through the instrument designed to carry it (Obiezu, 2025).

Ghana's Front Line: The Accra Initiative as an Improvised Fix

Ghana sits inside this gap more directly than most ECOWAS members, because its own northern border work already depends on exactly the kind of improvised, non treaty cooperation this analysis has identified as the region's general pattern. The Accra Initiative, through which Ghana, Côte d'Ivoire, Togo and Benin coordinate counter terrorism intelligence with Burkina Faso as an invited security partner rather than as a party to any ECOWAS instrument, functions today as Ghana's primary operational channel into AES territory on security matters, precisely because the 1999 Mechanism can no longer reach Burkinabe territory on its own authority (West Africa Network for Peacebuilding, 2024). This arrangement works in practice, but it is worth setting out plainly what it lacks relative to what full ECOWAS coverage used to provide. It has no compulsory information sharing obligation analogous to the Mediation and Security Council's mandate. It carries no automatic trigger for regional reinforcement if a threat escalates beyond what the four partner states can manage bilaterally. And it depends entirely on continued political goodwill from a military government in Ouagadougou that has already shown, through its own exit from ECOWAS, a willingness to walk away from multilateral security commitments when it judges them no longer in its interest.

This matters for how Ghana should read its own threat environment along the Upper East, Savannah and Northern regions, where reporting has already flagged chieftaincy conflict in Bawku and economically driven recruitment into cross border smuggling networks as

conditions that extremist groups expanding from the Sahel are positioned to exploit (Africa Defense Forum, 2024). Ghana's security planning around that corridor is currently leaning on an FCC substitute, the Accra Initiative, for a treaty guarantee that no longer legally reaches the territory where the threat originates. That substitute is functional today. It is not, in any legal sense, durable, and its durability depends on exactly the kind of bilateral political relationship that proved breakable when Mali, Burkina Faso and Niger decided ECOWAS's own multilateral guarantee was no longer worth the sanctions attached to it.

Reading the Risk: Implications for Regional Security Planning

Pulling these threads together, the practical risk picture across West Africa, Ghana's own corridor included, has three components easily missed if the withdrawal is treated as a settled legal fact rather than an open operational problem. First, the free movement corridor between ECOWAS and AES territory is currently governed by administrative tolerance rather than binding obligation, which means any security agency relying on reciprocal watch listing, passenger data sharing or coordinated border screening with AES counterparts is relying on an arrangement that can be withdrawn unilaterally and without notice, as Niger has already demonstrated. Second, the unresolved division of ECOWAS's shared financial assets is not a background legal dispute but a direct constraint on the bloc's ability to fund the standby force and counterterrorism brigade it is simultaneously trying to build, and planners should treat the pace of that asset settlement as a leading indicator of how seriously ECOWAS's new force commitments should be taken. Third, the coexistence of the ECOWAS Standby Force and the AES Unified Force as two uncoordinated architectures over contiguous terrain is itself a vulnerability that militant groups operating across the Sahel and coastal West Africa are already positioned to exploit, and closing that seam requires an operational data sharing arrangement between the two forces regardless of whether or when their parent organisations resolve their underlying legal dispute.

None of this argues that Ghana's current improvisations, the Accra Initiative chief among them, should be abandoned. They are, at present, the only functioning bridge across a gap the law has not closed. Ghanaian and regional security planners should stop treating the AES ECOWAS legal standoff as background noise to the real work of counterterrorism cooperation, and start treating it as a primary input into that work. Every month the free movement, asset and mandate questions stay unresolved is a month in which the region's security architecture is being run on precedent rather than on law. With Mauritania's quiet 2000 withdrawal, a case an order of magnitude smaller than this one, still standing as the closest thing West Africa has to a template for what a settled outcome would even look like.

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