

ANALYSIS OF LEGAL FRAMEWORK OF ECOWAS MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT, RESOLUTION, PEACE-KEEPING AND SECURITY IN WEST AFRICA

Livinus I. Okere, Ph.D*

Abstract

The work analyses the Legal Framework of Economic Community of West African States (ECOWAS) mechanism for conflict prevention, management, resolution, peace-keeping and security and highlights the circumstances which led to its adoption. It also assesses the achievements and challenges of the mechanism. The study observed that the mechanism has been able to address major challenges ECOWAS encountered in its pre-mechanism peace-keeping, such as the capacity of ECOWAS to assume responsibility for mutual security, mode of troop contributions, pre-financing of peace-keeping and clarification of conditions under which interventions in the internal affairs of member state are permissible. The mechanism has been successfully used by the community to intervene and mediate in conflicts in Liberia, Sierra Leone, Guinea Bissau, Cote D' Ivoire, Togo and more recently, Mali. However, there are inadequate resources and financial commitment by member states to man and finance the mechanism. It is therefore recommended that there should be consistent implementation of the community levy protocol and mechanisms by member states so as to provide the ECOWAS with the requisite funds to meet its financial obligations under the mechanism.

1.0 Introduction

The ECOWAS Treaty of 1975 was devoid of any security related provisions.¹ This is understandable because the main objective of ECOWAS at the outset was the promotion of regional economic integration. However, Article 52 of the Charter of United Nations enjoins regional organizations to deal with such

* Lecturer, Department of Commercial and Property Law, Nigeria Police Academy, Wudil, Kano.

¹ See Article 3 (1) of ECOWAS Treaty, 1975 (as amended).

matters relating to the maintenance of international peace and security.

Accordingly, Protocol on Non-Aggression of 1978 marked the first stage in the establishment of an Economic Community of West African States (ECOWAS) security framework. The protocol explicitly recognizes that ECOWAS cannot attain its objectives save in an atmosphere of peace and harmonious understanding among the Member states of the community. It requires member states to refrain from the threat or use of force or aggression against the territorial integrity or political independence of other member states and to refrain from committing, encouraging or condoning acts of subversion, hostility or aggression against the territorial integrity or independence of other member states.² Unfortunately, the protocol on Non-Aggression failed to create an institutional mechanism for responding to such proscribed acts. It did not allay growing fears of instability within the sub-region.

In 1981, ECOWAS leaders addressed the limitations inherent in the 1978 protocol on Non-Aggression by adopting the protocol relating to Mutual Assistance on Defence. Unlike the initial protocol, it applies not only to conflicts between ECOWAS member states, but also to internal conflicts engineered and supported from outside and to aggression perpetrated against an ECOWAS member state by Non- ECOWAS countries.³ The Liberia experience from 1990 was a major reason for the revision of the ECOWAS Treaty of 1975. The amended Treaty of ECOWAS was adopted in 1993; its Article 4, titled “Fundamental Principles”, ten of eleven fundamental principles adopted are directly or indirectly related to peace, security, confidence building and peaceful settlement of disputes among member states.⁴

Similarly, Article 58 of the ECOWAS Revised Treaty titled “Regional Security” mandated member states to work to safeguard

² See Preamble to ECOWAS Protocol on Non –Aggression, 22nd April, 1978; see also Article 1 & 2 of the Protocol on Non-Aggression.

³ See Article 4(b) of the Protocol Relating to Mutual Assistance on Defense, 1981.

⁴ See Article (a-k) of the ECOWAS Mechanism.

and consolidate relations conducive to the maintenance of peace, stability and security within the region. In pursuit of these objectives, member states undertook to cooperate with the community in establishing and strengthening appropriate mechanisms for the timely prevention and resolution of conflicts.⁵ This undertaking as well as challenges to regional security culminated in adoption on 10 December, 1999 the protocol relating to the mechanism for conflict prevention, management, resolution, peace-keeping and security (hereinafter referred to as the mechanism).

2. Objectives of the Mechanism

The objectives of the mechanism are: to prevent, manage, and resolve internal and inter-state conflicts; implement the relevant provisions of Article 58 of the revised treaty; implement the relevant provisions of protocols on non-aggression, mutual assistance on defence, free movement of persons, the right of residence and establishment; strengthen cooperation in the areas of conflict prevention, early-warning, peace-keeping operations, the control of cross-border crimes, international terrorism and proliferation of small arms and anti-personnel mines; maintain and consolidate peace, security and stability within the community; establish institutions and formulate policies that would allow for organization and coordination of humanitarian relief missions; promote close cooperation between member states in the areas of preventive diplomacy and peace-keeping; constitute and deploy a civilian and military force to maintain and restore peace within the sub-region whenever the need arises; set up an appropriate framework for the rational and equitable management of natural resources shared by neighbouring member states which may be cause of frequent inter-state conflicts; protect the environment and take steps to restore the degraded environment to its natural state; safeguard the cultural heritage of member state; formulate and

⁵ See Article 58 (1) & 2 of ECOWAS Revised Treaty 1993 (as amended).

implement policies on anti-corruption, money laundering and illegal circulation of small arms.⁶

3. Institutions of the Mechanism

Article 4 of the Protocol provides for the following institutions for the mechanism. The Authority of Heads of State and Government; The Mediation and Security Council; The ECOWAS commission and any other institution as may be established by the Authority.

3.1 The Authority of Heads of State and Government

The Authority of Heads of State and Government which is the highest decision making body of the mechanism comprises the Heads of State and Government of all Member States. The Authority is responsible for the general direction and control of the Community and is empowered to take all measures to ensure the progressive development and realization of the objectives of the Mechanism. As the supreme institution of the Community, the Authority acts on all matters concerning conflict prevention, management and resolution, peace keeping, security, humanitarian support, peace building, control of cross border crimes, proliferation of small arms, as well as all other matters covered by the provisions of the mechanism.⁷

All decisions taken by the authority are binding on all member states of the Community. The authority could also delegate the Mediation and Security Council to take, on its behalf, appropriate decisions for the implementation of the provisions of the mechanism.⁸

There is no omnibus provision granting the Authority discretion to take whatever action that is reasonably incidental to the attainment of the objectives of the mechanism. This *lacuna* may create problems in future should the community leaders

⁶ See Article 3(a-i) of the ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security 1999.

⁷ See Articles 5(1) & 6(1) & (2), of the Mechanism, Ibid.

⁸ See Article 7, *ibid*.

decide to act outside the stated objectives of the mechanism. The Authority had taken several steps and decisions which aimed at realizing the aims and objectives of the mechanism. The Authority met in Abuja, Nigeria, in 2001 and called on member states to consolidate peace and regional security in West Africa by taking measures that would help to strengthen democracy and stability, combat irregular armed groups, control proliferation of light weapons and use of children in armed conflicts.⁹

In Togo, The Authority strongly condemned the unconstitutional change of government following the death of President Gnassingbe Eyadema on February 5, 2005. Condemnations of this act and pressure from ECOWAS leaders forced the resignation of Faure Gnassingbe, and initiated the process for presidential election within 60 days in conformity with the provisions of the constitution of Togo.

At the instance of the Authority, the Guinea Crisis, which began in January, 2007 was successfully resolved with the choice of Mr. Lansana Kouyate as Prime Minister and Head of Government. Peace was achieved in that country following a mediation mission led by the former Military President of the Federal Republic of Nigeria, General Ibrahim Badamasi Babagida and Dr. Mohammed Ibn Chambas, former President of ECOWAS Commission.

In Nigeria, the West African leaders condemned the Boko Haram insurgence in the North – Eastern Nigeria and pledged to join forces in combating it,¹⁰ and in Mali, ECOWAS intervened through its mediators, Burkina Faso President Blaise Compaore and President Goodluck Ebele Jonathan, President of the Federal Republic of Nigeria.¹¹ The Authority has settled and mediated in many conflicts in the Community. For example, it intervened and mediated in Liberia, Togo, Cote D'Ivoire, Sierra Leone and Guinea-Bissau conflicts.

⁹ See ECOWAS Annual Report, 2001, p. 75.

¹⁰ see Weekly Trust, Saturday 29 March, 2014.

¹¹ See ECOWAS Final Communiqué: Extra-ordinary Session of the Authority State and Government, Accra, Ghana 30th May, 2014.

3.2 The Mediation and Security Council

It comprises of nine (9) member states: seven of which are elected for a two-year renewable period and the remaining two (2) are the current and immediate past Chairman of the Authority.¹² The meeting of the Mediation and Security Council is properly constituted when at least two-thirds of its members are present. The mediation and Security Council performs the following functions: Decides on all matters relating to peace and security, decides and implements all policies for conflict prevention, management and resolution, peace keeping and security, authorizes all forms of intervention and decides particularly on the deployment of political and military missions; approves mandates and terms of reference for such missions; reviews the mandates and terms of reference periodically, on the basis of evolving situation; on the recommendation of the President of ECOWAS Commission, appoints the Special Representative of the President of ECOWAS Commission and the Force Commander.¹³

The deliberations of the Mediation and Security Council are held at three (3) levels viz: Heads of State and Government, The Ministerial and Ambassadorial Levels.¹⁴

(a) Heads of State and Government Level:

These are Heads of State and Government of Member states. They meet at least twice a year in ordinary session. However, extraordinary sessions may be convened by the Chairman when the need arises or at the request of a simple majority of the members of the Council. The Heads of State and Government of the Mediation and Security Council take final decisions on all issues under their authority and competence, including field missions and approves the terms of reference for such mission.¹⁵

(b) The Ministerial Level:

¹² See Article 8 of the ECOWAS Mechanism, op. cit.

¹³ See Article 10 Ibid.

¹⁴ See Article 11, Ibid.

¹⁵ See Article 12, Ibid.

This level comprises the Ministries of Foreign Affairs, Defence, Internal Affairs of the Member States of the Mediation and Security Council. It meets quarterly and more frequently as the situation in the region requires. The recommendations emanating from their deliberations are forwarded to the Heads of State and Government of member states of the Mediation and Security Council.¹⁶

(c) Ambassadorial Level:

These are Ambassadors of the member states that are accredited to the ECOWAS Commission in Abuja. The member states may decide to give this accreditation to its Ambassadors already accredited to the Federal Republic of Nigeria. The Ambassadors meet once a month to review issues of regional peace and security. They may also meet as frequently as the need arises. Their reports and recommendations are forwarded to the Ministerial level of the Mediation and Security Council, or may be acted upon by the President of ECOWAS Commission in accordance with his functions as provided for in the Protocol.¹⁷

The Mediation and Security Council held several meetings at Ambassadorial, Ministerial, and Heads of State and Government levels. In these meetings, the Council took several decisions aimed at managing conflict situations and promoting lasting peace in the sub-region.¹⁸ On the recommendations of the Mediation and Security Council, the Authority of Heads of State and Government set up a Mediation Committee comprising the Presidents of the Republic of Mali, Federal Republic of Nigeria and Togo to encourage a process of open dialogue as a means of rebuilding trust between the Heads of State of the Mano River Union and bringing about a speedy return of peace between their countires.¹⁹

From the activities of the Mediation and Security Council as highlighted above, it has done much to execute its mandate.

¹⁶ See Article 13, Ibid.

¹⁷ See Article 14, Ibid.

¹⁸ See ECOWAS Annual Report, 2006, p. 100.

¹⁹ Extra-Ordinary Meeting of the Mediation and Security Council, 11th April 2001, Abuja.

However, ECOWAS mechanism does not state what would happen if the Mediation and Security Council fails to secure two-thirds majority support for future peace-keeping missions. This is a serious omission that will need to be corrected to avoid future sub-regional divisions. It is therefore recommended that where the Council fails to secure the required two-thirds in its decisions, such decisions be referred to the Authority for direction in the circumstance and such direction of the Authority shall be final.

4. The ECOWAS Commission

The President of ECOWAS Commission is vested with powers to initiate actions for conflict prevention, management, resolutions, peace-keeping and security in the sub-region. He also recommends the appointment of the Special Representative and the Force Commander for approval by the Mediation and Security Council; appoints members of the Council of Elders; has responsibility for political, administrative and operational activities and provides logistic support for the mission; prepares periodic reports on the activities of the mechanism for the Mediation and Security Council and members states; convenes, in consultation with the Chairman of the Authority, all meetings of the mediation and Security Council, Council of Elders, and Defence and Security Commission, and implements all decisions of the Mediation and Security Council.²⁰ In implementing the provisions of the mechanism, the President of the Commission is assisted by the Commissioner in charge of Political Affairs, Defence and Security. The Commission has taken several initiatives which aimed at actualizing the agenda of the mechanism. For instance, it sent a special Mediator, Former Nigerian Head of State, General Abdulsalami Abubakar to Liberia to mediate in some electoral disputes and encourage reconciliation among the political class of Liberia. The Commission also, through former Nigerian President, Olusegun Obasanjo, mediated and resolved the dispute between Senegal and The Gambia. The two sides welcomed the subsequent agreement between them to improve bilateral co-operation.²¹

²⁰ See Article 15 (1) & (2) (3) & (4) of the Mechanism, op. cit.

²¹ Meeting of Minister of Foreign Affairs, Niamey, 9th January, 2006.

The Commission has also held several meetings with the active participation of civil society groups during which it explored ways and means to strengthen ECOWAS-Civil Society Collaboration to enhance the implementing of the mechanism. ECOWAS Commission is working with the United Nations Office for West Africa in order to have a joint plan of action. That is, ECOWAS-EU-UN strategy on cross-border co-operation among security forces to combat trans-border crimes and promote peace and security in the sub-region.²²

Cognizant of the devastating effects of the illegal proliferation of small arms and light weapons in the sub-region, the ECOWAS Commission has continued to intensify efforts to combat the scourge. Following the evaluation of the moratorium and the decisions of the Authority of Heads of State and Government, concrete measures have been taken by the Commission to render the ECOWAS Moratorium on the exportation, importation, manufacture and transfer of light weapons more effective. Particular attention was focused on the following: Setting up of National Commissions, Promotion of the culture of peace, training of armed and security forces; harmonization of national laws, intensification of border-checks; registration of arms, and creation of data bank collection and destruction of arms, and awareness raising.²³ As a concrete step towards this end, the moratorium has been converted into a binding legal instrument - ECOWAS Convention on Small Arms and Light Weapons, as a more effective way of controlling small arms and light weapons in the community states.

Despite these achievements, it is suggested that the Commissioner in charge of Political Affairs, Defence and Security be made a full Executive Secretary with his own separate organization, which can be physically close to, but administratively separate from ECOWAS. This would enable ECOWAS to concentrate on its regional integration role while recognizing the crucial link between security and economic integration. Under the ECOWAS protocol, the President of the Commission could end up

²² Ibid.

²³ Ibid.

being overburdened with security task that could impact negatively on his total concentration on economic integration issues. The two Liberian experience in particular, and those of Sierra Leone, Guinea-Bissau and cote d'Ivoire, demonstrate how much ECOWAS attention can be diverted from its economic agenda to security matters.

5. Organs of the Mechanism

To assist the Mediation and Security Council in its responsibilities, the following organs were established. The Defence and Security Commission, the Council of Elders and ECOWAS Cease-fire Monitoring Group (ECOMOG).²⁴

5.1 The Defence and Security Commission

The Defence and Security Commission is made up of the: Chiefs of Defence Staff or equivalent, Officers responsible for Internal Affairs and Security; and Experts of the Ministries of Foreign Affairs. Depending on the agenda to be deliberated on, Heads of any of the following services may be invited: Immigration, Customs, Drugs/Narcotic Agencies, Border Guards, and Civil Protection Force.²⁵

The Defence and Security Commission examines all technical and administrative issues and assesses logistical requirements for peace-keeping operations. It also examines reports from the observation Monitoring Centres and makes recommendations to the Mediation and Security Council. It meets once every quarter in ordinary session and as frequently as desirable in extraordinary sessions.²⁶

The Defence and Security Commission maintains a focus on the security situation in the sub-region. Its forum was used to deliberate extensively and advices on key security issues concerning the peace process in Liberia, Sierra Leone, Guinea Bissau and Cote D'Ivoire, in particular and the general security situation in the sub-region. It held several meetings to review the

²⁴ See Article 17 of the Mechanism, op. cit.

²⁵ See Article 18 (1), Ibid.

²⁶ See Articles 19 (1) & (2), Ibid.

general security situation in the sub-region and adopted the operational framework document of ECOWAS Standby Force.²⁷

The Commission also held several workshops in the region, aimed at bringing peace and stability. For instance; ECOWAS Standby Force (ESF) Training Plan Implementation Workshop, held in Addis Ababa from October 29 to 31, 2007, carve out a Continental Training Plan towards the operationalization of the conduct of Peace Support Operation (PSO) by 2010.²⁸

The Defense and Security Commission has carried out its work successfully and has continued to facilitate various diplomatic initiatives and behind the scene contacts to find peace for the troubled parts of the region. The Commission played its role by the timely deployment of peacekeeping forces to some conflict areas in order to reduce the level of violence and loss of lives and property. The deployment of peacekeeping forces in Liberia and Cote D'Ivoire are excellent examples of the Commission's achievement.

However, the Commission could end up duplicating rather than complementing the work of domestic ministries and other ECOWAS organs as existing sub regional institutions appear better placed to perform an advisory role without having to create an additional layer of bureaucracy that could render decision making unnecessarily cumbersome.

5.2 Council of Elders

The establishment of this organ borrows from the African traditional practice where the wisdom of elders is often brought to bear in the settlement of disputes. The President of ECOWAS Commission compiles annually a list of elders (eminent personalities) whose good offices and experience can be used by ECOWAS as mediators, conciliators and facilitators. For any given crisis situation, the President of the Commission can select from the approved list and mandate them to carry out a specific task. Members chosen must be acceptable to all the parties in dispute

²⁷ Meeting of Ministers of Foreign Affairs Niamey, 9th January, 2006.

²⁸ ECOWAS Annual Report, 2007, P. 76.

and they shall be approved by the Mediation and Security Council at the level of the Heads of State and Government.²⁹

The composition, method of selection and appointment of members to the Council require further refinement and consideration. Priority for membership on the Council should be given to those who are knowledgeable about the complexity and sensitivity of West Africa's security landscape. They should be physical and mentally sound within the ages of 50-70, of good track record in terms of high level work experience and character; be in a position of great influence and importance internationally and regionally; be endowed with negotiating skills, able to bring about peace and reconciliation that can be employed in potential conflict situations in member state. The selection of members to such an important body within ECOWAS should also not be left entirely to Heads of State. It will be necessary to establish an independent panel of experts that could develop selection criteria. Despite these limitations, the Council of Elders has been one of the instruments used by the ECOWAS Commission and the Authority of Heads of State to help douse potential conflicts and oversee the appointment of council members.

Despite these limitations, the Council of Elders has been one of the instruments used by the ECOWAS Commission and the Authority of Heads of States to help douse potential conflicts in West Africa. For instance, Council member, General Abdulsalami Abubakar, former Nigerian Head of State, played an important role as a mediator in the Liberian peace process, often intervening to break impasse that arose among the parties to that conflict. Council Members have also been deployed by ECOWAS to observe elections. A delegation of council members, observed the presidential and parliamentary elections in Gambia in 2006. Council members have also served as election observers in other countries including Sierra Leone, Nigeria, Togo, Liberia, Benin and Burkina Faso.³⁰

5.3 The ECOWAS Ceasefire Monitoring Group (ECOMOG)

²⁹ See Article 20 of the Mechanism, *op. cit.*

³⁰ See ECOWAS Annual Report, 2006 P. 100.

This is a structure composed of several stand-by multi-purpose modules (civilian and military) in their countries of origin which is equipped, trained and ready for immediate deployment when the needs arises.³¹ It is a peace-keeping force charged with responsibility of restoring law and order as well as creating suitable conditions for the conduct of free and fair elections in the sub-region.

ECOMOG will be deployed not only in peace-keeping operations, but will also undertake the following missions: observation and monitoring; humanitarian intervention in support of humanitarian disasters; enforcement of sanctions, including embargo, preventive deployment, peace-building, disarmament and demobilization. The rest are policing activities, including the control of fraud and organized crime; and any other operations as may be mandated by the Mediation and Security Council.³²

ECOMOG has achieved some measures of success by facilitating an internationally acclaimed free and fair election which enthroned Mr. Charles Taylor as the President of Liberia in 1997. ECOMOG intervened in Sierra Leone conflict which led to the restoration of President Tejan Kabbah to office. In Guinea-Bissau, ECOMOG also played a leading role in quelling an uprising which led to the assassination of Chief of Army Staff, General Verissimo Correria Seabra in October, 2004.³³

6. Observation and Monitoring System (Early-Warning)

For any effective prevention of conflict, ECOWAS considers it necessary to have advance information on the state of security in all members' state at any given time.

The ECOWAS Early Warning System provides information and indicators, on day-to-day basis on all factors, such as economic, environmental, political, social, security, e.t.c that may impact on the peace and security of a member state and the sub-region.³⁴

³¹ See Article 21(b) of the Mechanism, op. cit.

³² See Article 22, Ibid.

³³ See Punch, 26th May, 2005, p. 40.

³⁴ See Article 23 of the Mechanism, op. cit.

ECOWAS's protocol also calls for a peace and security observation mechanism as well as an early warning system, with information bureau, based in **Banjul** to cover (Cape Verde, The Gambia, Guinea-Bissau, Mauritania and Senegal); in **Monrovia** to cover (Ghana, Guinea, Liberia and Sierra Leone) and in **Ouagadougou** to cover (Burkina Faso, Cote d'Ivoire, Mali and Niger) in Cotonou to cover (Benin, Nigeria and Togo).³⁵

From these Zonal Headquarters, officials are expected to access political (human rights, democracy, economic (food shortages) social (unemployment) security (arms flow, civil military relations) and environmental (drought, flooding) indicators on a daily basis for onward transmission to ECOWAS Commission.

The observation system and plans surrounding it are commendable objectives but these tasks need to be reduced and made more focused to reflect the political realities of West Africa. Monitoring human rights, press freedom and civil-military relations may be politically impossible for ECOWAS commission under the repressive regime. It is recommended that the observation mechanisms should focus on less politically sensitive issues such as economic, social and environmental indicators, while perhaps leaving some of the more sensitive political analyses to civil society groups.

7. Application of the Mechanism

The mechanism shall be applied in any of the following circumstances: in case of aggression or conflict in any member state or threat thereof; in case of internal conflict that threatens to trigger a humanitarian disaster or that poses a serious threat to peace and security in the sub-region; in the event of serious and massive violation of human rights and the rule of law; in the event of an overthrow or attempted overthrow of a democratically elected government; and any other situation as may be decided by the Mediation and Security Council.³⁶

³⁵ See Article 24 of the Mechanism.

³⁶ See Article 25 of the Mechanism, *Ibid*.

Depending on the mode of intervention, decision to intervene can be made by the Authority, the Mediation and Security Council; at the request of a member state; on the initiative of the President of ECOWAS Commission or at the request of the African Union or United Nations.³⁷

However, political discretions will have to be exercised in decisions to intervene in conflicts even when ECOWAS's conditions for intervention have been satisfied. It is clear that if a military regime was to take power with popular support from a democratically elected but politically discredited civilian regime, as it happened in Nigeria when General Muhammadu Buhari ousted the government of Alhaji Shehu Shagari in December 1983, and recently in Mali where West African leaders on ECOWAS mission were turned back from the Malian airport following protests by Malian citizen in support of military coup that ousted the government of President Amadou Toumani Toure of Mali in March 2012., an ECOWAS intervention force may be practically impossible to deploy.³⁸

8. Financing of the Mechanism

Under the mechanism, countries providing troops do not have to bear the cost of such missions as has been the case. To allow for all states to effectively participate, funding of all operations is done centrally at ECOWAS Commission from its annual budget. This budget is made up from: a percentage of the Community levy; special funds from the U.N, AU and other international organizations; voluntary contributions/grants from bilateral and multilateral sources.³⁹ To allow however, for effective and immediate deployment, states can pre-finance the cost of operations for three months. Such costs will be refunded by ECOWAS within six (6) months.⁴⁰

It is suggested that less emphasis should be placed on funding of the mechanism through or from a member of non-

³⁷ See Article 26 of the Mechanism, Ibid.

³⁸ See Daily Trust, March 30, 2012.

³⁹ See Article 36 of the Mechanism, op. cit.

⁴⁰ See Article 42, Ibid.

African countries because it may raise some legitimate concerns in certain quarters regarding freedom of action of the mechanism. External funds may be tied to special interests and where that interests are not served, it may lead to financial disengagement. Thus, while making provision for international assistance, ECOWAS member states should be prepared to make financial contribution commensurate with their resolve to settle conflicts in member states.

9. Other Provisions of the Mechanism

9.1 Humanitarian Assistance

Article 40 of the Mechanism mandates ECOWAS to intervene to alleviate the sufferings of its citizens and restore life to normalcy in the event of crisis, conflict or natural disaster. The issues of displaced persons in the event of conflict and disaster should be given greater attention.

ECOWAS should establish the necessary structures and instruments that will provide immediate and adequate relief for the people in times of conflict and disaster.

9.2 Cooperation with Other Organizations

Article 41 of the mechanism provides for ECOWAS cooperation with other organizations such as National, regional nongovernmental organization and religious bodies; African Union, the United Nations and its agencies; and other international organizations intervening in the humanitarian sector. This is necessary because ECOWAS alone cannot achieve its aims and objectives without the assistance of these organizations, particularly, in the areas of peace and security.

9.3 Peace-Building

There are many components to peace-building both during and after conflict. These include, preparation, organization and supervision of elections to ensure that they are free and fair; establishment of broad-based government which ensures the participation of all citizens of the states; establishment of credible democratic institutions, economic reconstruction,

Implementation of disarmament, demobilization and reintegration programmes and resettlement of refugees, etc.⁴¹

9.4 Sub-Regional Security

The Mechanism provides ECOWAS with a new integrated and proportional approach to security. It links the issue of security with stability, human rights, disarmament and development. Effective development requires long term stability and security, which in turn demands arms control and development. It makes the fight against the proliferation of light weapons an unending exercise for ECOWAS. It goes further to provide for cooperation amongst member states in criminal matters, extradition, anti-corruption measures and measures against money laundering and trans-border crimes.⁴²

10. Factors which may Subvert the Mechanism

A major factor that may that work against the laudable objectives of the mechanism in fund. Over the years, the Community has been finding it difficult to execute some of its mandates as a result of the member's refusal to contribute to the Community Levy. Despite the adoption of Community Levy Protocol in 1996 by the Authority of Heads of State and Government to address the funding challenges of the Community, the issue of non-compliance with the Protocol continues to be a major area of concern. Proceeds from the Community Levy finance over ninety percent of ECOWAS budget, unfortunately, no member state is currently fully complying with Community Levy Protocol and such partial compliance has been linked to the limited availability of financial resources embarked for the implementation of the Community Programs⁴³

To improve compliance, the Council of Ministers established the Community Levy Management Committee whose role, among others is to report regularly on the implementation of the Community Levy Protocol. The Committee has consistently

⁴¹ See Article 46, Ibid.

⁴² See Article 46, Ibid.

⁴³ See ECOWAS Annual Report, 2014, p. 103.

and regularly drawn the attention of the ECOWAS Council to the status of the implementation of the community levy protocol. Unfortunately, this has little impact on the level of compliance. In addition, the ECOWAS Commission used high-level and technical levy mission to member states, with a view to addressing issues related to the implementation of the Community levy protocol at every-level in member states. Unfortunately due to the outbreak of Ebola virus disease in the sub-region and the unavailability of the relevant authorities in member states, the committee was only able to visit one member state.⁴⁴ Accordingly, community institutions continue to be confronted with serious challenges of resources available due mainly to the paucity of community levy proceeds received from members state. The situation reached a climax in 2014 financial year, and which regrettably resulted in the prioritization of programmes, leading to the non-implementation of some critical programs, projects and activities.⁴⁵ If the situation is not arrested now at both technical and political levels, the operational effectiveness of the mechanism institutions would reduce considerably. The ECOWAS Commission has stated and rightly too that if this current declining financial situation is not addressed as a matter of utmost urgency, the Community's ability to respond to the urgent needs of member states in future would be severely constrained.⁴⁶

11. Conclusion

The ECOWAS mechanism is capable of enhancing West African capacity to reduce the sub-regional tension, resolve its conflicts and prevents violence if the provisions of the mechanism are faithfully implemented by the Authority of ECOWAS. The implementation of the provisions of the mechanism requires additional resources and greater financial commitment by member states. West African governments must therefore honour their pledges to the ECOWAS peace funds by mustering the political will to pay their dues consistently in order to enable the

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

organization to confront the pressing challenges of peace and security in the sub region. In addition, West Africa still has abundant natural resources, including diamond, gold, iron, and oil, which the sub-region must use to reduce its dependence on external support to finance its peace and security effort in the long term. In the sub-region, there are people in the private sector who can contribute to the peace funds, such people should be mobilized. Thus Heads of State and Government should do all in their power to make the funds known in their respective countries and encourage people to contribute to it.