



Geneva Centre for the Democratic Control of
Armed Forces (DCAF)

Policy Paper - №23

**Towards a Common ECOWAS Agenda on
Security Sector Reform**

Adedeji Ebo

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Towards a Common ECOWAS Agenda on Security Sector Reform¹

Adedeji Ebo

1. Introduction

Intergovernmental organizations (IGOs) are essentially reflections and products of their constituent members, and thus, manifest the trends, contradictions, challenges and opportunities within and between various clusters of states in the global system. IGOs composed of developed countries (for example, EU, OECD, NATO) dominate the agenda of multilateral security cooperation, including the conceptualization and *delivery* of SSR. They are indeed the prime sources of the prevalent SSR paradigm of democratic control of security forces and services, increasingly an essential element in post conflict reconstruction. Indeed it has been severally acknowledged that SSR is donor driven.² IGOs composed of less developed states on the other hand, are often recipients of programmatic and ‘technical support’ on SSR. There is a need therefore to differentiate between various IGOs, and to unpack them in terms of their membership, their levels of development, individual interests, the resources they control, power configurations within the organization, and between the organization and others. Thus, the role of ECOWAS³ in security sector governance differs substantially from other IGOs composed of developed countries- ‘donor IGOs’. Donor IGOs are outward looking, focusing on the delivery of SSR support, not typically to their members, but to other states mainly post conflict environments. Recipient IGOs on the other hand (such as ECOWAS) are inward looking, as they focus primarily on their member states as the target of multilateral security cooperation.

In several West African states, particularly post conflict countries such as Liberia, Sierra Leone, Guinea Bissau, Cote d’Ivoire, an array of SSR *missionaries* (composed of various permutations of staff of development agencies and their security diplomatic counterparts from developed countries, private security companies, independent consultants, and international organizations) are actively engaged in the conceptualization, implementation, monitoring and evaluation (delivery) of activities which fall under the rubric of SSR.⁴ Indeed, repeated note has been

¹ This is an expanded version of a chapter first published in David Law (ed.), *Intergovernmental Organisations and Security Sector Reform*, LIT Verlag: Berlin, 2007. The author is grateful for the research assistance of Cecilia Lazzarini in the preparation of this Policy Paper.

² See for example, Brzoska, M. 2003. *Development Donors and the Concept of Security Sector Reform*, DCAF Occasional Paper No. 4, DCAF, Geneva; Ball, N. 2002. *Enhancing Security Sector Governance: A Conceptual Framework for UNDP*, New York; Ball, N. 2001. *Transforming Security Sectors: the IMF and World Bank Approaches Conflict Security and Development*, Vol. 1 No 1.

³ The Economic Community of West African States (ECOWAS) was created in 1975 and includes all states geographical located in western Africa, with the exception of Mauritania. Its membership therefore include Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, Gambia, Ghana, Guinea Bissau, Guinea Conakry, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

⁴ Many of such activities are not located within comprehensive reform programmes but address aspects of security institutional building and/or restructuring.

made of the lack of coherence, coordination, and cooperation on SSR delivery.⁵ From the perspective of the recipient states however, the major gap lies in local ownership and accountability deficits in SSR programmes.⁶

This paper considers the role of ECOWAS in security governance as a basis for discerning a common SSR agenda, including and particularly a common SSR concept. Within the context of West Africa's security dynamics, the paper discusses the rationale, opportunities and challenges of a common ECOWAS SSR agenda. In the ensuing discussion, it is assumed and argued that a common ECOWAS SSR agenda is imperative, as it would contribute positively to addressing both donor coherence and coordination on the one hand, and enhancing ownership and accountability by recipient states on the other. Even though ECOWAS has been and remains engaged in several activities which fall under the umbrella of security sector governance, there remains a wide gap between the organization's normative prescriptions anchored on democratic control, and actual practice of public security provision characterized by a series of operational and governance deficits. Encapsulating the experiences and perspectives of a region where SSR support is consumed, a common ECOWAS SSR agenda and concept would serve as valuable input into the on-going dialogue on a common understanding of SSR within the United Nations.

The paper is structured into four parts. The first part provides an overview of the security environment in West Africa and identifies the basic elements of the ECOWAS peace and security architecture around which a normative framework has developed. It is noted that there is a wide and debilitating gap between the laudable normative framework of ECOWAS and actual conduct by state and non-state actors. It is postulated and argued that a common ECOWAS SSR concept and implementation framework would contribute towards closing the gap between norms and practice. The second aspect of the discussion addresses the rationale and justification for a common ECOWAS SSR concept, and puts forward necessary conditions (signposts) for its viability. In the third part, the paper identifies and discusses the opportunities and challenges of a common ECOWAS SSR concept. It traces developments within the organization which can be said to form the basic elements of an emerging common understanding of SSR. It acknowledges that the 'strategic relationship' between ECOWAS, the EU and the UN has contributed significantly to these developments, but cautions that the viability of a human security-based SSR concept cannot be taken for granted and therefore identifies the main challenges confronting ECOWAS in this regard. The paper is then concluded and puts forward relevant policy recommendations.

⁵ *OECD-DAC Handbook on Security System Reform: Supporting Security and Justice*, Paris OECD, 2007. The handbook was written to fill this gap. Rees, Edward. Security Sector Reform and Peace Operations: 'Improvisation and Confusion from the Field', <http://peaceoperations.org/common/os/SSR>.

⁶ Ebo, A. 2007. The Role of Security Sector Reform in Sustainable Development: Donor Policy Trends and Challenges, *Conflict Security and Development*. Vol. 7 No. 1: 27-60.

2. West African Security Challenges and the ECOWAS Peace and Security Architecture

Far from being a homogenous zone, West Africa is composed of a variety of states, in terms of the territorial size, colonial history, economic strength, internal cohesion, and external linkages. It is made up of nine francophone states, five Anglophone, and two lusophone, demonstrating a mixture (conflict?) of colonial experiences. The variety of states includes countries at different stages of democratization, from consolidating democracies such as Senegal and Ghana, to post conflict societies such as Liberia and Sierra Leone, and also including transitions from military rule such as Nigeria, and the Gambia, increasingly appearing as 'struggling' democracies in their own right.

The combined GDP of ECOWAS states in 2005 has been put at \$139 billion but this does not reflect the variety of economic fortunes in the sub region. Nigeria's economy is larger than the combined GDP of all other ECOWAS countries, with a GDP of \$78 billion, representing some 56% of the sub-regional aggregate.⁷ Liberia and Guinea Bissau each has a GDP of less than a billion dollars, with Sierra Leone hovering around a billion dollars. Despite Nigeria's oil wealth, the country remains troubled by poverty and economic exclusion, not least in the Niger Delta where a resilient and restless militancy has developed among the youth population.⁸ West Africa is reputed as one of the world's poorest regions. Indeed, Nigeria's status as the world's sixth largest producer of crude oil contrasts sharply with that of its neighbour, Niger, which is reputed as the poorest country in the world. Mali, Niger, Burkina Faso and Sierra Leone hold the bottom four places in the UNDP 2005 Human Development Index. *Jane's Sentinel* (2007) describes West Africa as 'among the world's poorest and most conflict-afflicted regions, home to several 'failed' states, four UN peacekeeping or peace-building missions...'.⁹ It is therefore striking that even though ECOWAS has been exemplary in terms of normative codification, the economic and political frailty of its members has cast a debilitating shadow over the transmutation of normative aspirations into concrete outcomes.

A defining feature of security governance in the sub region has been the characteristic failure of the state to provide and/or guarantee public security. Cote d'Ivoire, historically a citadel of political stability has been in political turmoil for the past few years. Guinea has borne direct impact of the prolonged internecine wars in Liberia and Sierra Leone, and is itself now caught in the politics of murky political succession. Those states which have not themselves been theatres of outright war have experienced their own security challenges, particularly armed criminality and sporadic violence. Within the first three years of its emergence from protracted military rule, Nigeria suffered more than 100,000 deaths as a result of more than 50 ethno-religious conflicts. Ghana, reputed to be an oasis of peace in a troubled sub-region, has itself suffered ethnic violence in the north,

⁷ Energy Information Administration, "Official Energy Statistics from the US Government, West Africa Background" www.eia.doe.gov/emeu/cabs/ECOWAS/Background.html.

⁸ Data and information on the activities of militants in the Niger delta, including data on kidnapping.

⁹ *Jane's Sentinel* 2007, ix.

with over 1,000 killed. Still, other West African states have acquired the reputation of being ‘narco-states’, at the crossroads of the illicit global drug trade. The challenges of trans-border crime in West Africa have also been manifest.¹⁰ The UN Office on Crime and Drugs gives ample caution:

‘Transnational organized crime in the West African region must be regarded as an issue of growing concern. These are diverse and include: drug trafficking, advance fee fraud and internet fraud, human trafficking, diamond smuggling, forgery, cigarette smuggling, illegal manufacture of firearms, trafficking in firearms, armed robbery and the theft and smuggling of oil’.¹¹

Thus, while West African states may not be homogenous in terms of size and endowments, what they have in common are multiple layers of insecurity, associated with conflicts and crime at community and national levels, often across borders and with regional ramifications. Protracted military and authoritarian rule and the crisis of the disarticulated state (post colonial in character and without organic link to society) have produced predatory statutory security institutions and informal security structures often beyond the reach and control of the state. These non-state actors either oppose the state and seek its elimination (RUF in Sierra Leone, MODEL and LURD in Liberia for example), or they may operate in alliance with the state (the Kamajors of Sierra Leone and the Bakkasi Boys of Nigeria). Indeed, the starting point to understanding security in West Africa is the recognition that the state has at no point in time had a monopoly of legitimate force. Just as West African societies have operated dichotomized regimes of formal and informal economies, the security sector has also typically manifested both formal and informal tracks. Statutory security institutions have been primarily active in the performance of security functions which secure the state and its institutions, while large sections of the population have relied on parallel, less formalized security structures. An earlier overview of insecurity in West Africa had concluded that

‘West African citizens, communities and states are threatened by criminals of various levels of sophistication, armed insurgents with various levels of callousness, and poverty with various levels of misery. For many, the very government whose statutory responsibility it is to protect them, has become a major source of insecurity through corruption, abuse of power, and lack of state capacity to deal effectively with pressing social problems’.¹²

Thus, the *Weberian* concept of state monopoly of legitimate force has been a historical farce in a sub region where the state itself was often the bastion of illegitimacy. Through a complex mix of the services of state security institutions, and groups of formal and non-formal private security entities and self help,

¹⁰ Progress Report of the Secretary General on Ways To Combat Sub-regional and Cross-Border Problems in West Africa, S/2005/86, 11 February, 2005. According to the report, such challenges include, *inter alia*, the use of child combatants and mercenaries, small arms and light weapons proliferation, impunity for perpetrators of human rights abuses, youth unemployment, and corruption.

¹¹ Executive Summary, Transnational Organized Crime in the West African sub Region, *United Nations Office on Crime and Drugs*, New York, 2005.

¹² Ebo, A. 2004. Security Sector Reform as an Instrument of Sub-Regional Transformation in West Africa. In *Reform and Reconstruction of the Security Sector*, edited by A. Bryden and H. Hänggi, 68. Geneva: DCAF.

individuals, families, and communities often ensure their security by seeking various ways of navigating the threats posed by statutory institutions and other 'non-state threats' that face them in their daily existence.¹³

The significant point of emphasis is that the increasing inability of West African states to exclusively perform security functions has resulted in a vacuum which is being filled by an array of actors engaged in a multidirectional and dynamic process which increasingly underpins security governance in the sub region, and thus defines the context and limits of intergovernmental security cooperation. Apart from ECOWAS and its member-states, other security actors that are active in West Africa include the United Nations, intergovernmental donor organizations such as the OECD, EU, international NGOs, foreign private security companies, national and regional civil society networks, national and sub-regional and global criminal networks, non-state armed groups (mercenaries, militants), national and regional civil society organizations and networks. All these actors have an impact on the push-and-pull of security governance in West Africa. Therefore, even though an organization composed of states, a common ECOWAS SSR agenda and concept must be cognizant of, and be responsive to the respective roles of, and challenges posed by this array of security actors.

Based largely on 'lessons learned' from *ad hoc* collective security efforts in Liberia and Sierra Leone, ECOWAS responded to the need for a coherent and institutionalized sub-regional framework for security cooperation within West Africa by adopting the ECOWAS Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security (hereafter the Mechanism) in 1999. The Mechanism has served as the pivot for the evolution of a related body of normative instruments and confidence building measures which have come to form the core of regional security cooperation in West Africa. Previously, the agenda of security governance was primarily defined by the imperatives of the Cold war in which West African states were mainly proxies for containing foreign rival ideologies. ECOWAS security cooperation during the Cold War was therefore defined by the trivialization of security as an exclusive attribute and responsibility of the state, and previous regional instruments were based on the assumption that threats to security only come from across the border.¹⁴ The implosion of Liberia in late 1989, its complex regional ramifications, and the failure and/or reluctance of the erstwhile *Cold Warriors* to address the conflict, brought a tragic end to such a fallacy and exposed the *Hobbesian* and ephemeral character of the imperial security umbrella which the Cold war had provided.

The Mechanism has emerged as the main instrument for conflict management in West Africa and the nucleus of the sub region's emerging peace and security

¹³ For an analysis of sub-state responses to insecurity, see Ebo, A. 2007. Non-state Actors, Peacebuilding and Security Governance in West Africa: Beyond Commercialisation, *Journal of Peacebuilding and Development* Vol.3 No. 2.

¹⁴ The Mechanism replaced two previous regional security agreements, the 1978 Protocol on non-Aggression and the 1981 Protocol on Mutual Assistance in Defense. The former called for peaceful settlement of disputes while the latter went further to provide for mutual assistance against external aggression.

architecture.¹⁵ Regarding the major organs of the Mechanism, the Mediation and Security Council (MSC) is at its core, and has ultimate responsibility for its implementation, and for peace and security in West Africa, playing a corresponding role to the UN Security Council.¹⁶ The MSC convenes at three levels viz (a) heads of states, meeting at least twice annually; (b) Ministers, meeting four times annually, and (c) ECOWAS ambassadors accredited to Abuja, the seat of ECOWAS. The MSC is also supported by a Defense and Security Commission (comprising Chiefs of Defense Staff), and the Council of the Wise.¹⁷ The Mechanism also institutionalized an intervention force in the guise of ECOMOG, now transformed into the ECOWAS Standby Force (Articles 21, 22, 28). To enhance conflict prevention, an Early Warning System was introduced through the creation of (four) observation and monitoring zones with zonal offices in Banjul, Monrovia, Ouagadougou, and Cotonou, whose reports feed into a central observatory at ECOWAS HQ in Abuja (Chapter IV of Mechanism).

A defining feature of the Mechanism is the principle of supra-nationality, beyond the previous emphasis on ‘sovereign equality of states’, and ‘non-intervention in the internal affairs of states’.¹⁸ Accordingly, Article 25, which lays out the ‘conditions for application of the Mechanism specifies, *inter alia*, that the Mechanism shall be applied ‘in the 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’. The December 2001 Supplementary Protocol to the Mechanism, also known as the Protocol on Democracy and Good Governance, was introduced to provide the normative basis for the Mechanism. Table 1 (below) details the provisions of the Supplementary Protocol as directly related to democratic security governance. Annex I contains the full version of these provisions.

The normative framework defined by the Protocol on Democracy and Good Governance (as detailed above) affirms the constitutional and democratic basis of not only the security sector (though we have arbitrarily selected those related to security governance) but of the entire gambit of governance. The protocol addresses the essential norms and principles of accountability, transparency and professionalism as critical elements of the democratic governance of the security sector. Two years after the adoption of the Protocol, ECOWAS Heads of State went further to underscore the cardinal importance of a regional path to peace through the 2003 Declaration on a Sub-Regional Approach to Peace and Security.

Table 1: **Normative Basis for Democratic Security Governance: ECOWAS Protocol on Democracy and Good Governance**

¹⁵ The Mechanism supersedes and borrows from two previous regional security arrangements. These are the 1978 Protocol on Non-Aggression and the 1981 Protocol on Mutual Assistance in Defense (MAD). While the 1978 Protocol merely called for peaceful settlement of disputes, the 1981 Protocol went further to provide for mutual assistance against external aggression and the formation of standby forces.

¹⁶ For details of the ECOWAS Mechanism, see ECOWAS Website, www.ecowas.int.

¹⁷ The Council of the Wise, was until January 2007, and in the Mechanism document (Article 17 b), referred to as the Council of Elders.

¹⁸ Supra-nationality refers to the creation of institutions having independent decision-making authority and thus the ability to impose certain decisions and rules on member-states. It denotes the by-passing or transferring of member states’ decision making authority and functions traditionally exercised by the government.

Norm	Sources	Provision/Features
Constitutional Principles shared by all Member States	Article 1	Separation of powers Elections as the only legitimate way to power Popular participation in decision-making and decentralization of power Apolitical armed forces under legally constituted political authority Secularism Freedom of association and peaceful demonstrations Freedom of the press
Democratic Control of Forces	Article 19	The armed forces and the police shall be non-partisan and shall remain loyal to the nation. 19(1)
Citizens in Uniform	Article 21	The armed and security forces personnel as citizens, shall be entitled to all the rights set out in the constitution, except as may be stated otherwise in their special regulations.
Civilian Control	Article 20	The armed forces, the police and other security agencies shall be under the authority of legally constituted civilian authorities. 20(1) The civilian authorities shall respect the apolitical nature of the armed forces and police
Regional peace support operations	Article 28	The armed forces, the police and other security forces shall participate in ECOMOG missions as provided for in Article 28 of the Protocol

The current process for the adoption of a West African Code of Conduct for Armed Forces and Security Services is also contributing to the emergence of regional normative standards on democratic security governance. The Code of Conduct is a confidence building measure for enhanced civil-security relations and security cooperation in the West African sub-region. It seeks to establish common standards in the conduct and democratic governance of West African uniformed personnel, with the aim of improving relations among *les gens d'armes* themselves, and between them and the civilian population. Articulated with the technical assistance of DCAF, the Code of Conduct was adopted by the ECOWAS Defense and Security Commission (now known as the ECOWAS Committee of Experts on Peace and Security) in November 2006.¹⁹ The document is in the process of further testing, after which it will be submitted for the approval by the relevant ECOWAS Ministers and eventually by the Heads of State.

This, therefore, is the ground so far covered by ECOWAS multilateral security cooperation, and provides the context and anchor for a common SSR concept.

¹⁹ The draft West African code of Conduct for Armed Forces and Security services is available at http://www.dcaf.ch/awg/WestAfrica_CoC.pdf

3. The Rationale and Signposts of a Common ECOWAS SSR Agenda

3.1. Rationale for a common ECOWAS SSR Concept

In the implementation of the ECOWAS Mechanism and the associated normative framework that derived from it, there remains a wide gap between normative provisions and actual practice. Several studies have noted the non-observance by West African states of ECOWAS' rich compendium of normative documents.²⁰

Annex II shows the status of ratification of the two main ECOWAS instruments relating to security governance at the sub-regional level, i.e. the Mechanism and the Protocol on Democracy and Good Governance, even though it must be noted that that the status of ratification is not necessarily an accurate mirror of political will.

Conflict may have subsided in West Africa but crime, particularly trans-border crime is on the increase. There is a protocol on free movement²¹ but intra-West African movement of goods and persons remains an uphill task for many ordinary citizens²²; the Protocol on Democracy and Good Governance advocates democratic control of armed forces but many uniformed personnel continue to act above the law, often abusing and brutalizing the very citizens whom they are sworn to protect. It is therefore pertinent at this juncture to consider what purpose a common ECOWAS SSR concept would serve, and what difference it would make to peace and security in the sub region. It is suggested here that a common ECOWAS SSR concept would contribute to addressing issues of donor coherence and coordination. Secondly, and perhaps more importantly, a common SSR concept would foster a common vision of security sector governance among ECOWAS states and provide the conceptual clarity necessary.

Within the larger context of the on-going policy dialogue on a common UN SSR concept, such an outcome would represent an invaluable contribution, from a regional and recipient perspective. Several related policy dialogues on SSR are

²⁰ The Non-Aggression Protocol (1978); The Protocol on Mutual Defense Assistance (1981); the Declaration of Political Principles of the Economic Community of West African States (1991); the Convention on Mutual Assistance in Criminal Matters (1991); the Declaration by ECOWAS Ministers of Foreign Affairs on Child Soldiers (1999); the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (1999); the Supplementary Protocol on Good Governance (2001) and the Convention on Small Arms and Light Weapons, their Ammunition and other related material (2006).

²¹ The ECOWAS Protocol relating to the Free Movement of Persons, Residence and Establishment signed by the Authority of Heads of State and Government in 1979, provides for the abolition of the visa and entry permit, for the right of residence and right of establishment within the ECOWAS region. According to the Protocol, all ECOWAS citizens, excluding those defined by law as undesirable aliens, may enter without a visa and reside in any Member State for a maximum of ninety (90) days.

²² See Badiane, O. 1997. National Policies as Impediments to Regional Economic Integration in *Regional Integration and Cooperation in West Africa*, edited by R. Lavergne, Chapter 8 IDRC books. Available at http://www.idrc.ca/en/ev-68397-201-1-DO_TOPIC.html
For more information on cross-borders issues, UNOWA Background paper, Integrated Strategies for Sensitive Border Areas in West Africa, UNOWA, September 2004, <http://www.un.org/unowa/unowa/studies/borders.pdf>; ECOWAS-EU-UNOWA Framework of Action for Peace and Security, <http://www.un.org/unowa/unowa/studies/eu-ecowas-unowa.pdf>; Report of the Secretary-General on cross-border issues in West Africa, S/2007/143, 13 March 2007. In particular on roadblocks, ECOWAS Executive Secretariat (<http://www.sec.ecowas.int/sitecedeo/english/achievements-1.htm#1>)

taking place particularly among donor IGOs. For example, an Implementation Framework for Security Sector Reform (IF-SSR) has been articulated (and further developed into a 'Handbook on Security System Reform') by the Development Assistance Committee of the OECD (OECD-DAC) with the objective of bridging the gap between policy guidelines and actual implementation on the ground from a donor perspective.²³ The EU has also adopted its SSR concept.²⁴

With regard to the United Nations system, it has recently been noted that there is an absence of 'comprehensive, coherent and coordinated UN approach to SSR. There is however increasing interest within the UN system and strong calls from the field for such an approach'.²⁵ Experience with UN missions confirm this lack of coherence and coordination whereby DPKO has often approached SSR as an 'exit strategy', while UNDP focuses on the governance dimensions. Against this background, the Slovakian presidency of the UN Security Council held an open debate on 20 February, 2007, 'to enable the Security Council to formulate its role in the development of a comprehensive, coherent and coordinated UN approach to SSR'.²⁶

Even though regional approaches and recipient perspectives to SSR are acknowledged as being crucial, SSR retains its external origins and there remains a yawning gap between SSR as a normative framework and the reality of governing security in specific contexts. ECOWAS contribution to the on-going global debate on SSR has been marginal, despite West Africa's rich experience in post conflict reconstruction and in addressing the transition from military to civil rule. There is an urgent need for West Africa and other Southern (recipient) voices to be heard in these on-going debates, so as to ensure the legitimacy and sustainability of the eventual outcomes of such dialogues. A common ECOWAS SSR concept would enhance West African direct participation in the making of global public policy on post conflict reconstruction generally, and SSR in particular. Thus, the eventual output of a common UN concept is more likely to reflect and be sensitive to West African realities and interests.

Beyond broad normative principles, there is currently no yardstick for measuring donor support to SSR, no policy guidelines which demarcate the boundaries of what is acceptable, what is desirable, what is not, and the form in which ECOWAS states would wish to be supported on SSR. This lack of clarity on what SSR means for the constituent members of ECOWAS encourages incoherence in donor support, as each donor is virtually free to determine the elements and contours of its own SSR intervention and support, in the absence of a common ECOWAS point of reference. Moreover, experience has so far shown that donors, given their often disparate interests, are either unwilling or unable to coordinate SSR support, despite the litany of policy statements to the contrary. A common

²³ The IF-SSR has been transformed into a Handbook on Security System reform.

²⁴ A Concept for European Community Support for Security Sector Reform, *Communication from the Commission to the Council and the European Parliament*, SEC(2006)658, Brussels, 25 May, 2006.

²⁵ Annex to the letter dated 8 February 2007 from the Permanent Representative of Slovakia to the United Nations addressed to the Secretary General- Maintenance of international peace and security: the role of the Security Council in supporting security sector reform', S/2007/72. 9 February, 2007, 2.

²⁶ Op. cit.

ECOWAS understanding within which donor support would supposedly need to be accommodated would contribute an element of coherence and coordination of donor support.

Articulating a common ECOWAS SSR concept is a useful starting point for matching security aspirations with security provision in West Africa. It would contribute to exposing the gaps in current security cooperation regime in West Africa, in terms of relations among ECOWAS members, and between them and other IGOs such as the AU, EU, UN. Clarity on what SSR denotes for the constituent members of ECOWAS, and for the organization collectively is the necessary starting point to the evolution of a regional security policy upon which all peace and security initiatives would need eventually to be anchored. While a common ECOWAS SSR concept is necessary however, it is by no means sufficient. There is also a need for an implementation framework which would translate a common SSR concept into practice.

It is also essential to integrate national security sector reform programmes into the West African regional security architecture, and vice versa. The need for a sub regional mechanism for addressing SSR becomes evident in the face of the benefits of an integrated approach to joint regional peace operations, and within the framework of the African Standby Force (ASF). Such integration opens the space for common standard operating procedures. Cross border threats such as SALW proliferation, illegal trade in natural resources, human trafficking, cross-border criminal groupings are all examples of security challenges which fall beyond the reach of any particular state and which can only be resolved through a collective regional approach. A common understanding of SSR is therefore necessary.

In addition, a common SSR agenda would portray the West African dynamism in responding to the changing strategic environment for SSR. Globally, there is increasing reluctance by donor states to directly engage their troops in external conflicts. The outsourcing of SSR support is an emerging phenomenon to which ECOWAS needs to articulate a collective common policy. In Nigeria, for example, Military Professional Resources International (MPRI), a consulting firm on contract with the U.S. government, carried out a retraining and restructuring programme as part of the Nigerian government's plans to reform the army.²⁷ MPRI also assisted the Nigerian government and the military in developing institutional knowledge as to how the military will interact with its civilian leaders, how to formulate and present a budget to the National Assembly and the basic administrative tasks related to an efficient military.²⁸ The lack of adequate consultation with Nigerian armed forces and general lack of ownership of the intervention built up strong opposition to the contractors, and coincided with the

²⁷ World Report 2002, Nigeria, *Human Rights Watch*. Available at <http://www.hrw.org/french/reports/wr2k2/nigeria.html>

²⁸ The structure of the African Military, African Unification Front, <http://www.africanfront.com/defense/defense5.php>. See also the website of the Centre for Public Integrity, at <http://www.publicintegrity.org/wow/bio.aspx?act=pro&ddIC=39>, which has a good background on MPRI.

removal of the Chief of Army Staff (Gen. Vivtor Malu), whose opposition was vehement.

Significant local ownership deficits have also been noted in restructuring of the Liberian national army, outsourced to DynCorps, an American security contractor.²⁹ Another example of this trend is the Pacific Architects and Engineers (PAE), which has, among other, provided logistical support to ECOWAS and the American forces on the occasion of the intervention in Liberia, in 2003.³⁰ There is therefore a need for ECOWAS to refine its peace and security agenda to respond to the changing strategic environment, including the increasing privatization of SSR support.

The need for enhancing West African ownership of SSR programmes remains glaring in the face of the fact that SSR ‘delivery’ in West Africa has often been led by external actors on the basis of externally-driven and inspired visions of security. Local ownership entails donor support for programmes and projects initiated by local actors, rather than local support for donor programmes and projects. Too often, the latter has been the case. Yet the significance of local ownership can hardly be over-emphasized.

‘New security structures are not sustainable without a collective vision of national security and a reform process that accommodates competing demands and interest within society. The vision is best defined locally on the basis of domestic initiatives, albeit with external support. If the process is externally-driven, the basis of legitimacy is severely undermined’.³¹

By specifying a common vision of security sector reform and governance, a common ECOWAS SSR concept would contribute to bridging the asymmetry in which reforming states and societies are encouraged to ‘buy-in’ into the security vision of donors rather than the other way round. It would also provide operational guidance to all actors interested in SSR implementation in West Africa. This would go a long way in addressing the legitimacy deficits being faced by various SSR initiatives in the sub region. In the case of Liberia, for example, it has been noted that the outsourcing of SSR support to a PSC had created additional ownership deficits, with regard to the oversight role of parliament and civil society over the activities of PSCs. A common ECOWAS SSR agenda would, for example, need to debate and define the organization’s position on the use of PSCs in SSR, including the relationship between such private companies and local and regional oversight structures.

The Sierra Leonean post-conflict reconstruction (PCR) process, particularly the security sector, is widely presented as one of the more successful efforts at

²⁹ Aboagye, F. B. and M. R. Rupiya. *Enhancing post-Conflict Democratic Governance through effective Security Sector Reform in Liberia*. Available at <http://www.iss.co.za/pubs/Books/TortuousRoad/Chap11.pdf>

³⁰ Esposti, R. 2005. Les compagnies privées de sécurité américaines en Afrique, *Revue Défense Nationale*. Available at <http://www.defnat.com/detail/detail2.asp>

³¹ Ebo, A. 2007. Liberia Case Study: Outsourcing SSR to Foreign Companies in *Local Ownership of Security Sector Reform: A Guide for Donors*, edited by L. Nathan, 78.

external intervention.³² The reform of the security sector in Sierra Leone has enhanced the restoration of public safety. Innovative aspects of the reform process have included the inclusion of SSR as the first pillar of the country's poverty reduction strategy, and the decentralization of the security apparatus. It manifests several positive attributes in terms of local ownership of the reform process. The methodology for conducting security sector review provided ample opportunities for contributions from a wide representation of Sierra Leoneans. Of particular significance were the country-wide consultative workshops organized by the SSR Secretariat. The involvement of civil society groups in the process is very significant. The consultative workshops included religious groups, the press, serving and retired security personnel, ex-combatants and traditional chiefs.³³ One defining feature of the Sierra Leone SSR process is the strong long term bilateral backing from Her Majesty's Government.³⁴ Significant gaps however remain. The challenges of donor dependency, 'the youth question', and governance and oversight deficits remain daunting.

3.2. Signposts for a Common ECOWAS SSR Concept

Given the above imperative of a common ECOWAS SSR agenda, we consider the direction that such a regional security governance vision should take and the necessary conditions for the viability of such an agenda.

Beyond the State: The intergovernmental composition of ECOWAS constitutes a constant risk that state security will overshadow other security demands in regional security cooperation and public policy formulation. A common SSR concept would therefore need to inculcate the interests and perspectives of communities (particularly border communities), civil society, the youth as the largest and most volatile demographic grouping, gender, and a wide spectrum of sub-state actors.

From conflict management to peace consolidation: Within West Africa, the security environment is fast changing. For over a decade, the imperatives of a conflict ridden sub region have inspired a regional mechanism for conflict management and the delineation of associated norms and principles for such a mechanism. However, there is increasing recognition that West Africa is evolving from a conflict context into a post conflict context, and therefore, from a conflict management and resolution agenda into a peace consolidation agenda. The basis of insecurity in West Africa continues to be located in conflict and criminality but the fulcrum is increasingly shifting from the former to the latter. In the peace consolidation task that ensues from the end of large scale conflicts in the sub-region, a common understanding of SSR would help address the root causes of

³² Adebajo, A. 2002. *Building Peace in West Africa: Liberia, Sierra Leone and Guinea-Bissau*, 16; Boulder [etc.]: Lynne Rienner; Malan, M. 2003. *Security and Military Reform in Sierra Leone Building the Road to Recovery*, edited by M. Malan et al., Monograph 80.

³³ For a detailed list of members of the Working Group and participants at the Consultative Workshops, see respectively Annexes D and E of the Security Sector Review Report, *Ibid*.

³⁴ Ebo, A. 2006. The Challenges and Lessons of Security Sector Reform in Post Conflict Sierra Leone, *Conflict Security and Development*, Vol. 6 No. 4, Kings College, London/Routledge: 481-501.

conflict. As part of a conflict prevention strategic framework, a common SSR concept would represent a major contribution to peace consolidation by directing policy attention to the root causes of insecurity.

For the much of the 1990s West Africa was infamous for being a ‘war zone’, with the hub of conflict located in Liberia and the wider Mano River axis. However, the guns have gone silent in most of the region. According to the 2006 Edition of *Jane’s Sentinel Security Assessment*,

‘Events since the end of the Liberian civil war in mid-2003 have seen a consolidation of the ECOWAS region, characterized by increased economic growth, grater peace and physical security and gradually improving standards of governance in many member states’.³⁵

Building Blocks Approach: ECOWAS member states are also key members of the African Union. Indeed, ECOWAS is one of the five regional blocs that constitute the African Standby Force Arrangement and ECOWAS is the designated NEPAD focal point for West Africa. Thus, it is essential that major ECOWAS concepts that speak to conflict prevention, resolution and peace-building broadly reflect, and feed directly into continental frameworks such as the Common African Defense and Security Policy and the NEPAD Peace and Security Agenda.

4. Opportunities and Challenges for an ECOWAS Security Governance Agenda

4.1. Opportunities

The operational environments of UN peace missions (such as Liberia and Cote d’Ivoire) represent a fertile ground of opportunities for an ECOWAS common SSR agenda and implementation strategy which would serve as a reference point for donors. With the ongoing dialogues within the UN on a common SSR concept and current UN peace missions, ECOWAS has an opportunity, and indeed a duty, to table its own perspectives in these contexts. Indeed, it may be asserted that the embryo of a common SSR concept is firmly in place, and is crystallizing within ECOWAS, based on the organization’s experience in peacebuilding in the sub region. It is therefore useful to identify the entry points for a common ECOWAS SSR agenda, and the main issues around such an agenda..

ECOWAS has made conflict prevention part of its core mandate and has assumed active role in selected conflicts. The experience of the organization in peacekeeping and peace-building, particularly featuring the intervention of ECOMOG (now ESF) in Liberia and Sierra Leone, had clearly demonstrated to its member states the benefits of effective security institutions which are responsive to human security needs and under democratic control.

³⁵ Jane’s Sentinel Security Assessment West Africa, Issue 11-2006, Jane’s Information group, ix. Coulsdon: Surrey.

ECOWAS has exhibited therefore an increased willingness to initiate and participate in regional conflict management as well as in the conceptualisation and implementation of broader SSR initiatives as, among the others, in Liberia and Sierra Leone.

ECOWAS is increasingly cooperating with the United Nations on peace and security through joint participation in peacekeeping and peace building missions, whose establishment and mandate is usually decided by the UN Security Council. ECOWAS, together with the UN, has played a significant role in Liberia where a military observer group (ECOMOG) was established in 1990. The joint UN Observer Mission in Liberia (UNOMIL), set up in 1993, became “the first peacekeeping mission undertaken by the United Nations in cooperation with a peacekeeping mission set up by another organisation (ECOWAS)”³⁶. The Cotonou Accords delineated distinct tasks for the two entities; ECOMOG was responsible for ceasefire and disarmament while UNOMIL had to monitor ECOMOG activities. ECOMOG was responsible for ensuring the safety of UNOMIL observers and staff. The working relationship between the two forces quickly deteriorated however. Many of the problems were rooted in the mission’s weak conceptual and practical foundation; UNOMIL and ECOMOG were indeed set up as separate operations under the authority of two different command structures and no mechanism for linkage was provided for.³⁷ ECOMOG action was also undermined by limited financial and operational/logistical resources and lack of political will. At the working level, resentment among troops hampered relations. External supervision implied distrust in ECOMOG; furthermore, comparisons with the well-paid and better-equipped UN observers only led to further resentment.³⁸

Despite its failures, the approach adopted in Liberia was, to a large extent, later applied to the civil war in Sierra Leone (1998)³⁹. Also in the case of this intervention, the absence of ECOWAS’ involvement in the agenda setting⁴⁰ is a factor which hindered a fruitful relationship between the two organisations, contributing sometimes to an atmosphere of reciprocal rivalry.⁴¹ ECOMOG, for example, felt strongly that the UN was attempting to steal the glory from the sub-regional peacekeepers after the former had borne the dangers of protecting Sierra Leone from the rebels for three years.⁴² Another major source of tension was that ECOMOG officials viewed, as it happened in Liberia, with envy, and sometimes, anger, the disparity in logistics and equipment as well as financing of UN observers, who, unlike the ill-equipped ECOMOG, were exposed to much less

³⁶ Kihunah, M. 2005. Monitoring the Monitors: UN-ECOMOG Peacekeeping in the Liberian Civil War, *Yale Journal of International Affairs*, Summer/Fall 2005, 120.

³⁷ Kihunah, M., *op. cit.*, 126.

³⁸ Kihunah, M., *op. cit.*, 127.

³⁹ The United Nations Mission in Sierra Leone (UNAMSIL) was established by UN SC Resolution 1270, S/RES/1270 (1999), 22 October 1999.

⁴⁰ Point 12 of the Resolution 1270 establishing UNAMSIL stresses “the need for close cooperation and coordination between ECOMOG and UNAMSIL in carrying out their respective tasks, and welcomes the intended establishment of joint operations centres at headquarters and, if necessary, also at subordinate levels in the field”.

⁴¹ James O.C. Jonah. 2004. *The United Nations*, in West Africa’s Security Challenges. Building Peace in a Troubled Region, edited by A. Adebajo and I. Rashid, 326.

⁴² James O.C. Jonah, *op. cit.*, 331.

danger in the field. Huge discrepancies in salary between UN Officers and ECOMOG peacekeepers were also a matter of debate. ECOMOG officers did not understand why the UN could and bear some of the basic costs and share some of their equipment with the sub-regional peacekeeping force. In the end, the greatest threat to cordial relations between the UN and ECOWAS was perhaps the question of financial support.⁴³

The troubles encountered by ECOMOG and UN observer missions in Liberia and Sierra Leone raise important issues about joint UN-regional operations as solution to conflicts in West Africa. The failures of these joint missions highlight the importance of establishing a clear framework for dividing not only operational tasks but also political authority between the different organisations involved. Even though there is an increasing recognition that regional action can reduce the Security Council's burden and be more effective in certain circumstances, the experience especially of Liberia shows the need of UN support for regional initiatives aimed at ending conflicts. UN endorsement of such initiative is fundamental in order to provide them with broader legitimacy.

Notwithstanding the above mentioned limits, these missions show an emerging trend towards an increasing recourse to African institutions as first option for responding to crisis. This positive development represents an important an entry point for increased engagement of regional institutions in peace and security⁴⁴; and ECOWAS seems to be willing and capable of meeting its new responsibilities in the regional peace and security arena.

So far, cooperation on comprehensive SSR programmes has not been the centre of UN and ECOWAS engagement. However, there is an emerging trend towards the inclusion of a SSR component in the mandate of recent peace agreement and peacekeeping missions. One of the first indications of this trend was the Abuja Peace Accord (which led to the end of fighting in Liberia in 1996 and elections in 1997). The Accord had stipulated that ECOMOG (now ESF) would retrain a new national army based on fair ethnic and geographical representation. Even though Charles Taylor later frustrated the ECOWAS restructuring plans, and the extent to which the plan represented comprehensive SSR is debatable, there was a marked consciousness in ECOWAS of the link between SSR and post conflict reconstruction. The Comprehensive Peace Agreement of 2003 was later to contain detailed provisions on SSR. In the case of Sierra Leone, while the short-lived Lome Agreement of 1999 only had a sketchy reference to SSR, the country was later to develop a comprehensive security sector review. SSR has suffered false starts in Guinea Bissau. However, the need for such a reconfiguration remains nevertheless acknowledged by all major stakeholders. In West African states where there has been no large scale armed conflict, most SSR initiatives 'have been largely ad hoc, accidental by-products of broader reform agenda, or reforms by stealth'.⁴⁵

⁴³ James O.C. Jonah, *op. cit.*, 328.

⁴⁴ Kihunah, M., *op. cit.*, 128-130.

⁴⁵ Kayode, F. 2004. *Governing Insecurity in Post-Conflict States: The Case of Sierra Leone and Liberia in Reform and Reconstruction of the Security Sector*, edited by A. Bryden and H. Hänggi, 179. Geneva: DCAF.

Another example of this trend is the inclusion of a SSR component in the mandate of recent UN missions. For example, Security Council Resolution 1509 (2003) on the establishment of UNMIL in Liberia outlines an SSR mandate in particular detail, calling for “Support for Security Reform”. In particular, it asks UNMIL, in cooperation with ECOWAS:

- 3 (n) “to assist the transitional government of Liberia in monitoring and restructuring the police force of Liberia, consistent with democratic policing, to develop a civilian police training programme, and to otherwise assist in the training of civilian police”; and
- (o) “to assist the transitional government in the formation of a new and restructured Liberian military”.

A confirmation to this trend can be found in SC Res. 1739 (2007) extending the mandate of the UN mission in Côte d’Ivoire. The resolution requires ECOWAS and UNOCI to cooperate on the reform of the security sector (point (e)), and, in particular:

“To assist, in close liaison with the working group mentioned in paragraph 15 of resolution 1721 (2006), in formulating a plan on the restructuring of the Defense and Security Forces and in preparing possible seminars on security sector reform to be organized by the African Union and ECOWAS”.

Though ECOWAS was already engaged in aspects of security governance, conceptual appreciation of SSR at the sub-regional level initially filtered into ECOWAS within the framework of trilateral cooperation between ECOWAS, the UN, and the European Union. The entry points for SSR into the agenda of peace and security in West Africa include the Report of the EU-UN Joint Assessment Mission to ECOWAS (March 2004), the Report of the UN Security Council Mission to West Africa (July 2004), and the Report of the UN Secretary General on Ways to Combat Sub regional and Cross border Threats in West Africa (February 2005). The 6th ECOWAS-EU Ministerial Troika Meeting of 8 November 2004 had noted that ‘SSR is an essential element of any stabilization process’.⁴⁶ The establishment of the United Nations Office in West Africa (UNOWA), based in Dakar, also furthered considerably ECOWAS-UN cooperation on SSR. ECOWAS and UNOWA are collaborating on the establishment of a regional conflict prevention strategy. They are also collaborating on the adoption of a regional strategy to deal with DDR, i.e. macro disarmament, demobilisation⁴⁷ and agreed to work on the development of feasible programmes to reform the security sector; “These programmes should include the establishment of democratic control over the armed forces, their re-structuring and downsizing, improving living conditions in barracks, training and developing

⁴⁶ Communiqué of the 6th ECOWAS-EU Ministerial Troika Meeting of 8 November 2004, Council of the European Union, Brussels, 9 November, 2004 13296/04 (Presse 291). Available at http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/er/82581.pdf

⁴⁷ Phone conversation with Dr. Musah, ECOWAS, 11 May 2007.

alternative occupations.”⁴⁸ In this framework, UNOWA organized (22-24 November 2004) a major conference on ‘SSR and Conflict Prevention in West Africa: Challenges and Opportunities’. The Background Paper for the conference noted that

‘as a whole, the security sector remains a major concern in many West African states....Today, the increasing deterioration of state institutions, the continuous weakening of political authority and the consequent dereliction of military power, are progressively transforming some West African security forces into one of the greatest factors of insecurity for states and people’.⁴⁹

In the Report of the UN Secretary General on Ways to Combat Sub regional and Cross border Threats in West Africa (February 2005), an even louder call was made to ECOWAS member states on the relevance and urgency of SSR. The UN Secretary General emphasized that ‘security sector reform is an especially pressing priority for West Africa, and one which ECOWAS member states ought to address, with support from the international community, as a key tool for conflict prevention’.⁵⁰ Subsequently at the 7th EU-ECOWAS Ministerial Troika, SSR featured prominently as one of the main components of an ‘ECOWAS-EU-UNOWA Framework of Action for Peace and Security’. Echoing earlier statements from the Troika and the UN Secretary General, it was noted that

‘security sector reform is a vital challenge facing West Africa and a priority for ECOWAS, given that security forces have often proved a cause of instability. The EU, ECOWAS and UNOWA will work on the development of feasible programmes on reform of the security sector’.⁵¹

Policy statements and peace and security initiatives within ECOWAS Secretariat (now the ECOWAS Commission) have also increasingly reflected more focus on SSR as an area of engagement. In this regard, in his statement to the UN Security Council in August 2006, the President of the ECOWAS Commission noted that SSR is one of the four main components of the ECOWAS peace consolidation strategy.⁵²

Beyond policy proclamations however, the beginnings of a common ECOWAS SSR concept are fast emerging through the on-going process for articulating an ECOWAS Conflict Prevention Framework (ECPF).⁵³ Intended to function as an operational tool for the implementation of ECOWAS protocols and mechanisms on peace and security, the process for the articulation of the ECPF was initiated in

⁴⁸ ECOWAS-EU-UNOWA Framework of Action for Peace and Security, point III.

⁴⁹ Workshop background document, available at <http://www.un.org/unowa/unowa/studies/ssrbkgd.pdf>

⁵⁰ *Ibidem*, page 12.

⁵¹ ECOWAS-EU-UNOWAS Framework of Action for Peace and Security (Item III).

⁵² The other components are rebuilding of democratic institutions; enhancing economic capacity of the government to rebuild destroyed infrastructure and deliver social services; and Private sector development to create jobs and economic opportunities for the large army of unemployed people, especially the youth. See Mohammed Ibn Chambas, Statement to the 5509th UN Security Council Session on Peace Consolidation in West Africa, (August, 2006, New York, S/PV.5509).

⁵³ The need for a ‘conflict prevention strategy’ had become a recurring issue on the ECOWAS peace and security agenda since the EU-UN Joint Assessment Mission to ECOWAS of February 2004, and later reiterated in various UN reports on West Africa.

January, 2006. The Draft ECPF identifies fourteen broad components, of which Security Sector Governance is one. The other components of the draft ECPF are Early Warning; Preventive Diplomacy; Democracy and Political Governance; Natural Resource Governance; Cross-Border Initiatives; Security; Women in Peace and Security; Micro-Disarmament; Youth Empowerment; ECOWAS Standby Force; Human Rights and the Rule of Law; Humanitarian Assistance; The Media in a Democracy and in Transition; Peace Education (Culture of Peace). These components are elucidated in terms of objectives, envisaged activities, benchmarks, and capacity requirements. The draft ECPF contains, so far, the most advanced and coherent common conceptualization of SSR within ECOWAS. According to the draft ECPF,

‘The cardinal objective of the Security Sector Governance component of ECPF shall be to provide a human security roof over the population, particularly the vulnerable, using security institutions which are responsive and responsible to democratic control and basic human rights. In essence therefore, security sector governance in West Africa must be accountable, and as much as possible transparent and participatory’.⁵⁴

To ensure Security Sector Governance, activities that shall be undertaken will include the following⁵⁵:

- a. The creation of an ECOWAS security governance framework that feeds into United Nations and continental processes on SSR and takes into account peculiarities of the sub-region. Towards this objective, an expert group composed of relevant ECOWAS departments, experts and NGOs shall be established by the Commission.
- b. Encourage the establishment and engage the services of indigenous private security agencies composed of West African security personnel as a response to the outsourcing of SSR in the sub-region.
- c. Conduct a SSR needs analysis for West Africa to identify and define areas of intervention.
- d. Develop and adopt an ECOWAS regulatory policy and sanctions regime on non-statutory armed groups, including militias, vigilantes, private security outfits, mercenaries and terrorist groups.
- e. Confidence-building measures such as the West African Code of Conduct for Armed Forces and Security Services.
- f. Develop and adopt an ECOWAS policy on prison reforms, spell out minimum acceptable conditions for prisons and rehabilitation regimes, gender sensitivity in prisons and the rights of prisoners.

⁵⁴ Draft ECOWAS Conflict Prevention Framework (ECOWAS), ECOWAS Commission, Abuja, as revised at the Experts’ Meeting on the ECPF, Banjul, Gambia, 24-28 June, 2007, paragraph 55.

⁵⁵ SSR Activities within the Draft ECOWAS Conflict Prevention Framework.

- g. Organization of workshops for security forces in Member-States on themes relating to the rights and responsibilities of the security services.
- h. Organize capacity-building workshops on the command structure, military ethics and the functioning of the security apparatuses for oversight bodies, including the parliamentary committees on security and defense budgeting, Justice and Security-related Ministries by Member-States.
- i. Develop training packages on civil-security collaboration, community policing and micro-disarmament for community leaders and the police by Member-States.
- j. Member-States shall develop; with the assistance of the private sector and civil society, youth empowerment schemes designed to involve the youth in national development.

Four aspects of the security sector governance component of the draft ECPF are striking with particular regard to the on-going dialogue on a common UN SSR concept.

First is the clear affirmation that the conceptualization is intended partly as an input into the UN dialogue process on a common SSR concept (see Box 1). This is reflective not only of ECOWAS' protracted collaboration with the UN as detailed above, but in particular, of its involvement in the UN process of evolving an SSR concept from its early stages. ECOWAS' involvement with the Slovak-initiated UN process began with its participation in the 'Expert Workshop on Developing a Security Sector Reform Concept for the UN', which was held in Bratislava on 7 July, 2006. ECOWAS was again an active participant at the UN Security Council Roundtable on 'Multilateral and Regional Approaches to SSR: Lessons for the Development of a UN SSR Concept' which was held in New York on 8 December, 2006.⁵⁶

Secondly, it is noteworthy that the emphasis of the draft ECOWAS concept is on security sector *governance* rather than *reform*. This is a significant departure, and amplifies the assumptive character of the term 'reform', as signifying an undesirable condition which needs to be altered. For ECOWAS states therefore, it would appear that, while reform of the security sector is not unwelcome, such reform should be the result of applying democratic governance benchmarks of accountability, transparency and professionalism. The use of the term *governance* underscores the difference of emphasis between the *delivery* of SSR programmes by donors on the one hand, and *implementation* by recipient states on the other. For recipient states such as ECOWAS, to begin security sector governance with reform as a necessary point of departure accentuates the shortcomings of the security sector of member states underplaying their more positive attributes.

⁵⁶ See 'The Role and Experiences of ECOWAS in Security Sector Reform', presentation by Colonel Mahamane Toure, ECOWAS Deputy Executive Secretary (Political Affairs, Defense and Security) at the meeting.

Thirdly, it is striking that the ECOWAS concept is anchored on *human security*. In the section on ‘ECOWAS Mandate and Legitimacy for Conflict Prevention’, the draft ECPF (paragraph 27) defined its human security basis.

‘...ECOWAS is imbued with the necessary supranational powers (acting on behalf of and in conjunction with AU and UN), as well as the legal and moral justification to intervene to protect human security in three distinct ways: the responsibility to protect, the responsibility to react, and the responsibility to rebuild’.⁵⁷

This introduces the protracted debate on the scope of human security, as to whether it is focused on ‘freedom from fear’, or extends to ‘freedom from want’.⁵⁸ From the details of the draft ECPF, for example the emphasis on ‘youth empowerment’ and economic opportunities, it is evident that the ECOWAS concept of human security relates to freedom from both fear and want. As severally noted, human security is highly desirable but its operationalisation is rather fluid and unclear. Elucidating what constitutes a ‘human security roof’ therefore remains a challenge in concluding the SSR component of the ECPF.

Fourthly, the specification of the need to ‘develop and adopt an ECOWAS regulatory policy and sanctions regime’ for private security companies, among other NSAs, is a direct response to the emerging challenge of security contractors in the implementation of SSR programmes, especially when imported as part of a bilateral agreement. The challenges of outsourcing SSR to security companies and the marginal role of ECOWAS in the training of armed and security forces in Liberia had exposed the need for the organization to provide policy guidance for the participation of commercial actors in SSR implementation.

The significant point on which to end this section is that while the basic elements of an ECOWAS SSR concept are emerging, such an outcome has, as detailed above, benefited significantly from the organization’s ‘strategic partnership’ with other IGOs, particularly the UN and the EU. In the next section, we consider the challenges and constraints facing a common ECOWAS SSR agenda.

⁵⁷ Conflict Prevention Draft Strategic Framework (ECPF), ECOWAS Commission, Abuja, May 2007.

⁵⁸ Hänggi, H. 2004. Conceptualising Security Sector Reform and Reconstruction, in *Reform and Reconstruction of the Security Sector*, edited by A. Bryden and H. Hänggi. Geneva: DCAF.

4.2. Challenges and Constraints

Strategic Environment and External Pressures: Whether as part of post conflict reconstruction or as an object of multilateral security cooperation, SSR is intensely political, predicated as it is on power relationships. The evolution of a common ECOWAS SSR agenda will therefore be constrained by the reality of the asymmetry of power relations between ECOWAS states and their ‘development partners’. The viability of a common ECOWAS SSR concept and implementation framework, and the extent to which this will define and impact on the current dialogue on a common UN SSR concept, is therefore necessarily conditioned by the global strategic environment and, in particular, the strategic interests of the donor countries. Yet, if a human security approach to SSR is to make a difference, the ECOWAS security sector governance agenda will need to be home-grown. The War on Terror and ‘homeland’ security, the growing strategic significance of the Gulf of Guinea to American interests, and Euro-Atlantic immigration politics are some of the major strategic external factors that cast a defining shadow over the direction and viability of a home-grown SSR concept and agenda.

Critical mass of reforming states: Recognizing the need for a common ECOWAS SSR concept is only the beginning of a process whose eventual outcome cannot be taken for granted and therefore needs to be nurtured. The prospects of a common ECOWAS SSR agenda would be enhanced by, and perhaps dependent on the role of a coalition of reform-minded states, who would act as sponsors and energizers of a common SSR concept and maintain it on the ECOWAS peace and security agenda, similar to the manner in which Slovakia and a group of group of like-minded states have been driving the UN process for a common SSR agenda.⁵⁹ The ECOWAS record so far has however not been encouraging, and donor IGOs have often taken the lead in the articulation of norms and concepts despite the organization’s rich experience in security cooperation.

Entrenched Mindsets: Security thinking within the echelons of the security sector of several states continues to reflect and pursue state-centric, narrow and hard-nosed approach to security. Ordinary citizens are often in awe of the same uniformed personnel who are salaried to protect them. As Nnoli (2003) has aptly noted, ‘as a concept, security seems to have acquired a mystique. In the minds of most people it has become mystical, mythical, even mysterious.’⁶⁰ Given the characteristic lack of an organic link between state and society, a human security-based ECOWAS common SSR concept would necessitate a change in mindsets within the security community and among West African populations at large.

Rule of Law Vs Rule of Laws: A common ECOWAS security sector governance agenda is also confronted with different security legislative and administrative traditions and systems between ECOWAS member states, based on different

⁵⁹ Group of 4+1 states on UN SSR.

⁶⁰ Nnoli, O. 2003. Security of Africa in the Emerging Global Environment: What Role for the Military, *Graduation Lecture Series No. 8*, National War College, Abuja: 4-5.

judicial systems. Anglophone, francophone and lusophone colonial superstructures have led to often conflicting oversight, legal, and administrative systems and traditions. The lack of cohesion is also reflected by the disparate levels of development among ECOWAS states. Harmonization of security legislation would therefore be necessary for the building of the 'human security roof' which appears to be central to the emerging ECOWAS SSR agenda.

5. Conclusion and Policy Recommendations

5.1. Conclusion

Intergovernmental organizations, including ECOWAS, are not, per se, autonomous actors, capable of any extraordinary feat beyond the parameters set by their members. ECOWAS is therefore only a mirror of the challenges and character of its member-states, as defined by the role of these states in the global political economy. The organization is a reflection of the individual and collective reality of its aggregate membership, from which it derives its direction, and which sets the parameters for action. Even though ECOWAS was created as an instrument for economic integration of the West African sub-region, a succession of internecine conflicts with sub regional ramifications has redefined ECOWAS priorities, placing peace and security firmly on its agenda. In response, ECOWAS has put in a peace and security architecture around which a wealth of normative instruments and provisions has crystallized. However, there remains a gap between normative aspirations and the reality on the ground. A common ECOWAS SSR concept would contribute to bridging this gap, in addition to enhancing coherence among donors and local ownership of the SSR agenda by West African states.

The paper has outlined the emerging elements of a common ECOWAS SSR agenda and concept, and argued that its human security anchorage, though desirable, represents an added challenge. The paper noted that the evolution of a common ECOWAS SSR agenda owes much to the organization's strategic relationship with the UN and the EU but cautions that cognizance should be taken of the challenges facing the viability of a common SSR concept and agenda.

5.2. Recommendations

- The ECOWAS Commission should take deliberate steps to include civil society and the media in the negotiation of a common SSR agenda, particularly given the human security emphasis which renders states necessary but inefficient in such a people-centered framework. Such an approach would contribute to ensuring that the ECOWAS SSR agenda emanates from and reflects local concerns rather than the external strategic interests of donor IGOs.

- Assuming that the Human Security chapeau of the emerging ECOWAS SSR concept is maintained, ECOWAS should take steps to clarify and operationalize its perspective on 'human security', a concept which is admittedly appealing in theory but ubiquitous and fluid in implementation.
- In view of the highly political nature of SSR, ECOWAS should focus initially on seeking broad agreement on Confidence Building Measures, such as a Code of Conduct for Armed Forces and Security Services. The ramification effect from such uncontroversial intervention would create the necessary space and mutuality of interests and confidence necessary for the more thorny aspects of regional security cooperation.
- The harmonization of security legislation should be embarked upon as one of the starting blocs for a common SSR agenda.

ANNEX I

Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism For Conflict Prevention, Management, Resolution, Peacekeeping and Security

(Selected Provisions on Democratic Security Governance)

Section I: Constitutional Convergence Principles

Article 1:

The following shall be declared as constitutional principles shared by all Member States:

- a) - Separation of powers - the Executive, Legislative and Judiciary.
- Empowerment and strengthening of parliaments and guarantee of parliamentary immunity.
- Independence of the Judiciary: Judges shall be independent in the discharge of their duties.
- The freedom of the members of the Bar shall be guaranteed; without prejudice to their penal or disciplinary responsibility in the event of contempt of court or breaches of the common law.
- b) Every accession to power must be made through free, fair and transparent elections.
- c) Zero tolerance for power obtained or maintained by unconstitutional means.
- d) Popular participation in decision-making, strict adherence to democratic principles and decentralisation of power at all levels of governance.
- e) The armed forces must be apolitical and must be under the command of a legally constituted political authority; no serving member of the armed forces may seek to run for elective political.
- f) Secularism and neutrality of the State in all matters relating to religion; freedom for each individual to practise, within the limits of existing laws, the religion of his/her choice everywhere on the national territory. The secularism shall extend to all parts of the State, but shall not deprive the State of the right to regulate, with due respect to human rights, the different religions practised on the national territory or to intervene when law and order break down as a result of any religious activity.
- g) The State and all its institutions belong to all the citizens; therefore none of their decisions and actions shall involve any form of discrimination, be it on an ethnic, racial, religion or regional basis.
- h) The rights set out in the African Charter on Human and People's Rights and other international instruments shall be guaranteed in each of the ECOWAS Member States; each individual or organisation shall be free to have recourse to the common or civil law courts, a court of special jurisdiction, or any other national institution established within the framework of an international instrument on Human Rights, to ensure the protection of his/her rights.
In the absence of a court of special jurisdiction, the present Supplementary Protocol shall be regarded as giving the necessary powers to common or civil law judicial bodies.

- i) Political parties shall be formed and shall have the right to carry out their activities freely, within the limits of the law. Their formation and activities shall not be based on ethnic, religious, regional or racial considerations. They shall participate freely and without hindrance or discrimination in any electoral process. The freedom of the opposition shall be guaranteed. Each Member State may adopt a system for financing political parties, in accordance with criteria set under the law.
- j) The freedom of association and the right to meet and organize peaceful demonstrations shall also be guaranteed.
- k) The freedom of the press shall be guaranteed.
- l) All former Heads of State shall enjoy a special status including freedom of movement. They shall enjoy special benefits compatible to their status as former Heads of State.

Section IV: The Role of the Armed Forces, the Police and the Security Forces in a Democracy

Article 19:

1. The armed forces and police shall be non-partisan and shall remain loyal to the nation. The role of the armed forces shall be to defend the independence and the territorial integrity of the State and its democratic institutions.
2. The police and other security agencies shall be responsible for the maintenance of law and order and the protection of persons and their properties.
3. The armed forces, the police and other security agencies shall participate in ECOMOG missions as provided for in Article 28 of the Protocol.
4. They may also, on the decision of the constitutionally constituted authorities, participate in peacekeeping missions under the auspices of the African Union or the United Nations.
5. Members of the armed forces may be drafted to participate in national development projects.

Article 20:

1. The armed forces, the police and other security agencies shall be under the authority of legally constituted civilian authorities.
2. The civilian authorities shall respect the apolitical nature of the armed forces and police. All political or trade union activities and propaganda shall be forbidden in the barracks and within the armed forces.

Article 21:

The armed and security forces personnel as citizens, shall be entitled to all the rights set out in the constitution, except as may be stated otherwise in their special regulations.

ANNEX II

Status of Ratification of the ECOWAS Mechanism and Supplementary Protocol

Member States	Protocol Relation to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security	Supplementary Protocol on Democracy and Good Governance	Remarks
Benin	Nil	Ratified on 04/02/05	Reminder letter sent on 09/02/04, 01/06/05, 04/10/05, 29/11/06, 05/06/07
Burkina Faso	Ratified on 14/12/01	Ratified on 09/09/04	
Cape Verde	Nil	Nil	Same
Cote d'Ivoire	Nil	Nil	Same
Gambia	Nil	Nil	Same
Ghana	Ratified on 24/1/05	Ratified on 18/10/02	
Guinea	Nil	Ratified on 20/06/03	Reminder Letter sent on 09/02/04 & 01/06/05, 04/10/05, 29/11/06, 05/06/07
Guinea-Bissau	Nil	Nil	Same
Liberia	Nil	Nil	Same
Mali	Ratified on 23/5/00	Ratified on 08/12/05	
Niger	Nil	Ratified on 08/12/05	Reminder letter sent on 09/02/04, 01/06/05, 04/10/05, 29/11/06, 05/06/07
Nigeria	Nil		Same
Senegal	Ratified on 08/10/04	Ratified on 10/09/04	
Sierra Leone	Ratified on 02/11/00	Ratified on 10/08/04	
Togo	Nil	Nil	Same

Only the Republic of Niger has ratified the Convention on Small Arms and Light Weapons.

