

Exposition of the Principle of Collective Security Under the ECOWAS Treaty of 1993

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ABSTRACT

*The Economic Community of West African States known as the ECOWAS Treaty was first established in 1975 with the aim of creating an economic union in the West African sub-region similar to the European Economic Union (EEU) to foster the development of trade, commerce and investment in different economic perspectives. As time goes by, several challenges were encountered such as political, economic and socio-cultural instabilities. These necessitated the need to amend the ECOWAS Protocols which was done under the ECOWAS Treaty of 1993 to address the new situation particularly on security issues. The conflicts in Liberia, Sierra Leone, Cote d'Ivoire and Mali are good examples. These political, economic and social upheavals undermined the main aims and objectives of the ECOWAS Treaty. It is based on this background that it was considered necessary to expand ECOWAS mandate to include matters on collective security in addition to the economic objectives under the ECOWAS Treaty of 1993¹. In this vain, we shall consider different aspects of these ECOWAS protocols by examining in particular, the issues of collective security under the ECOWAS articles, mandates, the legal provisions and case laws where applicable.
Keywords: Collective security, ECOWAS , Treaty, political and economic co-operation.*

INTRODUCTION

The objective of this article is to discuss the principle of collective security in relation to the Protocol relating to Conflict Prevention, Management, Resolution, Peacekeeping and Security (the Mechanism) under the ECOWAS Treaty, 1993. Conflict is a recurring phenomenon in human societies. Regardless of its nature and form, it has dysfunctional and disruptive effect, particularly when it assumes a critical dimension. The attendant breakdown of law and order, destruction of lives and property, perpetration of human rights abuses and generation of refugees and internally displaced persons caused by conflicts transcends national boundaries with the struggle and need for peace, security and development at national, regional and international levels respectively.

ECOWAS aims to promote co-operation and integration in economic, social and cultural activity so as to raise the living standards of its peoples. Due to the distressing events in several of its Member states, ECOWAS realised that the case of economic development and progress can only be pursued in an environment of peace and stability. It found that it has to involve itself in conflicts in Member states to ensure that environment conducive to the implementation of the economic programmes is maintained. To address

all the various challenges, in a meeting held in Lagos on April, 1978, ECOWAS Member states had earlier adopted a protocol relating to Non-Aggression (PNA) which enjoined Member states to "... refrain from the threat and use of force or aggression against one another". Article 5 (2) of the PNA provides that:

... any dispute which cannot be settled peacefully among member states shall be referred to a committee of the Authority. In the event of failure of settlement by the committee the dispute shall finally go to the Authority i.e. Heads of State/Government...

A subsequent Protocol relating to Mutual Assistance in Defence (PMAD) was signed in Freetown, Sierra Leone on 29th May 1981 and became effective five years later. PMAD committed ECOWAS Member States to a collective defence treaty by accepting that armed threat or aggression against one constitutes a threat or aggression against the community are resolved to give mutual aid and assistance for defence. During the 1990s, ECOWAS activities have increasingly been dominated by the efforts to secure peace in Liberia, in particular through the involvement of ECOMOG (ECOWAS Cease-Fire Monitoring Group) which was dispatched to Liberia in August 1991. On the 10th December, 1999, Member states of ECOWAS adopted the Protocol to the Mechanism for Conflict Prevention Management, Resolution, Peacekeeping and Security (the Mechanism) at Lome, Togo. It is noteworthy that the Mechanism has emerged in the aftermath of the ECOWAS intervention in Liberia and Sierra Leone, but more crucially, it has emerged after the highly controversial intervention by the Member States of the North Atlantic Treaty Organization (NATO) in Kosovo Crisis. The Mechanism recognises the holistic nature of security and provides an elaborate structure of addressing sub-regional security needs, incorporating and transcending previous protocols.

The History of Economic Community of West African States (ECOWAS): In April 1972, the Heads of States of Nigeria and Togo decided to revive the idea of an economic community that would cut across linguistic and cultural barriers. To this end, General Gowon of Nigeria and President Eyadema of Togo signed a Treaty providing for the setting up of what the Togolese President called "an embryo" of a West African Economic Community. On the 28th May 1975, the Heads of States and Government of the 15 states signed a Treaty in Lagos, Nigeria's former capital establishing the Economic Community of West African States. In 1993, the 1975 Treaty was revised to reflect contemporary changes in the organization. The provision for regional security which mandated Member states to work to consolidate and maintain peace, stability and security with the region was enshrined². Thus, while Article 58 was devoted to regional security, the whole of Chapter 10 dealt with "cooperation in Political, Judicial and Legal Affairs Regional Security and Immigration". This is a reflection of a more holistic consideration of regional cooperation. Beyond this, ECOWAS leaders demonstrated a better awareness of the all embracing nature of what constitutes security challenges and how supposedly non-military security considerations can impact on the political environment to create a situation of insecurity, not only were the signatories to the new ECOWAS Mechanism conscious of the fact 'that good governance, the rule of law and sustainable development are essential for peace and

conflict prevention", they were also convinced of the need to develop effective policies that will alleviate the suffering of the civil population, especially women and children, and restore life and normalcy after conflicts or natural disasters³. ECOWAS is a manifestation of the decision for co-operation among the peoples of Africa. It is the structural embodiment of the people's belief in a collective attack against the enduring problems of underdevelopment. From Benin Republic to Togolese Republic, the yearnings of the people are the same; they want to be helped out of the valley of poverty in which they are enmeshed. The languages are different and the cultures may be diverse, but beyond all, the longing for economic emancipation through co-operation transcends all barriers. It operates officially in three co-equal languages, French, English and Portuguese.

The following 13 states are the current members of ECOWAS with the exception of Mauritania which pulled out in December, 2000 following its failure to agree with the decisions reached at the summit while Guinea is on suspension following the 2008 coup d'etat. ECOWAS also announced the suspension of the Republic of Niger on 20 October, 2009⁴. The Republics: of Benin, Burkina Faso, Cape Verde, Cote D'Ivoire, Ghana, Gambia, Guinea Bissau, Liberia, Mali, Nigeria, Senegal, Sierra Leone and Togo

Objectives of ECOWAS: ECOWAS Treaty Containing 93 Articles arranged in 21 chapters has its central objectives in the promotion of economic and political co-operation among Member states, in order to raise the living standards of its peoples⁵. Convinced that economic development and progress can only be pursued in an environment of peace and stability, the ECOWAS Member states signed the Protocol to Non-Aggression (PNA) and Protocol relating to Mutual Assistance in Defence (PMAD) in 1978 and 1981 respectively, which provided for an Allied Armed Force of the Community. To bridge the gap in the above protocols in order to reflect contemporary changes and events, on 10th December 1999, Member states adopted the Protocol relating to the Mechanism.

ECOWAS Governance Structure: ECOWAS comprises three arms of governance, namely, the Executive, the Legislature and the Judiciary. At the helm of the organization is the Chairman of the Authority of the Heads of State and Government (Currently President Jonathan Goodluck of Nigeria). At the helm of the Executive Arm of the Community is the President of ECOWAS Commission (currently James Victor Gbeho) appointed by the Authority for a non-renewable period of four years. He is assisted by a Vice President and 7 Commissioners. The legislative arm of the Community is the Community Parliament headed by the Speaker of the Parliament. The Judicial arm of the community is the Community Court of Justice, headed by the President (Currently Hon. Justice Awa Nana Daboya Togo). The court ensures the interpretation and application of community law, protocols and conventions. The administrative functions of the court are handled by the Court Registrar who is assisted by other professionals. It should be noted that the Authority of the Heads of State and Government of Member states as the supreme institution⁶ is the highest decision making body of the community.

ECOWAS New Collective Security Mechanism: Collective Security as used in this paper is a system of arrangement of a joint action at either the regional level or grouping or

international level/global level or grouping to protect the vital interest of members of the community of nations. In other words, the collective actions of the Community of nations against any state for any attack that breaches the peace and security of the region or globe. The new ECOWAS collective security Mechanism was adopted against the background of not only the organization's intervention activities in Liberia and elsewhere, but also of developments in the interventional system at large. As the main legal framework within the sub-regional organisation's involvement in collective security, must henceforth be regulated, the Mechanism embodies detailed and comprehensive provisions and structures.

In a clear, departure from its traditional principles of nonintervention, the Mechanism empowers ECOWAS to intervene in internal conflicts of Member states, an action, that can be triggered not only by massive violation of Human Rights, but also by the breakdown of the rule of law⁷. It incorporate the doctrine of humanitarian intervention and provides extensively for an early warning system the mechanism probably is the most ambitious instrument on the regulation of collective security ever attempted to date, not by ECOWAS but any regional organization for that matter. Thus, it can be described as ground. breaking legislation on collective security within the West African sub-region. In many regards the Mechanism can be regarded as the organisation's constitution on collective security in the West African sub- region⁸. It introduces many innovative ideas into the collective security of the sub-region. It is perhaps, the first time that an international organisation has formally codified the rather problematic doctrine of humanitarian intervention as well as legalizing the use of force to restore or prevent an overthrow of a democratically elected government⁹.

The Legal Framework of The ECOWAS Mechanism: The substantive regulations of peace and security of the West African sub-region by ECOWAS is to be found in various sections of the Mechanism. The new mechanism includes a principal structure and organs of formulation and implementation of policies,, decisions and othe collective management of regional security issues. Article 1 of Chapter 1 which provides for the establishment of the mechanism, introduces the Protocol in clear terms, as follows:

...there is hereby established within the Economic Community of West African States (ECOWAS), a mechanism for collective security and peace to be known as "mechanism for Conflict Prevention Management, Resolution, Peace-keeping and Security.

The appearance of the term "collective security" in the above provision is indicative of ECOWAS determination to define, at the onset, the operational ambit of the Mechanism. Indeed, the mechanism, whose draft provisions were a victual replication of the PMAD totally jettison its classical peacekeeping theme in favour of more pro-active engagement. Thus, the Mechanism will apply not only to securing peace by traditional peacekeeping exercises but also by using force to guarantee such. Therefore, in future, ECOWAS' intervention in the sub-regional conflicts will no longer be confined to peacekeeping, which was, the main purpose leading to the establishing of ECOMOG in 1990¹⁰. The above conclusion is warranted by a comparison of the provisions of the Mechanism with similar ones under the PMAD. The PMAD¹¹ provides for interventions by ECOWAS in situation of armed threat or aggression directed against a member state, which must be at the

request of the transgressed state¹². Thus, this provision limits ECOWAS' interventionist capacity to the scope of a defensive alliance in the mode of organizations like the North Atlantic Treaty Organisations where an attack on one of the member is usually regarded as an attack on all. Thus, the textual difference between the provisions of the PMAD and the Mechanism is aimed at recasting the role of ECOWAS in the security of its region from one previous based collective self-defence mode and classical peacekeeping to Chapter 8 of the UN Charter. It will be recalled that one of the main criticisms against the applications of PMAD to the Liberia and Sierra Leone Crisis was that the Protocol did not empower ECOWAS to apply force against its own members. It only allowed force against external aggression or an internal crisis that was according to Article 18(1), 'external maintained and sustained.

However, by virtue of Article 3¹³, which outlines the various objectives of the Mechanism, it must be noted, that ECOWAS decisively incorporates the previous protocols and covers new ground. While Article 3(a)¹⁴ provides that the mechanism shall prevent, manage and resolve internal and interstate conflicts, Article 3(c)¹⁵ empowers it to implement the relevant provisions of the Protocols on Non-Aggressions, Mutual Assistance in Defence, Free Movement of Persons, the Right of Residence and Establishment. There is no doubt that the inclusion of only selected parts of the earlier Protocols on defence matters is to enable the New Mechanism take precedence and extend to areas not previously covered by its precedence. In order to take firm control over the security of West African sub-region, the Authority of ECOWAS, enunciated a comprehensive list of objectives in Article 3¹⁶ to include amongst others: prevent, manage and resolve internal and inter-state conflicts under the conditions provided in paragraph 46 of the framework of the Mechanism and to ratify and implement the relevant provisions of Article 58 of the Revised Treaty, implement the relevant provisions of the Protocol on Non-Aggression, Mutual Assistance in Defence, Free Movement of Persons, the Right of Residence and Establishment. Maintain and consolidate peace, security and stability in the community and constitute and deploy a civilian and military force to maintain or restore peace within the sub-region.

Institutions of ECOWAS: The Mechanism amongst others provides ECOWAS with systems, capacities and processes in early warning, conflict prevention, conflict management, peace keeping, peace enforcement, humanitarian support and peace building. Other areas are control of the importation, exportation and manufacture of light weapons and other forms of cooperation in regional security, including trans-border crime control. The supplementary protocol aims at entrenching democracy and the rule of law, and is an expression of democratic principles, guidelines and benchmarks for good governance. Chapter 2, Protocol to the Mechanism deals with the various institutions and organs empowered with the authority for implementing the provisions of the Mechanism. Article 4 which sets out the organs in a hierarchy, provides that:

The institution of the mechanism shall be the authority, the mediation and Security Council, the Executive Secretariat and any other institution as may be established by the authority.

The Authority of States and Governments: The Authority is composed of the Heads of State and Governments and stipulated in Paragraph 1, Article 7, Revised Treaty¹⁷. The Authority¹⁸ comprising the heads of State and Government of Member states is the primary organ responsible for the general direction of the community¹⁹. It is the highest decision making body and has powers to act on all matters concerning conflict prevention, management, resolution, peacekeeping, security, humanitarian support, peace, building, control of cross- border crime, proliferation of small arms and all other matters covered by the provisions of the Mechanism²⁰.

Under Article 7²¹ the Authority mandates the Mediation and Security Council (MSC) to take, on its behalf, appropriate decisions for the implementation of the provisions of the Mechanism. Although Article 6(1)²² designates the Authority as the highest decision making body, this is not necessarily so in reality. This provision does not occur with subsequent provisions, which confer on the Mediation and Security Council (MSC) greater powers than the Authority. Moreover, under the Mechanism, the Authority has delegated all its powers to the MSC. In practical terms, there appears to be little or no significant value in this purported delegation of powers by the Authority of the MSC²³.

Already, the MSC could on its own initiate sections under the Mechanism without restraints²⁴. In fact, it is doubtful whether there was any need for such delegation at all. Apart from its collective security role under the Mechanism, the MSC is also responsible for deciding and implementing "all policies for conflict prevention, management and resolution, peace-keeping and security"²⁵. Thus, unlike the relationship between the Security Council 'and the General Assembly under the UN Charter²⁶. There is no distinction between actions which the Authority may take and those that the MSC could ordinarily take under the Mechanism. In the absence of such distinction therefore, the purported delegation of power is at best a redundancy, as the MSC does not need to have such delegated power for it to initiate any actions whatsoever under the Mechanism. In reality, the MSC possesses greater power under the Mechanism than the Authority²⁷.

The Mediation and Security Council: The MSC meets at three levels namely the Heads of State and Government²⁸, Ministerial Level²⁹, and Ambassadorial Level³⁰. The functions of the MSC are as contained in Article 10 of the Mechanism. These functions weigh heavier than the two powers of the Authority. In the light of these provisions, it is very unlikely that in a situation warranting the authorization of an action, the Authority will over rule the decisions of the MSC³¹. The Mediation and Security Council shall inform the Authority of all actions taken in pursuance of the mandate given to them by the Authority. But there is no provision under the Mechanism empowering the Authority to overrule any action taken by the MSC. The prospect of such power is indeed a bleak. The quorum under the ECOWAS Treaty is two thirds majority of the Member states³². Therefore, a decision of the Authority favoured by the MSC may indeed become a fait accompli before the session although the delegation of the Authority's power is reflected "without prejudice"³³, this provision is not effective because, it does not as it should have done³⁴ subject the delegated power to the controls of the Authority³⁵. However Article 9(4) of the Revised Treaty which provides that:

decisions of the Authority shall be binding on the member states and institutions of the community, without prejudice to the provisions of paragraph 3 of Article 15 of this Treaty”

to which Article 7 refers, vest the Authority with overreaching powers, which is subject to contrary provisions in the Treaty or other protocols. Finally, there is no provision under the Mechanism that corresponds to Article 54 of the UN Charter, by means of which the Authority could monitor the exercise of the power it delegated to the Mediation and Security Council. Thus, it is contended that the delegation of powers of the Authority to the ranging powers under Article 9 of the Revised Treaty”.

Mediation and Security Council is an open one, which without effective constitutional mechanism to subject it to periodic control, 'is capable of being misused. It is submitted therefore that the rather curious relationship between the Authority and the MSC regarding the implementation of the provisions of the Mechanism is occasioned by the overlap between the primary function of the Authority under the Treaty and its secondary collective roles under the Mechanism.

The Executive Secretariat (E.S) and Other Supporting Organs of the Institutions:

The Executive Secretary is empowered to initiate actions for conflict preventions, management, resolution, peacekeeping, and security in the sub-region. Such actions may include fact-finding, mediation, facilitation, negotiation and reconciliation of parties in conflict³⁶. The role of the Executive Secretary includes recommending the appointment of a Special Representative and the Force Commander for the approval of the MSC, as well as the appointment of members of the Council of Elders³⁷. The Executive Secretary is also responsible for political, administrative and operational activities for peace missions and preparing periodic reports on activities of the Mechanism for the MSC³⁸. The E.S is empowered to deploy fact-finding and mediation mission on the basis of an assessment of the existing situation³⁹. He/she shall convene in consultation with the chairman of the Authority, all meetings of the MSC, the council of Elders and the Define and Security Mission and implement all decisions of the MSC⁴⁰. In discharging their responsibilities under the Mechanism, the above institutions as stipulated in Article 4 shall be assisted by the organs enumerated in Article 17, Protocol to the Mechanism. These organs includes: the Defence and Security Commission, the Council of Elders, ECOWAS Cease fire Monitoring Group (ECOMOG).

The Defence And Security Commission (DSC): The Defence and Security Commission is composed of Chiefs of Defence staff or equivalent, officers responsible for internal affairs and Security, experts of Ministry of Foreign Affairs, Heads of Immigration, Customs, Drug/Narcotic Agencies, Border Guards and Civil Protection Force, depending on the agenda⁴¹. The commission is charged with examining all technical and administrative issues and assessing logistical requirements for peace keeping operations. The commission is expected to assist the MSC. In formulating the mandate of the peacekeeping force, defining the terms of reference; appointing the force commander and determining the composition of the contingents. The commission, which meets twice a year or as considered necessary,

also examines reports from the Observation and Monitoring Centre and makes recommendation to the MSC⁴². It should be used that the DSC is not an original creation of the Mechanism. It existed under the PMAD, though under the name "The Defence Commission". There are major differences between the composition and functions of DSC and D.C. Whereas under the PMAD, the DC consists of only Chief of Staff from all Member states; the DSC consists of persons as contained in Article 18, Protocol to the Mechanism. Also, under the Mechanism, the DSC possesses wider powers than its predecessor under PMAD⁴³. Apart from these, it formulates mandate for peacekeeping forces, presumably for the consideration of the MSC, defines term of reference for the force, appoints the Force Commander and determines the composition of the contingents.

Council of Elders

The Executive Secretary is expected to compile on annual basis a list of eminent personalities within the sub-region who can use their good offices and experiences to serve as mediators, conciliators and facilitators. It is from this list, when approved by the MSC at the level of Heads of State and Government that the Executive Secretary when circumstances require assembles a group that shall constitute the Council of Elders. The members of the council are expected to be neutral, impartial and objective in carrying out their mission. They are expected to report to the Executive Secretary who is to provide all the necessary logistics support for their mission⁴⁴.

Economic Community of West African States Monitoring Group (ECOMOG)

With regard to a Community Armed Force, ECOWAS leaders seized the opportunity of the new Mechanism to formalize the role of ECOMOG which, by that time had already become a regular feature of the sub regional security landscape. ECOMOG is a structure composed of several stand-by multi-purpose modules (civilian and military) in their countries of origin and ready for immediate deployment⁴⁵. Under Article 22⁴⁶ ECOMOG is charged with the following missions: observation and Monitoring, peacekeeping and restoration of Peace, humanitarian intervention in support of humanitarian disaster, enforcement of sanctions, including embargo, preventive deployment, peace-building, disarmament and demobilization, policing activities, including the control of fraud and organized crime and any other operations as may be mandated by the MSC. The definition of the functions of ECOMOG clearly benefited from the practical experience of the original ECOMOG in the field. As ECOMOG continued its Liberian mission, it had to adjust its mandate as new challenges presented themselves. When it was constituted, it was ostensibly a "cease-fire" monitoring force. However, in the absence of a cease-fire, it became imperative for the force to assume other functions including peace creation and peace enforcement that would make possible the monitoring of a cease-fire. One other important lesson of the ECOMOG initiative in Liberia, Sierra Leone and Guinea Bissau was the need for the setting up of an early warning system in the sub-region that would be dedicated to conflict avoidance activities. This must probably informed the establishment of a sub-regional peace and security observation system called the Early Warning system.

The Early Warning System: Chapter 4, Protocol to the Mechanism establishes the Early warning system or the system for the purposes of conflict prevention and in accordance with Article 58 of the Revised Treaty. This early provision is aimed at stemming the spate of crises in West Africa sub-region by forestalling their explosions through preventive devices. The system consists of an Observation and Monitoring Centre located at the ECOWAS Secretariat and four observation and Monitoring zones. The observation and monitoring centre shall be responsible for data collection and analysis and preparation of reports for the use of the Executive Secretariat. They shall also collaborate with the United Nations Organisations, the Organization of African Unity, Research centres and all other relevant international regional and sub-regional organisation⁴⁷.

There is no substantial difference between the functions of the centres and the zones. The only notable difference between the two seems to be that, while the observation centre collects data and information generally, the zonal Bureau shall, on a state by state basis and day to day basis, collect data on indicators that impact on the peace and security of the zone and the sub-region⁴⁸. The zonal offices are to collect data on indicators that impact on the peace and security of the zone and the sub-region on a state-by-state and day-to-day basis. To facilitate the work of the Monitoring Centre and Zones, member states pledge under Article 24 to guarantee the freedom of operation of the zonal agencies in accordance with the privileges immunities and security to property assets, and staff as provided by the ECOWAS General Convention on Privileges and Immunities and the Headquarters Agreement⁴⁹. The new protocol recognizes the ramifications of Security and how these could impact on sub-regional cooperation in economic and other spheres. Essentially, the new mechanism seeks to improve on the lapses of previous protocols and addresses practical problems raised in past peace initiatives.

The Mechanism makes clear the conditions for its application to conflict situations and the authority to initiate a peace missions. One of the criticism of the original ECOMOG initiative was that it was not properly or an adequately authorized exercise. It thus became necessary in the New Mechanism to obtain a deeper sub-regional agreement on criteria and procedures for intervention. The authorization of intervention and the definition of the mandate for peacekeeping mission are now entrenched as multilateral affairs. Two observations may be made in connection with the early warning system. Though preventive devices of this nature may 'not be indigenous discovery by ECOWAS, its nature and elaborate structure makes it significantly distinguishable from previous experience. For instance, Chapter 6, UN Charter provides for specific resolution of disputes amongst states. The application of the provision under this chapter is contingent on the outbreak of a dispute thought not generally involving use of arms⁵⁰.

The implication of the ECOWAS early-warning system is much more comprehensive, and if faithfully implemented and exerted to the last, may yield better results. It is geared towards locating potential cause of conflicts and constituting appropriate organs to deal with such conflicts. To this end, the Mechanism also provides for the Council of elders which is mandated to deal with a given conflict situation whenever the need arises⁵¹. Thus, there is a great interaction between the Institution of the Monitoring Centers and Monitoring

zones and Council of Elders. While the activities of the centres and zones are particularly tailored towards avoidance of conflicts, the Council of Elders undertakes the responsibility of specific resolution of eventual disputes. In addition, the zonal focus of the early warning system allows for the maximization of resources with guaranteed optimal results. The narrowing of preventive meeting of Experts, ECOWAS Ministers of Foreign Affairs, Final Report, Lome, Togo from 6th - 7th December, 1999 and activities of the centres and zones will undoubtedly go a long way in avoiding a dissipation of energy and strategy⁵². In further efforts to achieve the concrete results expected from the Early warning system, the Mechanism provides for the establishment of a framework for the rational and equitable management of natural resources shared by neighbouring member states which may be causes of frequent inter-state conflicts⁵³.

Conditions and Procedure for Application of the Ecowas Mechanism: The Protocol permits the application of the Mechanism to both intra-and inter-state conflict. It however limits intervention 'in internal conflicts to only situations that threaten to trigger humanitarian disaster or pose a serious threat to peace and security in the sub-region. The Mechanism could also apply in the event of serious or massive violation of human rights and the rule of law or the overthrow or attempted overthrow of a democratically elected government⁵⁴. Article 27 enumerates succinctly, any of the procedures to apply under the Mechanism in any given situation.

The New ECOMOG Force: Not only is the authorization of a mission now a multilateral affair, the Protocol also takes care to prevent a situation whereby any particular country would dominate a mission both in terms of troop contribution and the funding of an initiative as was the case with Nigeria and the Liberian initiative. The ECOMOG Force is to be made up of composite stand-by units to be made available by all member states. The size to be provided by a state is to be determined after consultation with each member state and the strength of the units are to be reviewed according to the situation on ground⁵⁶. The mandates of the Force and Mission of the deployed units shall vary according to the evolving situation on ground⁵⁷. The new ECOMOG Force is therefore anchored on the need to:

Define, build, organize and maintain an ECOWAS stand-by regional military capability in peace keeping and humanitarian assistance to a level of self-sustenance in the areas of troops and logistics support in order to respond to internal or external regional crises or threats to peace and security including terrorists and/or environmental threats⁵⁸.

The ECOWAS protocol which legalizes the use of force in dealing with conflict within the sub-region, contravenes, the provision of collective security by regional organisation as contained in Chapter 8⁵⁹. In the past ECOWAS has also demonstrated as was the case in the Liberian Crisis, the willingness to depart from peacekeeping to peace enforcement operations without the UN authorization. These legal issues have wider implications for prospects of the ECOWAS Standby Force⁶⁰. Unlike the relationships between the Security Council and the General Assembly under the UN Charter, there is no distinction between

actions, which the Authority of the Heads of State and Government may take and those that the Mediation and Security Council could ordinarily take under the Mechanism. Although the Authority is the primary organ responsible for the general direction and control of the community, it delegated all its power to the MSC in Article VII of the Protocol. In the absence of such definition therefore, the purported delegation is at best a redundancy⁶¹. The challenges associated with bringing multinational forces together are numerous. ECOWAS has a limited ability to mobilize adequate resources and sustain a high level of operational readiness. Furthermore differences in language, military culture and training standard between member states continue to pose challenges to ECOWAS peace operations. The Executive Secretary, through the departments concerned, and in consultation with member states shall contribute to the training of civilian and military personnel that shall be part of the stand-by units in various fields, particularly in International Humanitarian Law and Human Rights⁶². Unarmed civilian and military personnel provided by member states may be deployed alone or in conjunctions with armed personnel. They shall, inter alia, supervise and monitor cease fires, disarmament, de-mobilisation, elections, respect for human rights, humanitarian activities and investigate any complaints or claims brought to their notice. They shall order such other activities under the terms of reference as determined by the MSC. The observer missions shall report on their activities and findings to the Executive Secretary⁶³.

ECOMOG Force Commander: By Article 33⁶⁴, an ECOMOG Force Commander shall be appointed by the Mediation and Security Council and in consultation with the Defence and Security Commission for each operation on the recommendation of the Executive Secretary. The role and the functions of the ECOMOG Force Commander amongst others include⁶⁵: He shall be responsible for the efficiency of operational, administrative and logistical plans of the commission, issue instructions to contingent commanders for all operational activities and ensure the security of personnel and material of humanitarian organisations' in the mission area.

While the Force Commander shall report to the Executive Secretary through his special Representative, All contingent commanders shall report directly to the free commander and All Civil Units shall report directly to the Special Representative⁶⁶. Member states in addition to their responsibilities under the Treaty and the Protocol shall immediately, upon request, release stand-by units with the necessary equipment and material and also cooperate fully with ECOWAS in carrying out the mandates of the Protocol, including all forms of assistance and support required for the Mechanism, especially as regards the free movement of ECOMOG within their territories⁶⁷.

Peace Building And Sub-regional Security: One other most important element of the Mechanism is the provision for a graduated strategy for peace-building in the community on a continuity basis. This is contained in Chapter 9 of the Mechanism. Cognisant of the fact that most violent conflicts are the outcome of the failure of a democratic practice in affected states, ECOWAS as part of the peace building activities is to be involved in the preparation, organisation and supervision of election of member states, as well as monitoring

and actively supporting the development of democratic institutions in member states⁶⁸. The provision of the ECOWAS Mechanism recommends the adoption of a graduated strategy, which must be implemented as a continuum, before, during and after conflicts. These measures include:

- (a) Involvement in the preparation, organization and supervision of elections in Member states as a means of monitoring and actively supporting the development of democratic institutions as the basis of good governance.
- (b) Assistance to Member states emerging from conflict to help to increase due capacity for national, social, economic and cultural reconstruction (in particular, the role of ECOWAS financial institutions which have the responsibility for developing policies to facilitate funds for reintegration and reconstruction programmes) and
- (c) Support for all other processes that would assist the restoration of political authority, the rule of law and the judiciary and help to develop respect for human rights.

Some of the processes of the ECOWAS Mechanism may provide the necessary framework in the task of developing a common agenda for sub-regional organisations in the area of peace, security and conflict prevention. While this provision does not categorically state at what point ECOWAS will be involved in the electoral processes of a member state it seems reasonable to expect that such will apply to a member state emerging from a conflict⁶⁹. ECOWAS shall also assist member states emerging from conflicts to increase their capacity for national, social, economic and cultural reconstruction and its financial institution shall develop policies to facilitate funding for reintegration and reconstruction programmes⁷⁰. Priority shall be accorded to implementation of policies designed to reduce degradation of social and economic conditions arising from Conflicts in Zones of Relative Peace⁷¹.

When a state has been affected by violent conflict, ECOWAS Peace- building efforts at the end of hostilities are to concentrate on; consolidating the peace that has been negotiated, implementation of disarmament, demobilisation and reintegration programmes including those of child soldiers, establishing conditions for the political, social and economic reconstruction of the society and governmental institutions, resettlements and reintegration of refugees and internally displaced persons and assistance to vulnerable persons including children, the elderly women and other traumatized groups in the society⁷². In situations where governmental authority has collapsed totally in the course of conflict under Article 45⁷³ ECOWAS is to work for the restoration of such, political authority including the preparation, organisation, monitoring and management of electoral processes in collaboration with relevant regional and international organisation. Thus, it is expected that the peace building capacity of ECOWAS will not only materialise after a country has fully experienced a conflict. There is a provision for peace building activities during the constipation of hostilities designed to reduce degradation of social and economic conditions arising from conflicts⁷⁴. By virtue of Article 46⁷⁵ it is now imperative that member states cooperate in the areas of control of trans-border crimes, apprehension of criminals, a coherent criminal justice system and restitution procedures for stolen items which are being relocated to other member states and so on. Member states shall also supply the Executive Secretariat

with document setting out the details of criminal procedures in their country. With a view to strengthening national legal instruments on mutual legal assistance and extradition and making them more functional and efficient, all member states shall harmonize their domestic law in accordance in the relevant ECOWAS Conventions on Mutual Assistance in Criminal Matters and Extradition. Member states, undertake to adopt a convention to incriminate make punishable the most commonly committed crimes in the sub-region⁷⁶. Also the judicial and police authorities of ECOWAS member states shall consider the red notices published by the ICPO-Interpol at the request of an ECOWAS Member state as a valid request for provisional arrests for the purpose of Article 22 of the ECOWAS Convention on Extradition. ECOWAS shall establish a Crime Prevention and Criminal Justice Centre (ECPCJC) to serve as focal point for mutual legal assistance, which centre shall be part of the legal department in ECOWAS. The ECPCJC shall assist in linking up ECOWAS Member states to non- ECOWAS Member states in Mutual Assistance Matters. It shall also serve as a supervisory power to ensure that countries implement conventions they sign⁷⁷.

Article 51⁷⁸ regulates the circulation of illegal arms within ECOWAS while Section 52⁷⁹ obligates the organisation to cooperate with OAU, UN and other international organisation in the pursuit of its objectives. While ECOWAS shall fully cooperate with the OAU Mechanism for Conflict Prevention, Management and Resolution in the Implementation, it shall in accordance with Chapters 7 and 8⁸⁰ inform the United Nations of any military intervention undertaken in pursuit of the objectives of the Mechanism. The thrust of Article 46 in particular consists in the expectation that it will help minimize the incidents of arms proliferation among several other problems plaguing Africa as a whole. These provisions are necessary elements of the superstructure of the collective security system created by the Mechanism. Even though the unknown covers similar ground, such efforts by ECOWAS may be justified by references to the UN's seeming lack of interest in committing itself to African countries with the same vigour as it does to Western ones.

FINDINGS AND OBSERVATIONS

The institutions and structure put in place by ECOWAS for the pursuit of Collective Security in the West African sub-region are undoubtedly ambitious. A cursory look at the provisions of the protocol which establishes the Mechanism for collective security reveals like problem areas, which if not addressed will militate against the attainment of its objectives. The challenges shall be considered below. The presence of the "warlord" pillaging society of natural resources, coercing disaffected unemployed youth into violent attacks, cannot hide the fact that key problems in many West African societies stem from poor governance and undemocratic regimes. The absence of effective governance and democratic control of the state and its key institutions is a constant threat to ordinary citizens. In many cases, the state is unable to fulfil its basic functions. The power of the state to control violence and to fulfil its social duties has often been eroded by leaders who have sought to turn state security forces into praetorian guards for regime survival rather than for the protection of ordinary citizens. In many instances, therefore, the state is a major source of insecurity. The state's security sectors, namely the police and the army are often complicit in the

violence, as well as looting and extorting goods from citizens. In most of post-independence West Africa, governance and democratization failed to take root (for example in Nigeria, Gambia, Ghana and Sierra Leone) because of the role of the military, coups and counter coups which were a permanent feature of the Sub-region's politics. In response to the failure of the security sector to protect its citizens, several local communities have created vigilante groups like Kamajor- in Sierra Leone and the Bakassi boys in the Eastern part of Nigeria. Thus, the case for security sector reform and democratic control of security forces is of utmost concern primarily because it strikes at the heart of the governance-security nexus. The reform has become a pre-requisite for preventing conflicts and post - conflict peace building. The aim is to integrate a good governance agenda with the goal of security sector reform and to ensure democratic control of the security sector.

Institutional Challenges: Article 6 to the Mechanism vest on the authority the overall powers and the highest decisions-making body. However, the same Authority, under Article 7, mandated the MSC to make on its behalf, appropriate decisions for the implementation of the provisions of the Mechanism. In all these, the MSC is only required to keep the Authority informed of its actions and decisions. The Protocol however has no provisions for the Authority to override the decisions of the MSC, should there be disagreement between the two. In effect, the MSC seen to have powers than the Authority of the Heads of States and Government - the highest decision making body within ECOWAS. It is a major challenge as the beneficiary of the delegated power should be accountable to the benefactor.

Funding Challenges: The ability to marshal financial resources is a condition sine qua non for the effective funding of the Mechanism. On account of the under developed economies of its Members states and poverty amongst others, funding is one of the greatest challenge confronting ECOWAS. With no remarkable improvements in the economy of the Sub Region, it can be argued that this tendency would continue in the near future. It is therefore likely, that without the support of donor countries and international agencies/ organizations, ECOWAS will be unable to achieve its goal of collective security in the West African Sub-region.

Structural and Operational Challenges: The Implementation of much of what is envisaged in the ECOWAS Mechanism will depend on how far Member states can tackle many of the operational challenges that continue to undermine ECOWAS military operations. All three ECOMOG's intervention clearly exposed the logistical weakness of West African armies. Such factors include the problem of command and control, doctrine administration and logistic. Thus, a call 'is made for a better co-ordination between headquarters and force commanders in the field. Robust and well equipped troops should also be provided for modern day peacekeeping, peace enforcement and humanitarian operations. Both the ECOWAS and the Members states must meet their obligations by providing well equipped drugs with serviceable equipment.

Legal Challenges: ECOWAS current effort in developing a peace enforcement capability marks a departure from the provisions of collective security by regional organizations as

contained in Chapter 8, UN Charter. The Chapter encourages regional organizations to peacefully settle disputes amongst their members, and delegates the enforcement powers to the UN Security Council to regional organizations. The UN also insisted that the Security Council shall at all time be kept fully informed of activities undertaken .or in contemplation under regional arrangement or by regional agencies for the maintenance of international peace and security. Past ECOWAS peace initiatives had acted in disregard to these provisions. The ECOWAS protocol to the mechanism amongst other legalized the use of force to maintain peace and restore or prevent the overthrow of a democratically elected government⁸¹. While ECOWAS efforts to exercise firm control over security in the sub region are commendable, the Protocol Contains, lopholes, which would enable ECOWAS to operate without the UN Security Council supervision and control, thus, not only creating potential areas of conflict with the UN, but casting on the legality of certain ECOWAS operations. Therefore, it is pertinent to reiterate at this juncture, that the weak operation of the ECOWAS Mechanism not only betrays the lack of political will among sub-regional Head of State and the limited involvement of other international organizations or actors in its work, but also reveals the need for more creative financing, better training facilities and more effective early warning observatories.

Future Prospects: The elaborate structure and provisions of the new ECOWAS Mechanism raise a number of crucial questions. The first and probably the most important relates to the practicability of the whole Mechanism. As noted by Yoroms, “the structure, organs, rules and procedures of the new Mechanism are too cumbersome, practically and financially to implement”⁸². The track record of the sub-regional agency in the implementation of such agreements does not support any other conclusion. The PMAD had been in existence for nine years before the ECOWAS intervention in Liberia, yet its structures and organs were never put in place. Apart from the absence of the necessary political will, the failure was not unrelated to the financial difficulties associated with the institutionalization of the organs in question.

However, the structure and organs of the 1981 Protocol are neither as elaborate nor financially demanding as those of the New Mechanism. If ECOWAS was unable to institute the PMAD Organs, it is doubtful if the structures and supporting organs of the new Mechanisms would be fully implemented. In the period following the ratification of the Protocol, ECOWAS Status have moved to set up the Mediation and Security Council, the Defence and Security Commission and the ECOWATCH observatory. The ECOWAS Mechanism attempts to forestall crises through the creation of ECOWATCH, an early warning system. ECOWATCH aims to provide information to the ECOWAS Secretariat in Abuja, Nigeria on issues of governance, democratization and economies⁸³.

To this end, ECOWAS has established for ECOWATCH centres in Benin, Burkina Faso, Gambia and Liberia to gather and analyze political and economic conflict indications⁸⁴. Despite all these efforts, the Mechanism has not been seriously tested. In the case of ECOWATCH, it is doubtful if the Secretariat has the required staff complement with requisite skills that would make' its work effective. Besides, none of its zonal offices is fully functioning. It could be argued that the problems of PMAD had to do so with the absence

of the political will to enforce its provisions. But the question is, has ECOWAS now found the required political will that would facilitate the process of implementation? In the new Mechanism, ECOWAS leaders have sought to fashion a system that would be less dependent on the contributions of a single individual country. This is fallout of the problems raised in relations between Nigeria and several Francophone states in the course of implementing the ECOMOG initiatives. However, it is doubtful if such mechanism as has been proposed can succeed in the absence of a regional hegemon that would catalyze developments. PMAD led similarly provided for a multilateral approach to decision-making as regard to its application to conflict situations. If this had worked, the setting up of the SMC would not be necessary." It was because the PMAD multilateral approach was never activated that Nigeria with the acquiescence of Ghana, was permitted to dominate the activities of the SMC and ECOMOG to the chagrin of the Francophone states. Even now, Anglophone Francophone relations in the sub-region remain suspect.

Despite the recognition by all sides that a fully functioning ECOWAS is in the best interest of all the states in the sub-region, the Francophone states have continued to maintain their paralleled organisations for economic and other forms of cooperation including their security cooperation mechanism. The structures of ANAD remain intact and functioning even in the face of the new mechanism. Besides, Francophone states in the sub-region have continued to "foot drag" on matters pertaining to moving the sub-regional economic operation and integration project forward. Thus, given, the persisting reluctance of the Francophone states to move the cooperation agenda forward on the sub-region, the vitality and survival of the new Mechanism, and its credible application to conflict situations can only be guaranteed by the presence of a sub-regional power with sufficient interest and ready to deploy the resources required to make the Mechanism work. Nigeria performed this role in Liberia and Sierra Leone and, under the present circumstances of the sub-region, it seems the only country that may still be able to do so.

African countries, in general are among the most poverty-stricken states in the world and involvement in peace initiatives could constitute an unnecessary drain from their already depleted resources. The new Mechanism has not made matter easier. While deemphasizing the financial role any individual state in the sub-region could play the anticipated sources of funding for the Mechanism and its operations do not hold bright prospect. It is doubtful, if members that are already in default of their regular dues to the Secretariat would perform better when required to pay the expected community levy from which funds for the Mechanism would be sourced. This would be especially so in conflict situations that does not directly impact on particular states. It hardly needs restating that expecting any serious funding assistance from the listed international agencies is highly unlikely. What this suggests is that the successful operations of the ECOWAS, Mechanism would require the commitment, at least at the initial stages, of some key members who are ready to deploy required resources including financial ones. The mechanism's emphasis on multilateralisation of not only decision-making but also of troop contribution, mandate definition and funding, may discourage potential states willing to make the necessary sacrifice.

CONCLUSION AND RECOMMENDATIONS

Sub-regional organisations, regimes and agencies have historically been facilitators of co-operation among states. In the circumstance of the post-cold war world, it is clear that regional and sub-regional organisations have a greater role to play in the maintenance of peace and security and in conflict management and resolution. The new ECOWAS Mechanism is a major contribution to the corpus of enactment on the regulation of Collective Security. The ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace keeping and Security marks a major milestone from previous approach to security matters in the West African sub-region. It signaled a remarkable departure in the organization's approach to conflict management in the region.

ECOWAS has made remarkable progress in transforming itself from a strictly economic organisation into a sub-regional security umbrella. The turning of ECOMOG into a stand-by peacekeeping body (force) gives practical expression to the desires of Africans not only to keep their own peace, but also to define their responses to their own security problems. The ECOWAS Security Mechanism is the first of such regional organisations as they strive to respond to issues of governance, conflict and security. It should be noted that the most provisions of the Mechanism still remain an ideal, more effective in theory than in practice. ECOWAS still has a long way to go in managing and ultimately building peace in West Africa. Logically, the common purpose for peace and security in the sub-regional organisation on our continent should be centred on the attainment of a harmonious, safe and stable environment to make possible the evolution and implementation programmes that will provide economic prosperity for the people of the West African sub-region. To this end, regional organisations should aim to achieve a verified concept of human security. This would expedite agreement on the following issues:

1. The review of the provisions of the Protocol, as regards that powers and limitation of the Authority and the Mediation and Security Council.
2. There should be harmonization of the UN's activities with those of ECOWAS. In Order words, ECOWAS must demonstrate more willingness to abide by UN Security Council's regulation on peace keeping and peace enforcement operations
3. ECOWAS states must meet their obligations by providing the ECOMOG standby force with, well equipped and serviceable equipment. In other words, the need for improved efficiency of task force.
4. Democracy should be fully and completely entrenched in the governance of each member state. ECOWAS should consider seriously the establishment of a political confederation, building on the creation of ECOWAS parliament, in order to reap the full benefits of regionalism.
5. The need to promote economic development and integration as a means of increasing sub-regional security.
6. ECOWAS should assist its Member states to undertake security sector reforms and not wait until conflicts erupt.

7. Rather than a community levy, funds should be' collected through a reserve fund that would be available to the ECOWAS Commission for use in future peace keeping operations. Thus, with the establishment of reserve fund, when the need for peacekeeping force arises, its implementation would not be delayed by lack of funds
8. The need for the development of an integrated approach to peace-building. This would involve the joint efforts, particularly in the service of humanitarian interests; at all stages of a conflict it would also provide support for development programmes for reconstruction and rehabilitation purposes.

NOTES

¹ Article 58 of ECOWAS Treaty, 1993

²Article 58, ECOWAS Revised Treaty 1993

³ Sub-Regional Security Co-operation on West Africa, the ECOWAS Mechanism for Conflict Management in Perspective: <http://findarticles.com/p/articles/mi-ab 1402/15-I/23/ai-n2888514/?-accesscd 21-12-09>

⁴ Zhang. X. ECO WAS Suspends Niger for Defiance of Election, Xinhua News Agency, 21st October, 2009.

⁵Article 3, ECOWAS Revised Treaty, 1993.

⁶ Article 7, ECOWAS Revised Treaty, 1993

⁷ Ademola, A; The New Collective Security Mechanism of ECOWAS: Innovations and. Problems, *Journal of Conflict and Security Law*, 5 No. 2, 2000 pg. 211-229

⁸ The Legal basis for the Eventual Evolution of a defiled framework to ECO WAS of the Ministers of Foreign Affairs, Final Report, Lome, Togo 6-7th December, 1999 pg. 18 para 63

⁹Ladan, M.T.; Materials and Caes on Public International law, Ahmadu Bello University Press Ltd, Zaria, Kaduna State, 2007 pg 85

¹⁰Already in the reviewed conflict in Sierra Leone, ECOWAS members states have agreed to change military initiative in Sierra Leone from peacekeeping to enforcement. See Onuorah, M. and Aveyenikan. S. *ECO WAS to Deploy 3000 Troops to Sierra Leone*, the Guardian (Nigeria), 19th May 2000; <http://www.nguardiannews.com> 1 of 2.

¹¹ Article 6

¹² White. N.D. *The Legality of Bombing in the Name of Humanity*, 2000. 5 *JSCL* 28 Citing Saksena. KR.; *The United Nations and Collective Security*, 1974 pg. 4-5

¹³Protocol relating to the Mechanism br Conflict Prevention, Management, Resolution. Peacekeeping and security hereinafter reffered to as the Protocol to the Mechanism

¹⁴ Ibid

¹⁵ S. 3 Ibid

¹⁶ Ibid

¹⁷Article 5 Protocol Relating to the Mechanism

¹⁸ Article 5 North Atlantic Treaty 1949; Article 2 PMAD;

¹⁹Article 7, Protocol to the Mechanism.

²⁰Article 6. Ibid.

²¹ Ibid

²²Ibid

²³ Article 7(2), ECOWAS, Revised Treaty

²⁴ Article 10, Protocol to the Mechanism

²⁵ The two most important powers of the Authority under the Mechanism and Article 6(2) which empowers it to act on all matters concerning conflict prevention, management and resolution, peacekeeping, security, humanitarian support, peace building, control of cross border crime, proliferation of small arms, as well as other matters covered by the provisions of the Mechanism; and Article 26 which empowers it to initiate any action under the Mechanism.

²⁶ Article 7, UN Charter 1945

²⁷ The protocol specifically labels the section under which Article 7 appears as 'Delegation of Powers'

²⁸ Article 12, Protocol to 'the Mechanism.

²⁹ Article 13, Ibid

³⁰ Article 14, Ibid

³¹ Article 10(d), Ibid

³² Article 9(2), ECO WAS Revised Treaty

³³ Article 7, Protocol to the Mechanism

³⁴ Sees Articles 11-14, Ibid

³⁵ Article 8, Ibid

³⁶ Article 15, Protocol to the Mechanism.

³⁷ (a) and (b), ibid

³⁸ (c) and (d), ibid

³⁹ (e), Ibid.

⁴⁰ (f) and (g), ibid

⁴¹ Article 18, Protocol to the Mechanism

⁴² Article 19, Ibid

⁴³ Ibid

⁴⁴ Article 20, Protocol to the Mechanism

⁴⁵ Article 21, Ibid

⁴⁶ Ibid

⁴⁷ Article 23, Protocol to the Mechanism

⁴⁸ S. 24. ibid.

⁴⁹ Ibid

⁵⁰ Meeting of Experts on the Draft Protocol Relating to the Mechanism on Conflict Prevention, Management, Resolution, Peace-Keeping and Security. 17-19th November. 1999 Lome Togo.

⁵¹ Article 43 of the UN Charter 1945

⁵² Ladan M. T *Materials and Case in Public International Law*, Ahmadu Bello University Press limited, Zaria, Kaduna State. 2007. pg.96

⁵³ Claude, I.L power and international Relations 1962 at 110-168

⁵⁴ Article 25, Protocol of the Mechanism

⁵⁵ Chapter 5, Ibid

⁵⁶ Article 28. Protocol to the Mechanism

⁵⁷ Article 29, Ibid

⁵⁸ ECOWAS Standby Unit: Proposed Concepts and Structures, Abuja. Nigeria, 2004.

⁵⁹ UN Charter 1945

⁶⁰ Dala M. R. The ECO WAS Standby Force. Prospects and Challenges for Sub-Regional Security: Lancaster University. United Kingdom, 2002.

⁶¹ Ademola A. *The New Collective Security Architecture of ECO WAS: Innovations and problems*; Journal of Conflict and Security Laws, 5 Nov. 2. 2000 Pgs 211-229

⁶² Article 30, Protocol to the Mechanism

⁶³ Article 32, Ibid

⁶⁴ Protocol to the Mechanism

⁶⁵ Article 33. Ibid

⁶⁶ Article 34, Ibid

⁶⁷ Article 35 Ibid

⁶⁸ Article 42, Protocol to the Mechanism

⁶⁹ UN Document. S/RES/1199 adopted by the council at 3920th meeting

⁷⁰ Article 2, Protocol to the Mechanism

⁷¹ Article 43. Ibid

⁷² Article 44. Ibid

⁷³ Protocol to the Mechanism

⁷⁴ Articles 42 and 43 Ibid

⁷⁵ Ibid

⁷⁶ Ibid

⁷⁷ Article 43. Protocol to the Mechanism

⁷⁸ Ibid

⁷⁹ Ibid

⁸⁰ United Nations Charter, 1945

⁸¹ ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management. Resolution, Peace keeping and Security 1999, <http://www.iss.co.za/af/regorg/unity.to-union.htm> accessed 3-2-10

⁸² Yorom, J.G, Mechanisms for Conflict Management in ECOWAS. Accord Occasiot.d Paper. No. 8/99, African Centre for the Constructive Resolution of Disputes. Durban. 1999, pg. 6

⁸³ Economic Community of West African States. "About ECOWATCH"

⁸⁴ Article 24, Protocol to the Mechanism

⁸⁵ Hettne B. and Inotal A.; The New Multilateralism: Implications for Global Development and International Security, UNU World Institute for Developmental Economics Research. UNU/WIDER, 1994: Rettie. B. Security and Peace in Post-Cold War Europe. Journal of Peace Research, Vol. 28. No. 4 1991. pgs. 279-294; Boutros-Ghali. B.; An Agenda for Peace: Position Paper of the Secretary — General on the Occasion of the fiftieth Anniversary of the United Nations, A/50/60-5/1995/1 31 January. 1995 in Agenda for Peace, 1995 2i,d Edition, UN Department of Public Information, New York, 1995 pg. 9