

Peace-making in West Africa: Progress and Prospects

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EXECUTIVE SUMMARY

Since its establishment in May 1975, the Economic Community of West African States (ECOWAS) has consistently strived to integrate West African economies towards rapid growth and development in order to enhance the living standards of the citizenry. These efforts were originally premised on an assumption of a stable and secure environment for economic integration. The economic goals have, however, proved extremely difficult to realize as a result of continuous instability and the recurrent outbreak of intra-state conflicts in response to bad governance among other issues.

The unstable nature of the sub-region has compelled ECOWAS to move beyond its economic aims and objectives, to include stability and security as a priority for the Community, and to institutionalise conflict prevention, management and resolution as a core activity. This monograph appraises the evolution of ECOWAS peace-making processes, from the early 1990s to the present (2005), focusing specifically on peace agreements brokered to end the conflicts in Liberia, Sierra Leone, Guinea Bissau and Côte d'Ivoire.

Over two dozen peace agreements have been brokered by ECOWAS, but the implementation of each one of them has been very difficult. The difficulty relates mainly to the asymmetrical nature of warfare involving state and non-state actors within the same borders, and the unwillingness of all parties to comply with the agreements they have signed – agreements which have often had the effect of legitimising armed factions that had violently challenged legally-constituted governments.

Two different phases of peace-making are highlighted; pre and post-1999 ECOWAS Conflict Mechanism. The first phase is characterised by *ad hoc* peace-making processes that were initiated before ECOWAS had clearly defined or structured institutions for the range of missions it was attempting – including peacekeeping and peace enforcement – to end the first Liberia Civil War, and the subsequent civil wars in Sierra Leone and Guinea Bissau. The second phase of ECOWAS engagement in peace-making processes has been guided by the *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*, which was adopted by ECOWAS on 10 December 1999. The Community's subsequent efforts to end the second Liberian civil war (from April 1999 - June 2003) and the Ivorian crisis clearly reflect a more structured approach to regional peace-making. Both phases reveal a need for ECOWAS to adopt both confidence-building (involving mediation and negotiation) and coercive diplomacy (which relates more to peace enforcement) strategies if its peace-making processes are to succeed. In conclusion, it is recommended that:

(a) ECOWAS's peace brokers (or a special committee comprising representatives of ECOWAS, non governmental organizations and prominent personalities) should educate parties to conflict on the essence of peace agreements, the centrality of compliance, and the consequences of non-compliance;

(b) Peace agreements should aim to resolve the underlying causes of conflicts, and should not be designed to legitimize insurgencies;

(c) Peace-making should not be an “amateur” undertaking; training and enhanced skills in mediation and negotiation should be provided to even the most senior of ECOWAS’s peace-makers; and

(d) Member states’ heads of government should be peer reviewed, and those engaged in bad governance and/or fomenting instability in the region should be “named and shamed” as a conflict prevention measure.

CHAPTER 1

INTRODUCTION

BACKGROUND

The Economic Community of West African States (ECOWAS), like similar sub-regional bodies, was not envisioned at its inception as a collective security institution. It was seen at the outset purely as a mechanism for promoting regional economic integration. This explains why the issue of regional security, perceived purely in military terms, found little expression in the ECOWAS treaty.

The main security concerns of ECOWAS were initially about inter-state conflict - the fear of bigger Member States imposing their will on smaller ones. Two key protocols on defence and security were adopted to address these concerns. The Protocol Relating to Non-Aggression (PNA), which was adopted in Lagos on 22 April 1978, enjoined ECOWAS member states under its Articles 1 to 4 to refrain from the threat and use of force or aggression against one another. It also called on member states to desist from encouraging or condoning acts of subversion, hostility or aggression against each other.

The Protocol Relating to Mutual Assistance on Defence (PMAD) was signed in Freetown, Sierra Leone on 29 May 1981 but only became effective five years later. This collective defence treaty perceived an armed threat against a member state as constituting a threat against ECOWAS and resolved to give mutual aid and assistance for defence. Article 4(b) deals with internal conflict and requires member states to take appropriate measures, specified in Articles 6, 9 and 18 to resolve internal armed conflict.

In 1990, fifteen years after the formation of ECOWAS, the Community was confronted with its first practical security challenge. The controversy surrounding the ECOWAS Cease-Fire Monitoring Group's (ECOMOG) deployment in Liberia under the PMAD Protocol was rooted in Article 18 (2), where community forces were forbidden from intervening in a purely internal conflict.

Following Charles Taylor's armed incursions in Liberia in 1989, West Africa has been wracked by a number of devastating wars. Liberia's civil war spread to Sierra Leone in 1991 and subsequently instability, in the form of insurrections or cross-border attacks, spread to Guinea and Côte d'Ivoire. The eruption and intensification of intra-state armed conflicts during the 1990s posed significant challenges to ECOWAS's economic integration agenda and led to the signing of an ECOWAS revised treaty in Cotonou, Benin, in 1993. The most fundamental provision for regional security was enshrined in Article 58 of the Revised Treaty, which mandated Member States to work to consolidate and maintain peace, stability and security within the region. In pursuit of these objectives, Member States undertook to cooperate with the Community in establishing and strengthening appropriate mechanisms for the timely prevention and resolution of conflicts.

This undertaking, together with ongoing challenges to regional security, culminated in the signing, on 10 December 1999 in Lomé, Togo, of the *Protocol Relating to the*

Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.¹ All subsequent peace-making and conflict management efforts in West Africa have been undertaken within the framework of the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (hereafter referred to simply as the *Mechanism*). This detailed and comprehensive conflict mechanism was subsequently bolstered by the 1998 ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons² and, the Supplementary Protocol on Democracy and Good Governance³.

By 1990, ECOWAS's mediation efforts had resulted in the signing of over two dozen peace agreements. Liberia's civil war spawned over a dozen ECOWAS-sponsored peace agreements; Sierra Leone's war three; Guinea Bissau's 1998 Abuja Peace Accord; and Côte d'Ivoire's Abidjan and Lomé Cease-fire Agreements, as well as the Accra I – III Agreements. In addition to these are the Pretoria I & II Agreements designed to break the deadlock by implementing the Linas-Marcoussis Accord. While many of these agreements had the effect of legitimising armed factions which started violent assaults against legally-constituted governments, they have been far less effective in ending the conflicts.

The nature and categorisation of peace agreements vary markedly, as the agreements are dependent upon numerous variables in relation to armed conflict, including those relating to its form, length, objectives, participants, targeted persons, intensity, locale and duration and the strength and correlation of forces of the different combatant groups engaged in the conflict. Despite these numerous variables, peace processes are responsive to particular conflicts and thus, any peace agreement adopted to manage and resolve a particular conflict must be rooted in its own particular historical, political and social contexts. In doing this, however, caution is needed with respect to generalisations about the nature, form, objective or contents of peace agreements.⁴

The various peace agreements brokered under ECOWAS may be classified into three basic types, according to their timing and the scope of activities envisaged. First, are *Pre-negotiation agreements* which have mainly captured cease-fire arrangements, and

¹ See *ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Resolution, Management, Peacekeeping and Security*, adopted 10 December 1999 at <http://www.sec.ecowas.int/>.

² The ECOWAS Moratorium on Small Arms and Light Weapons (SALW) was adopted in October 1998 to address the illicit trafficking and manufacture of SALW in West Africa. The Moratorium which was originally being implemented under the UNDP Programme for Coordination and Assistance for Security and Development (PCASED) has been transformed into an ECOWAS Small Arms Control Project (ECOSAP) to enhance its efficacy in the control of SALW.

³ *Protocol A/SP1/12/01 on Democracy and Good Governance: Supplementary Protocol to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*. This Protocol was adopted in December 2001 and addresses the root causes of conflicts such as corruption and instability in West Africa.

⁴ The classification used here is borrowed from Christine Chinkin, "Peace Agreements as a Means for Promoting Gender Equality and Ensuring Participation of Women", paper for a United Nations Division for the Advancement of Women (DAW) Expert Group Meeting, EGM/PEACE/2003/BP.1, 31 October 2003.

specified the actors who will intervene, mediate or negotiate in the subsequent peace process (including governmental, intergovernmental and non-governmental actors). They have also specified conditions for keeping the peace (including safe havens and buffer zones), and dates and provisions for adhering to the cease-fire. Acts of violation of cease-fire and (joint) monitoring bodies are also included in these agreements.⁵

Pre-negotiation agreements have usually fed into *framework-substantive agreements*, which generally capture a consensus on points of departure, institutional frameworks to handle the transition from the conflict situation into a post-conflict situation, and schedules for implementing the agreement (that is disarmament, demobilisation or encampment, reintegration and electioneering processes).⁶

Implementation agreements mainly cover timetables for encampment, disarmament, demobilisation and reintegration, return of refugees and prisoners of war and election dates. They are usually annexed to, or included in framework-substantive agreements, mainly giving time schedules for meeting detailed programmes of action. They are over-ambitious in nature, ignoring the difficulty of processes involved and allotting very tight timelines for meeting targets.

Responses to security challenges have taken place at different levels in West Africa, beginning with initial responses at the domestic or national levels, followed by sub-regional or regional interventions (ECOWAS and African Union) and, finally, the involvement of the international community, mainly the United Nations (UN). However, this progression is often not linear, and neighbouring states or former colonial powers have intervened at various stages of the conflict resolution cycle.

CONCEPTUAL FRAMEWORK

Like other concepts of preventive diplomacy, the concept of peace-making requires much skill, tact and experience to eventually broker a peace agreement for the purpose of peace implementation. Two sets of challenges for success readily manifest. The first relates to the nature of intra-state conflicts, especially when they are based on ethnic factors. Such conflicts are fuelled by different beliefs and customs among other things, and thus take on a zero sum (in this case, win-lose) nature in which parties to the conflict anticipate a victor emerging. The mediator is therefore saddled with the arduous task of achieving a win-win situation. The second challenge is where different sets of actors with different status, values, rationale and interests are either encouraged or forced by an intervener to reach an agreement and reconcile their differences. Mediation and negotiations are employed as tools for facilitating the peace-making process.⁷ In securing a peace-

⁵ Ibid., p. 5

⁶ Ibid.

⁷ Negotiations as a tool for peace-making simply refers to communicating with the aim of reaching an agreement, while mediation refers in this context to intervening into a dispute, not by force, but as an acceptable, neutral and impartial third party with no authoritative decision-making power. The mediator thus helps parties in dispute to reach an acceptable agreement.

agreement, therefore, Nathan advocates for a confidence-building approach⁸ to mediation rather than coercive diplomacy which relies on leverage to pressurise antagonists into a settlement, often against their wishes.⁹

Compliance with peace agreements stands as an equally challenging issue where parties to an agreement (especially state and non-state armed groups, ideally of unequal status) are required to implement decisions reached in accordance with guidelines and time schedules specified in the agreement. This expectation does not materialise easily.

A State is generally perceived as an abstraction, but in reality as a defined territory with a permanent population, effective government, with the capacity to enter into foreign relations, and as an independent entity. Karl Deutsch defined a state as an organised machinery for making and carrying out of political decisions and for the enforcing of the laws and rules of government through appendages such as soldiers, police officers and jails.¹⁰ James Crawford, writing on the Creation of States in International Law, identified the questionable character of states as the only personalities with legal standing by iterating that "Since the development of the modern international system, statehood has been regarded as the paramount type of international personality; indeed, in doctrine if not in practice, States were for a time regarded as the only international persons. This is no longer so; but the political paramountcy of States over other international actors, with whatever qualifications, continues, and Statehood remains the central type of legal personality."¹¹ The conception of a state, therefore, connotes the dominance of organised machinery over a specific and permanent population within a given territory, and with the requisite or "reasonable" monopoly of power for enforcement purposes.

This notwithstanding, intra-state conflicts (that is a conflict within the territorial confines of a state) have facilitated avenues for armed groups and individuals (such as rebels or belligerent forces who are in essence a subset of the State) to threaten or use force against states. This phenomenon has undermined the primacy of states as the central type of legal personality. States' recognition as international legal persons has thus, eventually waned and their ability to guarantee the rule of law and order or stability within their territories has also become questionable. On the contrary, that of the armed groups has strengthened as a result. The contemporary nature of warfare within states, in which belligerents gain access to arms and ammunitions through illegal means, as well as access to economic resources to fund and fight civil wars, and sometimes with the backing of other state actors, has equally enhanced the status of non-state actors as credible actors. States are,

⁸ This approach to peace-making reflects basic logic and utility of mediation, and the key assumption here, which is considered entirely pragmatic, is that in the absence of outright military victory, a peace agreement and its long-term sustainability require the consent and cooperation of belligerents.

⁹ Nathan, Laurie. "Mediation and the AU's Panel of the Wise", p. 66, in Field, Shannon (ed). *Peace in Africa: Towards a Collaborative Security Regime*, (Institute for Global Dialogue: Johannesburg), 2004.

¹⁰ Deutsch, W. Karl. *Politics and Government: How People Decide their Fate*, (Houghton Mifflin Company: Boston), 1980, p. 109.

¹¹ See Books Notes and Reviews at <http://www.tamilnation.org/books/Politics/crawford.htm>.

therefore, compelled to enter into agreements with these armed groups making compliance with these agreements rather difficult.

Other factors such as delayed ratification of Protocols for the management of conflicts, peace agreements not satisfying the interest, terms or conditions of parties to the conflict, and the lack of adequate enforcement capability of supra-national bodies,¹² mainly sub-regional and regional bodies which oversee the peace-making process, also promote non-compliance to peace agreements thereby culminating in recurrent agreements.

In West Africa where conflicts are rampant and many peace agreements are brokered as a result, compliance habits, either through a general inclination to comply with or enforcement action to these agreements, are very limited. The situation is further worsened by the significant recognition given non-state actors by intervening peace brokers for challenging and undermining state sovereignty and monopoly of power. On the other hand, state parties to peace agreements do not necessarily consider it legal or obligatory to enter into an agreement with non-state actors during conflicts or after securing cease-fires, but are compelled to do so for failing to maintain its territorial integrity or emerge as victors in the conflict. As a result, the complex engagement between state and non-state actors, as equal actors involved in an asymmetrical warfare, confers responsibilities for enforcement action and compliance to peace agreements on sub-regional, regional and international organisations such as the ECOWAS, AU and UN of which states (some of which are parties to the conflict) are members.

Enforcement action in international law is also problematic in the sense that states cling to their *sovereignty* and *territorial integrity* or *inviolability* of their borders and rights to promote their interest or support their position in conflicts. On the other hand, it is also difficult to enforce sanctions against illegitimate non-state armed groups with no clear structure, hierarchy or insignias. Hence the UN Charter and for that matter the AU Constitutive Act and the ECOWAS Treaty depends, first and foremost, on states to comply with laws and agreements in good faith. In the event of non-compliance, enforcement action becomes the available option in which a range of options (political, economic and as a last resort, military) would be imposed on defaulting parties by specific institutions like the UN Security Council, the AU Peace and Security Council and the ECOWAS Mediation and Security Council.¹³ In reality, however, sanctions imposed on defaulting states or non-state armed groups rather impacts heavily on non-combatants, projecting sanctions as ineffective and inhumane. Efforts towards “smart sanctions”¹⁴ – mainly dealing with targeted financial sanction, travel sanctions and arms

¹² The non-compliance with peace agreements by both state and non-state actors compels recognised sub-regional, regional and international organisations to intervene, since they are considered as actors capable of taking enforcement action against parties in cases where they breach provisions of the agreement.

¹³ See for example, Articles 41 and 42 of the UN Charter, Article 7(1g) of the *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, and Article 22(d) of the *ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace and Security*.

¹⁴ For further reading, see Cortright, David and George A. Lopez (eds). *Smart Sanctions: Targeting Economic Statecraft*, (Lanham, Md.: Rowman and Littlefield, 2002). Also see Cortright et al, *The*

embargoes among others – would serve to project international sanctions policy as more humane and effective international enforcement policy.

ECOWAS as an institution, therefore, adopts both confidence-building and coercive diplomacy measures respectively in conflict management and resolution, but it is most often unable to sustain the latter as a means of eliciting compliance when rebel groups breach an agreement. Peace enforcement has thus been a challenge to ECOMOG and has given the opportunity for both rebels and government forces to undermine peace-making processes in the sub-region.

AIM AND SCOPE

The aim of this monograph is to document past ECOWAS experiences and identify lessons learned and best practices in its sub-regional peace-making processes. The focus is on major peace agreements brokered to end the conflicts in Liberia, Sierra Leone, Guinea Bissau and Côte d'Ivoire.

The agreements and processes are analysed, as per selected countries, within two different chronological and conceptual contexts: ECOWAS peace-making endeavours which are situated within an *ad hoc* conflict framework (that is from early to late 1990s) and the peace-making processes which are initiated under the more institutionalised ECOWAS Conflict Mechanism (from late 1990s onwards), in order to contrast peace-making under *ad hoc* legal and security frameworks versus a more permanent framework. The purpose is to determine whether or not the adoption and gradual implementation of the ECOWAS *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* has enhanced peace-making processes in the region, and to suggest options to improve peace-making processes. The issue of non-compliance with ECOWAS peace agreements (by both state and non-state parties) is also explored, taking into consideration factors such as the intransigence and the pursuit of self-interest by factional leaders, the non-ratification and operationalisation of the ECOWAS *Protocol* relating to the *Mechanism*, and the lack of enforcement capability of ECOWAS as contributing to recurrent agreements signed over a decade. The impact of emerging principles and values inherent in the *Mechanism* is equally highlighted.

Chapter One introduces peace-making (as a concept or process) in West Africa by briefly reflecting on the background of (and types and characteristics of) conflicts in West Africa and the evolving security mechanisms for dealing with these conflicts. It also categorises the different types of peace agreements and provides a conceptual framework for discussing and analysing the ECOWAS peace-making process. *Chapters Two, Three and Four* focuses on ECOWAS's pre-*Mechanism* peace-making efforts with a focus on Liberia, Sierra Leone and Guinea-Bissau. It traces the origins of intra-state conflicts in West Africa and its related *ad hoc* peace-making mechanism and structures. *Chapter Five*

and *Six* contrasts the ECOWAS pre-*Mechanism* peace-making process with the post-*Mechanism* phase, looking specifically at Liberia and Côte d'Ivoire as case studies. In conclusion, *Chapter Seven* provides a summary of West African peace-making processes by identifying some lessons related to politics and governance, legality of intervention in conflicts, and security. Best practices are highlighted and some recommendations proposed. The latter includes the need to refine the two main approaches (a confidence-building approach through mediation, and coercive diplomacy related to the use of force) to peace implementation in West Africa, and to enhance ECOWAS's capacity to elicit compliance with peace agreements.

CHAPTER 2

LIBERIA I

THE FIRST LIBERIAN CIVIL WAR: AUGUST 1990 - JULY 1997

The Liberian civil war was sparked by several factors, including the quest for wealth and power, ethnicity and bad governance. The war lasted (intermittently) for almost 14 years, ending in July 2003. It was interspersed with the election of Taylor's government into power from 1997-2003. This civil war drew in both state and non-state warring factions. The main warring factions under the pre-mechanism peace-making phase were Taylor's National Patriotic Front of Liberia (NPFL), the Independent National Patriotic Front of Liberia (INPFL), the Armed Forces of Liberia (AFL), the United Liberation Movement of Liberia for Democracy (ULIMO), the Liberian Peace Council (LPC), Lofa Defence Force (LDF), and the NPFL Central Revolutionary Council (NPFL-CRC).¹⁵

Some of the factions, including the INPFL and NPFL-CRC, broke-off from the NPFL while the LDF were considered as having strong links with the NPFL. Others like ULIMO-K & J (led by Alhaji Paul Koromah and General Roosevelt Johnson respectively) and the LPC, emerged to counter NPFL's insurgency in Liberia and Sierra Leone (through the Revolutionary United Front of Sierra Leone – RUF/SL), drawing in the ECOWAS Cease-Fire Monitoring Group (ECOMOG) in the process. Samuel Doe's AFL fought the NPFL and the INPFL in the early part of the war and later joined or collaborated with ULIMO and LPC. The rebel groups had varied interests underscored by economic, military and political objectives. In the process of fighting each other, civilian non-combatants were subjected to torture, rape, abduction, murder and drug abuse.¹⁶

Côte d'Ivoire, Burkina Faso and Libya provided backing to the NPFL in various forms. The latter originally entered Liberia through the Ivorian border, while Ouagadougou and Tripoli provided training bases and arms to facilitate the insurgence. These actions had their roots in an intricate web of personal networks.¹⁷ On the other hand, however, some countries like Nigeria¹⁸ and Ghana were opposed to the insurrection in Liberia. This

¹⁵ For further reading on the warring factions and actors involved in the Liberian peace process, see ACCORD paper by Armon, Jeremy & Andy Carl (eds). "The Liberian Peace Process: 1990-1996". (Conciliation Resources: London, 1996) at <http://www.c-r.org/accord/lib/accord1/actors.shtml>.

¹⁶ See "Liberia: No Impunity for Rape - A Crime Against Humanity and a War Crime" *Amnesty International*, 14 December 2004 at <http://web.amnesty.org/library/index/engaf340172004>.

¹⁷ Adebajo, Adekeye. *Liberia's Civil War: Nigeria, ECOMOG, and Regional Security in West Africa*, (Lynne Rienner Publishers: London, 2002), pp. 54-55.

¹⁸ *Ibid.*, p. 48. Most analysts have identified four main reasons for Nigeria's intervention in Liberia. These are Babangida's close relationship with Doe; the holding of Nigerian hostages by the NPFL; Nigeria's fear of Libyan adventurism in Liberia and the possibility of an anti-Nigerian alliance of Libya, Burkina Faso, and Côte d'Ivoire; and Nigeria's suspicion of French political motives and economic interests in orchestrating an anti-ECOMOG alliance.

generated conflicts of interest between them and other Anglophone and especially Francophone states in West Africa - with grave implications for peace-making.

THE ECOWAS INTERVENTION: PROCESSES AND CHALLENGES

Prior to ECOWAS's intervention in Liberia, there was lack of credible international response to the Liberian crisis. Thus, it was up to local actors to respond to the imminent humanitarian disaster that threatened to engulf the entire Mano River Basin (MRB). Hence the Inter-Faith Mediation Committee (IFMC) of Liberia, a non-governmental organization, established mediation efforts in June 1990. The IFMC comprised of the National Muslim Council (NMC) and the Liberian Council of Churches (LCC), who had pulled resources together, making joint efforts to restore peace and justice in Liberia. The IFMC undertook a series of initiatives, including the chairing of national conferences in August 1990 and later in March 1991, which eventually led to the establishment of an Interim Government of National Unity (IGNU), after ECOWAS had engaged the IFMC in its mediation process. The IFMC failed to secure the needed peace in Liberia at that early stage of the conflict owing to the intransigence of the warring factions engaged in a warfare underpinned by economic, military and political interests and differences among ECOWAS member states, some of whom were supporting the different warring factions.¹⁹

ECOWAS commenced its peace efforts in Liberia between May and October 1990 under an *ad hoc* ECOWAS security framework and legal arrangements, having no specific regional security mechanism for dealing with internal conflicts. The three basic legal and security instruments available at the time of ECOMOG's intervention in the Liberian crisis were the 1975 ECOWAS Treaty and the Protocols relating to Non Aggression and Mutual Assistance for Defence. Among these three instruments, Article 18 (1) of the 1981 Protocol on Mutual Assistance on Defence came closest to supporting a community action in relation to an internal conflict, but only when the conflict was actively maintained and sustained from outside. In such a situation, Article 6 (3) permitted the ECOWAS Authority to decide on the expediency of a military action, and to entrust its execution to the Force Commander of the Allied Forces of the Community (AAFC) turned ECOMOG. This provision was further reinforced by Article 4 (b) of the same Protocol calling on the Authority to appreciate and decide on internal conflicts engineered from outside and likely to endanger the security and peace of the entire community. Article 18 (2) of the Protocol however prohibited a community intervention when the conflict remained purely internal.

Given the intra-state nature of the Liberian conflict, ECOWAS could only resort to specific provisions of the PMAD to intervene in the crisis. This action was taken in the light of the impending humanitarian disaster and the unwillingness of the UN Security Council or the international community to place Liberia on its agenda.²⁰ Thus, Article 16

¹⁹ Op. cit., Adebayo, p. 86.

²⁰ The UN Security Council was constrained from embarking on a direct intervention in Liberia for a number of reasons. These included the burgeoning demands of its existing peacekeeping operations and the

of the PMAD provided the legal basis, apart from humanitarian and other reasons, for its actions. Under this article, the Head of State of a member country under attack was given the option to request action or assistance from the community. General Doe did request assistance in a letter addressed to the chairman and members of a Ministerial meeting of the ECOWAS Standing Mediation Committee (SMC),²¹ but the challenge at the time was in respect of Samuel Doe's questionable status as the Head of State of Liberia, since most parts of the country had been captured by rebel groups including the INPFL and NPFL.²²

Hence ECOWAS's intervention in Liberia drew a lot of criticism from some of its member states (including Burkina Faso and Togo) and the international community on its legitimacy, neutrality and effectiveness which questioned the basis for its actions, role and mandate in Liberia.²³ This was after the IFMC had failed to restore peace to Liberia. The IFMC's failure prompted the SMC's meeting in Banjul, The Gambia, on 7 August 2005 which led to the adoption of the ECOWAS Peace Plan for Liberia and the entire West Africa sub-region, and its lead role in the peace-making effort.²⁴ These efforts, made essentially at the level of Heads of State and Government (HSG), sought to prevent the conflict from degenerating further, and thereby worsening the on-going humanitarian crisis. Provisions were made, in the absence of a structured conflict mechanism for conflict prevention, management and resolution, for *ad hoc* structures like the SMC and the establishment of a Special Emergency Fund for financing the peace process.²⁵ The conditions for peace, including modalities for a cease-fire and its monitoring, actors to mediate in or facilitate the peace process and the restoration of peace and democracy to Liberia, were also arranged under the pre-negotiation agreements.²⁶

A two-track conflict resolution approach was thus adopted to facilitate the operationalisation of the *ad hoc* conflict mechanism. The first was to adopt a confidence-

frustrations caused by some African Countries (Côte d'Ivoire, DRC then Zaire and Ethiopia) for discussing the possibilities of intervention. For further reading on this see "Bringing Peace to Liberia Part 2: International Responses", *ACCORD* at <http://www.c-r.org/accord/lib/accord1/sessay2.shtml>.

²¹ See Decision A/Dec. 9/5/90 Relating to the Establishment of the Standing Mediation Committee in Aboagye, B. Festus. *ECOMOG: Sub-regional Experience in Conflict Resolution, Management and Peacekeeping in Liberia*, (Sedco Enterprise: Accra, 1999), pp. 333-334. The SMC comprised of a specific number (between four and five) of ECOWAS member states appointed by the Authority of Heads of State and Government (HSG) at Banjul, The Gambia, and included the current Chairman of the Authority who acted as the Chairman of the SMC. It rotated every three years. The SMC was established to intervene, prevent, mediate or resolve actual or impending dispute or conflict between two or more member states.

²² Ero, Comfort. "ECOWAS and Sub-Regional Peacekeeping in Liberia" in the *Journal of Humanitarian Assistance*, posted 3 June 2000 at <http://www.jha.ac/articles/a005.htm>.

²³ Ibid.

²⁴ Alao, Abiodun Charles. "Commentary on the Accords", accessed at <http://www.c-r.org/accord/lib/accord1/alao.shtml>.

²⁵ Also see Decision A/DEC.3/8/90 on the *Establishment of A Special Emergency Fund for ECOWAS Operations in the Republic of Liberia*, *ibid.*, p. 338. The Special Emergency Fund was to be endowed with an initial amount of US \$50 million but this amount was not realised.

²⁶ Examples of such pre-negotiations agreement are *Decision A/DEC.1/8/90 on the Cease-fire and Establishment of an ECOWAS Monitoring Group (ECOMOG) in Liberia and the ECOWAS Peace Plan*.

building approach, to secure a cease-fire, and the deployment of ECOMOG as a stabilisation force to keep the peace, restore law and order and ensure the respect for the cease-fire. However, ECOWAS's attempt at mediation and negotiation of a ceasefire, ended in failure, with Taylor demanding Doe's resignation as a precondition for cease-fire and resolution of the conflict.²⁷ The failure of the confidence building approach left no other option but for ECOMOG to forcefully intervene in the crisis (as a coercive diplomacy measure) after meeting stiff resistance from the NPFL, prior to its landing in Liberia.²⁸

ECOWAS's efforts eventually led to the brokering of a series of substantive agreements between November 1990 and August 1996. No less than fourteen peace agreements were brokered before the elections in 1997. These are:

1. ECOWAS Peace Plan (Banjul Communiqué) - August 1990;
2. Bamako Cease-fire Agreement - 28 November 1990;
3. Banjul Joint Statement - 21 December 1990;
4. Lomé Agreement - 13 February 1991;
5. Yamoussoukro I Accord - 30 June 1991;
6. Yamoussoukro II Accord - 29 July 1991;
7. Yamoussoukro III Accord - 17 September 1991;
8. Yamoussoukro IV Accord - 30 October 1991;
9. Geneva Cease-fire Agreement - 17 July 1993;
10. Cotonou Accord - 25 July 1993;
11. Akosombo Agreement - 12 September 1994;
12. Accra Clarification - 21 December 1994;
13. Abuja Accord - 26 August 1995;
14. Abuja Accord Supplement - 17 August 1996.

THE ECOWAS PEACE PLAN (AUGUST 1990)

The ECOWAS Peace Plan drafted in Banjul, Gambia in August 1990 and adopted in Bamako, Mali, on 28 November 1990 as the Bamako Cease-fire Agreement²⁹ was the first framework-substantive agreement arranged by ECOWAS. The framework for this agreement was brokered by the five-member ECOWAS Standing Mediation Committee

²⁷ See "Home Office Country Assessment: Liberia" Country Information and Policy Unit, March 1999 at http://www.asylumlaw.org/docs/liberia/ind99_liberia_ca.pdf, section 3.7.

²⁸ Op. cit., Adebayo, pp. 74-80.

²⁹ See *Decision A/Dec.2/11/90 Relating to the Adoption of An ECOWAS Peace Plan for Liberia and the Entire West African Sub-Region*, in Aboagye, Festus, op. cit., p. 344.

comprising The Gambia, Ghana, Mali, Nigeria and Togo.³⁰ The three warring factions at the time (NPFL, INPFL and the AFL) signed the agreement. The ECOWAS Peace Plan incorporated provisions for conflict prevention and management, and provided the basis for the establishment and deployment of ECOMOG in Liberia.³¹ The peace plan sought to observe an immediate cease-fire among warring parties, deploy ECOMOG to keep the peace, and restore law and order. Based on the level of success achieved through the initial cease-fire and peacekeeping arrangements, a broad-based interim government was to be formed, followed by the holding of free and fair elections and the restoration of a democratically-elected government in Liberia.

These initial objectives of the peace plan were not achieved. The reason for this, apart from the difficulty posed by the different factional interests in the conflict, can be attributed to the lack of total francophone support for ECOMOG. In one such instance, President Blaise Compaoré of Burkina Faso, on a visit in Lomé in September 1990, admitted publicly that Ouagadougou was supporting the NPFL militarily. In the process, both leaders of the two countries (Burkina Faso and Togo) issued a joint statement describing ECOMOG as a violation of the PMAD.³² Senegal also expressed doubts about ECOMOG's ability to resolve the conflict. The peace plan, however, succeeded in confining the AFL to barracks while the INPFL surrendered to ECOMOG and was subsequently disarmed in September 1992.³³ The Liberian crisis, involving many different warring factions, drew ECOMOG into the conflict and in the process, became a party to the conflict rather than a cease-fire monitoring group.³⁴

The Bamako Cease-fire Agreement was followed by the Banjul Joint Statement, the Lomé Agreement and the Yamoussoukro I-IV Peace Agreements. These peace agreements continued efforts to resolve the Liberian crisis without much success. The Banjul Joint Statement³⁵ basically called for an All Liberian Conference to be organized within 60 days, for the purposes of agreeing on the composition and establishment of an

³⁰ Ten heads of state were present at the first-ever extraordinary ECOWAS summit. These are the heads of state represented on the five-member ECOWAS Committee together with that of Benin, Burkina Faso, Côte d'Ivoire, Niger and Senegal.

³¹ See *Decision A/DEC.1/8/90 on the Cease-fire and Establishment of an ECOWAS Monitoring Group (ECOMOG) in Liberia*, in Aboagye Festus, op. cit., pp. 335-336. The ECOMOG was established to assist the SMC in supervising the implementation and ensuring the strict compliance with provisions of the cease-fire by the warring parties throughout the territory of Liberia. This notwithstanding, ECOMOG landed in Monrovia on 24 August 1990 prior to securing a cease-fire and the signing of the Bamako Cease-fire Agreement. This partly affected ECOMOG's performance and the complications it got involved in.

³² Op. cit., Adebayo, p. 86.

³³ "Home Office Country Assessment: Liberia", section 3.11, op. cit

³⁴ The INPFL, then in control of Monrovia's Freeport, facilitated ECOMOG's landing in Monrovia against NPFL's resistance and also fought alongside the ECOMOG in securing parts of Liberia. This collaborative effort, including ECOMOG's composition of Anglophone states (mainly Nigeria and Ghana) perceived to be anti-NPFL/Francophone interests in the sub-region, projected ECOMOG as a partial and non-neutral force, engendering mistrust between the NPFL and ECOMOG.

³⁵ See *Joint Statement of the Warring Parties in Liberia*, Banjul, 21 December 1990 in Aboagye, Festus, op. cit., p. 342.

Interim Government, while warring parties were to continue to observe the terms of the cease-fire. The Interim Government of National Unity, established in November 1990 with Dr. Amos Sawyer as the interim president, was expected to oversee disarmament of the factions with the assistance of ECOWAS towards future elections.³⁶

Despite all these arrangements, Charles Taylor was determined to take-over the government of Liberia, given his vested interest of assuming power as president of Liberia, and thus continued fighting. Apart from the capital Monrovia, which was under the control of the IGNU and protected by ECOMOG forces, and with the initial cooperation of the INPFL, Taylor controlled the remainder of the country including the strategic port city of Buchanan. The vast amount of territory and strategic resources under Charles Taylor's control, as well as the backing received from some ECOWAS member states and the wider international community facilitated his boycott of the IGNU and reluctance to compromise with ECOMOG. What this meant, therefore, was that the IGNU only had control over the Liberian capital, Monrovia and could not effectively undertake the tasks assigned it in the Banjul Joint Statement.

The NPFL failed to comply with the Bamako Cease-fire and the Banjul Joint Statement and this undermined ECOWAS's attempt to restore peace in Liberia at the early stages of the conflict. Several factors contributed to Taylor's refusal to comply with the Bamako Cease-fire Agreement and provisions made in the Banjul Joint Statement. The major reason could be attributed to Taylor's access to and control of over 90% of Liberia's territory. This facilitated his exploitation of and trade in vast amount of commercial resources³⁷ which eventually engendered his establishment of an alternative government for the bulk of 'Greater Liberia' in his own capital city of Gbarnga, Bong County. The creation of this alternative government – known as the National Patriotic Reconstruction Assembly Government (NPRAG) – effectively partitioned the country and reinforced Taylor's refusal to acknowledge the legitimacy of the IGNU, while laying claim to the Presidency.³⁸ The ECOMOG could do nothing about the situation given the NPFL's territorial dominance and strong military challenge to ECOMOG's ill-equipped peacekeepers.³⁹ Conditions therefore remained the same and eventually culminated in the peace process in Lomé, Togo.

THE LOMÉ AGREEMENT (FEBRUARY 1991)

After the failure of the Bamako Ceasefire Agreement and the Banjul Joint Statement, the peace-making process took a dramatic turn towards Lomé, showing promising signs of collaborative effort within the Anglophone and Francophone member states of ECOWAS to bring peace to Liberia. Three heads of state of Senegal, Nigeria and Togo in the persons of President Diouf, Babangida and Eyadéma met from 28 to 29 January 1991

³⁶ Ibid., section 4.

³⁷ Op. cit., Adebayo, p. 73.

³⁸ Comfort Ero, Op cit.

³⁹ Op. cit., p. 73.

calling on ECOWAS members to support ECOMOG.⁴⁰ This initiative culminated into the signing of the Lomé peace agreement in February 1991.

The Lomé Agreement⁴¹ recognised the devastating nature of the Liberian conflict in the form of huge loss of lives, massive destruction of property and displacement of the persons. The agreement captured the destabilisation caused by the use of weapons in the conflict and requested the warring parties to refrain from importing, acquiring, assisting, or encouraging the importation and acquisition of weapons or war materials.⁴² Also, with obvious signs of non-compliance with previous peace agreements before it by the warring factions, the Lomé Agreement emphasised strict adherence to its provisions, calling on warring parties to abstain from any action likely to impede the mediation of the SMC. The agreement also emphasised negotiations as the preferred approach of arriving at a peaceful and lasting settlement of dispute.⁴³

The agreement further recommended troop confinements to specific positions, drawing up of a buffer zone to separate the opposing forces and modalities for monitoring the implementation of the cease-fire agreement. The modalities for monitoring the implementation of the Cease-fire Agreement by ECOMOG were annexed under Article III. Substantive matters centred on the pre-requisite for effective monitoring, reporting cease-fire violations, methods and channels of communication, disarmament, and concentration of troops in designated areas.

Despite efforts made by the SMC and the IFMC to secure a cease-fire and broker a framework-substantive agreement for a return to a stable Liberia, the NPFL and its Francophone backers (especially Côte d'Ivoire and Burkina Faso)⁴⁴ resisted and undermined the peace efforts because of mistrust for ECOMOG and the fact that Ivorian-based commercial interests would soon start benefiting from NPFL mineral and timber concessions. Thus, prospects for such economic gains further cemented Abidjan's support for Taylor.⁴⁵

The NPFL only signed up to the Bamako, Banjul and Lomé agreements under intense military and diplomatic pressure. Furthermore, in securing Monrovia in October 1990, ECOMOG had actively collaborated with AFL and INPFL forces to resist the NPFL advance. Within the context of mutual suspicion resulting from these events, hopes for disarmament seemed far-fetched and the Lomé Agreement soon floundered. It was

⁴⁰ Ibid., p. 87

⁴¹ *Lomé Agreement on Cessation of Hostilities and Peaceful Settlement of Conflict*, 13 February 1991.

⁴² Ibid., Article 1(b).

⁴³ Ibid., Article II

⁴⁴ Ex-President Houphouët-Boigny of Côte d'Ivoire and his son-in-law, President Blaise Compaore of Burkina Faso were believed to have backed the NPFL insurgence in Liberia because of strained relations with ex-President Samuel Doe who killed Houphouët-Boigny's other son-in-law, Aldophus Tolbert and his father, William Tolbert (ex-President of Liberia from 1971-1980) in the 1980 coup d'état. Also, the NPFL were believed to have entered Liberia through the Ivorian border and Ouagadougou, while Libya had provided training bases and arms to the rebels.

⁴⁵ Adekeye Adebayo, op. cit., p. 55.

effectively nullified when the NPFL realised that it was being outmaneuvered in the national conference of March 1991 and that Taylor's chances of heading the interim government had become virtually impossible. Taylor resorted to the wrecking tactics of sending his representatives to the negotiating table without empowering them to sign or agree on substantive issues unless his approval was sought. These tactics gave the NPFL considerable advantage in the peace-making process because Taylor embellished his troop numbers and military strength in the process, in addition to the concessions granted him in the interim government by ECOWAS negotiators at his base in Kakata and Gbarnga, respectively.⁴⁶

Hence, refusing to recognise the authority of the conference after the re-election of Amos Sawyer as the interim president, the NPFL leadership then set about consolidating its National Patriotic Reconstruction Assembly Government as an alternative administration based in Gbarnga.⁴⁷ Both the NPFL and the IGNU were caught in a diplomatic tussle with the NPFL demanding the establishment of a new interim government before disarmament while the IGNU insisted on the NPFL disarming before the establishment of a new government. The emergence of ULIMO (believed to comprise Doe's supporters and many former AFL fighters and officers opposed to the NPFL) in June 1991 from Sierra Leone also complicated the peace process making it difficult to achieve peace under the Lomé peace agreement. Hence the diplomatic stalemate between the IGNU and the NPFL together with ULIMO's new military offensive on NPFL-held territory in September 1991 from the north-western portions of Liberia took the peace process to Yamoussoukro in Côte d'Ivoire.

THE YAMOUSSOUKRO AGREEMENTS (JUNE TO OCTOBER 1991)

The failure of the Lomé Agreement necessitated the revival of the Liberian peace process under the Yamoussoukro I, II, III and IV Peace Agreements. These agreements were brokered through the sponsorship of ex-President Houphouët Boigny of Côte d'Ivoire, and a newly constituted SMC⁴⁸ from 30 June 1991 to 30 October 1991. The hosting of the peace process by Houphouët Boigny and the heavy representation of three Francophone states underscored the growing Francophone interest in a hitherto contested peace process embarked upon by its Anglophone counterparts. The movement of the peace process to Yamoussoukro after Lomé and the increasing Francophone representation on the SMC raised many questions about the Anglophones' (mainly Nigeria) reasons or willingness of ceding its dominant peace-making role to its Francophone counterparts. Babangida appeared to have left the centre stage to his Ivorian host, who staked his enormous personal prestige on the peace process given his reputation as a doyen of African diplomacy. Also, Houphouët Boigny – like his

⁴⁶ Ibid., p. 87. The NPFL had been offered one of two vice presidential positions in the interim government and 40 percent of the seats in the fifty-one member interim legislature. Taylor's ambition, however, was to personally head the interim government.

⁴⁷ Alao, Abiodun Charles, op. cit.

⁴⁸ The reconstituted SMC comprised of Côte d'Ivoire, Togo, Senegal, The Gambia and Guinea-Bissau with Côte d'Ivoire chairing the Committee.

counterpart Eyadéma – had publicly softened his stance and appeared to have reversed his policy of requesting UN troops to replace ECOMOG.⁴⁹ In addition, Mali, Togo and Senegal’s increasing interest and commitment to the peace process after their initial critique of the ECOMOG intervention had induced their Anglophone counterparts to get them involved in finding lasting peace to the Liberian crisis. Despite these seemingly positive trends in the Anglophone/Francophone relations, the sub-regional body still lacked the genuine unanimity to bring peace to Liberia.

The Yamoussoukro I – III Peace Agreements identified some shortfalls in the previous peace agreements such as the lack of confidence, suspicion and mistrust in ECOMOG. The SMC thus solicited the assistance of the International Negotiation Network (INN) of former President Jimmy Carter of the United States to facilitate and to essentially add credibility to the peace process. Senegal also brought in 1,500 troops in early 1992 as part of the confidence building measure, with the United States contributing \$15 million for the contingent’s logistical needs, while withholding substantial support from other ECOMOG contingents.⁵⁰ The Yamoussoukro IV Agreement⁵¹ reviewed efforts made thus far in the peace implementation process, seeking possible ways to tackle the Liberian crisis, not only within Liberia, but within the entire Mano River area. A detailed Programme of Implementation, as in implementation agreements, annexed to this particular accord envisaged a completion period of 60 days. The programme, intended to cover the whole of Liberia, focused mainly on encampment and disarmament of all warring factions.⁵²

The Yamoussoukro IV Accord was overly ambitious in its scheduled programme on encampment and disarmament. The programme envisaged the implementation, within 60 days, of all the modalities for the establishment of the necessary conditions for peace and security on the ground in order to reinforce the confidence of parties as well as create an atmosphere conducive for holding free, fair and transparent elections in Liberia. The accord underestimated the dynamics of the conflict and the political, economic and military stakes involved. Yamoussoukro IV, however, improved upon Lomé, in that it established cordial relations between the IGNU and the NPFL. Thus, in general, the framework-substantive peace agreements signed before the Cotonou Agreement in 1993, while thin on detail, did make provisions for a ceasefire, disarmament and demobilization as a prelude to election.

Despite the credible attempts by the pre-Cotonou Peace Agreements to restore peace to Liberia, these agreements lacked detail and were too ambitious as compared to that of the

⁴⁹ Adekeye Adebayo, op. cit., p. 88.

⁵⁰ Adebajo, Adekeye, “Liberia: A Warlord’s Peace” in Stedman, Stephen John, Donald Rothchild & Elizabeth M. Cousens (eds). *Ending Civil Wars: The Implementation of Peace Agreements*, (Lynne Rienner Publishers: London, 2002), p. 609.

⁵¹ *Final Communiqué of the Third Meeting of Five on the Liberian Crisis* held in Yamoussoukro, 29-30 October, 1991 in Aboagye, Festus, op. cit., pp. 358-362.

⁵² Subsequent peace agreements brokered after the Yamoussoukro IV Agreement also had an implementation agreement annexed to them under the Schedule of Implementation.

Cotonou and post-Cotonou Agreements (which were relatively comprehensive and more realistically implementable). These factors partly undermined the initial peace-making efforts and denied the peace-making process a clear direction and credible modalities for its implementation. The SMC also expected the ECOWAS Executive Secretary, under the various pre-Cotonou Agreements, to take all necessary measures to ensure the implementation of the agreements without providing him with adequate financial, logistical and human resources to deliver. These factors equally contributed to the failure of the agreements. These reasons notwithstanding, the inability of the agreements to fully accommodate the interests of the parties contributed significantly to their failure.

THE COTONOU AGREEMENT (JULY 1993)

The Cotonou peace process set the stage for a major involvement of the international community in finding lasting peace to the Liberian crises. The UN became more involved in the peace process through the appointment of Mr. Trevor Livingston Gordon-Somers by the UN Secretary-General as his Special Representative for Liberia in November 1992. The Special Representative of the Secretary-General (SRSG), after his appointment, sought consensus on possibilities of UN's involvement in the Liberian peace process. The countries visited included Benin, Burkina Faso, Côte d'Ivoire, Gambia, Guinea, Nigeria, Senegal and Sierra Leone. These consultations underscored the political stakes of some ECOWAS member states in the Liberian peace process and the need for ECOWAS and warring factions to recognise the UN as a credible, impartial and neutral actor and allow it to assume a more prominent role in the peace process. The Secretary-General outlined three main areas in which the UN could play a role; political reconciliation, humanitarian assistance and electoral assistance.⁵³ The OAU, represented by its eminent person Reverend Canaan Banana, also got involved in the UN-led negotiations leading to the signing of the Cotonou Agreement. The regional body coordinated effectively between the UN and ECOWAS.

The Cotonou Peace Agreement was signed by all warring factions on 25 July 1993 in Cotonou, Benin, after the UN-sponsored peace talks held from 10 to 17 July 1993 in Geneva, Switzerland. This agreement is undoubtedly the most comprehensive accord that was signed in efforts to end the first Liberian war; all subsequent agreements merely clarified or amended it. The Agreement made provision for a schedule of implementation (an Implementation Agreement) and contains 19 articles on ceasefire, disarmament, demobilization, and the structure of the transitional government, election modalities, repatriation of refugees and a general amnesty.⁵⁴ The agreement was facilitated by ECOWAS in collaboration with the United Nations and the Organisation of African Unity (OAU). It was signed by IGNU, ULIMO, and the NPFL, whose military setbacks

⁵³ See "United Nations Observer Mission in Liberia" at <http://www.gmu.edu/departments/t-po/peace/unomil.html>.

⁵⁴ See Cotonou Agreement at http://www.usip.org/library/pa/liberia/liberia_07251993_toc.html.

(including *Operation Octopus* launched on 15 October 1992) had forced their return to the negotiating table.⁵⁵

Improved signs of neutrality and credibility from ECOMOG, and ECOWAS's accommodation of factional interests with the support of the OAU and the UN, led to the establishment under the Cotonou Agreement of a 5-member Council of State, a 35-member Legislative Assembly, a 5-member Supreme Court and a 7-member Elections Commission.⁵⁶ A Liberian National Transitional Government (LNTG), headed by David Kpomakpor, was also established in March 1994.

Though detailed and comprehensive, the Cotonou Agreement was undermined by logistical and financial shortcomings, coupled with the delayed deployment of United Nations Military Observer Mission in Liberia (UNOMIL) and the new battalions of ECOMOG responsible for monitoring the implementation of the Agreement.⁵⁷ The logistical problems and financial shortcomings from ECOWAS could, partly, be explained by the exit from power of General Ibrahim Babangida who was very much committed to the Liberian peace process and had supported ECOMOG since its initial intervention in Liberia in 1990. The delayed deployment gave room for ULIMO to split along ethnic lines, based on internal disputes arising from personal ambitions of its leaders, into ULIMO-K and ULIMO-J and the emergence of the AFL-sponsored Liberian Peace Council and Lofa Defence Force (LDF) by the end of 1993. The emergence of these new warring factions raised new challenges for the Cotonou Peace Agreement given the fact these factions' concerns were neither foreseen nor accommodated in the peace process. Burkina Faso also continued to back the NPFL, whereas Nigeria, Guinea, and Sierra Leone continued to be linked to ULIMO, the AFL, and the LPC.⁵⁸ All these factors made it difficult for the LNTG to function effectively.

In response to calls from Nigeria's interim President Ernest Shonekan (who was surrendered power by General Babangida in August 1993) to come to Liberia's assistance, the UN dispatched its military observer mission. The arrival of the UNOMIL in September 1993 and peacekeepers from within and outside the ECOWAS region (from Tanzania and Uganda in January 1994 under the auspices of OAU) failed to achieve the disarmament of the warring factions. Hence, the three remaining *framework-substantive* agreements (the Akosombo Agreement, Accra Clarification Agreement and the Abuja Accord with its Supplement) basically amended, clarified and supplemented the comprehensive Cotonou Agreement. Nigeria's dominant role in ECOMOG was however

⁵⁵ The NPFL launched its *Operation Octopus* on Monrovia including strategic targets like the ECOMOG headquarters, Monrovia Freeport, the Ducor hotel (which was the seat of the then Interim Government of National Unity of Liberia), and the Nigerian embassy. The ECOMOG recovered quickly and brought the fighting under control by the end of October 1992. The operation, however, came to an end in December 1992.

⁵⁶ See Washington, Wesley. "New Government Takes Seat in Liberia", in *The Perspective*, Atlanta, Georgia, posted 15 October 2003 at <http://www.theperspective.org/inquirer/newgovernment.html>.

⁵⁷ Alao, Abiodun Charles, op. cit.

⁵⁸ Adekeye Adebayo, op. cit., p. 131.

reinforced by the ousting of Ernest Shonekan in November 1993 by General Sani Abacha and his commitment to ECOMOG like his predecessor General Babangida.

THE AKOSOMBO AGREEMENT (SEPTEMBER 1994)

After about four years of Francophone attempt to resolve the crisis in Liberia, the Anglophones resumed its leadership role in the peace-making process till elections in July 1997. The Akosombo Agreement, signed on 12 September 1994, was brokered under the initiative of former President Jerry John Rawlings of Ghana, the incoming ECOWAS Chairman at the time. It included the LTNG in the different phases of the peace programme, giving it a supervisory and monitoring authority (in Article 3) and peace enforcement powers (in Article 8) in collaboration with ECOMOG and UNOMIL.⁵⁹

Despite the enforcement powers granted the Liberian National Transitional Government and ECOMOG under the Akosombo Agreement to use the necessary force available to compel compliance to the peace agreement, this provision did not materialise. The LTNG in collaboration with ECOMOG simply lacked the capacity, especially in terms of logistics, troops on the ground and funding from ECOWAS member states to compel compliance as per the provision made in the Akosombo Agreement.

The ULIMO-J, LDF, LPC, NPFL-CRC, and the Liberian National Conference (LNC) were accommodated in the Accra Acceptance and Accession Agreement as non-signatories to the Akosombo Agreement, accepting and acceding to the Akosombo and its Clarification Agreement.⁶⁰

The Accra Clarification Agreement, signed on 21 December 1994, was intended to clarify and expand on pertinent provisions of the Akosombo Agreement. It focused mainly on power sharing arrangements in addition to cease-fire arrangements, safe havens and buffer zones, and demobilisation. It also incorporated an implementation agreement with specified schedules for implementation. The Akosombo and the Accra Clarification Agreements started an appeasement process which impacted positively on the compliance with the Abuja Accord. The allocation of a place to the NPFL, ULIMO, AFL and LNC on the five-member Council of State and the fair chance given them to chair the Council gave positive signals with regard to the willingness to accommodate all

⁵⁹ After the 1993 Cotonou Agreement, the Security Council established the United Nations Observer Mission in Liberia (UNOMIL). Its task was to support ECOMOG in implementing the Cotonou peace agreement – especially compliance with and impartial implementation of the agreement by all parties. UNOMIL was the first United Nations peacekeeping mission undertaken in cooperation with a peacekeeping operation already established by another organization. See UN DPKO, “Liberia: UNMIL Background” at http://www.un.org/Depts/dpko/dpko/co_mission/unomilS.htm accessed on 01 March 2005.

⁶⁰ See *Accra Acceptance and Accession Agreement*, made and entered into on 21 December 1994 in Aboagye, Festus, op. cit., p. 376. These groups were headed by Major General Roosevelt Johnson, Francois Massaquoi, Dr. G. E. Saigbe Boley (Sr.), Jucontee Thomas Woewiyu and Counsellor J.D. Bayogar Junius respectively.

factional interests.⁶¹ This notwithstanding, lots of internal wrangling and politicking continued among the various warring factions and their mediators on who eventually chairs the Council. Taylor's demand to Chair the Council at all cost during an Accra meeting in January 1995 under the auspices of ECOWAS was met with great resistance from the other factions leading to a deadlock. Chief Tamba Tailor was eventually nominated to chair the Council of State leading to the failure of the Akosombo and its Accra Clarification Agreement.

THE ABUJA AGREEMENT (AUGUST 1995)

The failure of the Akosombo Agreement brought the peace process to Abuja under the auspices of late President Sani Abacha of Nigeria. The Abuja Accord,⁶² signed on 19 August 1995, sustained the momentum for a peaceful resolution of the Liberian crisis and the holding of elections in Liberia in 1997. All factional interests were eventually accommodated in a six-member Council of State which included the addition of a "neutral person", Mr. Wilton Sankawulo, as the Chairman of the Council.⁶³ In addition, ministerial positions as well as positions to the Supreme Court, public corporations and autonomous agencies were occupied by leaders of some armed factions and political parties.⁶⁴ The Abuja Agreement thus improved upon all previous agreements, including the Cotonou Agreement by accommodating all factional interests and securing reasonable consensus among all the warring factions and the ECOWAS member states backing them. It made provision for the dissolution of all factions by 31 January 1997, the resignation of Council of State members and other public office holders wishing to run for office by 28 February 1997, specified 30 May 1997 as Election Day and scheduled the inauguration of a new government for 15 June 1997. It was not surprising that none of the factional representatives expressed interest as Chairman of the Council since the Chairperson was ineligible to contest the first Presidential and Parliamentary elections under this Agreement.

Despite the level of success achieved in rectifying major anomalies identified in previous peace-making efforts, fighting still continued among factions in violation of the 26 August 1995 Abuja cease-fire agreement. The election was, as a result, postponed until 19 July 1997.

⁶¹ See Part 2, Section A of the Akosombo and the Accra Clarification Agreements under Political Issues.

⁶² *Abuja Agreement to Supplement the Cotonou and Akosombo Agreements as subsequently clarified by the Accra Agreement*, Abuja, 19 August 1995 at http://www.usip.org/library/pa/liberia/liberia_08191995.html accessed on 19 October 2004.

⁶³ In addition to Mr. Wilton Sankawulo, the NPFL (Charles Taylor), ULIMO-K (Alhaji Koromah), Coalition of LPC, LDF and CRC-NPFL (Dr George Boley), LNC (Oscar Jaryee Quiah) and Chief Tamba Tailor were represented on the six-member Council of State.

⁶⁴ Roosevelt Johnson (ULIMO-J), Hezekiah Bowen (AFL), Tom Woewiyu (CRC-NPFL), Sam Dokie (CRC-NPFL), and Francois Massaquoi (LDF) got ministerial positions serving at the cabinet level.

A Supplement to the Abuja Agreement (Abuja II)⁶⁵ signed on 17 August 1996 replaced Mr. Wilton Sankawulo with Mrs. Ruth Perry as the Chairperson of the newly constituted Council of State which steered the country to elections in July 1997. The replacement was meant to neutralise the overwhelming influence of the different factional leaders serving on the Council. The influence of the factional leaders on the Council heightened when General Roosevelt Johnson, representing the ULIMO-J, was removed from the Council of State by the Executive of the ULIMO-J. This incident further worsened the division among the members of the Council, making it difficult for the Council to achieve set objectives under the Abuja Agreement. Roosevelt Johnson was eventually brought back to the peace process during the ECOWAS Summit in August 1996 where Mrs. Ruth Perry became the Chair of the reconstituted Council. Mrs. Perry brought her social and political experience as a mother, teacher and Senator under former President Doe's regime and her activism in the Liberian Women's Initiative (LWI) to bear on the peace process after being elected the Chairperson of the Council. The Chairperson's innovative leadership sustained the peace efforts toward elections in 1997.

The Joint Disarmament and Cease-fire Committee amended under the Akosombo Agreement to comprise of representatives of LNTG, ECOMOG and UNOMIL facilitated the monitoring, supervision, reporting of cease-fire violations and disarmament (mainly by ECOMOG troops) during the Liberian peace process. The peacekeepers were mainly reduced to reporting on the frequent cease-fire violations and providing security and logistical support for humanitarian relief convoys.⁶⁶ The parallel nature of UN *vis-à-vis* ECOMOG generated lots of tension among both groups of peacekeepers hampering effective coordination and cooperation of activities in field. The warlords, especially ULIMO and NPFL capitalised on these differences. UNOMIL's operations were also hampered by inadequacy of funds.⁶⁷ The coordination problems led to the establishment of a joint-ECOMOG-UNOMIL Liaison and Coordination Cell in February 1995 to enhance useful cooperation among the different groups of peacekeepers. The ECOMOG and UNOMIL peacekeepers complained about attacks by both wings of ULIMO, as well as continued use of antipersonnel and antitank landmines by the Liberian factions.⁶⁸ The presence of the Joint Committee aided humanitarian assistance to war affected victims and served as a useful means of monitoring compliance with the Cotonou, Akosombo and the Abuja peace agreements.

After a series of cease-fire violations and an assassination attempt on Charles Taylor in October 1996, Taylor was elected on the ticket of the National Patriotic Party (NPP) as President of Liberia. This happened after the political aspirants serving on the Council tended in their resignation, and the major warring factions dissolved their military wings

⁶⁵ See *Supplement to the Abuja Accord*, 17 August 1996 at <http://www.c-r.org/accord/lib/accord1/abujas.shtml>.

⁶⁶ Adekeye Adebayo, *op. cit.*, p. 176.

⁶⁷ See Frempong, K. A. "Conflict and Reconstruction in Africa: The Case of Liberia", A paper presented at 10th CODESRIA General Assembly, Kampala, Uganda, December 2002 at http://www.codesria.org/Archives/ga10/papers_ga10_12/Security_Frempong.htm.

⁶⁸ *Op cit.*, p. 176.

and reconstituted themselves into political parties. Hence, the Abuja II Agreement preceding the 1997 elections became the only pre-*Mechanism* peace accord that was implemented. This agreement was backed by a decision of the ECOWAS Foreign Ministers, attending the August 1996 Summit, to take punitive measures against factional leaders who refused to comply with the Abuja Accord.⁶⁹

LESSONS

Two major issues deserve consideration for future peace-making in West Africa. First is why the Abuja II Agreement succeeded in ending the conflict, and secondly, the reason for the implementation of the Abuja II Agreement rather than previous ones.

In the first case, the prolonged nature of the Liberian civil war had a negative physical and psychological impact as well as a financial drain on stakeholders in the peace process. This, together with the determination of Liberians to have peace at all cost, facilitated the election of Charles Taylor as President in the 1997 elections. The erroneous attempt to pacify Charles Taylor, however, only brought temporal constitutional but ‘undemocratic’ rule in Liberia, eventually plunging the country back into civil war. This result questions outcomes of peace processes that only succeed in bringing warlords or rebel leaders to power against the constant rhetoric of discouraging belligerents from assuming power. Such practices only preserve the *status quo* rather than bring about democratic changes in governance which in turn engender good democratic practices, and thus must be avoided.

In the second case, the Abuja II Agreement was implemented largely because of the unanimity among the ECOWAS leaders to end the conflict or else have the entire sub-region engulfed, and the international financial and logistical support rendered to ECOMOG for disarmament, demobilization and elections by the UN, EU, OAU as well as US and Denmark among others.

ECOWAS’s resolve for the first time to take punitive measures against factional leaders who refused to comply with the Abuja Accord, be it real or perceived, sustained the pressure on the armed factions to comply with the Abuja II Agreement. What this implies is that sanctions (as an enforcement measure) does play a useful role in eliciting compliance to peace agreements, especially under a united regional body committed to achieving its goals and targets. Hence, the Abuja II Agreement depicts a classic case of adopting both confidence-building, and as a last resort, coercive diplomacy measures to guarantee peace implementation in West Africa.

Nigeria’s (a West African sub-regional hegemon) shift in attitude from the Cotonou and Akosombo (Accords) appeasement process towards a more robust and determined approach to implementing peace in Liberia also facilitated the peace enforcement measure adopted under the Abuja II Agreement. The Cotonou and the Akosombo Accords focused mainly on appeasing the factional leaders by assigning them positions in the transitional government. This was done, possibly, with the aim of pacifying the

⁶⁹ Op. cit., “Home Office Country Assessment: Liberia”, section 3.24.

warring factions and getting them to comply with the two mentioned agreements. The failure of this approach, however, informed Nigeria's relentless and determined approach towards brokering the Abuja peace agreements. This development underscores Nigeria's prominence in eliciting compliance with peace agreements in West Africa, especially based on consensus from other ECOWAS member states.

Several sub-regional states however had greater stake in the resolution of the conflict than did Nigeria. The fear of instability closer to home finally forced ECOWAS states including Côte d'Ivoire and Guinea to develop a common interest in supporting ECOMOG efforts to resolve the conflict.⁷⁰ This interest was reinforced by the presence of new heads of state and government of countries like Nigeria and Côte d'Ivoire with differences in the dynamics of their perception, relations and objectives in the peace process. Relations between Charles Taylor, Blaise Campaoré and Sani Abacha for instance were much more depersonalised as compared to that of his predecessor General Babangida. Differences between Ghana and Nigeria also improved with regard to appeasing the rebels as a means of eliciting their cooperation to end the war.

Many peace agreements, including pre-negotiations, framework-substantive, and implementation agreements were thus signed prior to the establishment of the ECOWAS conflict *Mechanism*. The agreements were brokered under *ad hoc* structures instituted by the Heads of State and Government of ECOWAS from relevant portions of protocols and treaties available to ECOWAS at the time. These Agreements did not succeed in bringing peace to Liberia until after the Abuja Agreement and its Supplement, when temporal 'peace' was restored to Liberia by Charles Taylor's election to power.

⁷⁰ Op cit., p. 225.

CHAPTER 3

SIERRA LEONE

THE CONFLICT (MARCH 1991)

The Sierra Leonean conflict began in earnest in March 1991, after Charles Taylor armed a group of dissident Sierra Leoneans and loyal Liberian fighters. The group, known as the Revolutionary United Front (RUF) of Sierra Leone, was led by the late Foday Sankoh, a former photographer and ex-army sergeant in the Sierra Leonean army. The genesis of the war can be traced to many factors, but Taylor's intention of making Sierra Leone pay for lending support to ECOMOG and other anti- NPFL elements (mainly ULIMO rebels) in the Liberian civil war was the key factor. Taylor's motive was to avenge the Freetown government for allowing its territory to be used: (a) for assembling ECOMOG troops prior to its initial intervention in Liberia; (b) by Nigerian planes on bombing missions against his forces; and (c) for refusing him a diplomatic passport. The Sierra Leone government believed the NPFL brought the war to Sierra Leone to punish the regime for hosting ECOMOG, which had prevented Taylor from becoming president, while others blamed the war on an alliance of individuals ravenous for the country's diamonds.⁷¹ The civil war was however facilitated by the interplay of bad governance and deteriorating economic conditions among vast economic and material resources in the country.

The civil war in Sierra Leone also involved several belligerent parties. In addition to the RUF, there were the Armed Forces Revolutionary Council of Sierra Leone (AFRC) led by Major Johnny Paul Koromah, the Civil Defence Forces (CDF) led by Hinga Norman, and the Republic of Sierra Leone Armed Forces (RSLAF). Mercenary groups such as Executive Outcomes, Sandline International, Branch Energy and the Gurkhas were also involved. ECOMOG became a party in the war in an attempt to enforce and keep the peace in the country. The abundance and attraction of the mineral resources (especially diamonds) fuelled the conflict till the signing of the Abidjan Agreement in November 1996.

RUF's insurrection against the government of Sierra Leone developed into a full scale civil war when it entered Sierra Leone at Bomaru in the Kailahun district and Mano River Bridge, Pujehun District on 23 March 1991. The war broke out initially between the RUF and the Republic of Sierra Leone Armed Forces (RSLAF) amidst accusation of abuse of power and corrupt practices against the All People's Congress party (APC) headed by former President Joseph Momoh. Momoh went into exile in Guinea after he was overthrown in a military coup d'état in April 1992 by young military officers led by the late Captain Valentine Strasser. Despite the overthrow, the conflict still continued. Captain Strasser headed the National Provisional Ruling Council (NPRC) that took over from the APC and later contracted private military companies (including the Executive

⁷¹ See Sessay, M. G. & Charlie Hughes, *Go Beyond First Aid: Democracy Assistance and the Challenges of Institution Building in Post-Conflict Sierra Leone*, Working Paper 34. (Netherlands Institute of International Relations, Conflict Research Unit: Netherlands), January 2005, pp. 2-3.

Outcomes and the Sandline International) in 1995 to give military backing to the RSLAF in the civil war. These mercenary groups were contracted to guard and protect the diamond mines, ward-off RUF insurgency and train local militia and members of the Sierra Leonean Army to fight the RUF insurgency in exchange for financial and material gains.⁷² Captain Strasser was later overthrown by his own Chief of Defence Staff, Julius Maada Bio in January 1996 amidst plans for elections. The Presidential and Parliamentary elections came off after an initial postponement, in February and March 1996 and were won by the Sierra Leone People's Party (SLPP) led by Ahmad Tejan Kabbah. By winning the elections amidst the ongoing crisis, the SLPP government became an automatic party to the Sierra Leone conflict, having inherited the NPRC government.

THE ABIDJAN AGREEMENT/ ECOWAS “PEACE PLAN” (NOVEMBER 1996 – OCTOBER 1997)

Between November 1996 and October 1997, two major substantive peace agreements were brokered under the initiative of ECOWAS and the international community. The first agreement was the Abidjan Peace Agreement,⁷³ signed on 30 November 1996 between the Government of the Republic of Sierra Leone and the RUF leadership. Konan Bedie, the President of Côte d'Ivoire and his Foreign Minister, Amara Essé, were instrumental in bringing the SLPP government and Foday Sankoh together in Abidjan. Essé went to the bush to persuade Sankoh to attend the peace talks. The Abidjan talks resulted in the signing of the Peace Accord.⁷⁴

Similar to the Liberian peace accords, this agreement was brokered with the underlying assumption that parties to the conflict would accept and comply with the provisions therein. The Abidjan Agreement, among other things, made provision for encampment, disarmament, demobilization and resettlement of RUF/SL combatants, the confinement to the barracks of RSLAF and repatriation of the foreign private military companies. The restructuring and reorientation of the military was also recommended. The agreement also envisaged a Commission for the Consolidation of Peace (CCP) as a verification mechanism responsible for supervising and monitoring the implementation of and compliance with all the provisions contained in the Agreement. A neutral monitoring group made up of representatives from the international community and a Joint Monitoring Group (JMG) comprising of representatives of the Government of Sierra Leone and the RUF was to monitor breaches of the cease-fire and take appropriate actions respectively. The establishment of the verification commission and the various monitoring groups (both national and international) in Sierra Leone was an improvement upon past ECOWAS mediation process in Liberia. This initiative must have been taken to

⁷² For further details, see Musah, Abdel-Fatau & Kayode Fayemi (eds.). *Mercenaries: An African Security Dilemma* (Pluto Press: London, 2000).

⁷³ Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, Abidjan, 30 November 1996 available at <http://www.sierra-leone.org/abidjanaccord.html>.

⁷⁴ See “External Actors and their Impact on the Conflict” in *Final Report of the Truth and Reconciliation Commission on Sierra Leone*, Vol. 3b, Section 52 at <http://trcsierraleone.org/drwebsite/publish/v3b-c2.shtml?page=2>.

guarantee impartiality and add credibility to the ECOWAS mediation process in Sierra Leone and preclude suspicions of alliances between the warring factions and intervening forces, especially ECOMOG, as was the case in Liberia.

About a month and a half (14 and 15 of January 1997) after the signing of the Abidjan peace agreement, accusations and counter accusations were leveled by both the RUF and the SLPP government against each other for not complying with the provisions of the Abidjan Agreement. The RUF accused government forces of violating the peace accord by attacking the towns of Godama, Glayala, Jaama, Kpolu and Mende Buima as a ploy to provoke the RUF into launching a counter offensive.⁷⁵ President Kabbah on the other hand accused the RUF for delaying the peace process by failing to nominate members of the JMG and demobilisation commission. This situation held up the establishment of encampment zones and the process of encampment and disarmament.⁷⁶ In a similar development, Kabbah again revealed a message intercepted by his government from Sankoh to his field commander, Sam Bockarie stating that Sankoh had signed the Abidjan Agreement to relieve the international pressure on RUF to end the war. In the process, however, Sankoh requested his men to resume hostilities to an even bigger scale.⁷⁷ Sankoh also refused to meet with UN representatives in Côte d'Ivoire and opposed the decision to send UN peacekeepers to help maintain the peace. Kabbah, however, terminated the contract of the Executive Outcomes as requested by the Abidjan Agreement.

These developments underscored the violation of the Abidjan Agreement and the renewal of hostilities. To worsen an already delicate peace process, Sankoh's detention in Nigeria in March 1997 coincided with the splitting of RUF into two. The Freetown-based RUF members of the CCP, led by Phillip Palmer, were determined to end the war, while the bush-based RUF (still loyal to Sankoh) contested the decision.⁷⁸ Amidst the confusion, conflict renewed between the newly emerged CDF (mainly pro-government Kamajor militia) and the RUF on the one hand, and the Kamajor militia and the RSLAF on the other.⁷⁹ These developments undermined the Abidjan Agreement and compliance to its provisions by the different and emerging warring factions.

The Abidjan Agreement was finally abrogated by a coup d'état led by Major Johnny Paul Koromah of the Armed Forces Revolutionary Council (AFRC) of Sierra Leone which ousted President Ahmed Tejan Kabbah's government on 25 May 1997. The AFRC's five-month dictatorship, following the coup, led to the signing of another peace agreement in Conakry, Guinea, after a failed attempt by ECOMOG troops (mainly Nigerians) to reinstate the Kabbah government.

⁷⁵ See Sierra Leone "New Archives", 17 January 1997 at <http://www.sierra-leone.org/slnews0197.html>.

⁷⁶ Ibid., 25 January 1997.

⁷⁷ Op. cit., *Final Report of the Truth and Reconciliation Commission on Sierra Leone*, Vol. 3b, Section 54.

⁷⁸ See Bangura, Yusuf. "Reflections on the 1996 Sierra Leone Peace Accord", 1997 at <http://www.un-ngls.org/documents/publications.en/voices.africa/number9/number8/9bangura.htm>.

⁷⁹ Ibid.

An ECOWAS Peace Plan for Sierra Leone and a six-month implementation timetable starting 23 October 1997 was adopted in Conakry, Guinea. This Peace Plan was adopted by Ministers of Foreign Affairs of the ECOWAS Committee of Five⁸⁰ on Sierra Leone and the delegation representing Major Johnny Paul Koromah. The Conakry peace plan for Sierra Leone made provisions for the reinstatement of the legitimate Government of President Tejan Kabbah within a period of six months; the immediate cessation of hostilities; disarmament, demobilization and reintegration of combatants; provision of humanitarian assistance; return of refugees and displaced persons; and immunities and guarantees to the leaders of the coup d'état of 25 May 1997.

Subsequent efforts to restore peace in Sierra Leone after the signing of the ECOWAS Peace Plan proved rather difficult. Paul Koromah's military junta refused to allow the restoration of the democratically-elected government and a return to constitutional order. A Decision on sanctions was therefore issued against the military junta in Sierra Leone at an ECOWAS Summit held on 28 and 29 August 1997. The Decision was followed by the imposition of sanctions on the military junta in line with UN Security Council Resolution 1132 (1997).⁸¹ At the Ministerial Committee of Five Meeting held in New York, 5-6 February 1998, the Foreign Ministers expressed concern about flagrant violations of the sanctions imposed on the junta in Sierra Leone. They noted, specifically, the violations of the arms embargo and travel restrictions on members of the illegal regime and their families. Accordingly, they called on Member States of the United Nations to comply fully with the sanctions and embargo, as well as the travel restrictions imposed on members of the junta and those associated with them. They further appealed to the Security Council to take appropriate measures to ensure full compliance with the sanctions regime.⁸²

Thus, ECOWAS again considered sanctions in the Sierra Leone peace process as a last resort for restoring the constitutional government of Tejan Kabbah back to power after exhausting all avenues through its mediation and negotiations efforts. The ineffectiveness of the sanctions however prompted the Committee of Five's appeal to the UN Security Council to ensure the military junta's compliance with the agreement. As a way forward, the ECOWAS Committee of Five further reaffirmed three options available for progressing with the peace process in the light of a breach of the Peace Plan by the military junta. These were the pursuit of dialogue; the imposition of sanctions/embargo; and the possible use of force. The Committee further advised the junta to comply with the Peace Plan.

⁸⁰ The Committee of Five on the Sierra Leone conflict was made up of the following countries: Côte d'Ivoire; Ghana; Guinea; Liberia; and Nigeria.

⁸¹ UN Security Council Resolution S/RES/1132 (1997), of 8 October, on the Situation in Sierra Leone. The sanction comprised of a travel ban on the military junta and their families, embargoes on petroleum products and arms, and related materiel (including weapons and ammunitions, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned).

⁸² See Final Communiqué of the Eighth Meeting of Foreign Ministers of the ECOWAS Committee of Five on Sierra Leone, New York, 5-6 February 1998 at <http://www.sierra-leone.org/ecowas020698.html>.

The ECOWAS peace plan for Sierra Leone was to have been fully implemented by 22 April 1998. However, ECOMOG forcefully re-installed Tejan Kabbah's government in March 1998, a month ahead of this date. The reinstallation of the Kabbah government by the Nigerian-led ECOMOG force was carried out without the approval of the UN Security Council or ECOWAS; it was purely based on a response to an attack on ECOMOG by Koromah's military junta in February 1998. Both sides (ECOMOG and the junta forces) accused each other of starting the fighting. According to the junta spokesperson, Amadu Bailoh Bah, the "Nigerian-led ECOMOG soldiers ventured into our own positions around Jui town with the intention of tactically expanding their territory and taking over our positions." In a counter argument, an unnamed official stated that the army attacked ECOMOG positions after the peacekeeping force prevented a cargo ship from docking in Freetown.⁸³ Thus the use of force in this context proved useful in restoring the Kabbah government back into power, and taking precedence over an option to dialogue with the AFRC.

THE COMPREHENSIVE PEACE AGREEMENT (LOMÉ, JULY 1999)

The forceful restitution of Kabbah, however, did not lead to the war's ending. The continuation of the civil war demanded a second peace accord. A Comprehensive Peace Agreement between the Government of Sierra Leone and RUF was signed in Lomé, Togo on 7 July 1999.⁸⁴ Prior to the Comprehensive Agreement in Lomé, a Cease-fire Agreement⁸⁵ facilitated by Rev. Jesse Jackson was signed under the auspices of former President Eyadema between the government of Sierra Leone and the RUF on 18 May 1999. This agreement secured a temporal truce, urging Foreign Ministers of ECOWAS to discuss problems pertaining to Sierra Leone in Lomé on 24 May 1999. The Cease-fire enhanced further dialogue between the government of Sierra Leone and RUF culminating finally in the Comprehensive Peace Agreement in July. The peace negotiations spanned a period of 44 days (beginning on 25 May 1999). This peace agreement was divided into eight main parts and included the cessation of hostilities, governance, and other political issues. Post-conflict security and military matters, humanitarian, human rights and socio-economic issues were equally captured. Other matters like the implementation of the agreement, moral guarantors and international support were also covered. A final provision on registration, publication and entry into force concluded the agreement.

This agreement improved upon the 1996 accord, and included a Cease-fire Monitoring Committee (CMC), chaired by a UN Observer Mission in Sierra Leone (UNOMSIL) and a Joint Monitoring Commission (JMC), made up of the Government of Sierra Leone,

⁸³ See "Sierra Leone News Archive" at <http://www.sierra-leone.org/slnews0198.html> accessed on 26 April 2005.

⁸⁴ See *Comprehensive Peace Agreement between the Government of Sierra Leone and Revolutionary United Front of Sierra Leone*, Lomé, Togo, 7 July 1999, available at http://www.usip.org/library/pa/sl/sierra_leone_07071999_toc.html, accessed on 19 October 2004.

⁸⁵ See *Agreement on Cease-fire in Sierra Leone* at <http://www.sierra-leone.org/ceasefire051899.html>, accessed on 19 October 2004

RUF, CDF and ECOMOG. The CMC was put in place to monitor and elicit compliance with the cease-fire while the JMC was to receive, investigate and take appropriate action on reports of violations of the cease-fire from the CMC.

The peace agreement was, however, signed amidst major controversies. The difficulties centred on granting amnesty to perpetrators of atrocities in the civil war, and the allocation of ministerial positions to RUF in government. Of particular concern was the granting of the position of the Vice Presidency, four positions of deputy minister, and a senior cabinet position to Corporal Foday Sankoh and his men in the RUF. As the Vice President, Foday Sankoh also automatically became the Chair of the Board of the Commission for the Management of Strategic Resources, National Reconstruction and Development (CMRRD), as provided for in Article VII of the Agreement. Major Johnny Paul Koromah of AFRC was also made the Chairman of the Commission for the Consolidation of Peace (CCP). The CPP, among its numerous functions, was put in place to implement a post-conflict programme that would ensure the reconciliation and welfare of all parties to the conflict, especially the victims of war. The CCP was also given the overall goal and responsibility for supervising and monitoring the implementation of and compliance with the provisions of the Lomé Agreement relative to the promotion of national reconciliation and the consolidation of peace.

This development reinforced the trend which began in the Liberia peace process in which Charles Taylor eventually became President after waging a devastating war against Samuel Doe's government and the people of Liberia. This act of pacifying sub-state or non-state actors who challenge and undermine the sovereignty and capacity of the state, has encouraged the proliferation of rebel groups and mercenaries. As Patrick Seyon puts it:

“... the assumptions undergirding the peace formula and the formula itself were fundamentally faulty, rendering it unworkable, if not useless. The leaders of the Economic Community of West African States (ECOWAS), who mediated the Lomé agreement and the international community, which gave its stamp of approval and support, were of the conviction that the RUF leadership wanted peace and would cease fighting, given the right incentives ... that it wanted to share power; that excluding it from power-sharing would doom peace; and that it could and would be a trusted ally in the cause of peace. This conviction prevailed in spite of the absence of any guarantee that the inclusion of the RUF would or could secure peace.”⁸⁶

The United Nations also expressed strong reservations about the amnesty provisions of the Lomé Agreement. The net result of these reservations was that the Agreement was regarded as concluded without prejudice to the right of the UN to take other appropriate actions to address the issue of impunity in relation to gross violations of international

⁸⁶ Seyon, P.L.N. “Peace Never had a Chance in Sierra Leone under the Lomé Agreement” accessed at <http://www.theperspective.org/lomeaccord.html> on 13 October 2004.

humanitarian law, war crimes and crimes against humanity.⁸⁷ The RUF would have refused to sign the peace agreement if the Government of Sierra Leone had insisted on including in it a provision for judicial action against the RUF and had excluded the amnesty provision from the Agreement.⁸⁸ In a nutshell, the Lomé Peace Agreement could basically be regarded as a case of the RUF exchanging its arms for amnesty and inclusion in the government.⁸⁹

It should not be surprising, therefore, that the Sierra Leone civil war continued after the United Nations Mission in Sierra Leone (UNAMSIL) was established to oversee the implementation of the Lomé Agreement. UNAMSIL was established on 22 October 1999 by Security Council Resolution 1270 with an initial mandate to cooperate with the Government and the other parties in implementing the peace agreement and assist the Government in the implementation of the disarmament, demobilization and reintegration plan. UNAMSIL took over from the ECOMOG forces and United Nations Observer Mission in Sierra Leone (UNOMSIL).⁹⁰ UNAMSIL's mandate was subsequently revised and its size expanded on 19 May 2000 and again on 30 March 2001.⁹¹

THE ABUJA CEASE-FIRE AGREEMENTS (NOVEMBER 2000 & MAY 2001)

Despite the presence of an initial 6,000-strong UNAMSIL peacekeeping force in Sierra Leone, the RUF and AFRC continued fighting amidst efforts to disarm and demobilise the warring factions, and were later joined by the CDF. Thus the civil war continued, leading to the signing of another cease-fire agreement and its review agreement namely, the Abuja Cease-fire Agreement and the Abuja Cease-fire Review Agreement on 10 November 2000 and 2 May 2001 respectively. These two cease-fire agreements were brokered by the ECOWAS Committee of Six of the Mediation and Security Council on Sierra Leone.⁹²

⁸⁷ See Solomon Berewa, "Addressing Impunity Using Divergent Approaches: The Truth and Reconciliation Commission and the Special Court" at <http://www.sierra-leone.org/trcbook-solomonberewa.html> accessed on 25 January 2005.

⁸⁸ Ibid.

⁸⁹ Sessay, M. G. & Charlie Hughes, *op. cit.*, p. 5.

⁹⁰ UNOMSIL was established in July 1998 to monitor the military and security situation in Sierra Leone, as well as the disarmament and demobilization of former combatants. It was also asked to assist in monitoring respect for international humanitarian law. UNOMSIL was terminated on 22 October 1999, when the Security Council authorized deployment of a new and significantly larger peacekeeping operation – the United Nations Mission in Sierra Leone (UNAMSIL). See <http://www.un.org/Depts/DPKO/Missions/unomsil/Unomsil.htm> for further reading on UNOMSIL.

⁹¹ For further reading on UNAMSIL, visit UNAMSIL homepage at <http://www.un.org/Depts/dpko/missions/unamsil/> accessed on 02 March 2005.

⁹² Though these two Agreements were signed after the adoption of the 1999 ECOWAS Conflict Mechanism, the Agreements essentially reaffirmed their commitment to the Lomé Peace Agreement as the framework for the restoration of genuine and lasting peace to the country. The ECOWAS Committee of Six comprised of six West African countries namely: Burkina Faso; Ghana; Guinea; Liberia; Mali; and Nigeria.

The ECOWAS Mediation and Security Council (MSC), representing the ECOWAS Authority of Heads of State, replaced the SMC as the highest decision-making body on peace and security issues under the *Mechanism*. Thus, though the 1999 ECOWAS *Protocol* had not been ratified, nor fully operationalised after its adoption, the sub-regional body began imbibing the emerging principles and values inherent in the *Protocol*. The two agreements, therefore, were signed under a more structured and institutionalised arrangement under the new ECOWAS conflict Mechanism as opposed to the *ad hoc* security and legal frameworks. Despite this new development, no significant changes were reflected in the ECOWAS peace-making process, though credible structures had emerged under the Mechanism for conflict management and resolution.

The November 2000 Abuja Ceasefire Agreement⁹³ called on all parties to observe the cease-fire and halt hostilities. The parties, under the Agreement, agreed to the supervision and monitoring of the cease-fire by UNAMSIL forces, and gave them the right to investigate and report any acts of violation. The parties to the Agreement agreed, with the assistance of the ECOWAS Committee of Six and the UN, to undertake a review of the implementation of the Agreement, thirty days after its entry into force, and to evaluate the timeliness of commencing fresh application of the Lomé Peace Agreement. This provision led to the Abuja Cease-fire Review Agreement of 2 May 2001.⁹⁴

The review meeting took place under the chairmanship of Mali's former Minister of Foreign Affairs, Modibo Sidibe, also Chairman of the Mediation and Security Council. The Abuja Cease-fire Review Agreement showed an improved ECOWAS commitment towards ending the civil war to the extent that the cease-fire had been maintained since 10 November 2000 and fighting had virtually come to a halt; except UNAMSIL's report of incidents of fighting in a few counties in Sierra Leone, including Kono and Tongo Districts. In general, the Agreement reviewed the state of cease-fire, cease-fire violation and the monitoring and surveillance role of UNAMSIL, and the deployment of UNAMSIL and extension of state authority. Disarmament, demobilisation and reintegration, cross-border attacks and transformation of RUF into a political party were also covered. The presence of foreign troops in Sierra Leone (specifically British troops), operating outside the authority of UNAMSIL was a major concern to RUF.

ECOWAS's partnership with the UN under its conflict/security framework facilitated further dialogue and subsequent implementation of the 1999 Comprehensive Peace Agreement. Provisions made for disarmament, demobilisation and reintegration (DDR) of former combatants were executed through the UNAMSIL amidst occasional RUF incursions. A successful DDR process in Sierra Leone eventually paved way for the elections in May 2002.

⁹³ See the 10 November Abuja Cease-fire Agreement at <http://www.sierra-leone.org/ceasefire1100.html>.

⁹⁴ For further, see on the Abuja Cease-fire Review Agreement, see <http://www.un.org/Depts/dpko/unamsil/DB/db040501.htm>.

LESSONS

Two major lessons clearly emerged from the Sierra Leone peace process. The first was ECOWAS's inability to secure a signed peace agreement without first recognizing and rewarding rebel leaders for their unconstitutional and other illegal activities. After the "first" Liberian civil war in which Taylor eventually became President, the sub-regional body failed to realise that rewarding non-state actors only served to promote belligerent's self ambitions to the detriment of the citizens, especially the non-combatants. Both Foday Sankoh and Paul Koromah were rewarded with sensitive and strategic positions in the transitional government, even though they had resorted to arms to overthrow the governments in place. The status quo was thus maintained.

Secondly, access to power through the unconstitutional change of government, or the misrule and bad conduct of some political leaders in West Africa made it difficult to give them the necessary support during intra-state conflict. This, coupled with the inability of ECOWAS to elicit compliance with signed peace agreements through peace enforcement measures, compels the sub-regional body to legitimise rebel insurgencies through political appointments and other rewards as a means of ending the conflict. In all such instances, no credible outcomes were achieved as these leaders, including Charles Taylor and Paul Koromah for example, governed in similar manner as their predecessors and were eventually removed from power.

Despite these bottlenecks, ECOWAS was still engaged in the Sierra Leone peace-making process even during the phase of UN mission expansion, collaborating constructively with the UN to advance the peace process.

CHAPTER 4

GUINEA-BISSAU

OUTBREAK OF CIVIL WAR (JANUARY 1998)

In January 1998, Brigadier General Ansumane Mané, the Armed Forces Chief of Staff of Guinea-Bissau, was accused of negligence in connection with arms trafficking and suspended from his post. This led to increased tension within the armed forces, many of whom were already dissatisfied about low wages and poor conditions of service. Mané denied the allegations and publicly accused senior government and military officials of involvement in arms trafficking. He was dismissed on 6 June 1998.⁹⁵ Mané's dismissal ignited a military revolt. The revolt by the self-styled *Junta Militar* (military junta) gained the support of most of the 10,000-strong armed forces, embittered by long-standing grievances over poor conditions and low pay. The Military Junta was also reinforced by veterans of the armed struggle for national liberation. On 7 June 1998, rebel soldiers seized military bases in Bissau, the capital, cutting it off from the rest of the country.⁹⁶

The minority loyalist element of the People's Revolutionary Armed Forces (FARP),⁹⁷ was supported by troops from Senegal and Guinea-Conakry, solicited by João Bernardo Vieira under a security agreement signed between the governments of Guinea-Bissau, Senegal, the Republic of Guinea and the Gambia in October 1997. These troops, made up of 2,000 Senegalese and 400 Republic of Guinea troops, arrived in the country.⁹⁸ France supplied the finance and transportation for the intervention.

The intervening and loyalist forces were unsuccessful in ousting Mané, leading to a stalemate. ECOWAS became involved in negotiations to end the conflict, and established a Committee of Seven in July 1998, to map out a peaceful solution.⁹⁹ The *Comunidade de Paises de Lingua Portuguesa* (CPLP), Community of Portuguese-speaking Countries¹⁰⁰ also appointed a Contact Group, which negotiated a cease-fire on 26 July.

⁹⁵ Amnesty International, AI report 1999: Guinea-Bissau , <http://www.amnesty.org/ailib/aireport/ar99/afr30.htm>.

⁹⁶ Trevor Johnson, New military coup in Guinea-Bissau leaves one hundred dead, WSWS, 19 May 1999, <http://www.wsws.org/articles/1999/may1999/guin-m19.shtml>.

⁹⁷ The People's Revolutionary Armed Force (FARP) includes Army, Navy, and Air Force. Military expenditure for 2003 is estimated at US\$8.4 million, which represents 2.8% of GDP.

⁹⁸ Op. cit., Amnesty International, AI Report, 1999. Although a former Portuguese colony, Guinea-Bissau is one of a number of West African states whose currency is the CFA franc, which is pegged to the French franc (others are Benin, Burkina Faso, Ivory Coast, Mali, Niger, Senegal and Togo).

⁹⁹ Consisting of Burkina Faso, Ivory Coast, Gambia, Ghana, Guinea, Nigeria, and Senegal

¹⁰⁰ The CPLP includes Portugal, Brazil and the African nations of Angola, Cape Verde, Guinea Bissau, Mozambique and Sao Tome and Principe.

REGIONAL INTERVENTION AND CEASE-FIRE (AUGUST 1998)

On 4 August 1998, West African foreign ministers, meeting in Accra, agreed to travel to Guinea-Bissau to meet President Vieira and the leaders of the military rebellion in a bid to find a peaceful resolution to the conflict. The foreign ministers of the ECOWAS Committee of Seven reaffirmed their support for Guinea and Senegal, and commended these countries for sending in troops to back pro-government forces in their bid to quell the mutiny. In a statement issued after the meeting, the Foreign Minister of Guinea-Bissau (Delfim da Silva) stated that the crisis required a regional solution and ECOWAS had to play a key role in the conflict resolution process. He also welcomed the mediation efforts of the Community of Portuguese Speaking Countries (CPLP).¹⁰¹

ECOWAS and the CPLP jointly brokered a reaffirmation of the cease-fire, which was signed by the belligerents on 26 August 1998 in Praia, capital of Cape Verde Islands. A broad-based government was to be formed under the agreement, which bound all parties to respect the country's institutions and constitutional legality, while the belligerents were to stick to the military positions they held up to 26 August. Under the accord, the main airport in Guinea-Bissau was reopened so that humanitarian aid could be flown in and logistical support could reach a buffer force that was agreed to monitor the cease-fire. The composition of the force would be defined by the two sides (the government and the military junta).¹⁰²

Further peace talks between government and rebels were held in Abidjan on 15 and 16 September 1998, during which both the belligerent groups agreed that there was a need for an interposition force in the country. However, they failed to agree on the composition and command arrangements for such a force. Moreover, the Junta demanded the withdrawal of Senegalese and Guinean troops, the presence of which they regarded as interference in the internal affairs of another country. As a result of differences on these and other issues, the talks were suspended without agreeing on a future date and place for another meeting.¹⁰³

THE ABUJA ACCORD (NOVEMBER 1998)

Fighting resumed on 18 October 1998, forcing citizens of Bissau to again flee the capital. On 29 October, Junta leader Ansumane Mané and President Vieira met face to face, in the Gambia, for the first time since the conflict began. Their talks continued in Abuja, Nigeria, culminating in the signing under the aegis of ECOWAS of a peace accord on 1

¹⁰¹ IRIN-WA Update 266 of Events in West Africa, 5 August 1998.

¹⁰² El Hadj Youga Ndiaye, Guinea Bissau Takes a Step Towards Peace Inter Press Service, 31 August 1998. http://www.oneworld.org/ips2/sept98/17_17_047.html

¹⁰³ Melvis Dzisah, Guinea Bissau Peace Talks Hit A Snag, Pan African News Agency, 17 September 1998, <http://www.africanews.org/west/guineabissau>

November 1998.¹⁰⁴ The Abuja agreement provided for the formation of a transitional government of national unity, the deployment of an ECOMOG peacekeeping force, the withdrawal of foreign intervention forces, and the organization of legislative and presidential elections by the end of March 1999.

Implementation of the Abuja accord was slow. ECOMOG struggled to deploy, and with just over 100 peacekeepers on the ground, the first 200 Senegalese and Guinean troops (out of approximately 3,000) left only in the second week of January 1999. This led to tension in Bissau and the peace process was disrupted early on 31 January 1999, when fighting resumed in Bissau.¹⁰⁵ Four days of intense shelling and small arms battles followed; the urgency of the situation was such that President Eyadema of Togo, then Chairman of ECOWAS, dispatched two envoys to Bissau with a cease-fire agreement that was signed by President Vieira and General Mané on 3 February.

ECOMOG, with only some 600 troops deployed, attempted to initiate a disarmament process, following an agreement reached between President Vieira and General Mané in Lomé on 17 February 1999, in which they “reiterated the need for the parties to begin the disarmament and encampment of troops”.¹⁰⁶ However, progress was very slow and no sooner had plans been laid and funding solicited for reforming the security sector, than the armed forces again intervened in the political process. On 6 May 1999, Ansumane Mané sent forces to attack Vieira’s presidential guard and remove him from office.

Meeting in Lomé at Ministerial level on 24-25 May 1999, ECOWAS condemned the *coup d’état* and stressed it was a violation of the Abuja and Lomé Agreements. ECOWAS condemned the killings, looting and destruction of property that had accompanied the coup, and requested the junta to release all political detainees. The Ministers took note of the request made by the Minister of Foreign Affairs of Guinea-Bissau for ECOMOG to remain in Guinea-Bissau until elections were held. However, in view of the latest violations of peace agreements and the continued difficulties in financing operations, they decided that ECOMOG would withdraw from Guinea-Bissau.¹⁰⁷

The UN Security Council, on 3 March 1999, had also approved the establishment of a UN Post-Conflict Peace-Building Support Office in Guinea-Bissau (UNOGBIS) to provide the political framework and leadership for harmonising and integrating the

¹⁰⁴ Agreement between the Government of Guinea-Bissau and the Self Proclaimed Military Junta. See http://www.usip.org/library/pa/gb/gb_11011998.html for the text of this Agreement.

¹⁰⁵ Numerous sources reported that French troops were also involved in the fighting. There were eyewitness accounts of French soldiers on the ground in Bissau and suggestions that a French ship shelled Junta positions, adding French fire power to the causes of death and destruction in Bissau. The French vehemently denied these accusations, and efforts were made to silence those who spoke out.

¹⁰⁶ UN Security Council, Report of the Secretary-General Pursuant to Security Council Resolution 1216 (1998) Relative to the situation in Guinea-Bissau, S/1999/294, 17 March 1999.

¹⁰⁷ Economic Community of West African States, Final Communiqué of the Meeting of Ministers of Foreign Affairs, Lomé, 24-25 May 1999. < <http://www.sierra-leone.org/ecowas052599.html> >

activities of the UN in the country during the period leading up to the elections, and to facilitate the implementation of the Abuja Agreement. The election was however postponed until 28 November 1999, after which President Kumba Yala was elected President.

LESSONS

The 1998-1999 civil war and ensuing peace process presented a window of opportunity to set Guinea-Bissau on a new course, through the deployment of a multifunctional peace mission that could address a broad spectrum of root and proximate causes of conflict in a co-ordinated manner, and perhaps lay the foundations for a transition to sustainable democracy and rule of law. However, regional and international engagement was at a much lower level than in Sierra Leone, Liberia or Côte d'Ivoire.

The scale of the ECOWAS deployment was about one tenth of that seen in the other three Member States. In fairness, it was partly because of ECOWAS's deep involvement in attempts to bring peace to Sierra Leone and Liberia that the Organization lacked the capacity to deploy much more than a token force to Guinea-Bissau at the end of 1998 and beginning of 1999. The *Protocol* relating to the *Mechanism* had not yet been adopted, and there are certainly limits to the number of crises that the Organisation could handle simultaneously.

A major lesson is that poor peace agreements make for poor implementation plans and seldom hold. The Abuja agreement of 1 November 1998, for example, is painfully thin on detail, and must compete for first place as the shortest "comprehensive peace agreement" ever brokered to end a civil war.¹⁰⁸

¹⁰⁸ Mark Malan, Transition with minimal assistance: Lessons from Guinea-Bissau? KAIPTC Paper No. 5, March 2005.

CHAPTER 5

LIBERIA II

THE SECOND LIBERIAN CIVIL WAR: APRIL 1999 - JUNE 2003

The adoption of the 1999 ECOWAS *Protocol* institutionalised the ECOWAS peace-making process. A comprehensive peace-making and peacekeeping strategy was adopted to prevent, manage and resolve conflicts in the sub-region. The three main institutions for operationalising the Mechanism are the Authority of Heads of State, the Mediation and Security Council and the Executive Secretariat. The Mediation and the Security Council implements the provision of the *Mechanism* through three main supporting organs which are the Defence and Security Commission, the ECOWAS Council of Elders and the ECOMOG. These organs facilitate ECOWAS's confidence-building and coercive diplomacy approaches to peace-making in the sub-region. The Defence and Security Commission handles the administrative and technical issues mainly related to the composition and deployment of ECOWAS forces on peacekeeping mission, while the Council of Elders are largely responsible for matters related to preventive diplomacy, including the mediation in conflicts and monitoring elections.

One major improvement upon ECOWAS's *ad hoc* peace-making process is the establishment of an early warning system known as the Sub-Regional Peace and Security Observation System. The conflict observation system is designed to monitor factors that are likely to destabilise the sub-region or cause humanitarian disasters, and device early responses to these factors. The *Mechanism* also identifies clearly when to intervene in conflicts and the roles, mandates and objectives for doing so.

As it stands, the *Mechanism* provides a credible framework for managing simmering conflicts and conflicts likely to erupt, either by engaging the services of the ECOWAS Council of Elders, to be determined by the ECOWAS Executive Secretary, or by deploying ECOMOG stand-by units on ECOWAS missions either for peacekeeping or peace enforcement. Provisions have also been made for a graduated strategy towards post-conflict peacebuilding.

The ECOWAS *Mechanism* has thus seen a marked improvement upon the initial *ad hoc* security framework established in the early 1990s for peace-making, but delays in its ratification and operationalisation have equally contributed to undermining its provisions for peace implementation in West Africa.

ORIGINS OF THE SECOND CIVIL WAR (APRIL 1999)

Most observers trace the origin of the second Liberian civil war to April 1999, when the Liberian government reported an attack on its territory near the Guinea border. The government claimed a second attack in August 1999 in which five towns were reportedly captured in the northern province of Lofa. The second Liberian war however began in

earnest when LURD launched military operations in mid 2000 due to feelings of frustration and perceived exclusion from the implementation of the ECOMOG-sponsored 1997 Abuja Peace Accords.¹⁰⁹ LURD, according to its senior military personnel, was formed in Sierra Leone in July 1999.¹¹⁰ The group emerged from remnants of die-hard anti-Taylor factions made up of ex-ULIMO fighters, many of whom had disarmed just before the 1997 elections. Taylor's misrule and predatory violence compelled ULIMO to regroup in the forest regions of Guinea, bordering Liberia, where they were joined by other groups of disgruntled Liberians.

The government of Guinea provided considerable logistical and some military support to the rebels who operated from Guinean territory. It also allowed LURD to use refugee camps in Guinea as a recruitment base.¹¹¹ Hundreds of former fighters in Sierra Leone's civil war also crossed into Liberia to fight as mercenaries either for the Liberian government or for LURD amidst continued efforts to consolidate peace in Sierra Leone.

ECOWAS INTERVENES (MAY 2002)

The situation was of grave concern to ECOWAS, which engaged increasingly in diplomatic efforts to address the crisis. At this stage of the intervention, ECOWAS had in place the *Mechanism* to guide its peace-making efforts, though the Mechanism had not been ratified by the required two-thirds of the 15 ECOWAS member states in order to make it operational. Chapter five of the *Mechanism* covers conditions for application of the *Mechanism*, the authority to initiate, and procedures for its operationalisation. These provisions are spelt out clearly under Articles 25, 26 and 27 of the *Mechanism*. Based on guidelines provided by the *Mechanism*, several meetings were organized by ECOWAS in 2002 to discuss the escalating conflict. One of such meetings (ECOWAS Summit) was held in Yamoussoukro, Côte d'Ivoire, on 17 May 2002 where ECOWAS leaders made the decision to seek peaceful means to end the conflict in Liberia. With the creation of the International Contact Group on Liberia (ICGL) on 17 September 2002 at UN Headquarters in New York, international attention began to focus on Liberia in a concerted manner. ECOWAS co-chaired the ICGL with the European Union.¹¹² The main function of the ICGL was to find ways of ending the conflict through a cease-fire agreement and, as co-chair, ECOWAS was tasked to begin negotiations for a renewed peace process in Liberia.¹¹³ As part of the ICGL initiatives, the ECOWAS Executive

¹⁰⁹ For further reading, see Brabazon, James. 2003. "Liberia: Liberians United for Reconciliation and Democracy (LURD)", The Royal Institute for International Affairs, Briefing Paper No. 1, at <http://www.riia.org/pdf/research/africa/Brabazon%20BP.pdf>.

¹¹⁰ Ibid.

¹¹¹ See *ReliefWeb*, "Liberian refugees in Guinea: Refoulement, militarization of camps, and other protection concerns" at <http://www.reliefweb.int/rw/rwb.nsf/0/8f104cfe1909c76449256c7d0008d20d?OpenDocument>.

¹¹² Other members of the ICGL included Britain, France, Ghana (which replaced Senegal in March 2003), Morocco, Nigeria, the United States, the African Union, European Union, and United Nations.

¹¹³ ECOWAS, *ECOMIL After Action Review (AAR) Final Report*, African Centre for Strategic Studies, August 2004.

Secretary and the ECOWAS Parliament initiated talks with LURD and representatives from President Taylor's National Patriotic Party (NPP). LURD was determined not to accept a ceasefire agreement that left President Taylor in power.¹¹⁴

LURD's initial reluctance in accepting a cease-fire agreement culminated in various meetings organised to agree on a framework for peace talks. In the process, a breakaway group from LURD emerged, characteristic of rebel groups in the sub-region, adding a new dimension to the Liberian conflict. The group, numbering 200-700 fighters, known as the Movement for Democracy in Liberia (MODEL), invaded Liberia mainly from the south western parts of Côte d'Ivoire, rapidly capturing several counties in the southeast of the country.¹¹⁵

Following MODEL's renewed attacks, political opposition groups and rebel forces called for the postponement of the 14 October 2003 elections, prompting a joint United Nations, African Union, and ECOWAS response on multidisciplinary needs assessment in Monrovia in May 2003. The joint regional committee was to evaluate the conditions for the holding of free and fair elections and to explore ways in which the international community could help end the conflict in Liberia. After its mission, the committee concluded that the prevailing conditions in Liberia were not conducive for holding elections in October. The only option left was an unconditional cessation of hostilities and the convening of peace talks. An ECOWAS-sponsored peace talks eventually began on 4 June 2003 in Accra, Ghana.

THE ACCRA PEACE TALKS AND CEASE-FIRE (JUNE 2003)

During the peace talks, the Special Prosecutor of the Special Court for Sierra Leone, David Crane, announced the indictment of Charles Taylor for war crimes committed during Sierra Leone's 11-year civil war. The indictment order nearly destroyed the ongoing peace talks, given the uncertainty of Taylor's status and possible arrest. This led to Taylor's immediate departure to Liberia, fearing his possible arrest. It took a resolute group of West African leaders to continue negotiations on the Liberian peace process. The peace talks was relocated to a new venue (Akosombo) in Ghana, where the warring parties were asked to study a draft cease-fire agreement prepared by ECOWAS, the United Nations, Ghana, and the United States.

LURD capitalised on Taylor's indictment by attacking Monrovia and in the process heightening the conflict in Liberia with grave humanitarian crisis. In its effort to salvage a fragile peace process and as part of its mediation efforts, an ECOWAS mediation team arrived in Monrovia on 10 June 2003 to discuss with President Taylor the ways forward for the peace process. The talks eventually yielded some benefits among which a cease-fire agreement was negotiated on 17 June 2003, calling for the formation of a national transitional government within 30 days of the cease-fire. It also stipulated President

¹¹⁴ *Ibid.*

¹¹⁵ On the origins of MODEL, see *Tackling Liberia: The Eye of the Regional Storm*, International Crisis Group, Africa Report No 62, 30 April 2003.

Taylor's exclusion from the transitional government. But like other cease-fire agreements before it, this cease-fire agreement held for less than a week before the launch of a second attack bringing the determined rebels into Monrovia's industrial area, Bushrod Island; a strategic location for rebel activities and its bargaining position in the peace talks.

The 17 June 2003 Cease-fire Agreement between the LURD, MODEL, and representatives of the Taylor government called for a West African-led "stabilization force" of more than 2,000 troops to be on the ground in Liberia within 60 days of the signing of the agreement. At a summit meeting held in Dakar, Senegal on 2 July 2003, ECOWAS leaders decided to deploy a Vanguard Force to Liberia to help stabilize the security situation and facilitate the handover of power by President Taylor to his Vice-President, Moses Blah. On 1 August 2003, the Security Council adopted resolution 1497 (2003), authorizing the establishment of a multinational force in Liberia and declaring its readiness to establish a follow-up United Nations stabilization force to be deployed no later than 1 October 2003.

ECOMIL DEPLOYS (AUGUST 2003)

On 4 August 2003, an ECOWAS Vanguard Force of 3,566 arrived in Monrovia. Acting under Chapter VII of the UN Charter, the ECOWAS Mission in Liberia (ECOMIL) had four tasks: to establish zones of separation between all parties to the conflict in order to secure the ceasefire; to create conditions for the delivery of humanitarian aid; to create the conditions for freedom of movement of persons; and to prepare for the deployment of an International Stabilization Force (ISF). Fighting in the capital came to an immediate halt; even before vanguard troops had left the airport. ECOWAS's rapid deployment and execution of tasks assigned it was carried out to the admiration of the international community and lauded by sections of the Liberian public. In this particular intervention, neither a single shot was fired nor were sides taken in favour of either of the warring parties. Legality and legitimacy were also not an issue as compared to the 24 August 1990 intervention. This positive development reinforced the need for establishing various sub-regional stabilisation forces to facilitate rapid response to civil wars/humanitarian crisis prior to a larger AU or UN intervention peace missions.

President Taylor handed over power to Vice-President Moses Blah on 11 August 2003 and, at the invitation of the President of Nigeria, left Liberia for Calabar, Nigeria. Meanwhile, peace talks continued in Ghana between rebel factions and the government of President Moses Blah. The hand-over initially left both LURD and MODEL devoid of any concrete goals or strategic policies for the future of Liberia as their only goal was to remove Taylor from power. As the peace negotiations in Accra progressed, however, and their chances of success became brighter, the leadership of both groups began making increasing demands regarding their role in the interim government.¹¹⁶

¹¹⁶ Nicole, Itano. *Liberating Liberia: Charles Taylor and the rebels who unseated him*, ISS Occasional Paper No 82, November 2003.

THE COMPREHENSIVE PEACE AGREEMENT (2003)

Parties in the peace talks finally signed the Comprehensive Peace Agreement (CPA) on 18 August 2003 in Accra after more than two months of ECOWAS mediation and negotiations. The CPA declared an immediate end to the war and provided for the establishment of a National Transitional Government of Liberia (NTGL) as stipulated earlier in the peace process. The transitional or caretaker government gave equal power to the Liberian government and each of the two rebel groups, LURD and MODEL.¹¹⁷ The NTGL was to take over on 14 October 2003 from the interim government. Mr. Gyude Bryant, a businessman and leader of the Liberian Action Party, was nominated by the warring factions to head the NTGL. The CPA also requested the United Nations to deploy a force to Liberia under Chapter VII of the Charter of the United Nations.¹¹⁸

ECOWAS's somewhat timely and rapid response to the second Liberian war, coupled with its consistent mediation and negotiation efforts paved way for the deployment of a UN peacekeeping force in Liberia. After the signing of the CPA, the Security Council unanimously adopted resolution 1509 (2003) on 19 September 2003, authorizing the UN Mission in Liberia (UNMIL). The Council requested the Secretary-General to transfer authority to UNMIL from the ECOWAS-led forces. The Council commended ECOWAS for its rapid and professional deployment. UNMIL thus took over peacekeeping duties from ECOWAS forces on 1 October 2003, "rehatting" the West African troops who had been serving with ECOMIL as United Nations peacekeepers.¹¹⁹

UNMIL had broad and specific mandates. Its broad mandate was to support the implementation of the ceasefire agreement and the peace process; protect United Nations staff, facilities and civilians; support humanitarian and human rights activities; as well as assist in national security reform, including national police training and formation of a new, restructured military. UNMIL's specific task was to assist the transitional government in re-establishing national authority throughout the country, including the establishment of a functioning administrative structure at both national and local levels. The success of UNMIL would however be dependent upon its important mandate of assisting the transitional government, in conjunction with ECOWAS and other

¹¹⁷ The NTGL is comprised of: (i) The National Transitional Legislative Assembly (NTLA); (ii) The Executive; and (iii) The Judiciary. The equal number of representation on the NTLA by the transitional government and the two rebel groups could be considered as a concession, on the one hand, to belligerents and on the other, as a compromise to a peaceful resolution of the Liberian crisis. It could also be argued further as encouraging activities of irregular forces who demonstrate credible opposition to a sitting government's monopoly over the use of force within its territory.

¹¹⁸ *ECOMIL AAR, op cit.*

¹¹⁹ The "rehatting" concept of ECOMIL into UNMIL entails the literal changing of national berets for a blue UN beret or helmet. This process involved the ceremonial handing-over of command and control from an ECOWAS Special Representative of the Executive Secretary/ Force Commander and their forces to a UN Special Representative of the Secretary-General/Force Commander. The ECOWAS forces on the ground were maintained with the beefing up of its force strength from over 3000-strong force to 15000, involving troops from other parts of the world.

international partners, in preparing for and holding national elections scheduled for October 2005.

LESSONS

Some impressive and commendable decisions were taken by the Heads of State to set the record straight in the Liberian peace process amidst difficulties in reaching an agreement. To begin with, ECOWAS Heads of State reiterated the position of ECOWAS on the non-recognition of any take-over of power by force and thus re-affirmed their support for the ECOWAS Protocol on Democracy and Good Governance of 2001 and the OAU/AU's 1999 Decision in Algiers, both of which condemn unconstitutional change of governments. They also reaffirmed the commitments made under the 1978 ECOWAS PNA not to encourage or condone acts of subversion, hostility or aggression against the territorial integrity of member states. None of the leaders among the warring parties was also allowed to occupy the position of President and Vice President in the Transitional government of Liberia.¹²⁰ The sheer will and genuine commitment on the part of some West African leaders gave credibility to the process. Added to this also, was the willingness of the various warring parties to comply with the CPA for partially having their demands met and pressure from civil society groups to secure peace in Liberia. The comprehensiveness of the peace agreement also provided no credible grounds for major disaffection as it covered key issues related to restructuring governance and reform of the security sector with emphasis on inclusiveness.

This notwithstanding, the CPA gave more credence to the warring factions rather than civil society in the transitional government. Political parties had the highest representation of about 23%, followed by the counties which had about 20% on the NTLA. The Government of Liberia (GoL), LURD and MODEL got equal representation of about 16% each in the transitional government, and last but not least, civil society occupied about 9% of the seat in the Assembly.¹²¹ The positive influence of civil society in governance (that is critiquing bad government policies and shaping decision-making processes) in a post-conflict situation is crucial. Hence the smaller representation of civil society in the NTLA, though commendable, stands the risk of undermining its influence – mainly in terms of advocacy and representing the interest, hope and aspiration of civil society and special interest groups that did not wield the tools of violence in the civil war – in governance. Again, the composition of the NTLA reaffirms the stark reality that peace agreements favours actors with the power to destabilise the peace process rather than law abiding citizens.

The rehatting of ECOMIL by UNMIL and the massive involvement of the UN in the Liberian peace process came as a result of a credible, fair and accommodating peace

¹²⁰ Extraordinary Summit of ECOWAS Heads of State and Government on the Situation in Liberia - Final Communiqué, Accra, 31st July 2003. The mere reaffirmation of support for the Supplementary Protocol on Democracy and Good Governance, however, was not enough to prevent the fighting in Liberia.

¹²¹ The formula for the composition of the NTLA (made up of a total of 76 members) were as follows: GoL – 12 seats; LURD – 12 seats; MODEL – 12 seats; Political Parties – 18 seats; Civil Society & Special Interest Groups – 7 seats; and Counties – 15 seats.

process and a comprehensive peace agreement brokered under a committed and dedicated ECOWAS leadership, supported by the AU, to bring peace to Liberia. Security Council Resolution 1509 (2003) clearly commended the rapid and professional deployment of ECOMIL forces to Liberia, pursuant to its resolution 1497 (2003) and welcomed the AU's continued support for the leadership role of ECOWAS.

While these developments indicate ECOWAS's increasing maturity in the brokering of peace agreements, and point to progress in the implementation of the *Mechanism*, there is clearly still more peacebuilding work to be done in Liberia. A primary concern at this stage of the process is the pending round-off elections scheduled for late November 2005 after the first-round in October 2005, and the sustenance of democratic governance in Liberia. Transitional justice, reform and accountability in governance pose formidable challenges in the run-up to the elections since the rule of law and credible democratic institutional frameworks are needed to guarantee peaceful, free and fair elections.

CHAPTER 6

CÔTE D'IVOIRE

ORIGINS OF THE CIVIL WAR

Côte d'Ivoire's political problems intensified after the death of its founding President, Houphouët Boigny, on 7 December 1993. Prior to his death, the country enjoyed relative stability and economic prosperity in a generally unstable West African region over a period of three decades after its independence in 1960. The vibrant economy attracted a large number of foreign workers (mainly from Burkina Faso, Mali and Ghana) and investors.

The death of Houphouët Boigny, however, plunged the country into a period of protracted power struggle, owing to his long one-party rule (despite the presence of his protégé, Konan Bédié). Former President Konan Bédié, who replaced the country's long-term leader, enunciated the policy of *Ivoirité* and succeeded in eliminating his key political opponents, including Alassane Ouattara of the Rally of the Republicans (RDR). The power struggle centred on nationality laws and eligibility criteria for elections which favoured, mainly, inhabitants from the southern Côte d'Ivoire to the detriment of the northerners. The interplay of complex political issues related to identity and citizenship, the quest for power and the eventual political exclusion of political opponents from elections led to an unconstitutional change in government by the late General Robert Guei in 1999. The *status quo*, however, remained, creating tensions which culminated in massive protests against the late General's government and his exit after the 2000 elections. President Laurent Gbagbo, who took over government after the exit of General Guei, reinforced the concept of *Ivoirité*, marginalising the impoverished and largely politically marginalised inhabitants of the north. These undercurrents induced a revolt from the ranks of the late General's loyalists - specifically about 800 men who were demobilised from the national army known as Forces Armées Nationales de la Côte d'Ivoire (FANCI) in September 2002.

The bloody revolt led to the death of General Guei and some members of his family in the process. An ill-equipped and ill-prepared Ivorian army eventually mobilised its rank and file, and in a few days of fighting, repelled the rebels from Abidjan but lost the northern cities of Bouaké and Korhogo. The conflict has since grown in scope and intensity with the emergence of three different rebel groups - the Patriotic Movement of Côte d'Ivoire (MPCI), the Movement for Justice and Peace (MJP), and the Movement of the Great West (MPIGO) which are, collectively known as the *New Forces*. In anticipation of a major humanitarian disaster, France, the country's former colonial master and chief foreign backer, reinforced its 600-strong permanent military presence in the country (the result of a pact signed in the 1970s) to a 4000-strong force to separate the warring parties. The *New Forces* are still effectively holding on to the northern half of the

country, with the Ivorian government controlling the southern part with the assistance of a UN peacekeeping force.¹²²

ECOWAS INTERVENES: ACCRA I (SEPTEMBER 2002)

The outbreak of the Ivorian Crisis in September 2002 led initially to the signing of two peace agreements under the auspices of ECOWAS. These are the 17 October Cease-fire Agreement signed in Abidjan and the Lomé Agreement, signed on 1 November 2002, in Lomé, Togo. The peace efforts leading to the brokering of both agreements were led by Cheikh Tidiane Gadio, Foreign Minister of Senegal, and Gnassingbe Eyadéma of Togo respectively.¹²³ The Abidjan Cease-fire Agreement paved the way for further negotiations and the signing of the Lomé Peace Agreement.

Prior to the signing of the 17 October Cease-fire Agreement, ECOWAS convened an emergency summit on the Ivorian crisis which sought to investigate the possibilities of negotiating peace with the rebels and bring the crisis to an end. This was in sharp contradiction to Gbagbo's support for a military solution to the crisis. This summit, referred to as the Accra I meeting, took place on 29 September 2002 in Accra under the chairmanship of President Wade of Senegal. In attendance were 10 West African Heads of State and Government and representatives of four other West African countries. The presence of almost all West African leaders at this summit raised much expectation and showed the varied interests and stakes involved in finding a solution to the crisis. The expected goodwill, unanimity and political commitment on the part of all leaders present in resolving the crisis, however, never materialised.

THE ABIDJAN CEASE-FIRE AND LOMÉ AGREEMENTS (OCTOBER/NOVEMBER 2002)

During the Accra I meeting, the regional body set up a Contact Group made up of six ECOWAS countries (Ghana, Guinea-Bissau, Mali, Niger, Nigeria and Togo) together with the African Union to promote dialogue between the rebels and the government of Côte d'Ivoire. The group was specifically tasked to establish contact with both parties to the crisis and encourage them to cease hostilities, bring back calm in the occupied areas, and negotiate a general framework for solving the crisis. The efforts of the ECOWAS Contact Group were frustrated by the refusal on three occasions of the Gbagbo government to sign the Abidjan agreement on grounds that signing the agreement would legitimize the rebel movement and partition the country. Following this event, the ECOWAS Executive Secretary, Dr. Ibn Chambas and the UN Secretary-General's Special Representative for West Africa, Ahmedou Ould-Abdallah participated in Foreign Minister Gadio's talks with President Gbagbo in Abidjan and with the MPCJ in Bouaké.

¹²² For further reading, see Gberie, Lansana & Prosper Addo. "Challenges of Peace Implementation in Côte d'Ivoire" *Workshop Report*, Institute of Security Studies Monograph Series, No. 105, August 2004.

¹²³ See "United Nations Mission in Cote d'Ivoire's Background" culled from the First Report of the Secretary-General on Côte d'Ivoire, 2003 at

<http://www.un.org/Depts/dpko/missions/minuci/background.html>.

These mediation efforts secured the Abidjan Cease-fire Agreement. The Agreement was signed by the MPCCI and accepted by President Gbagbo on 17 October 2002.

The Abidjan Cease-fire Agreement was followed by further negotiations in Lomé, Togo beginning 24 October 2002 to resolve the political differences between the MPCCI and the Ivorian government. The ECOWAS Contact Group designated ex-President Eyadéma to lead discussions. The talks culminated in the signing of two agreements on 31 October and 1 November 2002. The 31 October agreement saw the warring parties reaffirm their commitment to the Abidjan Cease-fire Agreement, pledged to refrain from human rights abuses, and acknowledged the need to preserve the territorial integrity of Côte d'Ivoire and to respect the country's institutions. In the 1 November agreement, the Ivorian government, among other things, agreed to submit to the National Assembly a draft amnesty law, which would include freeing jailed members of the military and permitting the return of exiled soldiers, who would be reintegrated into the army.

Soon after these commitments, the Lomé talks ended in a stalemate as the MPCCI insisted on the resignation of President Gbagbo, a review of the Constitution and holding of fresh elections. Gbagbo also demanded the disarmament of the MPCCI and their commitment to preserve the territorial integrity of the country.

The Lomé Agreement, among other things, led to the deployment of the ECOWAS Force and French forces known as the *Force Licorne* and the putting in place of a buffer zone. These measures notwithstanding, major problems undermined efforts at finding a solution to the crisis. The rebel groups stuck to their demands for the Gbagbo government to step down for fresh elections, while the government also preconditioned the successful resolution of the crisis on the disarmament of the rebel groups. These major issues were reinforced by the divided opinions on Article 35 of the Constitution dealing with eligibility criteria for election to the office of president and the reform of other equally controversial laws of the country.¹²⁴ The ongoing mistrust between the Gbagbo government and the rebels, refusal to compromise on pre-conditions for further negotiations or compliance with agreements signed, and the lack of a clear victor in the Ivorian conflict, made peace implementation in the country extremely difficult.

The Lomé Agreements, however, secured a temporal cessation of hostilities between the Government of Côte d'Ivoire, MPIGO and the MPJ who had not been part of the Abidjan Cease-fire Agreement of 17 October 2002. The Lomé cease-fire agreements together with the Abidjan agreement provided the basis for ECOWAS's intervention in the Ivorian peace process.

The initiative taken by ECOWAS through a series of interventions and mediation in the Ivorian crisis admittedly sustained and prevented a further degeneration of the crisis into full-blown civil war. The ECOWAS political leadership's role in the Ivorian peace-making process demonstrated a genuine commitment and will-power towards restoring

¹²⁴ Article 35 of the Ivorian Constitution requires presidential candidates to have both "a father and mother of Ivorian origin". This stipulation has previously prevented opposition leader Alassane Ouattara from standing elections in Côte d'Ivoire.

Côte d'Ivoire back to its status as a bastion of stability and increasing prosperity in a generally unstable and volatile sub-region. Hence the persistence demonstrated towards securing both the Abidjan and the Lomé agreements despite the initial absence of external actors outside the continent. These bold initiatives were undoubtedly complemented by the separation of the warring parties by the 4,000-strong French forces.

THE FRENCH FACTOR

The French intervention in the Ivorian peace process was initially considered as a blessing and later as a factor in complicating the Ivorian peace initiative started by ECOWAS. France's underlying interest in the initial stages of the peace process was perceived by the Ivorian government as one directed towards preserving the status of the government as a sovereign entity against rebel invasion. In his visit to Côte d'Ivoire in January 2003 which coincided with the Ivorian government's offensive against rebels and mercenaries involved in the Ivorian crisis, the French Foreign Minister, Dominique Villepin distanced himself from this perception by stating that France had no other camp except the one for peace.¹²⁵ This statement had since remained questionable given France's role and interest in the Ivorian peace-making process.

Gary Busch's editorial on the "French and the Ivory Coast Peace process" detracts from de Villepin's assertion. Busch underscored the French involvement in the Ivorian crisis and its negative impact on the peace process in terms of a resultant state of inaction and lack of reconciliation in the country.¹²⁶ Some members of the European Union and the United States of America, together with some French citizens and stakeholders in the Ivorian peace process disapproved of France's activities in Côte d'Ivoire, including its retaliatory destruction of the entire Ivorian Air force for attacking its military base near Bouaké on 6 November 2004.¹²⁷ France's activity in Côte d'Ivoire has fueled perceptions that it is siding heavily with the *New Forces* and has led to questions about its neutral status as a back-up force to the UN peace operations in Côte d'Ivoire.

Villepin's visit, nevertheless, culminated in subsequent ECOWAS and French mediation efforts and in the process, securing a cease-fire agreement between the government and the rebel groups, signed on 13 January 2003. This agreement finally paved way for the participation of the rebel groups in talks in France and the subsequent disillusionment of the Ivorian government with French efforts for not backing West African initiatives but rather promoting French agenda and interest.

¹²⁵ Keith Richburg, "France abandons hands-off Policy on African Conflicts; some fear Ivory Coast Quagmire", Washington Post, 4 January 2003, p. A10

¹²⁶ Gary Busch, "French and Ivory Coast Peace Process", Editorial, 07 January 2005 at <http://www.ocnus.net/cgi-bin/exec/view.cgi?archive=61&num=15828>.

¹²⁷ Ibid.

THE LINAS-MARCOUSSIS ACCORD (JANUARY 2003)

The Linas-Marcoussis Accord was brokered under the auspices of the French government, in collaboration with ECOWAS, AU and the UN Office in West Africa (UNOWA). The Ivorian Popular Front (FPI), the Movement of Future Forces (MFA), the Movement for Justice and Peace (MJP), the Patriotic Movement of Côte d'Ivoire (MPCI), the Ivorian Popular Movement of the Great West (MPIGO), the Democratic Party of Côte d'Ivoire-African Democratic Party (PDCI-RDA), the Ivorian Workers Party, the Rally of the Republicans, the Democratic Union of Côte d'Ivoire (UDCI) and the Union for Democracy and Peace in Côte d'Ivoire participated in the Paris meeting held from 15 to 23 January 2003. The Accord, signed by all parties in January 2003, called for the establishment of a Government of National Reconciliation (GNR) with executive powers, to ensure a return to peace and stability in Côte d'Ivoire.¹²⁸ The GNR was to be led by a consensus Prime Minister who would remain in office until the next Presidential elections and would consist of representatives of the warring factions and other parties taking part in the peace talks. The GNR was also charged with strengthening the independence of the justice system, restoring the administration and public services and rebuilding the country. The Accord further called for disarmament of all warring factions, rebuilding of the country's army by restructuring defence and security forces, expulsion of all mercenaries in the country and release and amnesty for all military personnel (including soldiers living in exile) being held on charges of threatening State security.

A monitoring committee was to be established to guarantee the implementation of the peace accord. This committee comprised: a representative of the European Union; a representative of the Commission of the African Union; a representative of the Executive Secretariat of ECOWAS; the Special Representative of the Secretary-General for West Africa (who will co-ordinate UN bodies); the representative of the International Francophone Organization; representatives of the IMF and the World Bank, the G8 countries and a representative of France.

The underlying aims of this accord were to maintain the territorial integrity of Côte d'Ivoire, create a Government of National Unity, and conduct transparent, peaceful and free elections, which would include candidates approved by legislation to be drafted by aggrieved parties. The peace agreement called for President Gbagbo to remain in power until elections are held, to which rebel leaders were reluctant to agree, and the creation of a transitional power-sharing government including both rebels and previous government officials, which many loyalists considered to be too generous to the insurgents. These reservations hindered the full implementation of the peace agreement although both sides participated in a disarmament process that began in December 2004, but failed to make any progress.¹²⁹

¹²⁸ The programme of the GNR detailed in the Annex of the Agreement cover issues on: Citizenship, identity, status of foreign nationals; Electoral system; Eligibility to the Presidency of the Republic; Land tenure regime; Media; Rights and freedoms of the individual; Regrouping, disarming and demobilizing; Economic recovery and the need for social cohesion; and Implementation of Agreement.

¹²⁹ *Armed Conflicts Report: Côte d'Ivoire*, (Project Ploughshares: 2003), at <http://www.ploughshares.ca/CONTENT/ACR/ACR00/ACR00-Coted'Ivoire.html>.

This accord was backed by UN Security Council Resolution 1528¹³⁰ which established the United Nations Operation in Côte d'Ivoire (UNOCI) to replace the United Nations Mission in Côte d'Ivoire (MINUCI)¹³¹. The UN took over the Ivorian peace process based, among other factors, on the progress achieved by ECOWAS in the Ivorian peace process, and called for by the Secretary-General in paragraph 86 of his report on Côte d'Ivoire of 6 January 2004 (S/2004/3), and subsequently presented to the Council on 4 February 2004.

UNOCI is to coordinate with the *Force Licorne* in monitoring the cease-fire and movement of armed groups, disarmament, demobilization, reintegration, repatriation and resettlement (DDRRR), protection of UN personnel, institutions and civilians, support for humanitarian assistance and implementation of the peace process among others. Like UNAMSIL and UNMIL, UNOCI took over from the ECOWAS Mission in Côte d'Ivoire (ECOMICI),¹³² rehatting the ECOWAS Force under a much broader mandate.¹³³

Despite the signing of the peace agreements and the attempt to find a solution to the Ivorian crisis through the *Mechanism* and the United Nations Operation in Côte d'Ivoire, the peace process had been stalled several times and peace is yet to be restored in Côte d'Ivoire.¹³⁴

The take-over of the peace process by the French partly complicated issues rather than resolve them as the ruling government and its supporters expressed misgivings about the

¹³⁰ UN Security Council Resolution S/RES/1528 (2004), of 27 February, on the situation in Côte d'Ivoire.

¹³¹ MINUCI was established by Security Council resolution 1479 (2003) as political mission on 13 May 2003 to facilitate the implementation by the Ivorian parties of the Linas-Marcoussis Agreement and to complement the operations of the peacekeeping force of the Economic Community of West African State and French troops. MINUCI was replaced by the United Nations Operation in Côte d'Ivoire (UNOCI) on 4 April 2004. For further reading on MINUCI see

<http://www.un.org/Depts/dpko/missions/minuci/index.html>.

¹³² UN Security Council Resolution 1464 (2003) approved the deployment of ECOMICI together with *Force Licorne*, the French forces. ECOMICI was generally mandated to guarantee the security and freedom of movement of the personnel, observers and humanitarian agencies. The ECOMICI force had among its concept of operations: monitoring of the ceasefire line and provision of VIP protection; see to the disappearance of the cease-fire line and the extension of operations into the wider territory of Côte d'Ivoire; ensure support to the process of DDR; and finally, drawdown and withdrawal of ECOMICI forces. The concept of operations was never completed before the rehatting of ECOMICI into UNOCI. For further reading on ECOMICI, see Gberie, Lansana & Prosper Addo, op. cit., pp. 26-33.

¹³³ For more on UNOCI see <http://www.un.org/Depts/dpko/missions/unoci/>.

¹³⁴ Though considered as one of the fastest peace processes in contemporary African history, the Linas-Marcoussis Agreement had so many weaknesses. These include among others: granting portfolios to rebels in government, as in the case of Liberia and Sierra Leone; failure to address the regional dimension of the conflict, including the role of Liberia and Burkina Faso in the crises; rushing the peace process; and failure to adequately address the issue of mass recruitment and atrocities committed. For more details on the strength and weaknesses of the Linas-Marcoussis Accord see

<http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/b5f9750e376df602c1256cd1004a4d63> .

refusal of the French to back the West African peace process. They perceived the peace process and agreements reached as biased in nature. President Gbagbo called the Linas-Marcoussis Accord a set of "proposals" as opposed to a final agreement. Even political party leaders (except the RDR) who signed the peace deal have denounced the agreement and particularly the intention of granting the Defense and Interior Minister profiles to the rebels. They insist that Marcoussis did not have any clause on the allocation of posts and blamed the Heads of State at the Kléber summit and France for considering rebels for such strategic posts.¹³⁵ The Gbagbo government rejected the request.

ACCRA II (MARCH 2003)

Challenges faced with the implementation of the Linas-Marcoussis Agreement led to the signing of an Accra II Agreement on 7 March 2003.¹³⁶ This agreement sought to put the Linas-Marcoussis Agreement back on track and reinforce the need for its implementation. Present at this meeting were the Ivorian Popular Front (FPI), the Ivorian Worker's Party (PTI), the RDR and Union for Democracy and Peace (UDPCI). Others are the MPCCI, MPIGO, PDCI-RDA, the Democratic and Citizenship Union (UDCY) and the movement of the Forces of the Future (MFA). The meeting was chaired by President Kufour of Ghana while representatives of ECOWAS, the AU and other prominent personalities, including the Special Representative of French Speaking Countries Organisation (OFI), were also present at the meeting.

The representation at this meeting gave credible grounds for optimism, given that virtually all stakeholders were present at the Accra II meeting, and that expectations of their interests being captured in the peace agreement was high. The participants at the meeting confirmed their total adherence to the Linas-Marcoussis Agreement and considered it as the appropriate framework for finding a final solution to the Ivorian Political crisis. Parties to the agreement also hailed the decision to delegate power to the reconciliation government and proceed to set up the reconciliation government. The meeting also recommended the urgent creation of National Security Council (NSC) comprising 15 members, the attribution to the MPCCI of two state Ministries (the Ministry of Territorial Administration and the Ministry of Communication), and the respect of the choices made by political parties to appoint their representatives to the reconciliation government.

These and other fruitful recommendations made by the Accra II Agreement still did not achieve peace in Côte d'Ivoire. Subsequent problems encountered after this agreement questioned the very basis of the agreement signed by the various parties present; its authenticity, ownership and the level of commitment.

¹³⁵ See "Crisis in Côte d'Ivoire: Saving the Peace after the Peace Accord" *Forum on Early Warning and Early Response (FEWER)*, 17 February 2003, at <http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/b5f9750e376df602c1256cd1004a4d63>.

¹³⁶ See Accra II Agreement About Ivory Coast Political Crisis at http://businessafrica.net/africabiz/ezine/wa/accra_agreement.php.

ACCRA III (JULY 2004)

An agreement known as the Accra III Agreement was signed in Accra on 30 July 2004 to reactivate the peace process and put the implementation of Linas-Marcoussis back on track. The heavy presence of 17 African Heads of State and Representatives of government, including President Laurent Gbagbo of Côte d'Ivoire, and the UN Secretary-General, Kofi Annan and the Chairman of the African Union, Olusegun Obasanjo again, showed the commitment on the part of the political leaders on the continent to find a solution to the conflict.

The Accra III Agreement addressed the weaknesses that were identified in the Marcoussis Peace Accord. The process of legislative reforms to deal definitively with the question of *Ivoirité* and the citizenship controversy was outlined. The key issues relating to land, considered as one of the major root causes of the Ivorian crisis was also addressed in relationship to the question of citizenship. Electoral restrictions and the exclusion of those perceived to be ineligible were scrutinized with concrete agreements to remove such restrictions through legislative reforms.¹³⁷ The Accra III agreement called for a return of the *New Forces* into the Government of National Reconciliation, for the government to ensure all the reforms demanded by the Linas-Marcoussis peace accord in the statute book by the end of September (two weeks to disarmament), and for the *New Forces* to start disarmament by 15 October 2004. The rebels have, however, refused to disarm after the scheduled date of disarmament citing lack of reforms on eligibility to the presidency among other reasons for their non-compliance.

The only positive development brought about by the Accra III Agreement was the return of the *New Forces* to the Government of National Reconciliation but this, again, suffered several set-backs characterised by a series of withdrawals from the GNR. The peace process has also been overshadowed by an uneasy calm in Côte d'Ivoire, after a violation of the 18-month cease-fire by the Ivorian army on 4 November 2004, in which 9 French peacekeepers were killed, and the Ivorian Air force destroyed by the French government as a retaliatory measure.

In essence, the response to the Ivorian conflict on the political front has been swift and encouraging. ECOWAS, the AU, the EU, the UN and the French government showed concern and came to the rescue of the country. The problem, however, has to do with reaching a consensus on key political issues such as political exclusion, identity and citizenship, reforming key institutions, and the mistrust among parties to the peace agreement on the one hand, and the Gbagbo government and French government/*Force Licorne* on the other.

The act of legitimising belligerent forces, usually non-state actors, through the signing of peace agreements remains at the heart of the issue. It undermines the ECOWAS

¹³⁷ See Takwa, Z. S., & Emmanuel Bombande, "Breaking the Ivorian Cycle of Violence: An Urgent Imperative" *WARN Policy Brief*, 11 November 2004, p.2.

Supplementary Protocol on Democracy and Good Governance which rejects, outright, the unconstitutional change of governments.

With all the difficulties encountered in the Ivorian peace process, including the entrenched positions taken by parties to the conflict, disaffection and mistrust for actors mediating in the peace process, and a basic resolve to restore the peace to a divided country, it became prudent for the AU to engage President Thabo Mbeki of South Africa as a neutral mediator in the Ivorian peace process.

PRETORIA I (APRIL 2005)

Following a series of meetings with the Ivorian government and the *New Forces* to restore the stalled Ivorian peace process back on track, and carry on with scheduled disarmament, demobilisation and reintegration programmes, a Pretoria I Agreement on the Peace Process in Côte d'Ivoire was signed on 6 April 2005.¹³⁸

Key Ivorian political leaders were present at the Pretoria meeting which took place in Pretoria, South Africa from 3-6 April 2005 and chaired by President Thabo Mbeki. The political leaders present at the meeting were President Gbagbo, Prime Minister Seydou Diarra representing the Government of National Reconciliation and former President Henri Konan Bédié representing the Democratic Party of Côte d'Ivoire (PDCI). Former Prime Minister Alassane Ouattara of RDR and Minister of State and Secretary-General of the *New Forces*, Guillaume Soro, also participated in the meeting.

The Pretoria Agreement reviewed the current situation on Côte d'Ivoire and took steps to address outstanding issues undermining the implementation of the Linas-Marcoussis, Accra II and III Agreements. The agreement recalled a series of cease-fire violations and violence in Côte d'Ivoire (4-6 November 2004 and 28 February 2005 cease-fire violations, and 6-9 November 2004 violence against some members of the public), disapproving and condemning these acts and called on all parties to work together to prevent incidences of violence and war.

Parties to the Agreement also decided to immediately proceed with the disarmament and dismantling of the militia throughout the entire national territory. The sudden softening of stance by New Forces and subsequent signing of the Pretoria Agreement can be attributed mainly to Gbagbo's decision to allow his main opponent, Alassane Ouattara to contest the forthcoming Ivorian elections in October 2005.¹³⁹

¹³⁸ See Pretoria I Agreement at <http://www.info.gov.za/speeches/2005/05040709451001.htm>.

¹³⁹ President Gbagbo insisted on holding a referendum to change the rules governing who qualifies to contest the 2005 October elections. He, however, rescinded his decision following a request from President Mbeki of South Africa to allow Alassane Ouattara to contest the October elections. For more on this, see "Côte d'Ivoire: Elections Designed to Restore Peace Set for 30 October", *IRINNEWS.ORG*, Friday 29 April 2005 at <http://www.globalsecurity.org/military/library/news/2005/04/mil-050429-irin02.htm> accessed 14 June 2005.

In essence, the parties to the agreement made a joint declaration to end the war, embark on the DDR programme, ensure security in the area under the control of the *New Forces*, and constitute an independent electoral commission to supervise the elections in October.

PRETORIA II (JUNE 2005)

The Pretoria I Agreement again failed to kick-start the Ivorian DDR process, facilitate political reforms and pave way for the October elections. The main reason for the failure was with delays in implementing political reforms by the Gbagbo government as agreed, and thus the rebels also failed to respect earlier deadlines established for starting disarmament. The failure of the Pretoria I Agreement created a sense of urgency as a result of delayed preparations towards the elections. This, together with the recent massacre (in which 51 lives were lost) in Duekoue, in western Côte d'Ivoire in June 2005, led to the signing of yet another agreement; this time around, a Declaration on the Implementation of the Pretoria Peace Agreement on the Peace Process in Côte d'Ivoire signed on 29 June 2005 (Pretoria II Agreement).¹⁴⁰

The meeting was attended by Laurent Gbagbo, Prime Minister Seydou Diarra, former President Henri Konan Bedie, again representing the PDCI, former Prime Minister Alassane Dramane Ouattara, representing the RDR, and Minister of State Guillaume Soro, Secretary-General of the *New Forces*. The meeting was again under the chairmanship of President Thabo Mbeki.

As an implementation agreement, the Pretoria II Agreement reviewed progress made towards implementing the Pretoria I Agreement, while underscoring some elements that had not been implemented. The Agreement began with a joint declaration which underscored the end of the civil war in Côte d'Ivoire on 6 April 2005, and called for further measures to reinforce this message and end hostilities. It then reviewed limited efforts made so far towards implementing DDR in Côte d'Ivoire, calling on both the government and the *New Forces* to begin the DDR process from 29 June (to 20 August 2005) and the end of July respectively. This is to be done simultaneously with the amendment of nationality and identity laws which should have been adopted by 15 July 2005.

Other major issues covered were on security (in areas controlled by the *New Forces*, for Ministers of State and Presidential Candidates, and towards necessary security plans for elections), the independent electoral commission and the organisation of elections, access to the Ivorian Radio and Television by all parties, and re-tabling of laws. Eligibility to the Presidency of the Republic, the importance of the role of mediation and most importantly, appropriate AU sanctions to be imposed on parties that fail to implement the Pretoria Agreements were also covered. The provisions on mediation and sanctions in the Pretoria II Agreement distinguished it from other peace agreements brokered on conflicts in West Africa.

¹⁴⁰ See <http://www.info.gov.za/speeches/2005/05070510151004.htm> accessed on 12-07-05 for a copy of the Declaration.

LESSONS

This particular implementation agreement, unlike the others, sought to break the cycle of non-compliance with signed peace agreements in West Africa (both on Côte d'Ivoire and the Mano River Union area). Hence the recognition of the need to highlight mediation to parties of the agreement as an important confidence-building approach to resolving the crisis and a preferred option; failing which sanctions would be used as a last resort to elicit compliance.

Nathan would argue, however, that “punitive action [against those refusing to comply with signed peace agreements by mediators] is intrinsically inappropriate. The contention is simply that such action should be taken by a body other than the active or prospective mediator.”¹⁴¹ This position raises questions about President Mbeki’s role as the mediator on behalf of the AU and provisions made in the agreement for AU as a mediator to impose sanctions against parties failing to fulfill their obligations under the Pretoria II Agreement. Beyond this, however, provisions are made for the AU to recommend imposition of sanctions by the UN. The provision in the agreement states that the parties, as a further demonstration of their commitment to the implementation of the Pretoria Agreements, agree that the AU should impose appropriate sanctions against those parties who fail to implement the Pretoria agreements and block the peace process. Similarly, the parties agree that, on such failure, the mediation would proceed to recommend imposition of the UN sanctions as set out in Resolution 1572 of Nov 15, 2004 and other relevant Security Council resolutions.

A preferred option on sanctions in the Ivorian peace process would be for the AU to adopt the latter approach of recommending sanctions to be imposed by the UN Security Council. This would enhance President Mbeki’s status and that of the AU in its mediation process rather than being construed as wielding “carrots and sticks”. Besides, a qualitative difference exists between UN sanctions and that of the AU given its composition as a world body and greater (though very imperfect) ability to impose and ensure compliance with sanctions. This initiative of stating the possibility of using leverage to pressurise antagonists into settlement might only be useful when respective bodies expected to impose sanctions have the capacity (with regard to using both economic and military resources) to do so.

One other problem worth considering, especially in the context of the Ivorian peace process, relates to the negative perception about the role played by foreign mediators, either individual personalities or states, who are usually considered as foreign to the peace-making process in the sub-region. In one such instance the French President, Jacques Chirac, was reported to have advised President Mbeki to “understand the soul of West Africa” in order to broker a peace deal in Côte d'Ivoire.¹⁴²

¹⁴¹ Nathan, Laurie op. cit., p. 71.

¹⁴² Quoted in BBC News, Friday 4 February 2005 at <http://news.bbc.co.uk/2/hi/africa/4232551.stm>.

Foreign mediation in West African conflicts, like elsewhere, is very challenging, and the lack of knowledge or a good understanding of the nature of conflict in the region complicates the peace-making process. Despite this claim by President Chirac, South Africa's Deputy Foreign Minister, Aziz Pahad, together with others were of the opinion that President Mbeki had achieved more in the troubled country in three months than others had achieved in two years.¹⁴³ Successful elections in October 2005 without any major upset in the peace process would have validated President Mbeki's credible mediation in the Ivorian peace process.¹⁴⁴

Currently, however, chances of holding the elections in October have elapsed, given that the *New Forces* have refused to disarm and the scheduled dates of disarmament have passed. Options remain under the Pretoria II Agreement either for the AU to recommend to the UN imposition of sanctions on the defaulting party or parties to the agreement and/or continue with its mediation efforts. This notwithstanding, the AU together with ECOWAS have declared their intentions to resume negotiations on the Ivorian peace process in an attempt to find a peaceful and lasting solution to the ongoing crisis in the country. An expected meeting between all signatories to the Linas Marcoussis and its complementary peace agreements and the two African leaders (i.e. President Obasanjo and President Mbeki) is yet to materialise.

Instead, the warring factions in the Ivorian crisis have, reportedly, started rearming amidst demonstrations for President Gbagbo to step down from power after the end of his mandate on 30 October 2005. The UN Security Council Resolution 1633 (2005) have reaffirmed its endorsement of the decision of the AU Peace and Security Council for President Gbagbo to remain in office for another year.¹⁴⁵

Clearly, a convergence of individual and institutional efforts is anticipated as the only means available for mediation in the Ivorian crisis. Hence the establishment of an International Working Group at the Ministerial level and its subsidiary Mediation Group to carry the Ivorian peace process forward under the co-chairmanship of the Chairs of the AU and ECOWAS, and the AU Mediator in the Ivorian peace process. It is expected that the adoption of the collaborative institutional approach in the negotiation and mediation processes would add the much needed trust and credibility to move the peace process forward.

¹⁴³ Ibid.

¹⁴⁴ For more on the state of DDR in Côte d'Ivoire and challenges to up-coming elections in October 2005, see http://www.wanep.org/image/WARN_Policy_Brief_July_2005.pdf accessed 12 July 2005.

¹⁴⁵ See UN Security Council Resolution S/RES/1633 (2005) at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/564/35/PDF/N0556435.pdf?OpenElement>.

CHAPTER 7

SUMMARY AND CONCLUSION

This monograph has outlined the difficulties that have bedeviled peace processes in West Africa since the start of the civil war in Liberia in the early 1990s, by focusing on peace agreements brokered at the instance of the ECOWAS. Key among these challenges are fragmented politics among West African leaders and the backing of non-state actors by states such as Liberia, Sierra Leone, Guinea, Côte d'Ivoire and Burkina Faso. These challenges underscore states' vested interest and complicit roles in conflicts in West Africa. Another challenge was the tacit support provided by ECOMOG (as a neutral body) in the peace process which reinforced NPFL's resilience to the Liberian peace-making process. Other challenges identified are well-armed non-state actors posing formidable resistance to ECOWAS forces, delays in peace implementation based on over-ambitious time schedules and the absence of a clear or dominant victor in warfare in West Africa. The splintering of rebel groups, motivated by greed rather than grievance, porosity of borders encouraging movement of combatants from one conflict to the other, and excess availability and illicit flow of small arms and light weapons also continue to pose major difficulties.

The attempt to resolve the Liberian crisis, the earliest in the matrix of destructive insurgencies in West Africa since the end of the Cold War, revealed all these flaws, but similar problems were manifest in the attempts to resolve the Sierra Leonean crisis – derivative of the Liberian one – and to a smaller extent that of Côte d'Ivoire and Guinea-Bissau. Nevertheless, peace-making in West Africa has evolved markedly from a range of *ad hoc* measures to a more structured approach detailing principles, procedures, institutions and possibly relevant actors for conflict prevention, management and resolution. Despite these developments, peace-making still remains a challenge in West Africa.

To begin with, the intra-state nature of conflicts such as those in Liberia, Sierra Leone, and Côte d'Ivoire have posed legal challenges to peace implementation in West Africa. The key issue under consideration here relates to interventions before and after the establishment of the *Mechanism*. ECOMOG's controversial intervention in Liberia and its possibility of eliciting compliance with signed peace agreements is pertinent. As a purely internal conflict, ECOMOG's intervention in Liberia in August 1990 was construed as contradicting Article 18 (2) of the PMAD. This particular intervention, a test case for West Africa at the time, was also perceived by some West African countries, especially Francophone states, as constituting a violation of the principles of non-interference enshrined in the OAU Charter,¹⁴⁶ and the sovereign equality and territorial integrity of Liberia, also guaranteed both in the OAU (now AU) and the UN Charters.¹⁴⁷

¹⁴⁶ Article III (1), (2) and (3) of the OAU Charter.

¹⁴⁷ Article II (1) and (4), Principles, UN Charter.

Hence, the intervention was generally perceived as lacking a firm legal basis. This notwithstanding, the intervention was later backed by UN Resolution 788, recalling Chapter VIII of the UN Charter on Regional Arrangements, reaffirming the Council's support for the Yamoussoukro IV peace agreement and supporting an armed embargo imposed by ECOWAS on the warring factions.¹⁴⁸ The subsequent AU Constitutive Act and the establishment of the AU Peace and Security Council (PSC) have made provision for such interventions in future.¹⁴⁹ The fact however remains that the shaky legal basis for ECOMOG's intervention in Liberia impacted negatively on the Francophone member states' initial commitment to the peace process and the NPFL's willingness to comply with the signed peace agreements.

However, the positive precedent set by ECOMOG's intervention to prevent carnage and the spread of the civil war, and the backing granted by the UN Security Council (and the OAU/AU) spurred on ECOWAS's sub-regional interventions (in Sierra Leone, Guinea Bissau and Côte d'Ivoire). The initial intervention in Liberia by ECOWAS, despite its *ad hoc* nature and its fall-out, is commendable for its timeliness in assuaging further humanitarian disasters. The establishment of the *Mechanism* also clarified, stating clearly, the conditions under which interventions are authorised.¹⁵⁰ In the case of Côte d'Ivoire, the character of the French intervention (through the *Force Licorne*) from the perspective of Ivorians, smacks of complicity in rebel violence, but UN Security Council Resolution 1464 gave it the legal backing together with ECOWAS forces, to facilitate the implementation of the Linas-Marcoussis Agreement.¹⁵¹

On the other hand, compliance with peace agreements in West Africa only happens when it becomes convenient for the parties in conflict; for instance, a warring faction is disadvantaged and has to seize the opportunity to rearm, or when most of its demands are met in the agreement. This has resulted in the morphology of originally brokered framework-substantive peace agreements into several others, especially implementation agreements. Classic examples in this case are those of the Liberian and the Ivorian peace agreements. Peace enforcement by ECOWAS, therefore, remains a fundamental challenge. This notwithstanding, ECOWAS's plan to establish a rapid deployment force (known as ECOWAS Standby Force with an anticipated force-strength of 6500) capable of a range of missions, including peace enforcement is in its advanced stage. It is hoped that the establishment of such a force will enhance ECOWAS's peace-making efforts in terms of implementing signed peace agreements.

Bad governance and divisive politics among regional Heads of State and Government have posed and continue to pose challenges to peace implementation in West Africa. The

¹⁴⁸ UN's intervention and backing of the ECOMOG intervention in Liberia came about three years after the outbreak of the crisis. See Security Council Resolution S/RES/788 (1992) adopted at its 3138th meeting.

¹⁴⁹ Article 4 (h) and (j) of the AU Constitutive Act.

¹⁵⁰ See Article 25 of the *Mechanism* which states among other things that the mechanism shall be applied in case of internal conflict: (a) that threatens to trigger a humanitarian disaster; or (b) that poses a serious threat to peace and security in the sub-region.

¹⁵¹ S/RES/1464 (2003), UN Security Council Resolution on the Situation in Côte d'Ivoire, 4 February.

tacit support given by some leaders to non-state actors against other state actors (as experienced especially in the Liberia, Sierra Leone and Côte d'Ivoire civil wars) and complicit roles played in armed conflicts for political and economic gains, have undermined efforts at signing and implementing peace agreements. In effect, the actual or perceived partiality, non neutral and unacceptable status of mediators taints their credibility, and breeds suspicion and mistrust. These factors detract from the willingness to comply with signed agreements.

Political differences among West African leaders have also undermined peace-making. This is often reflected in the lack of political will to support peace-making processes, especially in the area of peace implementation or enforcement. There is, as a result, divided opinion on issues of peace-making and timely response to potentially explosive conflict situations.

One other important political issue worth mentioning is the difficulty ECOWAS faces in upholding the provision on “zero tolerance” for power gained through unconstitutional means. The provision is detailed in the constitutional convergence principles of the Supplementary Protocol on Democracy and Good Governance.¹⁵² The recognition given in peace agreements to non-state actors who take up arms against legally constituted regimes, only sets the wrong precedent and encourages impunity (more so, when dominant belligerent forces are granted amnesty and political power – something usually also written into peace agreements).

The counter argument also holds, in the sense that there is implicit recognition, by some mediators and opposing parties in conflict, that some governments are bad, biased and unacceptable, and thus have no credibility or right to govern. Meanwhile, the *Mechanism* (and the African Peer Review Mechanism concept) relies heavily on governments to intervene in, and resolve or manage conflicts before they break out. Hence the operationalisation of the peer review concept must carefully focus on addressing misconduct and complicity of states in conflict at sub-regional and regional levels.

The security architecture of West Africa is quite advanced as it stands now with the establishment of the *Mechanism* and its supporting protocols, but lacks enforcement capabilities. Prior to the establishment of the *Mechanism*, the peace-making process was very much dependent on relevant portions of available security protocols, coupled with the political will of some ECOWAS leaders, especially in the early 1990s. This approach to peace-making posed many difficulties to implementation of peace agreements, especially in the cases of Liberia and Sierra Leone.

The establishment of the *Mechanism* has improved upon consensus-building among ECOWAS leaders, institutions and structures, and generally, conflict prevention, management, resolution, peacekeeping and security measures. The challenge, however, still relates to robust conflict prevention and rapid deployment of ECOWAS troops on peacekeeping and peace enforcement missions. It could be argued that the creation,

¹⁵² For details, see Article 1(b) and (c) of the Supplementary Protocol on Democracy and Good Governance.

adoption and institutionalisation of the *Mechanism* is a process and not a one-off event. Thus, operationalising the *Mechanism* will take a considerable amount of time to achieve its desired impact, and will require real capability, resources and funds, in order to be effective.

Still on security in West Africa, the excessive flow and availability of small arms in the sub-region coupled with political and military support from within and outside the sub-region facilitated the eruption and sustenance of these conflicts. For example, the NPFL controlled about 90 percent of Liberia and derived funds from resources exploited from this territory to finance the acquisition of human resources and military hardware for its warfare.¹⁵³ Likewise, revenue derived from the sale of diamonds in territories captured by RUF in Sierra Leone also facilitated and prolonged its insurgency on the government of Sierra Leone and efforts towards peace-making in the country. These developments strengthened the bargaining positions of RUF & NPFL, as well as other rebel groups involved in similar acts as credible (though illegal) actors in the West African peace process and forces to reckon with. The involvement of splinter groups receiving support (including human resources, military hardware and access to territory) from ECOWAS and non-ECOWAS member states complicated issues and made peace implementation difficult. The multiplicity of non-state actors and recycling of combatants (mercenaries) in zones of conflict, facilitated by cross-border movement through porous borders in the sub-region, and their lack of knowledge on rules of engagement/laws of armed conflict, had also posed various security and humanitarian challenges in peace-making processes.

Despite the many limitations and challenges, the West African peace-making processes have improved remarkably, especially with regard to the brokering of peace agreements and their substance. *Framework-substantive* agreements have over the past decade gone beyond issues of cease-fire and the stabilisation of conflict situations to cover post-conflict peacebuilding as a preventive measure against possible recurrence of conflict. The contrast between the *ad hoc* Pre-*Mechanism* peace efforts in Liberia as against its post-*Mechanism* peace-making process is a salient example.

The involvement of former colonial powers (including Britain, France and USA) in peace-making and peace implementation in the sub-region has intensified over the years, beginning with USA's partial involvement in Liberia, and subsequently, Britain in Sierra Leone and France in Côte d'Ivoire. Though these engagements have, to some extent, given fairness and credibility to the peace process through the provision of financial, material and human resources, their involvement in the process has also brought about major complications. The Republic of Côte d'Ivoire serves as a good illustration where France's takeover of the peace process from ECOWAS under the Kléber/Linas-Marcoussis peace process resulted in the implementation deadlock and military clashes between the French forces (*Force Licorne*) and the Ivorian military, and targeting of French and other foreign interests by belligerents.

¹⁵³ See Adebajo, Adekeye, op. cit., p. 73 for further reading on military difficulties encountered by ECOMOG.

The intensity and the level of involvement of the ECOWAS, AU and the UN in the various peace-making processes have also largely contributed to the success and failures of peace-making and peace implementation in the sub-region. For example, the minimal UN involvement in the Liberian and Guinea-Bissau pre-*Mechanism* ECOWAS peace-making process resulted in the failures recorded as against successes achieved in Sierra Leone, and post-*Mechanism* peace efforts in Liberia and Côte d'Ivoire. Nevertheless, much can be done to improve peace-making processes in the region as recommended below:

Awareness creation on peace agreements. Concrete efforts should be made by ECOWAS, NGOs and prominent personalities involved in peace-making to educate parties to conflict on the essence of peace agreements. Signed agreements imply the willingness to show consent, commitment and responsibility to the peace-making process which are necessary and essential factors for eliciting compliance. An assumption of these factors only undermines agreements signed.

Avoid rewarding violence. Peace agreements should seek to resolve underlying (that is both immediate and root) causes of conflict without legitimizing insurgencies, encouraging complicity and condoning violence through granting amnesty and rewards to ex-combatants. Such acts negate the zero tolerance for unconstitutional changes under the ECOWAS Supplementary Protocol on Democracy and good governance.

Develop professional security forces. Non-state armed groups have challenged and undermined the capacity of states to defend and protect their citizens, and to generally maintain stability, law and order within their territories. Some ECOWAS member states, through bad governance practices, have also created conditions for instability. Human security of citizens and the sovereignty of states are thus threatened, creating avenues for non-compliance by both state and non-state actors with peace agreements. This happens in the face of a lack of credible peace enforcement options, as evident during the pre-*Mechanism* ECOWAS peace-making processes. A simultaneous process of security sector reform, both at national and regional levels focusing on appropriate oversight functions, the building of capacity and equipping the security agencies will help address such security threats. In addition, member states must increase their defence budget expenditures to adequately resource the security sector towards providing credible security, rather than holding on to minimalist-state principles and concepts to the detriment of peace and security. Also, in line with its coercive diplomacy efforts, ECOWAS should ensure that a well-resourced, robust and credible ECOWAS Standby Force (ESF) could launch and sustain enforcement operations as an option of last resort.

Provide expert training for mediators. As part of measures to complement its coercive diplomacy efforts, training especially for ECOWAS Council of Elders and recognised ECOWAS mediators on effective negotiations and mediation before, during and after the eruption of conflicts would be timely. The United Kingdom (DfID) has allocated funding for a project to be undertaken in close consultation with the Executive Secretary and other senior staff of ECOWAS. It is envisaged that this project may include assistance to the Executive Secretariat to develop a mediation and negotiation unit as a component of

the Executive Secretary's Cabinet. In addition, consideration will be given to developing a high-level mediation-training package for nominated senior West African politicians, diplomats and military commanders, the ECOWAS Council of Elders, and ECOWAS parliamentarians.

Adopt realistic frameworks and implementation schedules. The adoption and gradual implementation of the *Mechanism* has indeed enhanced peace-making processes in West Africa. Hitherto, intervention in conflict situations and the peace-making process was *ad hoc* and not clearly defined. The establishment of the *Mechanism* has, however, delineated when to intervene in a conflict and procedures to follow in conflict prevention, management and resolution. This notwithstanding, the ECOWAS conflict *Mechanism* is still in its infant stages, and yet to be fully operationalised. This factor should be considered in brokering over-ambitious framework-substantive and unrealistic implementation agreements in the peace-making process.

Expose those who foment insurgencies. Finally, peer review by states or a shadow review by civil society should be intensified, especially in the area of peace and security since this will play an effective role in naming and shaming states promoting or sponsoring insurgencies against other states. Efforts in this direction will enhance conflict prevention in the region.

In conclusion, peace agreements are fundamental to the management and resolution of conflicts because they provide the essence of resolutions of the UN Security Council and the ECOWAS Mediation and Security Council, and thus the legal basis for peacekeeping and peace enforcement. However, the assumption that leaders of armed factions are rational political actors driven by legitimate grievances and that they will therefore commit themselves to brokered agreements is fallacious. The dangling of carrots (the confidence-building approach) must therefore be accompanied by the wielding of a sizeable stick (robust diplomacy backed by a credible enforcement capacity) for peace implementation to succeed in West Africa.

APPENDIX A**GLOSSARY OF ACRONYMS**

AAFC	Allied Forces of the Community
AAR	ECOMIL After Action Review
AFL	Armed Forces of Liberia
AFRC	Armed Forces Revolutionary Council of Sierra Leone
AU	African Union
CCP	Commission for the Consolidation of Peace
CDF	Civil Defence Forces
CMC	Cease-fire Monitoring Committee
CMRRD	Commission for the Management of Strategic Resources, National Reconstruction and Development
CPLP	Community of Portuguese Speaking Countries
ECOMICI	ECOWAS Mission in Côte d'Ivoire
ECOMIL	ECOWAS Mission in Liberia
ECOMOG	ECOWAS Cease-fire Monitoring Group
ECOSAP	ECOWAS Small Arms Control Project
ECOWAS	Economic Community of West African States
EU	European Union
FANCI	Forces Armées Nationales de la Côte d'Ivoire
FPI	The Ivorian Popular Front
GNR	Government of National Reconciliation
GOL	Government of Liberia
ICGL	International Contact Group on Liberia
IFMC	Inter-Faith Mediation Committee
IGNU	Interim Government of National Unity
IMF	International Monetary Fund
INN	International Negotiation Network
INPFL	Independent National Patriotic Front of Liberia
JMC	Joint Monitoring Commission
JMG	Joint Monitoring Group
LCC	Liberian Council of Churches

LDF	Lofa Defence Force
LPC	Liberian Peace Council
LNC	Liberian National Conference
LNTG	Liberian National Transitional Government
LURD	Liberians United for Reconciliation and Democracy
LWI	Liberian Women's Initiative
MAD	Protocol on Mutual Assistance and Defence
MFA	Movement of Future Forces
MINUCI	United Nations Mission in Côte d'Ivoire
MJP	Movement for Justice and Peace
MODEL	Movement for Democracy in Liberia
MPCI	Patriotic Movement of Côte d'Ivoire
MPIGO	Movement of the Great West
NMC	National Muslim Council
NPP	National Patriotic Party
NPFL	National Patriotic Front of Liberia
NPFL-CRC	NPFL Central Revolutionary Council
NPRAG	National Patriotic Reconstruction Assembly Government
NTGL	National Transitional Government of Liberia
NTLA	National Transitional Legislative Assembly of Liberia
OAU	Organisation of African Unity
OFI	French Speaking Countries Organisation
PCASED	Programme for Coordination and Assistance for Security and Development
PDCI	Democratic Party of Côte d'Ivoire
PDCI-RDA	Democratic Party of Côte d'Ivoire-African Democratic Party
PNA	Protocol on Non-Aggression
RDR	Rally of the Republicans
RSLAF	Republic of Sierra Leone Armed Forces
RUF	Revolutionary United Front
SALW	Small Arms and Light Weapons
SMC	Standing Mediation Committee
UDCI	Democratic Union of Côte d'Ivoire

UDCY	Democratic and Citizenship Union
UDPCI	Union for Democracy and Peace
ULIMO	United Liberation Movement of Liberia for Democracy
UN	United Nations
UNAMSIL	United Nations Mission in Sierra Leone
UNDAW	United Nations Division for the Advancement of Women
UNDP	United Nations Development Programme
UNMIL	United Nations Mission in Liberia
UNOCI	United Nations Operations in Côte d'Ivoire
UNOMIL	United Nations Observer Mission in Liberia
UNOMSIL	UN Observer Mission in Sierra Leone
UNOWA	UN Office in West Africa

APPENDIX B**LIST OF ECOWAS PEACE AGREEMENTS (1990-2005)****Côte d'Ivoire:**

- (1) Abidjan Cease-fire Agreement, Abidjan, 17 October 2002;
- (2) Lomé Cease-fire Agreement, Lomé, 1 November 2002;
- (3) The Linas-Marcoussis Accord, Paris, January 2003;
- (4) Accra II Agreement on Ivory Coast Political Crisis, Accra, 7 March 2003;
- (5) Accra III Agreement, Accra, 30 July 2004;
- (6) Pretoria Agreement on the Peace Process in Côte d'Ivoire, Pretoria, 6 April 2005 (Pretoria I Agreement); and
- (7) Declaration on the Implementation of the Pretoria Peace Agreement on the Peace Process in Côte d'Ivoire, Pretoria, 29 June 2005 (Pretoria II Agreement).

Guinea-Bissau:

- (8) Agreement between the Government of Guinea-Bissau and the Self-Proclaimed Military Junta, Abuja, 1 November 1998 (Abuja Accord)

Liberia:

- (9) Decision A/Dec.2/11/90 Relating to the Adoption of an ECOWAS Peace Plan for Liberia and the Entire West African Sub-Region, Bamako (Bamako Cease-fire Agreement);
- (10) Joint Statement of the Warring Parties in Liberia, Banjul, 21 December 1990;
- (11) Lomé Agreement on Cessation of Hostilities and Peaceful Settlement of Conflict, Lomé 13 February 1991;
- (12) Cotonou Agreement, Cotonou, 25 July, 1993;
- (13) Outcome of Deliberations of the Meeting held in Yamoussoukro on 29 and 30 June 1991 (Yamoussoukro I);
- (14) Final Communiqué of the First Meeting of the Committee of Five on Liberia, Yamoussoukro, July 1991 (Yamoussoukro II);

- (15) Final Communiqué of the Second Meeting of the Committee of Five on the Liberian Crisis held in Yamoussoukro, 16-17 September, 1991(Yamoussoukro III);
- (16) Final Communiqué of the Third Meeting of Five on the Liberian Crisis held in Yamoussoukro, 29-30 October, 1991(Yamoussoukro IV);
- (17) Akosombo Agreement, Akosombo, Ghana, 12 September 1994;
- (18) Agreement on the clarification of the Akosombo Agreement, 21 December 1994;
- (19) Abuja Agreement to Supplement the Cotonou and Akosombo Agreements as subsequently clarified by the Accra Agreement, Abuja, 17 August 1996;
- (20) Agreement on Ceasefire and Cessation of Hostilities between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia, 17 June 2003(Accra II Agreement); and
- (21) Peace Agreement between the Government of Liberia (GOL), The Liberians United for Reconciliation and Democracy (LURD), The Movement for Democracy in Liberia (MODEL) and the Political Parties, Accra, Ghana, 18 August 2003(Accra III).

Sierra Leone:

- (22) Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone, Abidjan, 30 November 1996; Economic Community of West African States six-month peace plan for Sierra Leone (23 October 1997-22 April 1998);
- (23) Agreement on Cease-fire in Sierra Leone, Lomé, 18 May 1999;
- (24) Comprehensive Peace Agreement between the Government of Sierra Leone and Revolutionary United Front of Sierra Leone, Lomé, Togo, 7 July 1999;
- (25) Abuja Cease-fire Agreement, Abuja, 10 November 2000; and
- (26) Abuja Cease-fire Review Agreement, Abuja 2 May 2001.



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