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**Security Sector Reform and Governance Processes in West Africa:  
From Concepts to Reality**

*Okey Uzochina*





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## Security Sector Reform and Governance Processes in West Africa: From Concepts to Reality

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## About the author

**Okey Uzoechina** has been based at the ECOWAS Commission since October 2008, first as a policy analyst attached to the Department of Political Affairs, Peace and Security, then as DCAF representative to the ECOWAS Commission and Parliament, and currently as programme manager for the FOREWARN Initiative in ECOWAS. A scholar-practitioner, Okey has supported the articulation of a regional policy framework on security sector reform and governance, the adoption of the Code of Conduct for the Armed Forces and Security Services of ECOWAS, and the elaboration of a parliamentary capacity development programme and a guide on oversight of the security sector for West African parliamentarians. Okey is a lawyer and holds a master's degree in conflict, security and development from King's College London. His research interests include counterterrorism and terrorism prevention, security sector governance, conflict prevention and strategic planning. He is a member of the African Security Sector Network, a collaborative network of scholars, practitioners and policy-makers committed to improving accountability and governance of the security sector in Africa.

Editor: **Fabrice Ramadan**, Africa Programme Project Coordinator, DCAF.



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## Acronyms and abbreviations

ASSN	African Security Sector Network
AU	African Union
CDS	Chiefs of Defence Staff
CoC	code of conduct
CPA	Comprehensive Peace Agreement (Liberia)
CPLP	Community of Portuguese Speaking Countries
CSO	civil society organization
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DDR	disarmament, demobilization and reintegration
DSSR	defence and security sector reform
ECCAS	Economic Community of Central African States
ECOMIB	ECOWAS Mission in Guinea-Bissau
ECOMOG	ECOWAS Ceasefire Monitoring Group
ECOWAS	Economic Community of West African States
ECPF	ECOWAS Conflict Prevention Framework
EERT	ECOWAS Emergency Response Team
EPF	ECOWAS Peace Fund
ESF	ECOWAS Standby Force
EU	European Union
OPA	Ouagadougou Political Agreement (Côte d'Ivoire)
MISSANG	Angola Military Mission to Guinea-Bissau
MoU	memorandum of understanding
MSC	ECOWAS Mediation and Security Council
REC	regional economic community
SALW	small arms and light weapons
SOMA	status of mission agreement
SSR	security sector reform
SSR/G	security sector reform and governance
UN	United Nations
WAANSA	West African Action Network on Small Arms
WANEP	West African Network for Peacebuilding
WANSED	West African Network for Security and Democratic Governance



# Security Sector Reform and Governance Processes in West Africa: From Concepts to Reality

*Okey Uzoechina*

## 1. Introduction

Since the formation of the Economic Community of West African States (ECOWAS) in 1975,<sup>1</sup> the West African region has witnessed three waves of insecurity on a scale large enough to prompt bilateral and collective responses by its member states and the intervention of external actors. The first wave started barely a decade and a half after the formation of ECOWAS with the outbreak of civil wars and internal armed conflicts in Liberia (1989), Sierra Leone (1997), Guinea-Bissau (1998) and Côte d'Ivoire (2002). Some of these conflicts mainly represented competition for control of the state apparatus between armed opposition groups and the state, or competition for a higher stake within the state between different armed groups. In Liberia and Sierra Leone the conflicts were sustained largely by natural resource predation, and in Guinea-Bissau by drug trafficking.

The second wave of insecurity was a direct result of the internal armed conflicts, and may be linked to the failure of disarmament, demobilization, rehabilitation and reintegration processes and poorly conceived and implemented security sector reform (SSR) processes in some states, particularly in the Mano River Union.<sup>2</sup> Spewing the symptoms of insecurity beyond the affected states, the period witnessed unprecedented proliferation of small arms and light weapons (SALW), which were recycled in different conflict zones, increase in armed robbery and related crimes, and the growth of transborder organized criminal networks.

The third wave of insecurity is manifested in further weakening of security governance structures and institutions and the inability of state security agencies to extend their control over large swathes of territory far removed from the centres of government, including arid and difficult terrains, swamps, deltas, coastal areas and archipelagos, territorial waters, airspace and cyberspace. The forms of insecurity which characterize the third wave include terrorism, maritime piracy, drug trafficking, arms transshipment via loosely controlled airports and seaports, money laundering and cybercrime. This extends across the Sahelian strip, including northern Mali, the Gulf of Guinea, the coastal areas and archipelagos of Guinea-Bissau and the northeastern and Niger Delta areas of Nigeria, among others.

Far from being unconnected or having a fixed timeframe,<sup>3</sup> the three waves represent a continuum of insecurity which points to the fact that insecurity is dynamic in form and

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<sup>1</sup> ECOWAS member states are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

<sup>2</sup> The Mano River Union comprises Côte d'Ivoire, Guinea, Liberia and Sierra Leone.

<sup>3</sup> Timeframes are not precisely assessed. For instance, the conflict in Côte d'Ivoire started in 2002 only when the conflict in Liberia was ending, and the second wave signified the general post-conflict era. Thus one wave of

methods, adaptive and self-sustaining, and continues to deepen and find new territory if not properly checked. In addition, periodic elections have proved to be a revolving point of insecurity in West African states. Elections are potential flashpoints in fledgling democracies because they offer the only convenient junctures for filling political offices, political renegotiation of resource control, and power sharing and reconfiguration. Ethnic and religious sentiments which fuel crisis become tools for political negotiation and mobilization. In many parts of West Africa, including Côte d'Ivoire, Niger and Nigeria, election-related violence, a rise in militancy and high crime rates after elections have been linked to the patronage and arming of supporters and protection groups by political actors desperate to capture power.

Regional responses to insecurity by ECOWAS have in turn proved to be adaptive and are still evolving. While the evolution of ECOWAS's regional security architecture is commendable and several mediation and intervention efforts have yielded positive results, the efforts have been piecemeal, mandates are often overlapping or unclear, and strategy has not been sufficiently anticipatory to stem the tide of insecurity. Also, there appears to be an unspoken focus on the development and adoption of regional security instruments and policies as an end in itself. Given that the instruments go through prolonged gestation periods and have to be approved at different levels before being adopted by the **ECOWAS Council of Ministers** or the **Authority of Heads of State and Government**, the celebratory effect of adoption often comes with the risk of losing sight of the next steps and implementation fatigue.

Although member states have the primary responsibility for maintaining law and order and ensuring the security of lives and property within their territories, as a supranational body ECOWAS plays a key role in providing an added layer of support to the efforts of member states. ECOWAS's comparative advantage in this regard has been manifested in efforts to establish a multidimensional **ECOWAS Standby Force** with capacity for preventive deployment, peacekeeping and peace enforcement, and efforts at combating transborder organized crime, flow of SALW and smuggling of illicit goods through joint border patrols and joint operations. ECOWAS has also initiated mediation efforts in several member states, including Côte d'Ivoire, Mali and Niger. In addition, during periodic elections in member states ECOWAS reinforces democratic and constitutional governance through election observation and monitoring missions. Today the regional body boasts a well-developed and trained team of election observers and an **Electoral Assistance Division** ready to deploy to any member state, and has drafted the **Regional Framework for Security Sector Reform and Governance** to promote and support the culture of democratic governance in the region.

In light of the rapidly changing and evolving security situation in West Africa, following an overview of relevant policies developed at the United Nations (UN) and African Union (AU) levels, this paper analyses ECOWAS policy documents relating to SSR and highlights the challenges of translating norms to practice; assesses ECOWAS's concrete support to SSR processes in the region, both as a partner and as a leading actor; outlines challenges to overcome and opportunities to be seized by ECOWAS in its role in

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insecurity does not have precise start and end times, with the next wave ushered in immediately thereafter. This is why the fluid term "waves" is used here instead of "phases" or "periods".

supporting SSR; and puts forward recommendations to key stakeholders on how the Regional Framework for Security Sector Reform and Governance could serve as a platform for SSR support and a tool for conflict prevention and sustainable development.

## 2. Overview of the United Nations and African Union policy frameworks on security sector reform

At the global level, the UN approach to SSR is contained in a 2008 report by the **Secretary-General** titled “Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform”.<sup>4</sup> The report elaborates principles and standards which guide UN support for national actors in enhancing or re-establishing security. It is seen as constituting a coherent approach to delivering SSR and assistance. The broad conceptualization of security and articulation of the UN role in the report was based on “the need to address the deep-rooted socio-economic, cultural, environmental, institutional and other structural causes that underlie the immediate symptoms of conflict” in the face of new and emerging threats. The report also emphasizes the significance of a comprehensive approach and a coordinated strategy, especially in post-conflict contexts, and how activities undertaken early in a transition process, such as disarmament and demobilization, can have a significant impact on longer-term peace and security and must be linked to longer-term development processes.<sup>5</sup> It acknowledges that a sufficient degree of security is needed to facilitate poverty reduction and economic growth. Basic principles of the UN approach to SSR include national ownership and the commitment of involved states and societies, gender sensitivity, articulation of SSR frameworks in post-conflict contexts and a clearly defined strategy, coordination of efforts of national and international partners, and monitoring and evaluation to track and maintain progress.

Following the Secretary-General’s report, the United Nations published the first volume of its “Integrated Technical Guidance Notes on Security Sector Reform” in 2012.<sup>6</sup> The notes, which further elaborate the UN approach to SSR, were the product of collaboration by a wide range of actors within the UN system, SSR experts, academics and policy-makers. They represent a valuable source of information for not only UN personnel but also national actors, and constitute a platform for the United Nations to launch joint initiatives with partners, including member states, regional organizations and the private and public sectors. The guidance contains generic and adaptable notes on the objectives, scope, rationale, conceptual framework and processes of key elements of the UN approach to SSR, including national ownership, gender responsiveness, peace processes, democratic governance and support to national security policy-making and strategy-making processes.

The second UN Secretary-General’s report titled “Securing States and Societies: Strengthening the United Nations Comprehensive Support to Security Sector Reform”,

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<sup>4</sup> United Nations, “Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform”, Report of the Secretary-General, UN Doc. 12 May 2008.

<sup>5</sup> *Ibid.*, p. 4, paras 6 and 8.

<sup>6</sup> United Nations, “Integrated Technical Guidance Notes on Security Sector Reform”, UN Doc. 2012.

which comes five years after the 2008 report, presents a comprehensive review of the UN approach to SSR. It acknowledges that “support to security sector reform needs to be better linked to broader political reforms that create the foundations for transformative processes such as national dialogues, reconciliation efforts or transitional justice initiatives”.<sup>7</sup> The report also highlights the importance of sector-wide initiatives that address the strategic, governance and architectural framework of the security sector, and the need to ensure that UN Security Council mandates more visibly incorporate the perspectives of the countries under consideration. Building on the lessons of UN support to SSR in the past five years, the report contains key recommendations on how the United Nations, member states and partners can further support SSR through encouraging inclusive and sustainable national ownership; promoting security service delivery in the immediate term; building capacities for reform that better link component-specific and sector-wide initiatives; expanding and deepening partnerships; encouraging dialogue and knowledge sharing; and enhancing inter-agency coherence and coordination.<sup>8</sup>

At the continental level, the **African Union Policy Framework on Security Sector Reform** was finalized in April 2012 after wide consultations with member states, civil society and experts.<sup>9</sup> It was formally adopted by the Assembly of AU Heads of State and Government in January 2013. It represents a major step in addressing the lack of African ownership of current SSR approaches, being an effort to bridge the continuing gap between existing approaches to largely externally driven SSR and deficits in the delivery and governance of security in many AU member states.<sup>10</sup> It builds on the international normative framework established by the United Nations and is also aligned with other AU instruments, including the Constitutive Act of the African Union of 2000, the Protocol Relating to the Establishment of the Peace and Security Council of the African Union of 2002 and the Solemn Declaration on a Common African Defence and Security Policy of 2006. The AU Policy Framework establishes a continental framework for the democratic governance of a security sector that is effective and efficient. It further encapsulates core principles of SSR which are particularly relevant for the African continent, including:

- African solidarity and African partnerships
- linkage between SSR and regional integration
- national ownership, national responsibility and national commitment
- adherence to a nationally defined vision of SSR and parameters for external support for SSR

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<sup>7</sup> United Nations, “Securing States and Societies: Strengthening the United Nations Comprehensive Support to Security Sector Reform”, Report of the Secretary-General, 13 August 2013, p. 2.

<sup>8</sup> Ibid. Cf. “Lessons Learned and Recommendations on the Way Forward”, pp. 20–24. Regional organizations and member states can in turn learn much from the UN experience in developing and reviewing its comprehensive approach and developing capacity and guidance notes/tools.

<sup>9</sup> The African Security Sector Network played a particularly significant role in drafting the AU Policy Framework and leading dialogue for its development and adoption.

<sup>10</sup> African Union Policy Framework on Security Sector Reform, p. 7, paras 9–10.

- integration of informal and customary security providers and traditional justice actors into SSR processes where appropriate
- primary responsibility of states for the coordination of SSR assistance<sup>11</sup>

The AU Policy Framework commits the AU Commission to develop mechanisms, tools and instruments for the operationalization of the policy; thus the AU Commission has worked with the European Union (EU) to design a US\$2.4 million multi-partner programme. This will *inter alia* develop practical guidance and policy tools to translate the AU Policy Framework into concrete action, facilitate joint AU-UN-EU assessment missions to enhance coordination of support for national SSR efforts, rapidly deploy experts to meet immediate requests for SSR assistance on the continent, develop a common understanding of SSR among AU member states and regional economic communities (RECs), and build the capacities of the AU Commission to provide consistent and sustainable SSR support to member states.<sup>12</sup>

Paragraph 69 of the AU Policy Framework acknowledges that RECs are the building blocks of the AU system and therefore leading stakeholders in all continental peace and security policies and strategies. The paragraph further states that the principle of local ownership in SSR also extends to regional ownership, which means that a REC has a primary stake in the SSR activities of its member states *vis-à-vis* other external organizations.

Taking its mandate from both the UN and the AU processes and documents and drawing legitimacy from the endorsement of member states and ECOWAS bodies, the draft **ECOWAS Regional Framework for Security Sector Reform and Governance** seeks to clarify what security means in the West African context, whose security is to be guaranteed, what the objectives of security are, what the challenges to security are and the required reforms, who is involved in providing and overseeing security, and how security objectives can be translated into effective outcomes. An **action plan** to accompany the framework would systematically link the objectives to expected outcomes by prescribing necessary activities and a workable timeframe, relevant stakeholders and their responsibilities, and required resources.<sup>13</sup> A value added by the draft ECOWAS Regional Framework lies in its holistic and operational approach. It does not seek to develop additional norms or standards in promoting democratic governance and reform of the security sector, but rather clarifies and prescribes positive steps towards compliance with norms, agreed standards and objectives already contained in the comprehensive regional security architecture.

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<sup>11</sup> Ibid., pp. 9–11, para. 16(B).

<sup>12</sup> UNDPKO, *SSR Newsletter*, January–March 2013, p. 1.

<sup>13</sup> An action plan was part of the original idea. Paragraph 74 of the ECOWAS Conflict Prevention Framework (ECPF) prescribes the development of a logical framework for security governance with a plan of action that takes into account the specificities of the region. This idea is reflected in the ECPF three-year implementation plan for security governance .

### 3. Regional policy documents on security sector reform in West Africa

#### 3.1. ECOWAS and norm-setting on security sector reform

In response to emerging security challenges in the region, the ECOWAS security portfolio has developed progressive additions to the original ECOWAS treaty. Article 58 of the ECOWAS Revised Treaty of 1993 and the subsequent Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 1999 indicate a shift in emphasis from collective defence to collective security; both instruments enable the regional body to develop political, military and humanitarian responses better to address internal armed conflicts such as those that happened in Liberia, Sierra Leone and Côte d'Ivoire. Similarly, further protocols and conventions were later developed to **strengthen democratic governance** and stem the flow of SALW in the aftermath of armed conflict. Drawing on lessons from the conflict experiences, subsequent development focused on conflict prevention and regulating the conduct of armed forces and security services. Presently, efforts are geared towards addressing emerging security challenges brought to the fore by the third wave of insecurity.

*Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, 10 December 1999*

Since its adoption in 1999, the Mechanism for Conflict Prevention has served as the pivot for the evolution of a body of normative instruments and structures which, taken together, have come to form the ECOWAS security architecture. It also establishes inextricable links between the *raison d'être* of ECOWAS, which are economic development and regional integration, and security of the peoples and member states. The Mechanism consolidated the **ECOWAS Ceasefire Monitoring Group (ECOMOG)** as a regional standby and multidimensional force with civilian and military components instead of a group of soldiers deployed by individual member states,<sup>14</sup> and placed an obligation on members to maintain composite standby units within states.<sup>15</sup> It also created important institutions and organs which subsist to date, albeit under different names, such as the **Council of Elders** (now **Council of the Wise**) and **special representatives**, the **Mediation and Security Council (MSC)**, the **Defence and Security Commission** (now **Committee of Chiefs of Security Services**) and the **Early Warning System**, which comprises the Operation and Monitoring Centre (now Situation Room) at the ECOWAS Commission in Abuja and zonal bureaux.<sup>16</sup>

For the first time in West Africa, the Mechanism for Conflict Prevention gave due emphasis to addressing regional security challenges such as control of transborder crime, control of SALW and anti-money-laundering measures. It also laid the foundation for further development of the ECOWAS humanitarian assistance, election monitoring and observation structures. A game changer in many respects, the Mechanism entrenches the **principles of good neighbourliness** and equality of states, and seeks to consolidate

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<sup>14</sup> The Mechanism for Conflict Prevention, Article 21. ECOMOG was the forerunner to the ECOWAS Standby Force.

<sup>15</sup> *Ibid.*, Article 28.

<sup>16</sup> *Ibid.*, Chapter IV.



democratic government and democratic institutions<sup>17</sup> rather than reify the principles of state sovereignty and non-interference in internal affairs. It also places ECOWAS firmly as a key actor in regional security and one of the building blocks for the AU peace and security architecture as well as the UN security framework.

*Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Mechanism, 2001*

This supplementary protocol was developed as an add-on to the Mechanism for Conflict Prevention of 1999, taking forward the aim to consolidate democratic government and democratic institutions. It sets out the constitutional convergence principles commonly applicable to ECOWAS member states based on the principles of good governance, including respect for the rule of law and human rights, separation of powers, strengthening of parliaments, independence of the judiciary, promotion of a non-partisan and responsible press, freedom of association, non-discrimination on ethnic, racial, religious or regional basis, popular participation in decision-making and civilian democratic control of the armed forces.

Significantly, the principle of **zero tolerance for power obtained or maintained by unconstitutional means**<sup>18</sup> has formed the basis for the sanctioning of non-compliant governments, political measures and pressure, including setting election timetables in Côte d'Ivoire, Mali and Niger with the aim of returning the states to democratic governance as quickly as practicable. Further, Section IV (Articles 19–24) of the supplementary protocol emphasizes democratic control of the armed forces, the police and the security forces. The protocol also prescribes that the police and other security agencies are to be under the control of legally constituted civilian authorities, and that armed forces are citizens in uniform who are entitled to the rights set out in their national constitutions except as otherwise stated in their service regulations.<sup>19</sup> In a bid to keep the armed forces and security services from encroaching into the political arena, the supplementary protocol shields them from participation in politics, trade union activities and propaganda.<sup>20</sup> Significantly, it prescribes training for the armed forces and security services on the national constitution, ECOWAS principles and regulations, human rights, humanitarian law and democratic principles. Seminars, meetings and joint training sessions bringing together the armed forces, the police and other security agencies with members of civil society and other sectors of society are recommended from time to time.<sup>21</sup>

*ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, 2006*

ECOWAS heads of state and government adopted the SALW Convention in June 2006 in a bid to plug the illicit transfer and manufacture of small arms and light weapons in the region. It came into force in November 2009, and a five-year plan of action for its

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<sup>17</sup> Ibid., Article 2.

<sup>18</sup> Supplementary Protocol, Article 1(c). The principle of zero tolerance is in line with the Lomé Declaration on the Framework for Response to Unconstitutional Changes by the Organization of African Unity, 2000.

<sup>19</sup> Ibid., Articles 20(1) and 21.

<sup>20</sup> Ibid., Article 22(1)–(2).

<sup>21</sup> Ibid., Article 23(1)–(2).

implementation was adopted in March 2010 by ECOWAS ministers responsible for defence and security. The convention is lauded as a binding instrument, unlike the Declaration on the Moratorium on the Importation, Exportation and Manufacture of Light Weapons of 1998 and the code of conduct for the implementation of the moratorium of 1999.

The SALW Convention creates a licence regime for SALW in two logical steps. First, as a symbolic gesture of prohibition, it places a blanket ban on the transfer of SALW and their manufacturing materials into or from/through the national territory of member states;<sup>22</sup> secondly, in deserving circumstances, it prescribes conditions for exemption from the ban upon fulfilment of which a member state may be granted a licence to transfer and use SALW:<sup>23</sup> to meet legitimate national defence and security needs, and to participate in peace support or other operations in accordance with decisions of the United Nations, African Union, ECOWAS or another regional or subregional body of which it is a member.

To safeguard the process from being abused, the convention places an obligation on member states to ensure that the authenticity of licensing or authorization of documents can be verified and validated. It also bans without exception transfers of SALW to non-state actors that are not explicitly authorized by the importing member state. Civilian possession of SALW follows this double-layered process of prohibition of possession, use and sale, plus regulation of grounds upon which a national authority may grant or deny civilians authorization to possess one or more small arms and their ammunition. In collaboration with the ECOWAS Commission, member states are mandated to strengthen border controls and organize public education and awareness programmes to promote a culture of peace. In the past, the Bamako-based ECOWAS Small Arms Programme and the Abuja-based Small Arms Division contributed to the development of capacity for national commissions on the control of SALW. Although the convention has gathered considerable political momentum, a lot still needs to be done to prevent the recycling of SALW from one conflict zone to another and curtail transborder criminal activities.

#### *ECOWAS Conflict Prevention Framework, 2008*

The ECOWAS Conflict Prevention Framework (ECPF) was adopted by the ECOWAS MSC in January 2008. It is intended as a comprehensive conflict prevention and peacebuilding strategy designed to operationalize provisions of the Mechanism for Conflict Prevention.<sup>24</sup> The ECPF comprises 14 components or thematic areas: early warning; preventive diplomacy; human rights and the rule of law; democracy and political governance; natural resource governance; cross-border initiatives; security governance; practical disarmament; the media; women, peace and security; youth empowerment; the ECOWAS Standby Force; humanitarian assistance; and peace education (the culture of peace). An additional component 15, implementation mechanism, was developed subsequently. The implementation mechanism is reflected in the Three-Year Priority Plan

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<sup>22</sup> ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, 2006, Article 3.

<sup>23</sup> *Ibid.*, Article 4.

<sup>24</sup> ECOWAS Conflict Prevention Framework, para. 7(a).

for Implementation of ECPF Components, 2013–2015 (also called the ECPF matrix). The objectives of the security governance component of the ECPF<sup>25</sup> include the following:

- to eliminate threats to individual and group rights, safety, life, livelihoods and property, and to protect the institutions and values of democratic governance, human rights and the rule of law under a human security umbrella
- to orient the focus and capacities of individuals, groups and institutions engaged in the security system to make them responsive and responsible to democratic control and adhere to basic human rights
- to ensure the emergence and consolidation of accountable, transparent and participatory security systems in member states

The purpose of the security governance component is to facilitate the implementation of the relevant provisions of Article 58 of the Revised ECOWAS Treaty, relevant provisions of the Mechanism for Conflict Prevention and the Protocol on Free Movement, and Articles 1(C, E) and 19–24 of the Supplementary Protocol on Democracy and Good Governance. Capacity needs prescribed to meet the objectives of security governance include recruitment and training of experts on disarmament, demobilization and reintegration (DDR) and SSR to build expertise within the ECOWAS Commission, technical and equipment support to build a database of SSR resources, and provision of a package of resource materials and tools to accompany SSR and DDR initiatives. Also, paragraph 74 of the ECPF prescribes the development of a logical framework for security governance – with a plan of action that takes into account the specificities of the region – to feed into continental and global SSR processes. It is essential that the ongoing process of the articulation of the ECOWAS Framework for Security Sector Reform and Governance and the broader process of implementing the ECPF are consciously interlinked. This will make for a holistic and strategically and operationally coherent approach.

*Supplementary Act on the Code of Conduct for the Armed Forces and Security Services of ECOWAS, 2011*

Embedded in an Act supplementary to the ECOWAS Revised Treaty of 1993, this code of conduct (CoC) aims to establish common standards in the conduct and democratic governance of uniformed personnel in West African states, improving relations between and among them, the political leadership and the civilian population. The Supplementary Act on the CoC seeks to promote the integration of democratic norms into the behaviour of the armed forces and security services in ECOWAS states. It reiterates universally acceptable standards of conduct and democratic principles, human rights and international humanitarian law.

The CoC is not limited to addressing the high incidence of *coups d'état* in the region, but more broadly it seeks to promote conditions that deter unconstitutional changes of government and strengthen democratic civilian control and governance of the security sector. Its adoption by the ECOWAS Council of Ministers in Abuja on 17–18 August

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<sup>25</sup> Ibid., paras 72–76.

2011 was a demonstration of political will to achieve the objectives of a worthy instrument. The CoC reaffirms the subjection of the armed forces and security services to democratically elected constitutional authority.<sup>26</sup> In addition to professional training, it prescribes training for personnel suited to their rank in the areas of constitutional law, human rights and international humanitarian law and peacekeeping.<sup>27</sup> To facilitate this, it is further prescribed that the CoC be included in training and educational programmes and taught to the armed forces and security services at all levels in all member states.<sup>28</sup>

The CoC is groundbreaking in several respects. Signifying its importance in promoting SSR and governance, the fact of embedding the CoC in a supplementary Act annexed to the ECOWAS Revised Treaty raises it to the highest political status possible in ECOWAS and makes it legally binding upon entry into force.<sup>29</sup> It is also noteworthy that, unlike other ECOWAS security instruments which enter into force upon ratification by a specified number of member states, the Supplementary Act on the CoC is billed to enter into force upon its publication by the ECOWAS Commission in the ECOWAS official journal and by member states in their national gazettes.<sup>30</sup> Also novel is the organization of biannual meetings to evaluate implementation at the local, national and regional levels.<sup>31</sup>

#### *The ECOWAS Counter-Terrorism Strategy and Implementation Plan, 2013*

The ECOWAS heads of state adopted the **Political Declaration and Common Position against Terrorism** in February 2013. Annexed to that declaration is the **ECOWAS Counter-Terrorism Strategy and Implementation Plan**. The ECOWAS Political Declaration unequivocally condemns terrorism in all its forms and manifestations, including kidnapping, hijacking, hostage taking, demand and payment of ransom, bombing of public and private property and critical infrastructure, acts of sabotage and the desecration of religious and other cultural sacred places.<sup>32</sup>

Adopting the Counter-Terrorism Strategy and Implementation Plan, the heads of state approved the establishment of the **ECOWAS Counter-Terrorism Coordination Unit**, an **ECOWAS arrest warrant** and a **blacklist of terrorist and criminal networks**.<sup>33</sup> The purpose of the ECOWAS Counter-Terrorism Strategy is to give effect to regional, continental and international counterterrorism instruments and provide a common operational framework for action to prevent and eradicate terrorism and related criminal acts within the region. The implementation structures include a **national task force**, the **ECOWAS Commission and Court of Justice**, the **West African Police Chiefs Committee**, the **ECOWAS Warning and Response Network**, the

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<sup>26</sup> Supplementary Act on the Code of Conduct for the Armed Forces and Security Services of ECOWAS, 2011, Articles 1–3.

<sup>27</sup> *Ibid.*, Article 5.

<sup>28</sup> *Ibid.*, Article 33.

<sup>29</sup> *Ibid.*, Article 37.

<sup>30</sup> *Ibid.*, Article 36. This provision gives effect to the supranational nature of ECOWAS, by virtue of which ECOWAS decisions and instruments apply to member states without the need for ratification by national executives and domestication by national legislatures.

<sup>31</sup> *Ibid.*, Article 35.

<sup>32</sup> Political Declaration and Common Position against Terrorism, Article 1.

<sup>33</sup> *Ibid.*, Article 11.

**Intergovernmental Action Group against Money Laundering in West Africa**, the West African Economic Monetary Union, civil society organizations (CSOs) and media networks. The implementation plan enumerates necessary actions based on the three pillars of prevent, pursue and reconstruct, responsibility for implementation of the actions and relevant partners.

*The ECOWAS-ECCAS Declaration on Maritime Security 2013 and the draft ECOWAS Maritime Security Strategy*

A summit of ECOWAS and Economic Community of Central African States (ECCAS) heads of state and government adopted the **Political Declaration on Maritime Safety and Security in the Gulf of Guinea** in June 2013. To facilitate the adoption of a binding multilateral agreement aimed at eradicating illegal activities in their common maritime domain, the heads of state also considered a **transitional Code of Conduct** Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa. The Political Declaration on Maritime Safety requests ECCAS, ECOWAS and the Gulf of Guinea Commission to promote activities aimed at cooperation, coordination, pooling together of resources and interoperability between and among member states.<sup>34</sup>

Adopting affirmative action, it further commits member states to collect and share information mutually, build the capacities of persons responsible for enforcing maritime safety and security laws, develop and implement relevant national laws and policies on the fight against piracy, armed robbery and other illegal activities at sea, establish national agencies to coordinate the state's activities at sea with sufficient powers to carry out their roles, put in place national mechanisms for financing policies against piracy and other illegal activities at sea, and oversee the acquisition and maintenance of major maritime equipment.<sup>35</sup> The non-binding and transitional CoC is a consensus-building instrument expressing the intention of member states to promote coordination, information sharing and assistance, cooperate on the development and promotion of training and educational programmes for the management of the marine environment, and review and update relevant national legislation, among other things. In addition to these instruments, ECOWAS is also expediting the development its **Integrated Maritime Strategy**.

*The draft ECOWAS Regional Framework for Security Sector Reform and Governance*

The draft ECOWAS Regional Framework has come under discussion at several forums since January 2009, starting with an internal sensitization workshop held on 21–22 January 2009 in Abuja, Nigeria, by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the Friedrich-Ebert-Stiftung Regional Office, in partnership with the African Security Sector Network (ASSN) and the West African Network for Security and Democratic Governance (WANSED). In November 2009 a team of nine regional experts met in Abuja and contributed to a zero draft of the document. Since then there have been several improvements to the document, first at a consultative meeting in September 2010, then harmonization of the English and French versions by a consultant. Following a request by the ECOWAS Regional Security Division, DCAF has

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<sup>34</sup> Political Declaration on Maritime Safety and Security in the Gulf of Guinea, Article 2.3.

<sup>35</sup> *Ibid.*, Article 2.5.

provided inputs that have contributed to the improved current draft. Next steps include approval by national experts of ECOWAS member states, adoption by the ECOWAS Council of Ministers and heads of state, and formal presentation to the ECOWAS Parliament.

The draft ECOWAS Regional Framework recognizes that democratic governance and human security are at the core of the strategy, which aims at making security a regional public good and an essential service for citizens as well as a vital component in achieving sustainable development. To realize this new vision of security requires profound changes to ensure democratic governance and reform of the sector at the regional and national levels. Given the chequered security history of the region and the need to hold security actors accountable, it may also be seen as an attempt to elicit a tripartite social contract of sorts involving the political class, the defence/security class and the people through sundry security oversight mechanisms. Such efforts to reconceptualize security as a subject that is not the exclusive preserve of military and political classes are reflected in key ECOWAS instruments, including the Supplementary Protocol on Democracy and Good Governance and the Supplementary Act on a Code of Conduct for the Armed Forces and Security Services of ECOWAS.

As a political document, the draft ECOWAS Regional Framework provides guidance to member states and other stakeholders involved in the formulation, implementation and monitoring of security sector reform and governance (SSR/G) programmes and projects. It recalls core principles linked to SSR/G in West Africa: African and West African solidarity and partnership; respect of national sovereignty and territorial integrity; linkages between SSR/G and regional integration; regional and national ownership; and gender sensitivity.

The draft framework also provides important steps and issues that should be integrated and followed in an SSR/G process:

- i. development of relevant security legislation, such as national security policy
- ii. conducting periodic security sector reviews and needs assessment
- iii. involvement of customary authorities and community-based security providers
- iv. effective involvement of CSOs and the media
- v. establishment of effective democratic control and oversight institutions
- vi. an effective resource mobilization strategy and financing
- vii. a national framework for cooperation and partnership building
- viii. an effective communication strategy
- ix. a monitoring and evaluation mechanism

The ECOWAS Regional Framework is still a draft; its endorsement by member states' experts and its final adoption by the heads of state and government will be major steps in strengthening democratic norms through SSR/G in West Africa.

### 3.2 From norm-setting to implementation: A complicated task

The path from norm-setting to effective implementation is long and chequered, with many hurdles and gaps. There are several challenges that hamper the effective implementation of ECOWAS regional policy documents on SSR/G.

#### a) *Limited human capacity to support implementation of ECOWAS policy documents*

The most significant gap which inhibits implementation of policy is limited human capacity. This gap may be reflected in not only the number but also the quality (technical expertise) of human resources. Due to severely limited human capacity at the ECOWAS Commission,<sup>36</sup> the conceptualization and articulation of norms are almost always outsourced to consultants, even if the process is purportedly led by a specific department or directorate. A hired consultant may be disconnected from vital internal dynamics and political consultation processes within the organization, to the extent that policy development is either slowed down or jeopardized. Since the ECOWAS Commission's internal capacity is limited, it follows that its capacity to support member states is also limited.

Moreover, ECOWAS institutions constantly struggle to maintain a balance between available staff at headquarters at any given time and staff frequently rotating to member states on missions to support processes. Key ECOWAS Commission staff are deployed to political centres such as Bamako, Bissau and elsewhere, often for elongated periods, as part of ECOWAS's response to crises in the region. In the face of crises, the capacities of directorates such as Peacekeeping and Regional Security, Political Affairs and Humanitarian Affairs to follow through on policy implementation are more often overstretched.

#### b) *Selective ratification of ECOWAS policy documents by member states*

There are intrinsic requirements built into policy instruments as conditions *sine qua non* to implementation or entry into force. For instance, Article 49 of the 2001 Supplementary Protocol on Democracy and Good Governance prescribes that the protocol shall enter into force upon ratification by at least nine signatory states in accordance with the constitutional procedures of each member state. As at August 2013 11 member states have ratified the protocol; it is yet to be ratified by Cape Verde, Côte d'Ivoire, Liberia and Nigeria.<sup>37</sup>

Similarly, the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security has not been ratified by the requisite nine member states so it can be considered to have definitely entered into force.<sup>38</sup> After 14 years of

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<sup>36</sup> The limited human capacity is not unrelated to a recruitment freeze instigated by the ECOWAS heads of state and government in 2008. The ECOWAS Regional Security Division presently has no dedicated focal officer on SSR; the division has only two professional staff. Although the recruitment freeze was partially lifted in 2012 and the position of Programme Officer SSR was advertised in November 2012 along with 51 other positions (only 18 per cent of vacant posts) within the ECOWAS Commission, the recruitment process is still ongoing as at November 2013 and the positions may only be filled in 2014.

<sup>37</sup> See "Status of Ratification of Relevant ECOWAS Instruments as at August 2013".

<sup>38</sup> However, by virtue of Article 57, the Mechanism for Conflict Prevention is deemed to have entered into force provisionally upon signature by heads of state and government. Accordingly, signatory member states and the

blazing the trail and being commended as an essential regional security instrument, it is yet to be ratified by Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, the Gambia, Liberia and Nigeria.<sup>39</sup> This situation of selective ratification by member states not only limits its implementation but also raises the question of whether the protocol, which in effect is an extension of the Mechanism for Conflict Prevention, can effectively enter into force when its progenitor is so limited in effect.

c) *Non-operationalization of the ECPF*

The ECOWAS Conflict Prevention Framework is a *locus classicus* to illustrate the gap between conceptualization, operationalization and effectiveness. The adoption of the ECPF by the ECOWAS Mediation and Security Council in January 2008 was lauded as a major achievement. The **ECOWAS Technical Steering Committee** on the ECPF leads inter-departmental efforts to make the ECPF operational. In addition to the 14 thematic components encapsulated in the document, a fifteenth operational component (enabling mechanism) was added in 2010.<sup>40</sup> Component 15 has four subcomponents: advocacy and communication, resource mobilization, cooperation, and monitoring and evaluation. Five years after its adoption, an implementation plan for the ECPF is still being finalized with the help of consultants and has been presented to ECOWAS partners as a converging point for resource mobilization and coordination.<sup>41</sup>

With the ECPF priority implementation plan designed to be rolled out from 2013 to 2015, ECOWAS clearly did not possess the wherewithal to forestall the political crisis in Niger in 2009, the electoral violence in Côte d'Ivoire in 2011 and the *coups d'état* in Mali and Guinea-Bissau in 2012. Interviews with various ECOWAS directorates suggest that the level of implementation of activities for several ECPF components going into the last quarter of 2013 is still very low. The reasons are obvious; let us mention but two.

First, generic timeframes for several activities in the three-year priority implementation plan do not help matters in monitoring, evaluation and reviewing progress.<sup>42</sup> Secondly, already huge gaps between budgeted amounts, available amounts and expected donor funding are indications of potential limitation in implementation. Donor confidence in ECOWAS's capacity to manage dedicated funds and adequately report on activities may presently be at a low ebb.<sup>43</sup> However, the tardy processes of developing operational tools

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ECOWAS Commission could implement all its provisions upon signature, but this does not extend to member states which are yet to ratify the mechanism.

<sup>39</sup> "Status of Ratification", note 37 above.

<sup>40</sup> During the first ECPF coordination meeting in January 2010 it was decided that the enabling mechanisms of the ECPF (formerly Sections IX and X) should become its fifteenth component, to underline the importance of these elements in the overall implementation process.

<sup>41</sup> The three-year priority implementation plan has been severally referred to as the ECPF matrix or roadmap.

<sup>42</sup> Start and end dates for most activities are simply stated to be from 2013 to 2015 with no benchmarks and many overlaps.

<sup>43</sup> As an example, the ECOWAS Pool Fund was launched in March 2010 to support capacity building, with partner contributions of US\$4 million at launch and further pledges. One of the activities supported was finalizing of a joint financing arrangement and operational guidelines to cover all ECOWAS capacity-building activities. Pool Fund disbursements were suspended in January 2011 due to ECOWAS's partial reporting on activities in 2010; however, funds have been spent on activities that were agreed prior to the suspension. See, for instance, DFID, "Annual Review of the DFID Support to West African Regional Integration Programme (SWARIP), May 2011–April 2012", p. 3, <http://projects.dfid.gov.uk/iati/Document/3487059>.



and structures are reflective of teething problems. Only when these processes have taken root and been sustained over time can one appropriately assess the capacity and fitness of ECOWAS to deal with regional security challenges.

d) *Lack of political will by member states*

Another important extrinsic factor which affects policy implementation is political will on the part of leaders, particularly the Authority of Heads of State and Government, to turn the dead letters of the instruments into lived reality. Given that resources are limited, decisions as to where and how to channel available resources and the extent of support to be given in each case are often considered through politically coloured lenses. Political consensus building and decision-making are not only unavoidably very slow,<sup>44</sup> but political considerations may even lead to unwillingness to act. For instance, the decision to deploy a mediation team or Council of the Wise, the ECOWAS Emergency Response Team (EERT), the ECOWAS Standby Force (ESF) or substantial support to SSR activities in a member state first has to scale the hurdles of articulating and agreeing on a clear mandate for the mission, mobilizing needed resources and approving budget and timeline. In most cases, agreement also needs to be reached with a member state on the scope and terms of such engagement or intervention in order to bypass the sovereign walls. The memorandum of understanding between the ECOWAS Commission and the government of Guinea-Bissau to support SSR, the ECOWAS- Community of Portuguese Speaking Countries (CPLP) roadmap for Guinea-Bissau and the chronogram of activities took many years in the making and have taken even longer to implement.

e) *Challenges of resource mobilization, utilization and coordination*

The related challenge of resource mobilization and coordination is an equally thorny issue. Due to the strategic importance of security concerns, the subject continues to attract massive donor funding, often exceeding a recipient's absorptive capacity. Internally, ECOWAS's practice has been to present its donors with a ready-made annual programme and budget at an annual coordination meeting with development partners, and to solicit donor support on those terms.<sup>45</sup> However, direct donor engagement in member states is often devoid of such leverage. At the regional level, the Community Levy has been the primary source of internally generated revenue for ECOWAS since 2000.<sup>46</sup> The levy is projected to cover up to 70 per cent of ECOWAS's core funding, which primarily takes care of salaries and emoluments, facilities and equipment. This

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<sup>44</sup> The Authority of Heads of State and Government, the highest decision-making body of ECOWAS, meets only twice a year for its ordinary session; extraordinary sessions are convened from time to time as the situation demands. The same goes for meetings of the Council of Ministers and other statutory bodies.

<sup>45</sup> The ninth ECOWAS/development partners' annual coordination meeting was held on 8–10 April 2013. In addition to this strategic-level meeting, operational-level periodic meetings are held along thematic groupings (including peace and regional security, regional integration and capacity building) both on the side of partners and with relevant ECOWAS departments and directorates, plus intermediate-level biannual meetings. However, many meetings are postponed or delayed repeatedly due to unavailability of key ECOWAS focal persons.

<sup>46</sup> The Community Levy (or Community Solidarity Levy for the countries member of the West African Economic and Monetary Union) represents a 0.5 per cent tariff on imports from third countries, which proceeds are passed on to ECOWAS. However, some countries in arrears of payment of the levy may commit up to 1.0 per cent. Other significant sources and funding baskets include the ECOWAS Peace Fund, the African Peace Facility, the European Development Fund and bilateral contributions from West African and other countries.

means that ECOWAS looks to its development partners to fund its projects and programmes in all sectors, including peace and security.

In 2010 ECOWAS rejected EU proposals to evolve a template to fund some development projects which would involve the payment of counterpart funds by ECOWAS and member states and the suppression of the Community Levy.<sup>47</sup> In an effort to raise its internally generated revenue, in March 2013 finance ministers of ECOWAS member states agreed to create a 1.5 per cent Community Integration Levy whose scope would be the subject of further negotiations. If adopted, this will replace the ECOWAS Community Levy.<sup>48</sup> Unless the funding gap is plugged, external actors will continue to dictate the content and pace of security delivery and development in West African states.

#### 4. ECOWAS's active role in security sector reform processes in West Africa

The role of ECOWAS in SSR can be clearly distinguished on two levels: political and strategic, and technical and operational.

ECOWAS has played a key role in SSR in many member states at the political and strategic level through its political institutions and organs, including the Authority of Heads of State and Government, the Council of Ministers,<sup>49</sup> Council of the Wise, special mediators, the ECOWAS Commission and special representatives of the president of the ECOWAS Commission, by:

- i. adopting norms and standards of democratic security governance which are shared by all member states
- ii. adopting resolutions which affect political development and the security sector of member states
- iii. mediating peace accords between and among warring factions and stakeholders in a conflict<sup>50</sup>
- iv. convening and partaking in donor conferences to source funding, commit resources to support SSR and monitor progress<sup>51</sup>
- v. negotiating and signing status of mission agreements with national governments for SSR programmes

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<sup>47</sup> Suppression of the Community Levy would also mean the lifting of some tariffs on goods and products imported from the Euro Zone and other markets.

<sup>48</sup> The ECOWAS Authority of Heads of State and Government is set to have an extraordinary meeting in Dakar in October 2013 to decide on this and other related matters.

<sup>49</sup> The Council of Ministers is often referred to as the Mediation and Security Council (MSC). However, the MSC is an imprecise term because it is a limb or caucus of the Authority of Heads of State and Government which can meet at three levels: heads of state and government, ministerial and ambassadorial.

<sup>50</sup> For instance, an ECOWAS mediator (General Abdulsalami Abubakar, former Nigerian head of state) played a key role in the Comprehensive Peace Agreement of 18 August 2003 between the government of Liberia and the Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia.

<sup>51</sup> For instance the ECOWAS P3+ Partners Donor Coordination Meeting, which brings together ECOWAS representatives and major donors in peace and security: Canada, the European Union, France, Germany, the United Kingdom and the United States, and sometimes Spain and the Netherlands.

The active role of ECOWAS has been even more visible at the technical and operational level. However, action at this level is mostly preceded by and derives from decisions, resolutions and agreements at the political and strategic level. Technical and operational activities include:

- i. supervisory roles: assessment and fact-finding missions, election observation, monitoring compliance with state obligations and evaluating impact of policies
- ii. complementary roles: support in implementation of specific SSR-related activities, training and capacity building, joint exercises, practical disarmament and stabilization, humanitarian assistance and institution building

These activities are carried out through operational structures and units, including the Chiefs of Defence Staff (CDS), Committee of Chiefs of Security Services, West African Police Chiefs Committee, the ESF and EERT, the Electoral Assistance Division and in-country SSR teams which directly support implementation of SSR programmes.

#### **4.1 ECOWAS as a partner supporting security sector reform processes: The cases of Liberia and Côte d'Ivoire**

##### *a) ECOWAS in Liberia*

In August 2013 the government and people of Liberia celebrated a decade of peace following the signing of the Comprehensive Peace Agreement (CPA) in Accra on 18 August 2003.<sup>52</sup> The CPA between the government of Liberia, Liberians United for Reconciliation and Democracy, the Movement for Democracy in Liberia and political parties provided the basis for post-conflict SSR. Subsequent democratic elections have brought to power Ellen Johnson-Sirleaf, Africa's first female elected head of state. In both pre-conflict and conflict eras Liberia's security sector suffered a lack of public confidence, as it served more as an instrument of political repression and oppression than as a guardian of its citizens. The purposes and contents of the CPA include ceasefire monitoring and stabilization,<sup>53</sup> and cantonment, DDR and rehabilitation.<sup>54</sup> Issues included under SSR involve disbandment of the irregular forces, reforming and restructuring the Liberian Armed Forces, and restructuring the Liberian National Police and other security services.<sup>55</sup> The CPA also covers significant issues such as governance reform, electoral reform, humanitarian relief, human rights, amnesty, truth and reconciliation, post-conflict rehabilitation and reconstruction, refugees and internally displaced persons, and the allocation of positions in the cabinet, National Transitional Legislative Assembly, public corporations and autonomous agencies and commissions under the National Transitional Government of Liberia.<sup>56</sup>

At the operational level, ECOWAS has directly supported Liberia through implementation of a DDR programme, establishment of Monrovia's arms-free zone,

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<sup>52</sup> Notably, the preamble to the CPA expresses a commitment "to prevent the outbreak of future civil conflict in Liberia and the consequences of conflicts".

<sup>53</sup> Comprehensive Peace Agreement, Articles III and IV respectively.

<sup>54</sup> Ibid., Article VI.

<sup>55</sup> Ibid., Articles VII and VIII respectively.

<sup>56</sup> Ibid., Annex 4.

establishment of a governance reform commission and support to the organization and monitoring of general elections in 2005 and 2010. Still maintaining a light political presence in Monrovia, ECOWAS reopened the **Office of the Special Representative of the President of the ECOWAS Commission** in 2013 and continues liaison through the ECOWAS national unit in Monrovia. With regard to military support, the UN Mission in Liberia took over peacekeeping duties from ECOWAS forces on 1 October 2003. About 3,500 West African troops who had served with the ECOWAS vanguard force were provisionally rehatted and absorbed as UN peacekeepers.<sup>57</sup> Since 2007 Nigerian officers have acted as command officer-in-charge of the Liberian Armed Forces.<sup>58</sup> In a bid to avoid the earlier mistakes of neglecting the cross-border dimensions of insecurity, ECOWAS continued to extend financial support to Liberia in 2012 and 2013 to tackle insecurity at the Liberia-Côte d'Ivoire border so as to prevent a reversal of the peaceful and stable environment which sustains the SSR agenda. ECOWAS has also earmarked the sum of \$500,000 to support implementation of the Mano River Union strategy in 2014, one of the goals of which is to establish a joint border consultative forum for conflict prevention and early warning.

The Liberian SSR programme and wider implementation of the CPA have recorded some achievements but have also had their fair share of challenges. Achievements include regular capacity building for members of the national parliament in oversight of the security sector,<sup>59</sup> gender and police reform. Evidence that the Liberian security forces have improved after ten years of peace is the fact that the state contributed a platoon as a peacekeeping contingent to AFISMA.<sup>60</sup> This is a significant step.

One of the early challenges of the CPA was slow implementation of the timetable. Fundamentally, a major shortcoming in the process is the difficulty of sustaining long-term support for SSR. The process had relied heavily on donor assistance, and the drying up of donor funding appears to have slowed down implementation of some aspects of SSR. Such heavy reliance on external funding and assistance also weakened national ownership of the process to the extent that important decisions were taken without prior consultation of the government and key stakeholders. Ten years after the CPA was signed, Liberia appears still to be a long way from addressing the conditions that led to the war.<sup>61</sup>

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<sup>57</sup> UN Security Council Resolution 2066 of 17 September 2012 extends the mission until 30 September 2013.

<sup>58</sup> Nigeria continues to contribute to peace support operations in Liberia with the deployment of 700 troops in September 2013. Troops from other West African states are also still present in Liberia.

<sup>59</sup> Prior to the conflict, security and defence were seen as the exclusive preserve of the executive branch and the military hierarchy. In post-conflict Liberia considerable capacity support and training has been directed at the national parliament by development agencies, academic institutions and CSOs. The ECOWAS Parliament also forms a training and mentoring ground for some members of the Liberian parliament.

<sup>60</sup> African-led International Support Mission to Mali

<sup>61</sup> Leymah Gbowee, "Ten Years After Liberians Signed Peace Agreement, Is Peace Finally Here?", 2013, [www.africa-news.eu/african-news/5628-leymah-gbowee-ten-years-after-liberians-signed-peace-agreement-is-peace-finally-here.html](http://www.africa-news.eu/african-news/5628-leymah-gbowee-ten-years-after-liberians-signed-peace-agreement-is-peace-finally-here.html); IRIN Africa, "Briefing: Justice and Peace 10 Years on in Liberia", 2013. See more generally Thomas Jaye (2008), "Liberia," in Alan Bryden, Boubacar Ndiaye and 'Funmi Olonisakin (eds) *Challenges of Security Sector Governance in West Africa* (Münster: LIT Verlag, 2008, pp. 171–172).

## b) *ECOWAS in Côte d'Ivoire*

Rated as the most fragile state in West Africa in 2007 and 2008,<sup>62</sup> uneasy calm returned to Côte d'Ivoire after the signing of the Ouagadougou Political Agreement (OPA) on 4 March 2007 and further extension of the mandate of the UN peacekeeping force in Côte d'Ivoire by the UN Security Council in 2008.<sup>63</sup> The ECOWAS Mission in Côte d'Ivoire, which started in 2002, was designed to end the war and monitor the ceasefire, thus creating a healthy space for peace negotiations and humanitarian operations. However, earlier attempts at mediation led by ECOWAS were rejected in September 2005 by ex-President Laurent Gbagbo, who accused some ECOWAS member states – notably Liberia and Burkina Faso – of involvement in the rebellion.<sup>64</sup> Fast-forward to January 2007, and ECOWAS, the United Nations and international partners which contributed to returning the country to the path of peace were more or less sidelined in the negotiation process for the OPA.

The OPA was facilitated by President Blaise Compaoré of Burkina Faso, who was then chair of the ECOWAS Authority of Heads of State and Government.<sup>65</sup> Compaoré was invited by ex-President Gbagbo on 23 January 2007 to facilitate direct negotiations between Gbagbo's side and the belligerent Forces Nouvelles. Instead of committing to security sector "reform", the parties affirmed their willingness to achieve political, administrative and military "normalization" in the country. Although Part III of the OPA makes provision for restructuring and reorganizing the defence and security forces, what was settled for was mere integration of the two forces into one joint operational structure still under two parallel chiefs of staff: one for the National Defence and Security Forces and another for the Forces Nouvelles. The OPA also provides for a new amnesty law covering crimes and offences related to national security but excepting economic crimes, war crimes and crimes against humanity.<sup>66</sup> The parties further agreed to request the African Union and ECOWAS to petition the UN Security Council to lift personal sanctions against the major actors immediately and lift the arms embargoes imposed on Côte d'Ivoire within three months of holding presidential elections.<sup>67</sup>

It was clear from the start that ECOWAS would not have the right leverage to make a significant contribution or difference in Côte d'Ivoire. Deep divisions among ECOWAS member states on Côte d'Ivoire was a critical factor in the weak role of the organization in the peace process, and more relevantly in the restructuring and reorganizing of the defence and security forces as mentioned in the OPA, and indeed in the handling of the post-electoral crisis.<sup>68</sup> ECOWAS has not been involved in the national dialogue and

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<sup>62</sup> Failed States Index, 2007 and 2008.

<sup>63</sup> UN Security Council Resolution 1828 of 29 July 2008. The 1,300 ECOWAS peacekeeping troops were upgraded and absorbed into a 9,000-strong UN force at the behest of ECOWAS.

<sup>64</sup> UNOCHA, "Côte d'Ivoire: New Peace Effort Under Way but Gbagbo Refuses Role for West Africa", 2005, [www.globalsecurity.org/military/library/news/2005/09/mil-050928-irin02.htm](http://www.globalsecurity.org/military/library/news/2005/09/mil-050928-irin02.htm).

<sup>65</sup> The OPA was the last in a long line of peace agreements, numbering about ten, starting in October 2002 with the Agreement on Cessation of Hostilities.

<sup>66</sup> Ouagadougou Political Agreement, Article 6.3.

<sup>67</sup> *Ibid.*, Articles 6.4 and 6.1 respectively.

<sup>68</sup> For instance, Nigeria did not initially contribute troops to the peacekeeping force; Côte d'Ivoire was the only West African state to recognize the secessionist Biafra Republic during the Nigerian civil war of 1967–1970. By 2003 ECOWAS's efforts to bring peace had stalled in part because of the perceived personal rivalry between the ECOWAS chair, Senegalese President Wade, and chief negotiator, Togolese President Eyadema.

reconciliation process; it does not enjoy an observer status to the process except a marginal presence via the Office of the Special Representative of the President of the ECOWAS Commission. However, it is worth noting that ECOWAS sent an election observer mission to the 2010 presidential elections, and also supported joint police operations between Côte d'Ivoire and Burkina Faso and funded radio equipment for the Ivorian police in 2012 after the election crisis.

Over six years after the signing of the OPA, Côte d'Ivoire authorities have developed a **national SSR strategy** to address issues including human security, allocation of resources for various security institutions, democratic oversight of the security sector, post-conflict reconstruction and linkages between SSR and DDR. With the support of the UN Operations in Côte d'Ivoire and the French government, a more comprehensive SSR/DDR process has been ongoing in earnest since April 2012, in which ECOWAS has played an admittedly small part. Progress started when President Ouattara set up a national working group on SSR; the group's report was adopted and implementation of its recommendations started in August 2012. As the SSR process now gathers steam, ECOWAS and its member states can play an increased role. To reform the security sector successfully, some of the key SSR objectives of the OPA remain essential, including dismantling militias. For any reform to have the potential for success, it will need to address the conditions that led to the postponing of SSR: many spoilers in the armed forces who fear that they stand to lose from these reforms, as well as politicians who have built their power in relation to the armed forces and benefited from the status quo.<sup>69</sup> Despite these limitations, implementation of comprehensive SSR cannot be avoided in addressing some of the longer-term challenges that face the different components of the Ivorian security sector.

#### **4.2 ECOWAS as a leading actor in a security sector reform process: The case of the ECOWAS Mission in Guinea-Bissau**

Since political negotiations started in 2006, the defence and security sector reform (DSSR) process in Guinea-Bissau has been a rallying point for mobilizing financial, technical and programmatic support and cooperation from numerous external actors, both multilateral and bilateral. However, the political crises in 2008, 2009 and 2010 led some major donors such as the United States and European Union to withdraw diplomatic presence from Guinea-Bissau and support to the SSR process.<sup>70</sup> This caused major hiccups in implementing the strategy and brought the process to a standstill.<sup>71</sup> However, the immediate prelude to the formation of the ECOWAS Mission in Guinea-Bissau (ECOMIB) was withdrawal of the Angola Military Mission in Guinea-Bissau

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<sup>69</sup> Arthur Boutellis, *The Security Sector in Cote d'Ivoire: A Source of Conflict and a Key to Peace* (New York: International Peace Institute, 2011, p. 15).

<sup>70</sup> The assassinations of the chief of defence, General Batista Tagme Na Wai, on 1 March 2009 and President Joao Bernardo Nino Vieira on 2 March 2009, as well as a mutiny by influential military figures on 1 April 2010, left the international community in doubt about the state of democracy and political stability in Guinea-Bissau.

<sup>71</sup> The European Union relaunched support to Guinea-Bissau in maritime security in August 2013, covering the archipelago and littoral areas which are major intercontinental trafficking routes for narcotic drugs. The EU support seeks to modernize equipment and protect maritime resources, protect the territorial waters, fight illegal fishing and curb impacts of the drug trade by creating an alternative and viable economic sector and livelihoods.

(MISSANG) in June 2012.<sup>72</sup> The Guinea-Bissau army hierarchy were opposed to MISSANG, which they saw as a form of protection for the government. The unclear role of MISSANG and the pledge by Prime Minister Carlos Gomes Junior to carry out SSR were identified as one of the reasons for the coup of 12 April 2012 which overthrew the government. ECOWAS therefore quickly deployed troops to facilitate peaceful exit of the Angolan forces, fill in the gap and set a new timetable for democratic transition. Also, since Angola is a key member of the Community of Portuguese Speaking Countries in Africa, CPLP support to the DSSR process waned after Angola pulled out. Prior to ECOMIB's deployment, the ECOWAS Chiefs of Defence Staff had carried out an assessment mission in 2010 in the lead-up to the articulation and adoption of a roadmap for DSSR. The roadmap was amended at a joint extraordinary meeting of the CDS, the Committee of Chiefs of Security Services and representatives of CPLP in November 2010, and was validated by the Authority of Heads of State and Government on 24 March 2011.

Key documents which spell out the roles and responsibilities of ECOWAS and the Guinea-Bissau government in the DSSR process include the **Memorandum of Understanding (MoU) on the Implementation of the Defence and Security Sector Reform Programme** in Guinea Bissau and the **Status of Mission Agreement (SOMA)** between the government of Guinea-Bissau and ECOWAS, both of which were signed on 7 November 2012. The tripod is completed by the joint **Roadmap for DSSR**, which predates the MoU and SOMA. Under the MoU, ECOWAS agreed to commit US\$63 million to the DSSR process as a financial contribution in the form of subsidy.<sup>73</sup> The government of Guinea-Bissau agreed to allocate 10 per cent of the estimated cost for the establishment of a pension fund, and has further committed 5 per cent of the annual national budget to the DSSR programme for the following four years.

Obligations of ECOWAS under the MoU include to contribute to reinforcing the security of institutions and the protection of the national bodies in charge of criminal investigation; to head the Technical Assistance Mission and coordinate its activities; to designate the heads of the three components of the mission (civilian, police and military) in collaboration with the government of Guinea-Bissau; to undertake the recruitment and deployment of the required staff for the implementation of the programme; and to contribute to the rehabilitation of the barracks and police cantonments.<sup>74</sup>

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<sup>72</sup> The 200-strong MISSANG was replaced by a 600-strong ECOWAS mission. In a press release, the Angolan government declared that "Despite not having accomplished the programme foreseen in the agreement and protocol, for reasons beyond its control, the Angolan government [made a unilateral decision to withdraw] MISSANG with the firm and unequivocal conviction of mission accomplished."

<sup>73</sup> Memorandum of Understanding on Implementation of Defence and Security Sector Reform Programme, Article 1(2)(b). The amount is to be paid in three tranches thus: USD23,000,000 shall be disbursed upon entry into force of this MoU and after approval of the budget of the programme by ECOWAS Commission; additional USD23,000,000 shall be disbursed after providing ECOWAS Commission with justification of the use of 80% of the first disbursement; the remaining USD17,000,000 shall be disbursed after providing ECOWAS Commission with justification of the use of the entire initial USD23,000,000 disbursement and the justification of the use of at least 80% of the second disbursement.

<sup>74</sup> *Ibid.*, Article 4(1)(2).

The mandate of ECOMIB, which is spelt out in Article IV of the SOMA, includes the following:

- i. provision of security for the transitional process, which would be driven by a consensual arrangement based on the Guinea-Bissau constitution
- ii. support the Guinea-Bissau electoral process through provision of security for all stakeholders and Institutions involved in the process
- iii. provision of security for all other institutions, VIPs and vulnerable persons in the country
- iv. ensuring security of witnesses and institutions involved in the investigation and criminal prosecution of assassinations
- v. establishing and protecting humanitarian corridors where required for the delivery of humanitarian assistance
- vi. provision of security for the populace in general and creation of a conducive environment to guarantee personal and other freedoms, including freedom of movement of persons and goods, thus allowing businesses and banks to resume their normal operations
- vii. assist in the effective implementation of DSSR programme in Guinea-Bissau
- viii. perform any other security duty that the situation may require

**Decision A/DEC 14/12 of the Authority of Heads of State and Government**, which authorized the deployment of ECOMIB, describes it as an integrated peace support operation mission. Its initial mandate was for a period of six months, renewable on the basis of the evolving situation in Guinea-Bissau. At the Ordinary Session of the Authority of Heads of State and Government in July 2013, it was decided to extend the mandate of ECOMIB by a further 12 months from 17 May 2013 until 16 May 2014. The DSSR programme seeks to pursue progressive decommissioning and DDR of officers within five years.<sup>75</sup> Targets of justice sector reform include training and sensitizing judicial officers, securing independent finance and administration for the judiciary so as to make it free of political influence, and establishing courts and tribunals all over the country and not just in central Bissau.

The political situation in Guinea-Bissau has continued to improve significantly, creating an enabling environment for the DSSR process to take root. A second joint ECOWAS/AU/CPLP/UN/EU assessment mission to Bissau, which was undertaken between October and December 2012, reported positive outcome. Political consultation among Guinea-Bissau stakeholders continued in early 2013 to forge a more inclusive transitional process, and a revised transitional roadmap for elections has been adopted. A new all-inclusive transitional government was formed on 7 June 2013, composed of representatives of all political parties and cutting across the National Assembly, the military, technocrats and civil society. The timeline for the transition was extended to 31 December 2013, and a new chair and members of the National Electoral Commission have been appointed.

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<sup>75</sup> Target composition of the reformed armed forces is 3,440 (50 per cent or 1,720 in land forces, 35 per cent or 1,204 in the air force, 15 per cent or 516 in the navy), composed of 30 per cent permanent personnel and 70 per cent conscripts. Target composition of the reformed security services is 1,300 in the public security service, 1,700 in the national guard, 300 in the intelligence service and 150 in the judicial police.



Less than a year after its deployment, ECOMIB has recorded a number of achievements but not without some challenges.

- i. A three-person DSSR technical advance team has commenced duties in Bissau under the auspices of the special representative of the ECOWAS Commission president<sup>76</sup>
- ii. A full technical team is being recruited and will be posted subsequently. Working closely with the Guinea-Bissau authorities, the DSSR technical team has opened a bank account to receive money and make gradual transfer of ECOWAS's financial contribution. It has also called for tenders and procurement for needed capacity and equipment, developed a database of beneficiaries for pensions and identified training needs for the armed forces and security services
- iii. ECOWAS is also renovating an air force base in Bissau and an army barracks in the country, and the Electoral Assistance Division is preparing to deploy a sizeable election observer mission to the 24 November 2013 Guinea-Bissau general elections (which have subsequently been postponed until 16 March 2014).

According to the report of the president of the ECOWAS Commission to the MSC in Abuja on 15 July 2013:

*The first tranche of the ECOWAS grant for [implementation of the DSSR programme] has been lodged in an account in Bissau, and the two parties signed contracts with a construction firm in early July 2013 to commence work on the rehabilitation of three military barracks. Further, the Guinea Bissau military has submitted the rank category of over 1,700 personnel desirous of proceeding on voluntary retirement. The Joint Coordination and Monitoring Cell, which manages the Program, is currently in the process of screening the list and reviewing the pension modules under which the personnel would be covered.*

The special representative of the UN Secretary-General in Guinea-Bissau, José Ramos Horta,<sup>77</sup> who assumed office on 2 January 2013, acknowledged the key role played by ECOWAS in his introductory statement to the report of the UN Secretary-General to the Security Council on 9 May 2013. He further stressed that the situation in Guinea-Bissau would have been worse if ECOWAS had not stepped in to secure the release of the Guinea-Bissau leaders who were held captive by the April 2012 coup plotters, and prevented the dissolution of the National Assembly.

There is continuing progress and international political support. Several partners are still much involved in the SSR and political process in Guinea-Bissau, including the African Union, European Union, United Nations, CPLP and Organisation Internationale de la Francophonie (OIF). The latter has conducted two joint assessment missions, and one recommendation was to revive the International Contact Group on Guinea-Bissau. During a review of the political transition roadmap, a regime pact which touches on the security and judicial sectors, drugs control, illegal fishing, etc., was included. The regime

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<sup>76</sup> Two colonels and one deputy commissioner of police. However, these officers are on contract until about December 2013; as at August 2013 recruitment was ongoing for the full technical team.

<sup>77</sup> Former president and prime minister of East Timor and co-recipient of the 1996 Nobel Peace Prize.

pact constitutes a binding agreement, a consensus and confidence-building efforts which establish a minimum agenda for the post-election situation irrespective of which party wins.<sup>78</sup>

Despite all the progress made so far, potential challenges and threats to the process still exist: political instability and election-related violence which may derail the election timetable; reluctance to reform, especially by the older generation of military personnel and ex-combatants;<sup>79</sup> internal divisions within the armed forces, inadequate financial resources and outdated equipment; incentives to drug trafficking facilitated by the military and security services;<sup>80</sup> and SALW proliferation. Notable conditions for success of the DSSR programme include:

- i. sustained support of the international community
- ii. a well-functioning judicial system
- iii. political reform and economic development
- iv. possibly the participation of Guinea-Bissau forces in regional peacekeeping activities and missions which would provide alternative or additional sources of income and distract the armed forces from getting restive at home and fomenting instability

Also, it is necessary to highlight the role of local stakeholders and peace constituents which present opportunities for consolidating the DSSR programme. Traditional rulers and religious authorities are respected and used to deliver messages to the people. Civil society and the media are largely in favour of the reform and can assist in sensitization. The National Assembly can be relied on, and the private sector and civil society can contribute to the reintegration programme by creating jobs to absorb retired personnel and ex-combatants. These communities have not been sufficiently involved in the DSSR process, as they are largely not seen as “traditional” actors in the security sector. However, their potential contribution to the process is a good enough ground to formalize their roles in the DSSR programme.<sup>81</sup>

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<sup>78</sup> Guinea-Bissau had planned to use a biometric system of voting budgeted at over \$30 million, but partners insist that the system will not work well and advised opting for an enhanced manual system. The state had expressed scepticism over the 24 November date, though ECOWAS insisted that the electoral timetable must be ended by 31 December 2013 (although this was subsequently pushed to 16 March 2014). ECOWAS plans to send a fact-finding mission to scrutinize the \$19.5 million budget. (Interview with ECOWAS staff.)

<sup>79</sup> Disagreements over promotions within the armed forces led to mounting tensions and rumours of fresh destabilization plots in April 2013. The military hierarchy held a meeting on 20 April 2013 to resolve the grievances and reiterated their pledge to cooperate in the fight against drug trafficking. ECOWAS Commissioner PAPS, “ECOWAS Overview of Regional Security Challenges”, presentation at P3+ Partners Meeting, Washington, DC, 21 May 2013.

<sup>80</sup> Agents of the US Drug Enforcement Agency arrested former chief of naval staff of Guinea-Bissau Rear Admiral Americo Bubo Natchuto in a sting operation on 4 March 2013. He will be tried in a New York court on charges of drug trafficking. The chief of the armed forces defence staff General Antonio Njai has also been allegedly indicted on the same offence. See AU Peace and Security Council, “Report of the Peace and Security Council on Its Activities and the State of Peace and Security in Africa”, May 2013, p. 23, para. 94.

<sup>81</sup> These suggestions emerged at interview with a member of ECOWAS staff who is involved in ECOMIB.

## 5. Opportunities and challenges for a security sector reform agenda in West Africa

### 5.1 *Political momentum for shared values and goals on security sector reform*

On the surface, one would be right to hold that ECOWAS's efforts to promote shared values of democracy, good governance, transparency and accountability are inextricably linked to the shared borders, shared history and common destiny of its member states. Realizing that what affects one affects all, the organization has, with varying degrees of success, supported norm setting, encouraged compliance and pursued implementation of democratic principles. Although dissemination of shared values of democracy and good governance was not an ingredient in the formation of ECOWAS in 1975, given the reinforcing connection of good governance with security and development, it has come to be linked back to the original *raison d'être* for ECOWAS: economic integration and regional development.

However, democratic values lose their real value if they are permitted to be breached with impunity. ECOWAS therefore also takes steps to deter impunity and enforce democratic governance. To back up the constitutional convergence principles enunciated in Article 1 of the Supplementary Protocol on Democracy and Good Governance, particularly paragraphs (b) and (c), a **sanctions regime** is instituted under Article 45. The most severe sanction envisaged in the case of a *coup d'état* or massive violation of human rights is suspension of a member state from all ECOWAS decision-making bodies.<sup>82</sup> The efficacy of such a sanction in deterring, much less correcting, the menace of poor governance is doubtful. In practice, however, ECOWAS has on several occasions gone beyond the very narrow and ineffectual sanctions prescribed in the supplementary protocol and imposed smart sanctions on erring juntas, including in Côte d'Ivoire, Guinea-Bissau, Niger and Mali.

In the case of Mali, stiffer sanctions were considered when earlier sanctions proved ineffectual. Consultations between Mali junta leaders and ECOWAS authorities in April 2012 resulted in the signing of a framework agreement for the restoration of constitutional order. Following the agreement, ECOWAS leaders through the chair of the Authority of Heads of State and Government and Ivorian President Alassane Ouattara lifted all sanctions imposed on Mali with immediate effect. But due to the Junta's willingness to disrupt the political process, the **ECOWAS MSC** announced a range of tighter sanctions on the junta on 19 May 2012. Sanctions considered ranged from political to diplomatic, economic and financial, and included a travel ban within ECOWAS space and the freezing of personal assets, restrictions on the use of other member states' airspace and territorial waters, and the freezing of accounts and financial assets of Mali held in ECOWAS financial and economic institutions. On the diplomatic front, Mali was suspended from membership of ECOWAS and participation in all sporting and cultural events in the ECOWAS space. All member states also agreed to recall their accredited ambassadors to Mali. Other sanctions considered included the

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<sup>82</sup> Supplementary Protocol on Democracy and Good Governance, Article 45(2).

suspension of the supply of petroleum products to Mali and the closure of all borders with Mali except for humanitarian purposes.

Similarly, on 30 April 2012 ECOWAS imposed diplomatic, economic and financial sanctions on Guinea-Bissau after talks between foreign ministers of the regional contact group and Guinea-Bissau's political stakeholders failed to reach an agreement to return the country to constitutional rule within 12 months. The sanctions regime targeted members of the junta that seized power in the 12 April 2012 military coup and their associates.

No case illustrates the limitations or extent of ECOWAS's operational capacity and political commitment to conflict prevention, democratic consolidation and good governance better than events in Mali since March 2012. It is instructive that at the time, ECOWAS was already overcommitted to the budding DSSR process in Guinea-Bissau. Ghana and Nigeria, which were seen as potential leaders of regional action for Mali, were dealing with enormous internal political and security demands: Nigeria was beset by terrorism unleashed by the Boko Haram sect in the northeast, which overwhelmed its security apparatus and led to involvement of its military; Ghana was preparing for general and presidential elections in December 2012 and still grappling with sectarian conflict in parts of its northern region.<sup>83</sup> On 1 April 2012, under pressure from ECOWAS, Captain Sanogo announced that the Malian constitution would be restored. Following economic and political sanctions by ECOWAS on the country, a deal brokered in Burkina Faso by the ECOWAS mediator in Mali, President Blaise Compaoré, was reached. The deal saw Captain Sanogo cede power to Dioncounda Traoré to assume the presidency in an interim capacity until elections were held. ECOWAS sent 250 observers to Mali's general elections in July and August 2013, the largest contingent deployed by any organization.

A noteworthy initiative by ECOWAS is the plan to review its intervention in Mali starting from September 2013. **ECOWAS seeks to conduct a post-crisis assessment of its diplomatic, political, military, technical and institutional support to the state.** The process will give a rear-mirror view of what has worked or needed institutional restructuring. The assessment, which will involve the government, military experts, civil society, research institutions, member state experts, ministers, the MSC and heads of state, will provide an opportunity to draw lessons, correct mistakes and build on the positives of the intervention, match political will with resources and reconsider relations with partners such as the United Nations, African Union and European Union. Mali appears to be a good example for such an ECOWAS lessons learnt assessment: it provides a comprehensive test case on Chapters VII and VIII of the UN Charter. The process also seeks to find a definitive solution to the northern Mali crisis and the Azawad National Liberation Movement separatist question.<sup>84</sup> Also, a national reconciliation commission has been set up to commence work after the elections.

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<sup>83</sup> A similar reason was given for the lack of political will and delay by the regional body to commit to resolving the post-election crisis in Côte d'Ivoire, beyond political and strategic action from December 2010 through the first quarter of 2011. The regional hegemon, Nigeria, was then preparing for crucial general and presidential elections in April 2011 amidst internal political tension and security threats.

<sup>84</sup> While the Azawad movement demands autonomy, Malian authorities are seeking enhanced decentralization; a balance needs to be struck. It has been noted that such decentralization has not been well managed in the past and needs to give northern Mali a sense of inclusiveness to ease its demand for autonomy.

Beyond conducting a one-off post-crisis assessment in a member state, ECOWAS's efforts geared towards the adoption of the Regional Framework for Security Sector Reform and Governance will further consolidate core values of democratic governance through the following.

- i. Promote the adoption of a clear framework, such as national security policy which encapsulates threats that a member state and its people face, delineates the roles of various security and political institutions and cooperation between them, and forms a basis for security decision-making and evaluation
- ii. Promote the role of CSOs and the media, and enable interaction between other security actors and CSOs and the media
- iii. Support effective oversight that clarifies complementary roles, institutionalizes clear separation of powers and functions between and among security actors, and inaugurates mechanisms for checks and balances
- iv. Prioritize the integration of gender, democratic civilian control and human rights approaches in an SSR process
- v. Establish and enable linkages between SSR and democratization, regional integration and development

## **5.2 A needed balance between political support and technical assistance**

A wide gap exists between ECOWAS's political/strategic support and technical/operational assistance to member states. Direct and indirect technical support pales in comparison to political measures. However, relevant political decisions and resolutions cannot be implemented and monitored without adequate technical capacity. The gap is reflective of limited human capacity pointed out above, and was created partly as a result of the **recruitment freeze imposed by ECOWAS heads of state and government in 2008**. Since ECOWAS's own capacity is limited, it follows that its capacity to support member states is also limited. As a remedial measure, ECOWAS departments and directorates hire consultants and staff with the financial support of development partners in peace and security, such as the German Society for International Cooperation (GIZ) and the Danish International Development Agency (DANIDA).

To provide full technical support to member states on SSR, the ECOWAS Commission should undertake the following.

**a)** Establish an adequately **staffed and fully equipped SSR unit** with a clear mandate to promote and support SSR in all member states. The **Regional Security Division under which SSR falls presently has no focal officer on SSR**; it has only two professional staff.<sup>85</sup> ECOWAS staff presently posted to supply SSR in Guinea-Bissau and Mali are mostly drawn from the Mission Planning and Management Cell and cut across the Peacekeeping Division and the ESF (military staff), the Civilian Police Unit (police staff)

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<sup>85</sup> These are the principal programme officer and head of division, Regional Security, and the programme officer, Regional Security. These two officers are responsible for a wide array of security portfolios, including maritime security, counterterrorism and transnational organized crime. The division also serves as the secretariat of the West African Police Chiefs Committee. SALW was under the control of the Small Arms Unit; drug trafficking falls under the mandate of the Department of Gender Development, Youth/Sports, Civil Society, Employment and Drug Control.

and the Political Affairs Directorate (civilian staff). Although the recruitment freeze was partially lifted after four years in 2012, only one position of programme officer SSR was advertised in November 2012 along with 51 other positions within the ECOWAS Commission, and the recruitment process has suffered delays. With a **fully staffed and functioning SSR Unit** at the ECOWAS Commission, support to member states will be coherent and better coordinated and monitored. The shortfall in staffing and limited technical capacity are among the reasons why it is almost impossible for ECOWAS to be fully involved in SSR programmes in more than one member state at the same time.

**b) Develop a roster of regional SSR experts** from which it can draw when the need arises to support SSR-related activities. Notwithstanding limited human capacity in-house, ECOWAS stands to benefit immensely if it looks outwardly to the valuable pool of regional experts, practitioners and academics in SSR and related areas. A roster or updatable database of screened and verified experts would, for instance, have saved the time and energy taken to recruit a fresh DSSR technical team to support the Guinea-Bissau programme. It would make it infinitely easier to assemble technical teams when the need arises to conduct fact-finding missions, strategic assessment, needs assessment, monitoring and evaluation, to review national legal frameworks for the security sector, or to harmonize regional and national policy and legal frameworks. Similar resources already developed in ECOWAS, such as the **EERT** roster and the **roster of regional election observers**, demonstrate the utility of a roster of SSR experts, especially in cases where rapid mobilization and deployment are called for.

Additionally, some regional and national CSOs have played an important role in supplying and supplementing human capacity and technical expertise to ECOWAS. Regional CSOs in the field of peace and security include the ASSN, the West African Action Network for Small Arms (WAANSA), the West African Civil Society Forum, the West African Network for Peacebuilding (WANEP) and WANSED. Generally, the role of CSOs includes technical support to norm setting, policy development and implementation, capacity development, conducting independent analysis and proffering policy options, advocacy and sensitization, dialogue and agenda setting, peacemaking and peacebuilding, mobilization of stakeholders and resources, and ensuring accountability and transparency. Experts drawn from ASSN and WANSED were central to developing drafts of the ECOWAS Regional Framework for Security Sector Reform and Governance and work plans for implementation of some components of the ECPF.<sup>86</sup> The ECOWAS Early Warning Directorate has also benefited from WANEP's assistance in information gathering, analysis and dissemination by tapping into its wide networks spread across member states.<sup>87</sup> WAANSA has worked in partnership with national commissions on SALW and the ECOWAS Small Arms Control Programme and Small Arms Unit, and provided coordination to all bodies that work on small-arms issues. WAANSA's advocacy and technical assistance were essential in the adoption of the ECOWAS Convention on Small Arms and Light Weapons in June 2006.

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<sup>86</sup> ASSN also played a key part in developing the AU Policy Framework for SSR.

<sup>87</sup> Regional CSOs usually sign an MoU with the ECOWAS Commission on various aspects of cooperation and technical assistance. For instance, in 2002 ECOWAS and WANEP signed an MoU which enabled the establishment of a connection between WANEP's WARN programme – an early warning mechanism – and the ECOWAS early warning system established by the Mechanism for Conflict Prevention of 1999. The ECOWAS Early Warning Network is an integral part of the West African peacebuilding preventive programme.

### 5.3 *The necessity for regional leadership to support coherence among donors and coordination of external assistance*

External actors such as the United Nations, European Union, United Kingdom and other Western states – through their departments of defence, diplomacy and development – are key stakeholders in SSR delivery. They support SSR programmes or elements in West Africa in various ways, including carrying out needs assessment, financial contribution, training and equipment, joint planning and design, military and political advice, technical assistance, logistic support and communications management, rightsizing and restructuring, strengthening security oversight institutions and monitoring and evaluation of progress.<sup>88</sup> Reasons for the involvement and leading role of external actors in SSR may be strategic, geopolitical or economic.<sup>89</sup> Significant factors underlining their leading role in supporting SSR in some cases include strategic coordination and clarity, and shared understanding about SSR objectives.

First, coordination between and among external actors – or between relevant units, offices and departments within one external organization or state – is often better than coordination between and among relevant units, offices and departments of a recipient state.<sup>90</sup> There is also a **communication gap**: coordination between external actors usually does not translate into effective coordination when it involves external actors on the one hand and the recipient state on the other. In sum, the SSR supply side appears to be better coordinated than the demand side. But significantly, a certain lack of coordination often characterizes the supply side as well, mostly in terms of different budgetary rules and cycles, varying national agendas and dictates of national politics and economics which often affect foreign policy and development support.

Secondly, most external actors are usually clear about having a **common understanding of SSR** objectives before they commit. However, they may not always know how to achieve those objectives and what the specific context would demand. Expectations and assumptions on how SSR would work in other regions have often proved to be problematic when confronted with stark realities on the ground. Another reason for the potential for external actors to lead in SSR relates to the quality of the product or service being exported. Armed forces and security services in the home (Western) states are generally professional and non-partisan, and the security sectors relatively more transparent and accountable to their populations. Over the years these security sectors have been subject to constitutional democratic governance and civilian control. Credibility at home is a huge part of why the states are confident in “exporting” SSR support to other regions; although some instances of exporting SSR support have not worked so well, credibility in other states or regions is a huge part of why recipient states would be confident in “importing” SSR support from them.

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<sup>88</sup> For instance, the International Military Assistance Training Team in Sierra Leone provided a defence and security advisory role, training, technical assistance and monitoring.

<sup>89</sup> The lead role of French forces in former French colonies such as Mali and Côte d’Ivoire has been attributed to historical and geopolitical factors. Even the term “security sector reform” emerged in the late 1990s as part of an international agenda to promote sustainable peace and development in societies in transition from conflict or long-term authoritarian rule.

<sup>90</sup> Coordination is used here in the sense of identifying common interests, agreeing on strategy, sharing information and pooling resources.

Before ECOWAS took the lead on the SSR programme in Guinea-Bissau, various external actors, particularly the European Union, United States and Angola, had been involved in aspects of SSR in the country. Although ECOWAS's technical capacity to support the SSR programme fully through ECOMIB is limited, the organization has demonstrated tremendous political leadership and commitment. **ECOWAS has also garnered enviable experience in supporting SSR in other member states, including Liberia, Sierra Leone and Côte d'Ivoire.** Such experience should serve as best practice and lessons learnt for the regional organization in future SSR programmes, projects and activities.

Success in Guinea-Bissau will no doubt encourage and strengthen ECOWAS's capacity to support SSR in other member states. However, to consolidate its emerging leadership role it is necessary for ECOWAS to take the following steps.

- i. Improve its **internal coordination and coherence on SSR objectives, approach and strategy.** The draft ECOWAS Regional Framework for Security Sector Reform and Governance seeks to fill this gap
- ii. Reduce its **financial dependence and lack of technical capacity.** With improved expertise and technical capacity, including drawing human capacity from CSOs and the invaluable pool of regional experts on peace and security when necessary, ECOWAS may conceivably circumvent its dependence on external actors for funding support for SSR and training and equipment for the armed forces and security services
- iii. Strengthen **good financial management, transparency and accountability mechanisms regarding the implementation of programmes/projects.** This is one sure way to win the confidence of external actors, donors and partners in SSR and to prove that ECOWAS can, more competently, take on more responsibilities

## 6. Conclusion and recommendations

The ECOWAS Regional Framework for SSR/G has been in the making for over four years. Over that period (2009–2013) the West African security landscape has been chequered by numerous incidents of insecurity and instability, including in Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Nigeria and Togo. Much of the insecurity has emanated from the security sector itself; other cases have festered due to the weakness or politicization of the state security forces. The relevant question then is: **would adoption and implementation of the ECOWAS Regional Framework have prevented any of these situations, or would it have made the security sector more prepared to deal with them?** More importantly, **what would be its contribution in the future?**

Building on the security governance component of the ECPF and the ECOWAS peace and security architecture, the regional framework should be seen as a tool for structural conflict prevention and a guide on how to make the security sector effective and accountable in compliance with democratic governance values. Its guided and sustained implementation will create a national and regional environment conducive to peace,



stability and prosperity. As a regional initiative and given the mandate of ECOWAS to supplement but not supplant national SSR-related initiatives, the regional organization should endeavour to find entry points in order to promote and disseminate within member states the normative framework contained in the draft ECOWAS Regional Framework for SSR/G.

The ECOWAS Commission **internally validated the framework** recently in Lagos, Nigeria, after its consideration by relevant directorates and partners on 3–4 October 2013. A shared vision of security translated down the line will lead to strategic and operational coherence in supporting SSR in member states.

#### *Recommendations for the ECOWAS Commission*

**Build capacity and restructure for coherent SSR support.** The ECOWAS Regional Framework for SSR/G should make provision for a core, multidimensional SSR unit which would be adequately staffed. Also a reviewed organizational chart should set the number of staff needed by the ECOWAS Department of Political Affairs, Peace and Security to provide technical assistance to member states.

**Leverage existing capacity.** ECOWAS should play to the maximum its role as a supranational body – primarily by setting norms and standards, and facilitating and supporting rather than directly implementing SSR programmes. Hence improved collaboration with partners with expertise in specific areas will be more productive, particularly CSOs, which are much less bureaucratic and political in nature. In this respect, **developing a database of regional security experts and practitioners** will unlock enormous potential capacity to ECOWAS. Beyond the signing of MoUs with specific CSOs with regional or multinational spread when the need for capacity support arises, ECOWAS should evolve a framework to involve and engage relevant regional and national CSOs as genuine and active stakeholders and doorkeepers in SSR processes.

**Create an SSR trust fund.** If ECOWAS is to meet its commitments and maintain a lead role in SSR/G in the region, as well as enjoy more autonomy and financial self-reliance, it should consider as a priority the creation of an SSR trust fund or a dedicated wallet to fund SSR support in member states. While the ECOWAS Peace Fund (EPF) already caters to timely financial requirements of maintaining peace and security, the three windows under the EPF are so broad<sup>91</sup> and available funds so stretched that ECOWAS had to go on a funds drive to support SSR in Guinea-Bissau, for instance, which often leads to delay in commencing the process. Even if started small initially, a dedicated wallet supplied from the ECOWAS Community Levy and voluntary contributions from member states will in the long run wean ECOWAS from financial dependence on donors for an area as key as the security sector.

**Develop operational guidance tools.** To support member state, donor and CSO intervention on SSR in West Africa better, the ECOWAS Commission should develop

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<sup>91</sup> Although many of the heads under the EPF windows relate to SSR generally, SSR/G specifically so-called is a tiny component of Window 2: finance political and humanitarian assistance, peacebuilding and post-conflict reconstruction.

specific operational guidance tools related to SSR activities such as assessment, programme/project evaluation, programming, gender and SSR, oversight, legal security framework, etc. Such tools will enable ECOWAS to combine its political support to SSR with specific technical assistance.

**Identify subregional and transregional entry points for SSR.** There is an emerging pattern of clustering of member states both within and across RECs to define and agree on a regional security strategy. Ideas under development include the Sahel strategy, Gulf of Guinea strategy and Mano River Union strategy. ECOWAS should see these clusters as building blocks and entry points for intervention on SSR. It should also seize other opportunities to advocate for SSR through crisis management intervention and projects such as peace agreements, transitional justice processes, DDR programmes, armed violence reduction initiatives, etc.

**Improve SSR programming.** Programming SSR needs to be strategic, results oriented and inclusive. Effective programming will clarify needed action, roles and responsibility of national and regional stakeholders, targets, resources, communication, monitoring, evaluation and periodic review. Existing programmes within ECOWAS are often approached with a fixed mindset which does not allow for rapid and effective adaptation of programmes and strategy to evolving circumstances. For instance, the ECPF implementation plan can benefit from a more strategic approach. Compiling implementation plans on all the components of the ECPF into one document is commendable; however, it is still a far cry from ensuring harmonization and coherence across the components in substance in terms of removing overlaps and potential friction in activity implementation, clarifying responsibility, avoiding budget duplication and streamlining outcomes. Regarding the ECPF security governance component, effective programming will ensure there is no duplication in budget and further stretch of limited human capacity by combining the development of a policy document and subsequent development of its action plan, especially where both documents will go through the same processes and be adopted by the same bodies.<sup>92</sup>

**Strengthen ECOWAS sanctions regime.** The Guinea-Bissau and Mali situations have exposed the need to review ECOWAS's regime to make sanctions smarter and more effective against targeted groups, institutions and persons. The sanctions included in the Supplementary Protocol on Democracy and Good Governance are necessary but inadequate. Since ECOWAS has taken the bold initiative to go beyond the limited scope of this protocol's sanctions regime in Mali, for instance, it should now take the step to develop and adopt a new set of smarter sanctions.

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<sup>92</sup> Cf. section 3.2(c) on non-operationalization of the ECPF, above.

*Recommendations for ECOWAS member states*

**Develop a legal framework for security.** To take ownership of the Regional Framework for SSR/G and demonstrate political leadership, member states should develop in an inclusive manner a **national security policy or strategy** and a national policy framework for SSR and governance, and **conduct a periodic review, including expenditure review, and needs assessment of the security sector.** These are effective ways to fill gaps within the security sector and review mandates in line with a fast-changing security environment and the security and justice needs of states and peoples. In short, member states must unambiguously commit to genuine security sector reforms and better security sector governance.

**Ratify ECOWAS protocols on peace and security.** Member states should ratify and domesticate relevant regional instruments, especially the ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, to enable their full implementation.

**Demonstrate political leadership in setting SSR agendas and requesting external support.** In line with the twin principles of state sovereignty and non-intervention in a state's internal affairs, ECOWAS member states, if needed, should always make an official request to partners for SSR support. This is a strong and visible sign of political leadership and ownership. Such official requests should be based on two things: a concrete and detailed review and needs assessment reports of the security actor(s) that need to be reformed, and a clear action plan coupled with the resources (human, material and financial) required.

*Recommendations for international partners and donors*

**Support capacity development for SSR.** External partners and donors should primarily provide support that will boost ECOWAS institutions' and member states' capacities to deliver on programmes and projects, especially in developing strong and sound financial management structures, standards and norms. Since a significant part of the problem which discourages external support is poor financial management and lack of accountability, direct support to financial management – as France has done – is a convenient way out, provided that such support is geared towards transferring skills and expertise to local institutions.<sup>93</sup> To hold an office or institution to answer for low levels of implementation of annual programmes year after year without matching such performance against the stark reality of low staffing capacity is not balanced evaluation. At the member state level, more support should be channelled to improving financial management structures in the security sector, including public expenditure review, strengthening anti-corruption mechanisms and promoting financial oversight.

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<sup>93</sup> On 15 July 2013, France and the ECOWAS Commission signed a technical cooperation agreement on the functioning of the Financial Management Unit (FMU) based in Abuja. Under the agreement, France is to put at the disposal of the FMU four French experts responsible for providing administrative and technical support. The FMU, which includes a decentralized office in Bamako, is dedicated to the International Support Mission in Mali. It will help to access and use efficiently the €50 million granted on 9 April 2013 by the EU Commission.

**Structure bilateral support.** There is usually unequal bargaining power between a partner or (mostly) Western state supporting SSR and a West African state benefiting from such support. The shared Principles for Good International Engagement in Fragile States and Situations issued by the Organisation for Economic Co-operation and Development in April 2007 are invaluable guides to “maximise the positive impact of engagement and minimise unintentional harm”.<sup>94</sup> The situation is quite different where support to a member state is channelled through a regional body or interlocutor such as ECOWAS, whose bargaining power is boosted by the united voice and weight of 15 member states, the common enlarged economy and the trade potential of the ECOWAS space.

**Conduct due diligence and needs assessment for SSR support.** Drawing lessons from cases of failed or ineffective SSR support, international partners and donors should necessarily ascertain real political will and commitment to SSR on the part of both political and military leadership in member states before any funding arrangement or support is entered into, much less executed. Keen assessment – ideally conducted jointly with the recipient state but also independently verified – should focus on identification and empowerment of change champions to drive the process, ensuring the existence of enabling conditions for SSR to take root, assessing the adequacy of institutional and legal frameworks that should support SSR, interrogating public financial management processes and clarifying other entry points for SSR. Due diligence is important to forestall a situation where resources committed to SSR fuel corruption or do not yield tangible results.

**Strengthen coordination among partners.** Given the often-divergent nature and interests of external partners, they should agree on practical coordination mechanisms. Practical initiatives can take the form of **joint donor offices, an agreed division of labour among donors, delegated cooperation arrangements, multi-donor (pooled) trust funds and common reporting and financial requirements.** Also, wherever possible, international actors should work jointly with national reformers in government and civil society to develop a shared analysis of challenges and priorities.<sup>95</sup>

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<sup>94</sup> OECD, “Principles for Good International Engagement in Fragile States and Situations” 2008 Some of the principles are to take context as the starting point, do no harm, focus on state building, prioritize prevention, recognize the link between political, security and development objectives, promote non-discrimination, align with local priorities, stay engaged long enough to give success a chance and avoid pockets of exclusion. Other relevant instruments to promote effective support to developing, fragile and conflict-affected states include the New Deal for Engagement in Fragile States, 2011, the Paris Declaration on Aid Effectiveness, 2005 and the Accra Agenda for Action, 2008.

<sup>95</sup> OECD, *ibid.*

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DCAF Geneva  
P.O. Box 1360  
1211 Geneva 1  
Switzerland  
Tel: +41 (22) 741 77 00  
Fax: +41 (22) 741 77 05

DCAF Brussels  
Place du Congrès 1  
1000 Brussels  
Belgium  
Tel: +32 (2) 229 39 66  
Fax: +32 (2) 229 00 35

DCAF Ljubljana  
Dunajska cesta 104  
1000 Ljubljana  
Slovenia  
Tel: +386 (1) 5609 300  
Fax: +386 (1) 5609 303

DCAF Ramallah  
Al-Maaref Street 34  
Ramallah / Al-Bireh  
West Bank, Palestine  
Tel: +972 (2) 295 6297  
Fax: +972 (2) 295 6295

DCAF Beirut  
Gefinor Bloc C  
Office 604, Beirut  
Lebanon  
Tel: +961 (1) 738 401  
Fax: +961 (1) 738 402

DCAF Tunis  
Rue Ibn Zohr 14  
1082 Tunis  
Tunisia  
Tel: +216 (71) 286 755  
Fax: +216 (71) 286 865

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