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## Negotiation, conflict and compromise – the Liberian challenge to a sub-regional security system

*by Emmanuel Kwesi Aning<sup>1</sup>*

### Introduction

This article analyses the response of the Economic Community of West African States (ECOWAS) to the collapse of Liberia as a functional state. First, it examines the processes leading to the addition of security-related protocols to ECOWAS' original treaty in 1975. Secondly, it explores the institutional processes established under these security protocols and their effectiveness when ECOWAS responded to the Liberian crisis. Finally, it discusses some of the lessons learnt from these interventions and offers suggestions to improve ECOWAS' response mechanisms.

### Negotiating a Collective Defence System

In obvious disregard for the instability in the sub-region, the ECOWAS Treaty did not include security protocols. However, in 1978 a Protocol on Non-Aggression was adopted. This sought to fulfil ECOWAS' aim of creating "an atmosphere, free of any fear of attack or aggression of one state by another". Significant as the non-aggression treaty was, two decisive security related issues were overlooked. These were (i) incidences of external aggression, and (ii) externally subsidised domestic insurrection and revolt within the Community. In 1981, a Protocol on Mutual Assistance on Defence (PMAD), which presumably dealt with these omissions, was ratified. When the PMAD became operational in 1986, it supplementarily sketched the outlines for dealing with "internal armed conflict within any member state engineered and supported actively from outside likely to endanger the security and peace in the entire Community". A combination of these two protocols provided ECOWAS with a security framework and specific blueprints and limitations for state action. Apart from these rules and procedures regulating state behaviour, they also sought to improve issue-linkage through:

- distinguishing and concentrating on a specific problem;
- engendering and advancing reliable exchange of information and knowledge;

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- intensifying confidence- and security-building measures and understanding among states;
- facilitating negotiation and issue-linkage among states and
- enforcing, monitoring and verifying rules and guidelines.

## Institutional design, decision-making processes and weaknesses

Diverse institutional mechanisms and administrative arrangements were established under these protocols to be made operative during crises. Under the PMAD, divisions from ECOWAS member states' armies constitute an Allied Armed Force of the Community [AAFC] under a joint commander. Ministers of defence and foreign affairs constituted a defence council led by the current chairman of the authority, while the chiefs of staff formed a defence commission. Provision was made for a deputy executive secretary for military affairs.

Procedures were also established concerning (i) how an assaulted state should contact the defence structure and (ii) what types of conflicts were envisaged as warranting Community intervention. Three types of antagonistic military action deserving Community response were defined, namely (i) aggression from non-member states; (ii) conflict between member states and (iii) internal conflict in a member state. Attached to these processes were procedural and administrative arrangements for communication with the Secretariat for subsequent decision by the Authority. Under point one, upon request for assistance from a member state, the Authority meets to decide the expediency for military action and entrusts subsequent enforcement to the force commander. With the second point, the Authority meets by deploying the AAFC as a peacekeeping force. The third point stated that when a conflict is actively maintained and sustained from outside, the Authority will respond as with point one. However, in situations where the conflict remained purely internal, there would be no Community action.

Despite these detailed processes, by the time ECOWAS intervened in Liberia, none of these institutional and administrative mechanisms had been established. This eventually affected the performance of its cease-fire monitoring group (ECOMOG). One weakness of the procedures towards a structured and institutionalised defence mechanism was ECOWAS' inability to establish the institutions it had agreed to set up. As a result, justification for the Liberian intervention was sought under the Non-Aggression Protocol, and not under the PMAD.

Several issues arose. First, by August 1990 none of these institutions were in existence. It was an integral part of the PMAD's decision-making process that the decision to deploy should be taken by the Council and Authority. Second, the PMAD did not provide for alternative institutional set-ups for the independent performance of the defence commission if the Defence Council (i) was not functional or (ii) had not been established. Third, the decision to intervene undermined the principle of unanimity that governed ECOWAS decision-making. What occurred in Liberia during the intervention was the establishment of *ad hoc* institutions. This resulted not only in disjointedness of action, but also in dys-

functional parallelism in the decision-making processes. Thus, when ECOWAS intervened in the Liberian crisis, the PMAD was nothing more than an instrument of declaratory policy.

## Precursor towards collective Community responses?

The ratification of these two protocols was seen as introducing a tradition of war-free intergovernmental relationships within the framework established by ECOWAS. Nevertheless, as subsequent events were to prove, this optimism was expressed too prematurely. Between 1985 and 1988, the level of intergovernmental relationships deteriorated considerably, resulting in four major conflict incidents resulting from environmental, societal, military and political insecurity.

Before the 1989 summit, therefore, ECOWAS' leaders were increasingly concerned with security threats that could destabilise the integration process. Not only that, ECOWAS was also undergoing fundamental structural changes. These sought to improve the organisation's ability and response capacity to tackle the political crises in the subregion. Conceivably, these structural and administrative changes were also meant to shift ECOWAS away from the institutional and bureaucratic inertia that had plagued the organisation. Finally, it sought to give it a rudimentary sense of operating as an international organisation. In the midst of these changes, a new executive secretary, Abbas Bundu, sought to improve the complementarity in security, stability and economic integration by revitalising and intensifying the process[es] of implementation, both at the Community and national levels. It is this urge to finding a solution to the seeming inertia within the Community that has largely characterised and dictated the direction of the secretariat in the past few years.

In a rejoinder, Dawda Jawara of Gambia argued for more concerted endeavours both from the secretariat and the Authority to demonstrate their collective political will to overcome the Community's setbacks. Bundu responded by summarising his evaluation of the political situation on the subregion: The harsh reality is that West Africa is experiencing a crisis of unprecedented proportions and the only viable solution lies in the revitalisation and intensification of sub-regional co-operation and integration. Any further delay in recognising and confronting issues head-on will condemn us all to a period of unimaginable misery and anguish.

These projections came hauntingly true within a year and ECOWAS has had to consider issues of political and security integration since then.

## ECOWAS and the Liberian Conflict

There is controversy concerning the extent to which the Liberian crisis was an agenda issue during the 1989 summit meeting. According to Funmi Oloisakin the "response to the civil war which erupted in Liberia was purely an accidental venture". Bundu concurs by asserting that the summit would have ended without any mention of Liberia. He had appealed to the outgoing chairman to show some concern because the world was watching ECOWAS to take a cue about how to react. With some reluctance, Liberia became a parenthesis in the discussions taking place at Banjul.

These discussions eventually resulted in the formation of a Standing Mediation Committee (SMC) of The Gambia, Ghana, Mali, Nigeria and Togo. Its duties were to respond to issues which could result in conflicts. Membership was to be reviewed every three years. Structurally, a state under attack had to contact the executive secretary in writing of its intention of referring the matter to the SMC for settlement. The executive secretary would then inform the authority and SMC member states "of any knowledge of actual or impending dispute or conflict between two or more member states". With the legal directive establishing the SMC in place, diplomatic strategies were initiated by Abbas Bundu and Dawda Jawara. As the conflict continued and internal Liberian efforts at resolving the conflict failed to attain any appreciable outcomes, Bundu was instructed to visit various countries in the subregion to canvas support for the mediation activities of the SMC. One such strategy entailed meeting Charles Taylor, the leader of the National Patriotic Front of Liberia (NPFL). Bundu informed Taylor of ECOWAS' intention to mediate in the conflict. Taylor appreciated the concern of the political leadership of the sub-region and equally indicated his interest in restoring peace in Liberia.

Concurrently, diverse strategies were initiated specifically targeting faction leaders and other identifiable Liberian groups. As a result of the responses, an SMC ministerial group held a consultative meeting in Freetown, Sierra Leone, between 5 and 20 July 1990. This meeting ended in a deadlock due to a demand by the NPFL for the resignation of the incumbent president as a basis for further negotiations. The major conclusion of the Freetown consultative meeting was an urgent recommendation to the authority of the SMC to meet. Subsequently, the SMC was convened on 6 and 7 August 1990 where the decision to intervene was taken.

### **From conflict to compromise: The search for Community consensus**

The result of these processes was the politically precarious decision to establish ECOMOG, install an interim government and establish a special emergency fund for ECOWAS' operations in Liberia. In a pre-summit statement, Jawara set the stage for a general acceptance of the military option by characterising Liberia as a slaughterhouse and raising the spectre of a "domino effect". Thus, within 17 days of the first decision to intervene, ECOMOG was mobilised and, even though there was no peace to keep, deployed into the theatre of operation. It thus became the fastest conceived and implemented peace-keeping mission to date, and possesses the credibility of constituting the first such force to be employed by a sub-regional organisation in its own backyard.

Consequently, the sub-region's "enfant terrible", Blaise Compaore of Burkina Faso, accused SMC members of intervening in a member state "without first fully briefing other countries on the exact assignment of the force". In an attempt to bridge the schism between what was developing into a Franco-Anglophone divide, Jawara visited both Burkina Faso and Cote d'Ivoire to bring together Community partners. In both countries, Jawara was met with an unprecedented

request: convene an extraordinary session of ECOWAS to resolve the Community dispute concerning the Liberian crisis. The extraordinary summit's brief was simple: (i) allay the fears of other Community members concerning Nigeria's intentions in Liberia and the sub-region and (ii) dispel the increasing sub-regional unease that the intervention scheme was an Anglophone venture to control and manipulate the West African integration process. At Bamako, Mali, ECOWAS sought to iron out its differences and broaden ECOMOG. For the first time, the eight-month schism gradually ended as the overarching sense of fulfilling embedded Community interests replaced the temporary search for national interests. In the immediate post-Bamako summit period, a meeting of the SMC was held to expand the basis of the SMC process. Due to this disagreement, Mortimer asserted that "the diplomatic process remained primarily in the hands of the SMC, which, like ECOMOG, was seen as essentially an extension of Nigerian foreign policy". Ike Nwachukwu, Nigeria's former foreign minister, however, has a different interpretation of events. Nwachukwu argues that at no time was the Liberian crisis manipulated by Nigeria to achieve its narrow national interests.

### **From conflict to compromise: SMC and the Committees of Five and Nine**

In the aftermath of the Bamako summit, emphasis on ECOWAS and ECOMOG's diplomatic, political and military options gradually shifted from the SMC to the Yamoussoukro process initiated by the Ivorians in June 1991. This initiative sought to broaden the Community's search for peace by inviting actors who felt slighted or sidelined by the SMC process. Despite initial criticism of this process, the 1991 ECOWAS summit applauded the diplomatic initiative undertaken by the Ivorians and formally incorporated the process into its negotiation schemes. The result was a new and predominantly Francophone initiative, the Committee of Five – C5 – comprising Cote d'Ivoire, The Gambia, Guinea-Bissau, Senegal and Togo. The C5 process sought to pressurise the NPFL to cooperate with ECOMOG which was widened to the include other national forces.

Since the C5 consistently confirmed the strategies initiated by the SMC, there was the necessity to establish a larger, more encompassing committee which included the major sub-regional actors. This was particularly so as the C5 consistently invited (even though informally) other regional actors to participate in their meetings. Thus, in compliance with a decision in Cotonou by a joint meeting of the SMC and C5, a Committee of Nine – C9 – was inaugurated on 7 November 1992. This included Benin, Burkina Faso, Cote d'Ivoire, Ghana, Guinea, Nigeria, Togo, The Gambia and Senegal. After more than two years of sub-regional squabbling over the legality and direction of ECOWAS' policies in Liberia, all major sub-regional actors finally merged in a bid to resolve the crisis. ECOWAS' ability to survive its political disagreements and form an all-inclusive committee demonstrated the desire of Community's leaders to ensure the success and survival of the Community's integration scheme. The result of the negotiation processes has been a complex network of intertwining committees through

which member governments bargained over policy proposals. Finally, after seven years of often tortuous negotiations, combatants were disarmed and demobilised and an election held in July 1997.

## Conclusion

Several conclusions can be drawn from the negotiation process, starting from the initial presentation of the security protocol idea until the establishment of the Committee of Nine. One is that during council negotiations, recommendations may not be adopted unless they are supported by at least one of the major actors in the sub-region. The critical techniques of operation are the exploration for compromise and, in certain cases, the deferment of resolutions that may threaten deep-seated national interests. Thus, the outcome of these negotiation procedures has been a process that at times has been disjointed and replete with conflict and controversy. The result of the diverse negotiation processes and stages shows that ECOWAS lacks well-established negotiation instruments to deal with issues of institutional transformation. The *ad hocism* in authority decision-making also detracted from the Community's search for durable peace. On a broader institutional level, the misunderstandings and diplomatic problems that arose from the decision to intervene worsened partly because of the institutional set-up of the organisation itself. Due to the political underpinnings which characterise the nature of appointments to ambassadorial positions, most ambassadors accredited to Nigeria double as ambassadors to ECOWAS and are not in a position to combine both positions and to give information and decisions coming from the organisation the requisite attention. This inexperience played a critical role in the initial suspicions concerning the ECOMOG intervention. To reduce the spectre of such occurrences, it may be necessary to see the possibility of accrediting ambassadors directly to the ECOWAS.

In the aftermath of the intervention, several processes have been initiated to improve and make effective any future intervention. ECOWAS is continuing with plans to apply its experiences in Liberia and Sierra Leone as a first step to forming a Pan African Intervention Force (PAIF). To this end, an extraordinary summit of the authority was held in Lome, Togo in December 1997. This sought to establish a mechanism for conflict prevention, management and peacekeeping. Some of the decisions reached here included the establishment of a committee for mediation and security (CMS) to harmonise decision-making regarding deployment. The CMS is a rotational system comprising nine countries elected for a two-year period with no permanent seats. It operates at the level of the heads of state, ministers of foreign affairs and ambassadors. Another decision is the establishment of an observatory. Its function is risk-mapping: that is to observe the social, economic and political situations on the sub-region and make appropriate threat-perception analysis. Technically, four offices will be established in the sub-region to collect and analyse such information. ECOWAS' response mechanisms will be based on such reports upon which the executive secretary will base response strategies. Based on the reports forwarded to the executive secretary and subsequently to the CMS, three options may be opened to diffuse any potential conflict. These are: to set up a fact finding commission; employ the services of the executive secretary; or call on a committee of elders.



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