

## Case Report

# Assessing the Ecowas Conflict Mechanism and Democracy Protocol in the Light of the Electoral Crisis in Cote D'Ivoire

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**This study assesses the challenges of implementing the ECOWAS Conflict Prevention Mechanism and the Protocol on Democracy at it relates to the political conflict in Cote d'Ivoire following the November 2010 general elections. It argues that enforcing the ECOWAS conflict management frameworks in the electoral crisis in Cote d'Ivoire was unsuccessful. ECOWAS arguably, lacked the courage and capability (as it did in Liberia and Sierra Leone) to implement the provisions of the 1999 Mechanism in the face of serious humanitarian challenges and human rights violations and abuses.**

**Keywords:** ECOWAS conflict prevention, conflict management, Cote d'Ivoire

## INTRODUCTION

It has been argued that the West African sub-region was one of the most untroubled regions in Africa during the Cold War (Draman and Carment, 2001). The relative peace that the sub-region enjoyed faded away as the Cold War thawed. Since the 1990s, the sub-region has become home to some of the world's bloodiest and deadliest conflicts and represents one of the sub-regions that have the potential to become a real threat to international peace and security. Over the years, the sub-region has been affected by many cases of political instability, lack of good governance, and bloody insurgencies as the cases of Liberia, Sierra Leone, Guinea-Bissau, and Cote d'Ivoire amongst others reveal. ECOWAS (Economic Community of West Africa States) since inception on May 28, 1975, has been involved in managing these regional challenges; and the organization's experience in this regard has helped it development several institutional frameworks that would help to prevent further outbreaks of hostilities; manage them when they occur and ensure peace and stability in the sub-region. Some of these security architectures that ECOWAS has put in place include the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (also known as The Mechanism); ECOWAS Protocol on Democracy and

Good Governance as well as the ECOWAS Conflict Prevention Framework.

This study assesses the challenges of implementing the ECOWAS Conflict Prevention Mechanism and the Protocol on Democracy at it relates to the political conflict in Cote d'Ivoire following the November 2010 general elections. It argues that enforcing the ECOWAS conflict management frameworks in the electoral crisis in Cote d'Ivoire was unsuccessful. ECOWAS arguably, lacked the courage and capability (as it did in Liberia and Sierra Leone) to implement the provisions of the 1999 Mechanism in the face of serious humanitarian challenges and human rights violations and abuses. In the same vein, the diplomatic maneuverings during the Ivoirian crisis shows that Nigeria remains a force to be reckoned with as a regional peace broker; not because the country was able to undertake any decisive action in Cote d'Ivoire, but because its unwillingness to act partly due to the focus on the 2011 general elections in Nigeria meant ECOWAS could not act decisively to halt the crisis in Code d'Ivoire. These short comings notwithstanding, the paper acknowledges the ECOWAS in taking the bold step to recognize the victory of Alassane Ouattara as the winner of the November 2010 election. This was a clear indication that the sub-regional

body no longer tolerates unconstitutional takeover of political power anywhere in the sub-region. However, it begins by assessing the dynamics of conflict in the West African sub-region.

### **West African Sub-Region as a Theatre of Conflicts**

West Africa is a heterogenous and diverse sub-region made up of Anglophone, Francophone and Lusophone countries. The diversity in their political history is reflected in their different socio-cultural, ethnic and religious orientations which has often led to political disputes and tensions between neighbouring countries to the extent that the leaders are suspicious of the others intentions especially if they are not from the same “colonial bloc” (Francis, 2009), this colonial divide has manifested copiously in the sub-region’s quest for integration and cooperation.

While West African states may not be homogenous in terms of socio-cultural, ethnic and linguistic affiliations, what they however have in common is multiple layers of insecurity, underscored by poverty, under-development, instability and criminality. In fact, the sub-region has the highest incidence of military coups and interventions in civilian politics in Africa (Francis, 2001:11) which owes a lot to poor and irresponsible leadership whose policies have failed to translate into any meaningful form of development or security for the people. Governance in West Africa is not people oriented. Rather than provide security for the populace, West African leaders have become a source of insecurity and instrument of oppression and dictatorship (Adedeji, 2004). They have demonstrated flagrant abuse of state power which they have used to awe and terrorize the citizens to the extent that Will Durant (1959:502) is of the view that “the greatest evil of the state is its tendency to become an engine of war, a hostile fist shaken in the face of a supposedly inferior world”. The drought of good governance or governance deficit as Adedeji (2004) puts it has resulted in rebellion and other forms of violent resistance by insurgents and rebel groups who emerged to challenge the legitimacy of the state. This has led to state failure and civil wars as the Liberians, Sierra Leoneans, Nigerians, Malians and Ivoirians know to their case.

### **Evolution of ECOWAS Security Role**

Although ECOWAS was not originally commissioned to play security role, the threat of conflict arising in the sub-region or it becoming protracted would compel the body whose membership include the Republic of Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal Sierra Leone and Togo; (Mauritania pulled out in 2000) to assume such duty (NIIA: 1991:

116-117). Domestic and external threats to sub-regional security led to the signing of the 1978 Protocol on Non-Aggression and the 1981 Protocol on Mutual Assistance on Defence. The Protocol on Non-Aggression basically applied to conflicts between member states and stresses the sanctity of national sovereignty while encouraging member states to pursue peaceful resolution of disputes (Ayissi, 2001:31). On the other hand, the Mutual Assistance on Defence was borne out of the conviction by ECOWAS leaders that economic progress can only be realized when the necessary conditions for peace and stability has been institutionalized. Hence the West African leaders agreed to pull resources together in a solidarity pact to prevent external aggression (Adebi, 2002:115).

However, the 1978 and 1981 protocols have been criticized for narrow definition of “security” to mean security at the national level against external security threats or the use of military force engineered and supported by states outside the sub-region. It is argued that since domestic threats emanating from ethno-religious conflicts, poor governance, political repressions human right violations and abuses and flagrant abuse of state coercive apparatuses were not captured as part of threat to national or regional security, it therefore meant that the two protocols were merely regime protection strategies which were designed to serve the interests of ECOWAS leaders and “insure” them against both external and internal threats (Francis, 2009). The Defence protocols could therefore be said to have provided legitimacy to the repressive use of state powers by West African leaders to suppress internal opposition and deal with political instability with the guarantee of military assistance from ECOWAS member countries.

However, the outbreak of civil war in Liberia in December 1989 and the accompanying humanitarian disaster impressed upon ECOWAS leaders that measures needed to be taken to institutionalize a formal peace and security architecture to deal with future conflicts (ECOWAS, 1990). This new idea first birthed the ECOMOG in 1990 with the mandate to undertake peacekeeping in Liberia and subsequently in Sierra Leone and Guinea Bissau when the other countries also fell into conflict (Adekeye, 2002) the legality of ECOMOG interventions in Liberia and Sierra Leone have been hotly debated. It did not have the backing of the 1978 and 1981 defence protocols and neither of the protocols explicitly called for intervention by member states in each other’s interval conflict. Levitt (2010) however argues that the Security Council’s resolution which created the United Nations Observer Mission in Liberia (UNOMIL), and which subsequently led to cooperation with ECOWAS, affirms the legality of ECOWAS intervention in Liberia and it places a “retroactive de jure” seal on the operation.

ECOMOG’s experience in these three cases would inform the decision by ECOWAS to develop a more robust mechanism for dealing with future conflicts in the

sub-region. On December 10, 1999, ECOWAS leaders met in Lome, Togo and signed the Protocol Establishing the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security. The Mechanism (as it is known for short) was adopted to strengthen ECOWAS capacity to manage sub-regional conflicts. The 1999 Mechanism represents a paradigm shift in ECOWAS approach to conflict management and has been seen as a determination to change the non-interventionist status quo that existed before (Monde and Vogt, 2000).

### **The ECOWAS Mechanism**

The ECOWAS mechanism on conflict prevention elaborated more clearly the objectives of ECOWAS intervention in conflicts in West Africa. The conditions that could trigger intervention in any member state include: cases of external aggression, conflict between two or more member states, internal conflict that may lead to serious humanitarian disaster or serious violation of human rights and the rule of law; and the removal or attempts to remove a democratically elected government (Protocol Relating to the Mechanism, Article 25).

There are three key organs in the ECOWAS Mechanism: the Mediation and Security Council, Defence and Security Commission and the Council of Elders (Bekoe and Mengistu, 2002). The mediation and Security Council decides all matters relating to peace and security on behalf of the Authority of Heads of State and Government. It is composed of nine member states elected for a two year period on a rotational basis with no permanent seat. The Council is a replica of the UN Security Council but it functions at a sub-regional level. Decisions in the Council are taken based on a two third majority of votes. The Council Implements the provisions of the Mechanism through the Defence and Security Commission, the Council of Elders and ECOMOG (ECOWAS Mechanism 1999, Article 17).

The Defence and Security Commission comprises the Chief of Defence Staff of member states. Peacekeeping missions are planned by the Commission. Its role is to examine all technical issues and logistics requirement for any peacekeeping operations. On the other hand, the Council of Elders is made up of eminent personalities such as past heads of state, renowned diplomats and religious rulers. They use their good offices to play the role of mediators, conciliators and facilitators. The Council of Elders is used primarily for conflict mediation and electoral monitoring.

To ensure adequate preparedness for action, ECOMOG was integrated into The Mechanism as a useful tool for maintaining peace in the region ECOMOG troops consist of contingents from national armed forces of member countries. In June 2004, ECOMOG was renamed ECOWAS Standby Force (ESF). The ESF is designed to have the capability for rapid deployment

within 14 days to halt sub-regional crisis (Kabia, 2011). The task of the ECOWAS standby Force include military and observation missions where ECOMOG will supervise and monitor ceasefires, disarmament, demobilization, elections, respect for human rights and humanitarian activities among other tasks (Article 30-31).

The ECOWAS conflict mechanism also makes provision for an Early Warning and Response Network (ECOWARN), as part of its conflict prevention strategy. The Observation and Monitoring Centre (OMC) is the hub of ECOWAS early warning system. ECOWAS has four observations and monitoring zones within the sub-region. Zone 1 comprises: Cape Verde, Gambia, Senegal and Guinea-Bissau. Zone 2: Burkina Faso, Cote d'Ivoire, Mali and Niger, Zone 3: Liberia, Sierra Leone, Guinea and Ghana, and Zone 4: Benin, Togo and Nigeria. These four zones have their capitals in Banjul (Gambia), Monrovia (Liberia) Ouagadougou (Burkina Faso) and Cotonou (Benin). The function of ECOWARN is to collect data on potential causes of disputes or conflict triggers and report to the central ECOWAS Observatory at the headquarters in Abuja, Nigeria.

### **ECOWAS Protocol on Democracy and Good Governance**

With a view to strengthening the 1999 Conflict Mechanism, which has become ECOWAS' foundational regional security framework, ECOWAS leaders signed the Protocol on Democracy and Good Governance in December 2001 as a supplementary to the Protocol Establishing the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. The main focus of the Democracy Protocol was addressing the linkages between internal conflicts, democracy and good governance (Lar, 2009). In addition to dealing with conflicts as specified in the 1999 Mechanism, the 2001 supplementary protocol takes into account the need to address the deep-seated political causes of conflicts and instability in member countries.

The ECOWAS Protocol on Democracy and Good Governance obligates member states to put in place structures and institutional mechanisms that will strengthen democracy, good governance, respect for human rights and the rule of law. It tasks member states to enshrine democracy not only as a matter of law and policy, but as an institutionalized process of decision making and societal learning and not merely as a normative formula for a regime (Barnes, 2001, cited in Levitt, 2010).

The Protocol also prohibits human rights violations and inhuman treatment of civilian population. It places premium on respect for freedom, civil and political rights, and the importance of political parties participating freely without discrimination in all electoral matters. Under the Protocol, the armed forces must remain apolitical and

respect the constitution, every accession to power must be through free fair and transparent elections. It specifies zero tolerance to power obtained through unconstitutional means and ultimately; that democracy and good governance must be protected, respected and preserved in West Africa by all means and through pro-democratic intervention if necessary.

### The Electoral Crisis in Cote d'Ivoire

The root causes of the post-November 2010 electoral crises in Cote d'Ivoire can be traced to the administration of Henri Beddie whose government politicized ethnicity and regionalism and sowing the seed of ethnic discord between the predominantly Muslim North and Christian South (BBC, 2011). The succeeding administration of Robert Guei endorsed this *Ivorite policy* and had Alassane Ouattara a northerner, banned from the presidential election in 2000 because of his foreign parentage; and also discriminated against inhabitants of the country who came from the North. This subsequently led to a military mutiny in 2002 where about eight hundred discontented soldiers under the name "Patriotic Movement of Cote d'Ivoire" overthrew the government of Laurent Gbagbo voicing the discontent of northern Muslims who felt discriminated against by the government (Levitt, 2010). The revolt inadvertently divided the country between the rebel controlled north and the loyalist south, and as a result, Gbagbo's government lost de facto control of the country. Series of diplomatic maneuverings involving France, the ECOWAS, the United Nations and the African Union led to the signing of the Linas-Marcoussis Agreement in 2003. The new arrangement paved the way for Alassane Ouattara to context for the presidential office having been denied before on grounds that he could not prove his "Ivoirianess" (Obi, 2007).

Notwithstanding, the immediate cause of the electoral crisis followed the decision by Paul Yao N'Dre, chairman of the Constitutional Council that invalidated the verdict of the Electoral Commission which declared Ouattara the winner; having score 54 percent of the vote to Gbagbo's 46 percent (Nibishaka, 2011). Paul Yao N'Dre who is also a strong Gbagbo ally annulled thousands of votes in key areas of the North considered Ouattara's strong hold and declared President Gbagbo the winner with 51.45 percent of the votes cast (ibid). The decision sparked wide spread protest and clashes across the country between supporters of Alassane Ouattara and those of Laurent Gbagbo. Many viewed the decision of the Constitutional Council as attempt to deprive the north Muslim population the opportunity to produce the next president of Cote d'Ivoire.

International response to the electoral violence that followed was swift. ECOWAS, the African Union, European Union as well as the United Nations unanimously condemned Gbagbo and recognized

Alassane Ouattara as the winner of the November 28 election. The unanimity in which the international community responded in condemning and isolating Gbagbo is symbolic; the response carried a strong message that Africa and the world is no longer ready to tolerate political instability and unconstitutional ascension to power.

### ECOWAS Response and the Challenges of Enforcement of the Conflict Management Mechanisms

ECOWAS recognized Alassane Ouattara as the winner of the November 28 election. The unanimous recognition was the first of its kind in West Africa against a sitting President. ECOWAS leaders stated that their position was "non-negotiable" and demanded the immediate and peaceful handover of power by President Gbagbo to Alassane Ouattara in accordance with the expressed wishes of the Ivorian people (ECOWAS, 2010).

On December 2010, the ECOWAS Heads of State and Government had an extraordinary session in Abuja where they reviewed the developments in Cote d'Ivoire. The leaders maintained their earlier position of the recognition of Alassane Ouattara as the legitimate leader of Cote d'Ivoire. ECOWAS threatened that if Laurent Gbagbo failed to heed what it described as the "immutable demands" of ECOWAS, the Community would use all necessary means including the use of legitimate force to remove him from office (ibid.) ECOWAS imposed both diplomatic and financial sanctions against Gbagbo's government such as travel ban and freezing of financial assets belong to the government of Cote d'Ivoire. The Central Bank of West Africa States was authorized to block Laurent Gbagbo's access to Cote d'Ivoire's funds. This decision was to cut a major source of fund for the government which will make it extremely difficult for the government to pay salaries of soldiers and public servants.

Meanwhile, diplomatic pressure was also mounted on the international scene to alienate Laurent Gbagbo and his associates. ECOWAS member states intensified pressures on the UN to impose "serious sanctions" against Cote d'Ivoire (Laolu and Obinor, 2010). The United Nations Security Council approved the deployment of UN troops to Cote d'Ivoire (though Gbagbo had already ordered the global body to quit the country). The UN resolution also "urged all Ivoirian parties and stakeholders to respect the will of the people and outcome of the election in view of the Economic Community of West African States (ECOWAS), and African Union's recognition of Alassane Draman Ouattara as president elect of Cote d'Ivoire and representative of the freely expressed voice of the Ivoirien people as proclaimed by the Independent Electoral Commission" (P. 64). Despite continued

pressure from ECOWAS and the international community, Laurent Gbagbo remained defiant; he refused to quit office and defied all efforts by ECOWAS to compel his departure until he was captured by pro-Ouattara's forces backed by the French and UN troops.

Many writers may be quick to commend ECOWAS' role during the Ivorian crisis (after all, the goal was achieved- Gbagbo had been removed). The researcher is however of the view that the Economic Community of West African States did not live up to the expectations of its peace and security architecture. Chapter V of the ECOWAS 1999 Mechanism outlined the conditions wherein application of The Mechanism could be tenable. Article 25 of The Mechanism states:

The Mechanism shall be applied in any of the following circumstances: in cases of aggression or conflict in any Member State or threat thereof; in cases between two or several Member States; in cases of internal conflict: (a) that threatens to trigger a humanitarian disaster, or (b) that poses a serious threat to peace and security in the sub-region; in the event of serious and massive violation of human rights and rule of law...

It is evident that ECOWAS diplomacy in Cote d'Ivoire was fraught with challenges. For the first time, ECOWAS was faced with the problem of enforcement of its conflict mechanism against an "incumbent" head of state that had the support of the country's military. ECOWAS could not mandate ECOMOG to enforce its institutional provisions even in the face of flagrant disregard for democracy, human rights abuses and violations of the rule of law.

The consequences of the post-election crises in Cote d'Ivoire can pass for a humanitarian disaster that not only threatened the peace and security of Cote d'Ivoire, but also sub-regional peace and security. The Ivorian unrest depicted serious inhuman and degrading treatment of civilians, arbitrary arrests as well as pillaging on a large scale (Purefoy, 2011). It created large numbers of refugees and internally displaced persons (IDPs). In March 2011, the United Nations stated that there were between 200,000 and 300,000 IDPs in Abidjan alone. About 85,000 refugees had crossed borders into neighbouring Liberia (Purefoy, 2011) having been battered by the conflict.

Despite these frightening figures and clear violations of ECOWAS' institutional mechanisms, ECOWAS refused to activate the ECOMOG in defense of its "immutable demands" of reinstating Ouattara as President of Cote d'Ivoire. The fact is ECOWAS failed to sanction the use of force against Cote d'Ivoire for fear of not only igniting a return to civil war but also getting involved in a protracted peace enforcement operation that the sub-regional body lacked the capacity to sustain. Therefore, ECOWAS threaded the path of mediation and diplomacy.

On December 28, 2010, ECOWAS dispatched a delegation of Presidents from Sierra Leone, Cape Verde

and Benin Republic to deliver what ECOWAS called "an ultimatum to leave" to Laurent Gbagbo (The Guardian, December 28, 2010 : 64). Gbagbo rebuffed their efforts and did not depart the country as ECOWAS wanted. Instead of preparing a military strike as threatened, ECOWAS blinked and gave Gbagbo more time. ECOWAS Chairman and Nigeria's President Goodluck Jonathan latter said ECOWAS delegation would return to Abidjan on January 3, 2011. A second mission to Abidjan by Presidents Boni Yayi of Benin, Pedro Pires of Cape Verde and Ernest Bai Koroma of Sierra Leone on January 3 did not yield and desired result. Again, Gbagbo remained defiant and intervention by ECOWAS to defend democracy and good governance as specified by The Mechanism and Democracy Protocol remained impossible. Ultimately, it was not ECOWAS but the French, United Nations and pro-Ouattara's forces that captured Laurent Gbagbo.

## CONCLUSION

ECOWAS gradually emerged after its birth in 1975 as a regional peace and security organization. Its conflict management framework also evolved from an ad hoc and normative improvisation in response to challenges in the sub-region into what is now popularly viewed as robust institutional mechanism for managing sub-regional conflicts. While commending the organization for its peacekeeping efforts in Liberia, Sierra Leone, Guinea, and Guinea-Bissau, for stabilizing conditions in those countries; its framework for conflict management was greatly tested by the electoral crisis in Cote d'Ivoire. Admittedly, ECOWAS decision to recognize Alassane Ouattara as the legitimate representative of the Ivorian people is commendable as it symbolizes a departure from the "old order" characterized by unconstitutional ascension to office and other undemocratic practices. However, it seems ECOWAS has only been more assertive in cases where it intervened in support of the incumbent leader. In Liberia, Samuel Doe requested ECOWAS' assistance; Ahmed Tejan Kabbah appealed to ECOWAS to help reinstate him as President of Sierra Leone; in Guinea-Bissau, President Nino Vieira requested that ECOWAS deploy ECOMOG to his country; in October 2002 at the request of President Gbagbo, ECOWAS sent ECOMOG to monitor the ceasefire agreement in Cote d'Ivoire. But when faced with the challenges of removing a sitting president, ECOWAS balked.

In addition to logistic, financial, and other operational challenges which ECOWAS possibly might have considered, it can also be argued that the democratization process that is gradually taking root in West Africa seemed to have weakened ECOWAS in terms of the political willingness to take bold and decisive step. The military mentality of dictators who ruled West African countries in the 1990s seemed to

have empowered them with a stronger political willingness to intervene in West African conflicts. Generals Ibrahim Babangida and Sani Abacha (former Nigerian heads of state) could be said to have singlehandedly authorized the deployment of ECOMOG into Liberia and Sierra Leone. The later official authorization given by ECOWAS was only endorsing what had already been done.

Further, ECOWAS' unwillingness to take a decisive step in Cote d'Ivoire reiterates the importance of Nigeria to the maintenance of peace and stability in the region; and that without a major power like Nigeria, ECOWAS may not be able to perform its peace and security role. Unlike the 1990s, Nigeria's inaction meant ECOWAS could not intervene militarily in Cote d'Ivoire. Nigeria's position in the conflict could have been influenced by preparations for the 2011 general elections in the country and the wariness among Nigerians of the government committing to another protracted peacekeeping mission in Cote d'Ivoire which could consume millions of Nigerian Naira.

Lastly, it is the view that ECOWAS could have played a more prominent role in Cote d'Ivoire if there was an effective partnership with the United Nations. That only French, UN and pro-Ouattara's forces captured Laurent Gbagbo suggests weak partnership between ECOWAS and the United Nations. ECOWAS can play a more affirmative role in peacekeeping if it has a robust partnership with international organizations like the UN. With regard to West Africa, since ECOWAS has often demonstrated peacekeeping fatigue and inability to sustain long term operations; in situations where it must intervene, such intervention could be to stabilize conditions on ground while the UN assume greater responsibility for long term intervention. This is tenable since ECOWAS is closer to the conflict theatres and therefore can initiate faster response compared to the United Nations whose process of troop deployment is tedious and time wasting.

### Future Scope

ECOWAS still has a significant role to play in the West African sub-region. However, for the body to make any meaningful impact in terms of its response to conflict situations, it would have to strengthen key areas in its institutional frameworks for conflict management. This must include demanding total commitment from all its member countries, issues of funding and logistics must also be addressed; and above all, ECOWAS can no longer act in isolation in conflict management. The organization should work towards effective partnership with the African Union and the United Nations, two bodies with more effective organizational systems that can provide the necessary financial, logistical and institutional support to ECOWAS in its quest to rid West

Africa of conflict and make it a peaceful and prosperous sub-region.

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