

**'SUB-REGIONAL INTEGRATION AND DEMOCRATISATION IN AFRICA: CRITICALLY
ANALYSING THE APPROACH OF THE ECOWAS IN WEST AFRICA'**

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DECLARATION

I, **Nadjita Francis Ngarhodjim**, hereby declare that this dissertation is original and has never been presented in any other institution. I also declare that any secondary information used has been duly acknowledged in this dissertation.

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DEDICATION

In memory of my father, **Kamnadji Ngarhodjim** who died prematurely, I dedicate this dissertation. Papa, I hope that, from where you are, you are proud of me.

LIST OF ABBREVIATIONS

AEF/FEA	Afrique Equatoriale Française/French Equatorial Africa
AMU	Arab Maghreb Union
AOF/FWA	Afrique Occidentale Française /French West Africa
AU	African Union
EAC	East African Community
ECOMOG	ECOWAS Ceasefire Monitoring Group
ECOWAS	Economic Community of West African States
INGNU	Interim Government of National Unity
LURD	Liberians United for Reconciliation and Democracy
MECCA	Monetary and Economic Community of Central Africa
NPFL	National Patriotic Front of Liberia
OAU	Organisation of African Unity
RUF	Republican United Front
SADC	Southern African Development Community
SADCC	Southern African Development Co-ordination Conference
SMC	Standing Mediation Committee
UEMOA	Union Economique et Monétaire de l’Afrique de l’Ouest

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CHAPTER ONE: RESEARCH DESIGN

1.1 Background

After their independence, African countries undertook to establish sub-regional organisations in order to join their efforts towards improving the living standard of their populations. Primarily vested with economic objectives, these sub-regional organisations, aware that economic development cannot be attained without peace, security and political stability, are more and more involved with political issues, especially since the “democratic wind” of the early 1990s. It is therefore interesting to study how sub-regional integration as an external factor affects democracy domestically, that is to contemplate to what extent this sub-regional integration is contributing to the strengthening of democracy in Africa, and to research ways of enhancing this contribution.

Of course, many might be surprised by the title of this paper because traditionally democracy is viewed as an exclusively internal affair. This viewpoint derives from the very etymologic meaning of the word democracy, that is a relationship between the people (*Demos*) and the political power (*Kratos*). However, as early as the 19th century, authors like Montesquieu, learning lessons from the study of the political system in Great Britain and Alexis de Tocqueville, drawing inspiration from the American system,¹ showed that international factors can at least influence the democratisation process in a country.

Democracy in Africa was brought by what Samuel Huntington termed the “Third Wave” of democratisation² started in the 1970s with the move from authoritarian rule to

¹ C Montesquieu, *The spirit of laws* (Translated by Nugent), William Clowes, 1878. A de Tocqueville, *Democracy in America* (Translated by Harvey c. Mansfield and Delba Winthrop) (2000), Chicago and London: the University of Chicago Press.

² S Huntington, (1991), *The third wave. Democratisation in the Late Twentieth Century*, Norman: University of Oklahoma Press.

democratic regimes in some European countries,³ then in Latin America, South West Asia and in Africa. One of the main features of third wave democracies is the important role played by external factors. But, this tendency of international factors influencing internal political changes actually started prior to the advent of democracy in these “third wave” countries. Its beginning goes back to the end of World War II. The victors, aware that the rise and the triumph of fascist regimes in Europe, especially in Italy and in Germany, were the main cause of the war, decided that democratisation would be part of their foreign policy. As a consequence, democracy was imposed upon Italy, Germany (West Germany) and Japan which was allied to the formers during the 1939-1945 war.⁴

External factors are viewed by scholars as one of the key role players in the process of democratisation. Ruschmeyer, Stephens and Stephens identified three actors in the process: external actors, the state, and domestic classes and classes coalitions.⁵ This opinion is shared notably by Jean Grugel who published a book with an eloquent title: *Democracy without Borders*. He stated that:

Democratisation also depends on the relationship generated by the complex interplay between forces outside the state-in-transition and actors based within it. All authoritarian regimes have, in different ways, felt the weight of international pressure to liberalise since the end of the 1980s. The kind of democratisation which results from the collapse of authoritarianism, therefore, is shaped by a combination of the terrain (the region) in conjunction with the activities of actors, external and internal.⁶

Although he concurred with the opinion that external factors have a huge impact on the process of democratisation, especially in Africa, Di Palma contended that this external

³ Spain, Portugal, Greece.

⁴ L Diamond, J J Linz and S M Lipset (eds)(1988), 'Democracy in developing countries. Volume II: Africa, Preface, xi. London: Adamantine Press Ltd; Boulder, Colorado: Lynne Rienner Publishers.'

⁵ D Ruschmeyer, E H Stephens and J D. Stephens, (1992) 'Capitalist development and democracy', (1992), *Capitalist development and democracy*, 7, Chicago: University of Chicago Press.

⁶ Jean Grugel, 'Contextualising democratisation. The changing significance of transnational factors and non-state actors', in Jean Grugel (ed)(1999), *Democracy without borders*, 8, London: Routledge..

influence may either promote or hinder democracy.⁷ That was verified during the Cold War era when the two superpowers (the US and the USSR) only supported governments which were willing to embrace their ideology. These governments were either democratic or non-democratic.

For most African countries, the collapse of the Berlin Wall acted as the trigger device for democratisation. The wave of democratic regimes which poured down on Africa after 1989 was referred to as the “second independence” of the continent after the first wave of independence from colonial powers in the 1960s.⁸ The influence of external factors was more important in Africa than anywhere else. In 1994, Samuel Huntington, drawing inspiration from the European experience was still sceptical about the advent of democracy in Africa:

Most African countries are by reason of their poverty or the violence of their politics unlikely to move in a democratic direction.⁹

This viewpoint, backed by the weakness of internal factors and actors, as Richard Joseph recalled it, was shared by many other scholars.¹⁰ Robert Dahl, in 1971, already did not await the advent of ‘polyarchy’ in sub-Saharan Africa before one or two generation(s).¹¹ Giuseppe Di Palma, in 1990, was not more optimistic.¹² Irina Filatova, more recently held that, African states have inherited the brutal and repressive reflex of the former colonial system as well as the structures bequeathed by colonial masters

⁷ G Di Palma, (1990) ‘To craft democracies: An essay on democratic transitions’, 12, Berkeley: University of California.

⁸ See R Joseph, ‘Democratisation in Africa after 1989: Comparative and theoretical perspectives’, in L Anderson (ed)(1999), *Transitions to democracy*, 237-260, New York: Columbia University Press.

⁹ S Huntington, (1994), ‘Will more countries become democratic?’, *Political Science Quarterly* 3, (summer 1994) 218.

¹⁰ R Joseph, ‘Democratisation in Africa after 1989: Comparative and theoretical perspectives’, above No 8, 244.

¹¹ R Dahl, (1971) ‘Polyarchy: participation and opposition’, 208, New Haven: Yale University Press.

¹² G Di Palma, (1990) ‘To craft democracies: An essay on democratic transitions’, above No 7, 2.

which make them improper to democracy.¹³ The ideas and arguments underlying such pessimism are summarised by Richard Joseph:

Democratisation was not supposed to happen in Africa. It had too little of what seemed necessary for constitutional democratic policies. African countries were too poor, too culturally fragmented, and insufficiently capitalist; they were not fully penetrated by western Christianity and lacked the requisite civic culture. Middle classes were usually weak and more bureaucratic than entrepreneurial, and they were often coopted into authoritarian political structures. Working classes, except in few cases such as Zambia and South Africa, were embryonic. Who would be the social agents of democracy? According to the main theories about the prerequisites or favourable conditions for democracy, most African countries constituted infertile terrain.¹⁴

As a consequence of the abovementioned pessimism backed by the weakness of domestic factors, democracy was in a certain way 'imposed' over African leaders. In La Baule, France, where he was receiving his African peers for the traditional *France-Afrique* summit, former French president François Mitterrand warned African leaders that France's financial support would, in the future, be proportionate to the progress achieved by each country in respect of democratic reforms.¹⁵ A year later, gathered in Harare, Zimbabwe, the heads of state and government of the Commonwealth followed the path of the La Baule summit and called for democratic transitions in Africa.¹⁶ Other donors such as the World Bank and the European Union followed the example and added democracy to the condition for granting economic aid.¹⁷

¹³ I Filatova, 'Democracy versus state: The African dilemma' in H Solomon and I Liebenberg (eds) (2000), *Consolidation of democracy in Africa: A view from the south*, 11-41, Aldershot and Burlington: Ashgate.

¹⁴ R Joseph, 'Democratisation in Africa after 1989: Comparative and theoretical perspectives' above No 8, 237-238.

¹⁵ XVIème Conférence des Chefs d'Etat de France et d'Afrique, Communiqué de la Présidence sur les Travaux de la Conférence, issued on 21 June 1990 in La Baule, France.

¹⁶ Commonwealth of Nations, Harare Declaration, 20 October 1991.

¹⁷ In 1994, after a heavily contested presidential election won by the then ruling president Eyadema in Togo, the EU has suspended its financial aid to Togo for "deficit of democracy". Up to now, the relationships are not yet restored.

1.2 Statement of research problem

After the Cold War, many countries have undergone a process of democratisation. As stimulus, there has been the influence of both domestic and international factors. Regional and sub-regional organisations such as the ECOWAS have also come under this stimulus. The problem, however, is that the ECOWAS does not pay much attention to the democratisation processes in the individual member states. Policies and standards are set for the entrenchment of democracy so to avoid democratic breakdown rather than to guide the process leading to democracy or to improve the quality of democracy.

1.3 Objectives and Justification of the study

The objective of this study is to critically analyse the contribution of the ECOWAS to the consolidation of democracy in West Africa and to research ways of enhancing this contribution. The choice of the ECOWAS is justified by the fact that the ECOWAS is the largest, and the oldest sub-regional organisation and one of the most advanced sub-regional integration initiative in Africa. The ECOWAS has acquired certain experience in dealing with internal political problems in its member states, such as armed rebellions and unconstitutional change of governments.¹⁸ Moreover, the ECOWAS has since 1991 been progressively developing sub-regional standards with respect to democracy in its Member States.¹⁹

Although the focus is on the ECOWAS the study has the ambition to have an impact beyond the West African context in order to inspire other African sub-regional groupings which are called upon to play a key role in the consolidation of democracy in their member states. The outcome of this study may also be helpful at the African regional level under the umbrella of the African Union.

1.4 Hypothesis/Research question

¹⁸ Sierra Leone (1997), Guinea Bissau (2003), Togo (2005).

¹⁹ With the adoption, among other instruments, of the Declaration of Political Principles (1991), and the Protocol on Democracy and Good Governance (2001).

The study, as already stated, is concerned with how having a sub-regional organisation influences democracy domestically. The first hypothesis is that, after the changes in international relations after the end of the Cold War, the ECOWAS, originally a purely economic organisation, could not have continued to turn a blind eye to political issues in its Member States and, as such, it would have developed an approach to democratic consolidation in its Member States. The second premise takes the view that although the ECOWAS would have an approach to support the consolidation of democracy in West Africa, this approach would not be perfect, and hence it would need to be improved. The study therefore boils down to one question: *How can the current approach of the ECOWAS to democratisation be improved in order to enable the establishment of real and consolidated democracy in West Africa?*

1.5 Theoretical Framework

The concept of democracy is undoubtedly one of the most controversial in the study of political regimes. The difficulty comes from the fact that all regimes view themselves as democratic. Democracy is then set up in various adjectives to become peoples', liberal, parliamentary, Christian, electoral etc., contributing more to render blurred rather than suggesting any consensus on the meaning of the word. The fact that regimes who are absolutely different and even opposite as was the case of the United States and the former Union of Soviet Socialist Republics (USSR) claim to be democratic does not render easier any theoretical approach to democracy.²⁰ Democracy is not a perfect form of government. But of all the types of regimes, it seems to be the best. As the former British Prime Minister, Sir Winston Churchill said in 1947 in an address to the House of Commons, 'Democracy is the worst form of government except all the other forms that have been tried from time to time'.

A distinction is made between formal democracy and substantive democracy. Formal democracy is the approach which deduces the democratic nature of a regime from the existence of certain institutions and mechanisms such as the holding of periodic

²⁰ I Liebenberg, 'The consolidation of democracy – debate in Africa: challenges for the civil community' in H Solomon and I Liebenberg (eds)(2000), *Consolidation of democracy in Africa: A view from the south*, 67 Aldershot and Burlington: Ashgate.

elections. Substantive democracy goes beyond the mere existence of institutions and mechanism to require the respect for some democratic principles such as an effective separation of powers and the rule of law.

Freed from any ideology, democracy is about the people administering their own business either directly or through freely designated representatives or even sometimes by the combination of both. The best approach to democracy, in my point of view, is therefore the one that goes as far as possible in making the people participate freely and regularly in the choice of their representatives and the making of decisions affecting their daily life. That is possible only when certain fundamental rights and liberties are guaranteed to citizens.²¹ For that reason, for the sake of this paper, I adopt the definition given by Larry Diamond *et al*, according to which democracy is:

[A] system of government that meets three essential conditions: meaningful and extensive *competition* among individuals and organised groups (especially political parties) for all effective positions of government power, at regular intervals and excluding the use of force; a highly inclusive level of *political participation* in the selection of leaders and policies, at least through regular and fair elections, such that no major (adult) social group is excluded; and a level of *civil and political liberties* – freedom of expression, freedom of the press, freedom to form and join organisations – sufficient to ensure the integrity of political competition and participation.²²

“Democratisation” as a concept carries more consensus than the word “democracy”. There is a tacit agreement among scholars to view democratisation as a process. The different steps of the process sometimes differ from one author to another, but the basic idea is the same: democratisation is the movement, the change from a non democratic regime to a democratic type of government.

There are three different approaches to democratisation: the modernisation approach, the transition approach, and the structural approach.²³ According to the modernisation

²¹ R Joseph, ‘Democratisation in Africa after 1989’, above No 8, 240.

²² L Diamond, J J Linz and SM Lipset (eds)(1988), ‘Democracy in developing countries. Volume II: Africa, Preface, xvi. London: Adamantine Press Ltd; Boulder, Colorado: Lynne Rienner Publishers.’

²³ D Potter, (1997), “Explaining democratisation” in D Potter, D Goldblatt, M Kiloh and P Lewis (eds), *Democratisation*, Cambridge: Open University/Polity Press.

approach represented by Seymour Martin Lipset,²⁴ democracy is the outcome of a certain level of economic development. It should be measured through concrete data such as per capita income. The richer a country, the greater its chance to attain high level of democracy. This argument has been used by the West during the Cold war to justify support to authoritarian African and Latin American leaders. The main argument was that these countries could not be expected to become democratic. Hence, the only thing the West could do to promote democracy was to encourage capitalist development. Barrington Moore,²⁵ Rueschmeyer, Stephens and Stephens,²⁶ although they agreed with Lipset, acknowledged that democracy is not a necessary outcome of development: a country may attain a high level of development but still not be democratic. But democracy, they contended, always requires industrialisation and the subordination of landed aristocracy.

The structural approach claims that democracy is conditional upon the existence of certain social, economic, political structures. According to the transitional approach (transitology), modernisationism and structuralism exaggerate the importance of economy, history and development in determining political outcomes. The key references for transition studies are O'Donnell, Schmitter, and Whitehead.²⁷ They contended that democratisation is the outcome of interactions, pacts and bargaining between the protagonists, namely the authoritarian leader and the opposition. The main criticism about this approach is its elitism. It neglects the role of the people without whom one cannot really talk of democracy.²⁸

²⁴ S M Lipset (1960) "Political Man", London: Heinemann.

²⁵ B Moore, (1966), *The social origins of dictatorship and democracy: Lord and peasant in the making of the modern world*, Boston: Beacon Press.

²⁶ D Rueschmeyer, E Stephens and J Stephens (1992), *Capitalist development and democracy*, Chicago: University of Chicago Press.

²⁷ G O'Donnell, P.C Schmitter, L Whitehead (eds) (1986), *Transitions from authoritarian regimes*, Baltimore: John Hopkins University Press.

²⁸ See J Higley, R Gunther (eds)(1992), *Elites and democratic consolidation in Latin America and Southern Europe*, Cambridge: Cambridge University Press.

Transitology divides democratisation into two different phases: transition and consolidation. A more detailed division is provided by Dankwart A. Rustow in his attempt to come up with a dynamic model of democratic transition. He distinguished four steps in the process: a background condition, a preparatory phase, a decision phase, and a habituation phase.²⁹ Rustow considers national unity as a prerequisite without which no transition to democracy is possible. The preparatory phase is the period of 'prolonged and inclusive political struggle' where the protagonists represent well-entrenched forces, typically social classes. The third step - decision phase - is a very crucial one where the protagonist bargain and agree upon the institutional design of the new regime. The habituation phase is the step were democratic rules, values and principles root in the habits and reflexes of political leaders and the citizenry in general. The habituation phase in Dankwart's model is close to the consolidation phase. Understanding it is tantamount to answering the question 'what is a consolidated democracy?'

Consolidation is the last step of democratic transition. According to Linz and Stepan, it comes even after the completion of the transition. They enumerate three minimal conditions before talking of a democratic consolidation: existence of the state, completion of democratic transition, and democratic governance.³⁰ Linz and Stepan's opinion is shared by Jean Grugel. Summarising the transitional approach to democratisation, Grugel held that transition is "a kind of half-way house between authoritarianism and consolidated democracy".³¹ A democracy is consolidated when democratic mechanisms and principles are anchored in the political culture of the leaders and the citizenry. Consolidation means that democratic institutions, rules,

²⁹ D A. Rustow, 'Transitions to democracy: toward a dynamic model' in L Anderson (ed)(1999) *Transition to democracy*, 14-41, New York: Columbia University Press.

³⁰ J J Linz and A Stepan, 'Toward consolidated democracies' in Larry Diamond, Marc F. Plattner, Yuan-Han Chu, and Hung-Mao Tien (eds)(1997), *Consolidating the third wave of democracies. Themes and perspectives*, Baltimore and London: John Hopkins University Press.

³¹ Jean Grugel, 'Contextualising democratisation. The changing significance of transnational factors and non-state actors', above No 6, 8.

mechanisms are “routinised”³² or, to quote the famous phrase of Juan Linz, these democratic institutions, rules and mechanisms have become the ‘only game in town’.³³

For Linz and Stepan, democratic consolidation has three dimensions: behavioural, attitudinal and constitutional. The behavioural dimension refers to political groups that should not try to overthrow the democratic government by unconstitutional means. The attitudinal dimension concerns the citizenry who, even in front of serious crises, should privilege democratic procedures as the only avenue to change and betterment. The constitutional dimension is about political actors respecting the constitution and viewing established rules as the only way of solving political conflicts.³⁴

1.6 Literature review

Despite the importance of the topic, hitherto, not much research has dealt with it. The existing writings do not really deal with the entire subject. Most of them are excessively focused on the role of ECOWAS in cases of unconstitutional change of government. And even so, the researches are mostly about the intervention of the ECOMOG³⁵ notably in Liberia and in Sierra Leone. For instance, in *Military Intervention As The Transnationalisation Of Democratisation: The Case of West Africa*,³⁶ François Prikic analyses how West African military regimes promote democratisation abroad in order to gain international support and divert international criticisms from their own disastrous democratic record. Prikic comes to the conclusion that Nigeria’s intervention, under the cover of the ECOMOG has contribute at least to push for a transition to civilian rule in Liberia and Sierra Leone. *ECOWAS Peace Operations from 1990 to 2004: Synopsis of*

³² J J Linz and A Stepan, ‘Toward consolidated democracies’ ,above No 30, 15.

³³ J J Linz and A Stepan, (1996), *Problems of Democratic Transition and Consolidation Southern Europe, South America, and Post-Communist Europe*, 3, Baltimore and London: The Johns Hopkins University Press.

³⁴ As above No 33.

³⁵ ECOWAS Cease Fire Monitoring Group.

³⁶ F Prikic, “Military Intervention As The Transnationalisation Of Democratisation: The Case of West Africa” in J Grugel (ed)(1999), *Democracy without borders*, 106-119, London: Routledge.

Lessons Noted and Key Recommendations by Mark Malan³⁷ is an evaluation of the ECOMOG's operations in Liberia and Sierra Leone. The paper is also concerned with the way the ECOWAS dealt with other constitutional and politico-military crises in the sub-region, notably in Cote d'Ivoire. Seemingly, Karl P Magyar makes an assessment of the military intervention under the umbrella of the ECOWAS, but the scope of his study is broader since it is not limited to West Africa and the ECOWAS.³⁸

Other researches deal with the subject, but from a global point of view, analysing the problems existing within different sub-regional organisations; the place reserved to the ECOWAS being marginal, thus not allowing for an in-depth analysis. Thus T J Piccone, J Wouters *et al*, and Christof Hartmann devote sections in various papers to the impact of the ECOWAS as an international factor to the establishment and the consolidation of democracy in Africa.³⁹

In his contribution to *Regional Integration and Cooperation in West Africa: A multidimensional perspective*, Ominiya Adewoye takes a completely different approach. Learning lessons from the experience of the European Union and aware of the recent political history of West Africa, he argues that the entrenchment of democracy and constitutionalism in Member States would enhance the actions of the ECOWAS.⁴⁰ In *Rebuilding ECOWAS on democratic principles*, B. Olatunji Oloruntmehin rather pleads

³⁷ M Malan, (2004), "ECOWAS Peace Operations From 1990 To 2004: Synopsis Of Lessons Noted And Key Recommendations", Background paper for the ECOWAS Lessons Learned Workshop

³⁸ K P Magyar, 'Military intervention and withdrawal in Africa: problems and perspectives', in C P Danopoulos (ed) (1992), *From military to civilian rule*, London: Routledge.

³⁹ T J Piccone, 'International Mechanisms for Protecting democracy' article available on the website of the Democracy Coalition Project: www.demcoalition.org (accessed on 2 April 2005); J Wouters *et al*, 'Democracy and international law' (June 2004) LIRGIAD, *Working paper* No 5. ; C Hartmann, "Towards internationalization of democracy? Regional Organisations and the Survival of Democracy in Africa", Paper for ECPR Conference 18-22/09/2003 in Marburg (Section No.26)

⁴⁰ O Adewoye, 'Constitutionalism and Economic Integration', in R Lavergne (ed)(1997), *Regional Integration and Cooperation in West Africa: A multidimensional perspective*. International Development Research Centre (IDRC).

for the introduction of democracy in the structures and the functioning of the ECOWAS for more efficacy in carrying out its mission.⁴¹

Very few writings deal with the issue of democracy in West Africa with respect to the role of the ECOWAS. One of the most important is a series of reflexions by A Sesay on the Protocol on Democracy and Good Governance.⁴² A Sesay, who was the chairperson of the panel of experts who drew up the Protocol, review the political history of the sub-region illustrated by military regimes, *coups d'état*, massive human rights violation, external manipulations, and predict how the protocol can positively influence the political landscape in the sub-region and contribute to the building of the “nationalist dream” in West Africa.

This study purports to contribute to the researches on the impact of the ECOWAS in West Africa, by exploring an area that has been up to now left out: The contribution of the ECOWAS to the consolidation of democracy in West Africa.

1.7 Methodology

My method is essentially non-empirical, based on the literature review and the list of references cited.

1.8 Limitations of the study

This study suffers from the lack of scholarly work on the topic as mentioned earlier. The study will not concern itself with the question of whether ECOWAS Member States have completed their transition to democracy. The reasons for this are, firstly, the lack of

⁴¹ B. O Oloruntmehin, (2000), *Rebuilding ECOWAS on democratic principles*, Policy Insight No.1, Ibadan, Nigeria: Development Policy Centre.

⁴² A Sesay, ‘Can ECOWAS re-invent the nationalist dream in West Africa? Reflexions on the protocol on democracy and good governance’, paper presented at the CODESRIA Anniversary Conference, West African Region, Cotonou, Benin, 6-7 September 2003, available on the site <www.codesria.org> (accessed on 4 April 2005).

space and, secondly, the fact that the approach of the ECOWAS is to pay little or no attention to the process. Policies and standards are set for the entrenchment of democracy so to avoid democratic breakdown rather than to guide the process leading to democracy. Moreover, as has already been stated above, the concept of democracy is a very controversial one. More controversial in the African context is the question as to whether African countries have or have not completed the democratisation process. This controversy will not be dwell upon. I accept as granted the point of view shared by most West African governments that they have completed the process.

1.9 Organisation of chapters

The study is structured into four main chapters. The introductory chapter contains the research design. The second chapter is devoted to an overview of sub-regional integration. It examines the ECOWAS but without losing sight of other groupings. The third chapter analyses the way the ECOWAS is dealing with the issue of democratic consolidation. It is interested in the question of whether the ECOWAS has an express policy and whether it has set standards as regards democratic consolidation in West Africa and, if so, how effective this policy and these standards have been so far. The fourth chapter is devoted to summary, conclusion and recommendations.

CHAPTER TWO: SUB-REGIONAL INTEGRATION IN AFRICA

2.1 Introductory remarks

Sub-regional integration in Africa means first and foremost economic integration. The numerous sub-regional organisations that came into existence before or upon their independences were naturally dedicated to bringing African states together and joining their economic potentialities for a more effective economic development. Any political gathering beyond the influence of former colonial masters never worked. The influence of these former colonisers is still huge even in case of economic integration. As an example, the Monetary and Economic Community of Central Africa (MECCA) is built on the solidarity of former colonies of the French Equatorial Africa (FEA), and the weight of France is still huge on the Community. Moreover, even within the ECOWAS geographical borders, the West African Economic and Monetary Union (Union Economique et Monétaire de l'Afrique de l'Ouest, UEMOA, created on 10 January 1994) gathers the former French West African colonies and Guinea Bissau, and is under an obvious influence from France.

Upon their accession to independence African countries were faced with the scarcity of resources and the lack of capacities. Regional and sub-regional integration seemed, therefore, to be the natural path to follow. For instance, at their accession to independence, only three (Nigeria, Ghana, Côte d'Ivoire) of the 16 West African had a population over 10 millions. Development demands political and economic activities on a much larger scale. As Réal Lavergne stated:

Development requires the organization of social and economic activity on a much larger scale than this. Increased scale brings with it opportunities for a wide range of benefits associated with lower unit costs of production, increased specialization and competition, access to a wider range of technology, and greater sharing of ideas and experience in all areas of endeavour.⁴³

Moreover, African countries were marginalised in global politics and economy because of their weakness. The only way for them to survive and make an impact in the

⁴³ R Lavergne (ed)(1997), *Regional Integration and Cooperation in West Africa: A multidimensional perspective*, Preface, vii, International Development Research Centre (IDRC).

international field was to come together under the umbrella of sub-regional and regional organisations.

However, the seed of sub-regional integration in Africa was sown before the independences. The colonial powers, in order to facilitate the colonial administration, have organised their colonies into sub-regional groupings. Those groupings were more elaborate in the former French African colonies than in African territories formerly under British, Portuguese, Spanish, Italian or German domination.

The former French African colonies were organised into two main federations: the French West Africa (Afrique Occidentale Française, AOF), the capital of which was Dakar,⁴⁴ and the French Equatorial Africa (Afrique Equatoriale Française, AEF) administered from Brazzaville.⁴⁵ In 1958, when the AOF and the AEF were dismantled within the framework of the constitution of the Fifth French Republic,⁴⁶ the French African colonies became republics within the French Community and opted for bilateral or multilateral agreements. Thus, the West African Customs Union was established in 1959 and consisted of Côte d'Ivoire, Senegal, Dahomey (Benin), Mauritania, Niger, Mali, and Upper Volta (Burkina Faso). The *Conseil de l'Entente* was established the same year (1959) by Côte d'Ivoire, Upper Volta, Niger, and Dahomey. Senegal and the French Sudan (Mali) created the Federation of Mali which, initially, also included Upper Volta and Dahomey.

The British colonial administration also, although to a lesser level, attempted to group together the colonies of Her Majesty on a geographical basis. It paved the way for future regional integration by the establishment of a common currency and common services. In West Africa, for instance, common research institutes were established for the four British colonies (Nigeria, Gold Coast, Sierra Leone and the Gambia), and a single

⁴⁴ The AOF was created by a Decree of 16 June 1895. It initially consisted of Senegal, the French Sudan, Guinea and Côte d'Ivoire. Dahomey (Benin), Niger and Mauritania joined the federation later. In 1921, one part of the French Sudan became the Upper Volta (Burkina Faso) within the AOF. The Upper Volta was later dissolved in 1932 and re-established in 1947.

⁴⁵ The AEF was established in 1910 as consisting of Gabon, Middle Congo, Oubangui-Chari and Chad.

⁴⁶ Adopted by referendum on 4th October 1958.

airways company , the West African Airways Company, was created for these colonies.⁴⁷

In East Africa, the way for sub-regional cooperation and integration was prepared as early as 1917 with the establishment of a customs union for Kenya and Uganda, joined by Tanganyika in 1927.

After the independences, the challenge facing African integration and cooperation was to move beyond the language barrier and to get rid of the influence of former colonisers by establishing sub-regional and regional organisations including francophone, Anglophone, and even Portuguese-speaking and Spanish-speaking countries. The attempts to create such organisations failed in the 1960s.⁴⁸

Until 1975, most of the sub-regional groupings still strictly respected the colonial political and linguistic legacy. In East Africa, the East African Community consisted of the three former British colonies (Kenya, Uganda, and Tanzania). In Central Africa, the members of the Central African Customs and Economic Union, created in 1964, were former French colonies, latter joined by Guinea Equatorial formerly under Spanish colonial administration. In West Africa, efforts were made to break the language barrier through small-scaled organisations such as the Senegambie (consisting of Senegal and the Gambia), Nigeria-Niger, Ghana-Guinea-Mali. These initiatives were not successful.

The establishment of the Economic Community of West African States (ECOWAS) in 1975 was a historical step in sub-regional integration and cooperation in Africa. The Lagos Treaty creating the ECOWAS was signed by nine francophone, five Anglophone and two Portuguese-speaking West African countries.

⁴⁷ Pr. Adebayo Adedeji, 'History and prospects for regional integration in Africa', paper presented at The Third Meeting of the African Development Forum Addis Ababa, 5 March 2002.

⁴⁸ The UN Economic Commission for Africa, in the 1960s, convened a series of meetings (in Niamey, Accra, Dakar and Monrovia) towards creating a sub-regional organisation that goes beyond the linguistic enclaves. (See Pr. Adebayo Adedeji, as above No 47.)

currently many sub-regional organisations exist, and some do overlap, the same countries belonging to several different organisations. This chapter is devoted to an overview of existing sub-regional groupings. It divides the continent into five sub-regions, each of which is represented by one organisation. Some sub-regions may have more than one organisation, but an attempt would be more to choose the most effective and the most specific to the sub-region one. Thus, North Africa is represented by the Maghreb Arab Union (AMU), Central Africa by The Monetary and Economic Community of Central Africa (MECCA), East Africa by the East African Community (EAC), Southern Africa by the Southern African Development Community (SADC), and West Africa by the Economic Community of West African States (ECOWAS). Since the ECOWAS is the case study for this work, its presentation under this chapter is more detailed than the ones of other groupings.

2.2 The Arab Maghreb Union (AMU)

The AMU is an organisation composed of Morocco, Tunisia, Algeria, Libya and Mauritania, all northern African countries bound by a common history, a common language (Arabic) and a common religion (Islam). The AMU was created by a treaty adopted on 17 February 1989 in Marrakech (the Marrakech Treaty), Morocco, following the works of the 1988 Great Maghrebi Commission. The objectives of the AMU enshrined in article 2 of the Marrakech Treaty encompass the reinforcement of brotherhood between state parties and peoples of the Union, economic and social development, preservation of peace based on justice and equity, common policies in various realms,⁴⁹ and working progressively toward a free movement of persons, goods, services and capital between the member states.

The structure of the AMU comprises a Presidential Council, the only organ holding real powers since it is the only one legally authorised to take decisions.⁵⁰ Other organs are the Council of Ministers of Foreign Affairs, the Follow-up Committee, Sectorial Committees, the Secretariat General, the Consultative Council composed of 30

⁴⁹ The common policy has four aspects: international, defence, economy and culture (article 3 of the Marrakech Treaty).

⁵⁰ Article 6 of the Marrakech Treaty.

members per state party elected by their national legislatures and authorised to give advisory opinion and to make recommendations, and the Judiciary Authority composed of two judges per state party. The judgements of the Judiciary Authority are final and enforceable.⁵¹

However, the AMU has not done very much in terms of political liberalisation and democratisation in the Maghreb. The reason for that is the fact that the institution is overwhelmingly dominated by one institution: the Conference of Heads of States and Governments. Currently, these heads of state and government are either monarchs as in Morocco or long-time rulers such as Hosni Mubarak of Egypt, Muammar Al Qaddafi of Libya and Bin Ali of Tunisia. None of them is willing to liberalise and democratise their own system, hence one cannot expect them to start adopting standards of democracy and human rights in the sub-regional context.

2.3 The Monetary and Economic Community of Central Africa (MECCA)

Economic integration in Central Africa was rendered easy by the fact that five of the six member states of the current Monetary and Economic Community of Central Africa are former French colonies and that, under colonial administrative delimitation, they already used to constitute what was called French Equatorial Africa (FEA).⁵² The FEA was administered from Brazzaville, Congo by a colonial governor.

Sub-regional integration in Central Africa started in 1964 with the Central African Customs and Economic Union. The Central African Customs and Economic Union was transformed into the Monetary and Economic Community of Central Africa (MECCA) by a treaty signed on 16 March 1994 in N'djamena, Chad (the N'djamena Treaty) by Cameroon, Central African Republic, Chad, Congo, Gabon and Guinea Equatorial. The objective of the MECCA is to promote a harmonious development for its member states within the framework of two main institutions: the Economic Union of Central Africa and

⁵¹ Article 13 of the Marrakech Treaty.

⁵² Cameroon, Central African Republic, Chad, Congo and Gabon.

the Monetary Union of Central Africa.⁵³ The preamble to the N'djamena Treaty contains references to the principles of freedom, democracy, the respect for the fundamental individual rights and the rule of law. The Community is made up of four main institutions: the Economic Union of Central Africa, the Monetary Union of Central Africa, the Community Parliament and the Court of Justice of the Community. The organs of the MECCA are the Conference of Heads of State, the Council of Ministers, the Ministerial Committee, the Executive Secretariat, the Inter-State Committee, the Bank of Central African States, the Central African Bank Commission, and the Institution for the Financing of Development. The main difference between the institutions and the organs of the MECCA is that the four institutions, in order to function, need the adoption of separate Conventions.⁵⁴

2.4 The East African Community (EAC)

The Protocol establishing the East African Community, signed in Arusha, Tanzania, on 30 November 1999, entered into force on 7 July 2000. The original members of the EAC are Kenya, Tanzania and Uganda. Rwanda and Burundi are also in the process of joining the Community. The three founding members of the EAC share a long story of cooperation, often bilateral: Customs Union between Kenya and Uganda in 1917, joined by Tanganyika in 1927; the East African High Commission from 1948-1961; a first East African Community from 1967 to 1977; the East African Cooperation from 1993 to 1999, and the current EAC.

The objectives of the EAC are purely economic: elimination of customs duties, removal of non-tariff barriers, establishment of a common external tariff, etc. The institutions of the EAC are the Summit where sit the Heads of State or Government of the member states (called 'Partner States'), the Co-ordination Committee consisting of the permanent secretaries responsible for regional co-operation in each partner state, the Council of Ministers provided with large powers,⁵⁵ the Legislative Assembly composed of 27

⁵³ Article 1 of the N'djamena Treaty creating the MECCA.

⁵⁴ Article 3 of the N'djamena Treaty.

⁵⁵ The regulations, directives and decisions of the Council adopted by consensus are binding upon partner states and upon the institutions of the EAC. (Article 16 of the EAC Treaty)

elected and five ex-officio members, the East African Court of Justice with 6 judges competent for the interpretation and the application of the EAC Protocol,⁵⁶ the Sectorial Committees established by the Council of Ministers following proposal by the Co-ordination Committee.

2.5 The Southern African Development Community (SADC)

The current SADC was primarily an organisation created to economically combat the apartheid regime in South Africa and to divert foreign investments from South Africa toward the member states. In May 1979 foreign ministers of frontline southern African countries (Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe) met in Gaborone, Botswana, to discuss economic cooperation. They decided to convene a conference which was held in Arusha, Tanzania, in July 1979. On 1st April 1980 at Lusaka, Zambia, they declared their commitment to pursue policies aimed at economic liberation and integrated development of their national economies. Their annual meeting was called the Southern African Development Co-ordination Conference (SADCC). Namibia joined the Lusaka Declaration in 1990 and South Africa signed it in 1994.

In 1989, the Summit of Heads of State or Government, in Harare, Zimbabwe, decided that the SADCC should be formalised to give it an appropriate legal status taking into account the need to replace the Memorandum of Understanding by an agreement, charter or treaty. After four years of preparation and consultation, a declaration and a treaty were signed in Windhoek, Namibia, establishing the Southern African Development Community (SADC). The Community comprises currently 13 member states, following the withdrawal of Seychelles in 2004.⁵⁷

SADC's objectives are development and economic growth, sub-regional economic and political integration, and promotion of peace and security. In order to attain these

⁵⁶ The jurisdiction of the Court may be extended to appellate and human rights at a suitable date to be determined by the Council of Ministers. (Article 27(2) of the EAC Treaty).

⁵⁷ The current member states are Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

objectives, SADC is based on the respect of the principles of sovereign equality of member states, solidarity, peace, security, human rights, democracy, the rule of law, equity, balance and mutual benefit.⁵⁸ Furthermore, the 1992 Treaty provided sanctions against member states which would violate the objectives and principles of the SADC.⁵⁹ SADC is known as working on a sector-based approach which it is abandoning following the decisions of its highest political organs, for a more centralised approach.⁶⁰ Under the sector-based decentralised approach, different sectors of activities of the Community are separated from each another and are assigned to member state for coordination, instead of concentrating everything at the headquarters in Gaborone, Botswana.

The institutions of the SADC are the Summit of Heads of State or Government, the Council of Ministers, the Sectorial Committees and Commissions, the Standing Committee of Officials, the National Contact Points, the Secretariat, and the Tribunal. Additional institutions may be established by the Summit of Heads of State and Government.⁶¹ Decisions within SADC are taken by consensus, what renders the Community's actions practically difficult, especially when it comes to imposing sanctions on member states. Consensus requires that even the member state against whom the sanctions are projected agrees or at least that it does not vote against the proposed sanctions.

The SADC has undertaken numerous initiatives towards promoting and protecting human rights and democracy. The Community has developed sub-regional standards pertaining to free and fair elections. During a summit held in Mauritius in August 2004, the heads of state and government adopted the SADC Principles and Guidelines Governing Democratic Elections. The Community and the SADC Parliamentary

⁵⁸ Article 4 of the SADC Treaty.

⁵⁹ Article 33 of the SADC Treaty.

⁶⁰ In Maputo, Mozambique, in August 1999 the heads of state or governments have instructed for a reformation of the structure of the Community. The Council of Ministers, in 2000, came up with proposals presented to and endorsed by the Heads of State or Government during an extraordinary summit held in Windhoek, Namibia, in March 2001.

⁶¹ Article 9 of the SADC Treaty.

Forum⁶² are regularly sending observers to oversee various elections in Southern African countries. Furthermore, in Blantyre, Malawi, in 1997, the Summit adopted the Declaration on Gender and Development which fixed a quota of 30% of women in political and decision-making structures to be attained by the year 2005.

2.6 The Economic Community of West African States (ECOWAS)

Sub-regional integration in West Africa has not been easy due primarily to the diversity of the countries in this part of the continent and their different colonial history.⁶³ These former colonial blocks impact on the integration of the sub-region. For instance, the former French colonies, even under the umbrella of the sub-regional structures have created their proper organisations, the level of integration in which is not the same than the one at the sub-regional echelon.⁶⁴

Notwithstanding the abovementioned difficulties, West African states came together and created on 28 May 1975 in Lagos (the Lagos Treaty), Nigeria, the Economic Community of West African States (ECOWAS). The ECOWAS used to consist of 16 West African countries, but Mauritania pulled out in 2002. The current member states are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. Originally a purely economic organisation, the ECOWAS, after the collapse of the Berlin Wall, opted to give a political dimension to its objectives.

⁶² The SADC Parliamentarian Forum is an autonomous international organisation under the umbrella of the SADC. It was established, in accordance with article 9(2) of the SADC Treaty, by a constitution agreed upon by representatives of southern African national parliaments in May 1995, with the objective of strengthening the capacity of the SADC, especially in the realm of peace, democracy, and the harmonisation of national laws. The SADC Parliamentarian Forum came into existence in July 1996. The Constitution of the SADC Parliamentary Forum was endorsed by the Summit of Heads of State or Government, held in Blantyre, Malawi, 8 September 1997.

⁶³ Eight of the West African countries are former French colonies (Burkina Faso, Senegal, Cote d'Ivoire, Mali, Guinea, Niger, and Togo), four are former British colonies (The Gambia, Nigeria, Sierra Leone, Ghana), and two are former Portuguese colonies (Guinea Bissau and Cape Verde). Liberia was not colonised.

⁶⁴ See Section 2.1 above, P 14.

In 1990, faced with the political and military crisis in Liberia where President Samuel Doe was threatened by an armed rebellion, the ECOWAS, for the first time examined domestic affairs of one of its Member States. A Standing Mediating Committee (SMC) was set up within the Authority of Heads of State and Government which was tasked with finding a solution to the crisis. A ceasefire agreement was reached, a transitional civilian government established and a military force, the ECOWAS Ceasefire Monitoring Group (ECOMOG), was set up to monitor the ceasefire. The ECOMOG has later been used in Sierra Leone in 1993 and in 1997 in order to help in re-establishing the constitutional order respectively disturbed by an armed rebellion and interrupted by a military *coup*.⁶⁵

The Heads of State and Government of the Community, gathered in Abuja, Nigeria, from 4 to 6 July 1991 adopted the Declaration of Political Principles of the ECOWAS. Among other things, the Community and state-members committed themselves to pay more attention to human rights and democracy in the conduct of their business. The adoption of the political principles was followed by the drafting of an amendment to the Lagos Treaty in order to incorporate the concerned principles in the objectives of the Community. The revised treaty was adopted on 24 July 1993 in Lomé, Togo.

The aims and objectives of the ECOWAS are to promote cooperation and integration in order to raise the standard of living of West African peoples, and to maintain and enhance economic stability, foster relations among member states and contribute to the progress and development of the African continent.⁶⁶ The organisation is built on the following principles: equality and interdependence of member states; solidarity and collective self-reliance, inter-state co-operation, harmonisation of policies and integration of programmes; non-aggression; maintenance of regional peace, stability and security through the promotion and strengthening of good neighbourliness; peaceful settlement of disputes; recognition and protection of human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights; accountability, economic justice and

⁶⁵ F Prikic, "Military Intervention As The Transnationalisation Of Democratisation: The Case of West Africa" above No 36, 106-119, for more details and a thorough analysis of the ECOWAS interventions in Liberia and in Sierra Leone.

⁶⁶ Article 3 (1) of the ECOWAS Treaty.

popular participation in development; recognition and observance of the rules and principles of the community; promotion and consolidation of a democratic system of governance in each member state; equitable and just distribution of the costs and benefits of economic cooperation and integration.

To attain its objectives and assure the respect for its principles, the ECOWAS is provided by article 6 of its treaty with 8 main institutions: the Authority of Heads of State and Government (the Authority), the Council of Ministers (the Council), the Community Parliament, the Economic and Social Council, the Community Court of Justice, the Executive Secretariat, the Fund for Cooperation, Compensation and Development (the ECOWAS Fund), and the Specialised Technical Commission.

The Authority is the supreme organ of the ECOWAS. It meets at least once a year and takes decisions on the general policies of the Union. Its decisions are binding upon all the states members and the institutions of the Community, except the Community Court of Justice. The Council is made up of two ministers per state parties, one of whom is the minister in charge of ECOWAS affairs. It takes regulations binding on institutions under its authority and on the state parties upon their approval by the Authority. The Council adopts the budget of the Community, oversees its implementation, and appoints all statutory appointees of the Community except the Secretary General.

The Community Parliament represents the peoples of the ECOWAS. It is composed of 120 members elected through universal suffrage. It started functioning in November 2000. The Parliament is on a transitional process and its members are currently elected by national parliaments of member states. The decisions of the Parliament are not legally binding. The Economic and Social Council is an advisory body gathering representatives of non-governmental actors. Its composition and functioning shall be defined in a protocol which has not yet been adopted.

The Community Court of Justice was created by a Protocol to the Lagos Treaty adopted on 6th July 1991 and integrated in the treaty by the 1993 revision. The Court is composed of 7 judges whose judgements are binding upon state members, the institutions of the Community and private persons. The Community Court of Justice is

competent for the interpretation and the application of the Treaty and the protocols thereto. The Court has been officially installed on 30th January 2001.

The Executive Secretary of the Community, elected by the Authority for a 4-years term renewable once, is responsible for the daily running of the ECOWAS. He is the legal representative of the Community and is tasked with the execution of the decisions of the Authority and the regulations of the Council. The ECOWAS Fund is a financial institution established with the aim of assuring an even development of state members. Its objectives are to grant compensations to state members who suffer from losses as a result of the application of the Lagos Treaty and the protocols and policies thereto, to grant loans for development projects, to promote development projects in the least developed member states, to attract foreign investments in the sub-region, etc.

The evolution of the political situation in West Africa made up of ceaseless armed conflicts, human rights violations and democratic breakdown, together with the international political conjuncture, forced the ECOWAS to integrate political issues in its objectives. A series of protocols to the Lagos Treaty have been signed, extending the scope of activities of the Community to the prevention and management of conflicts⁶⁷ and the safeguard of democratic achievements.⁶⁸

2.7 Conclusion

It appears from the study undertaken under this chapter that sub-regional organisations, primarily with economic goals, are more and more involved with security and political issues. This new trend coincided with the democratic wind that blew on the Continent after the collapse of the Berlin Wall. The convergence of these two trends made it difficult for sub-regional organisations such as the ECOWAS to turn a blind eye to the

⁶⁷ Protocol on Non-Aggression signed in Lagos, Nigeria, On 22 April 1978; Protocol Relating to Mutual Assistance of Defense signed in Freetown, Sierra Leone on 29 May 1981; Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, signed in Lomé, Togo, on 10th December 1999.

⁶⁸ Protocol on Democracy and Good Governance signed in Dakar, Senegal on 21 December 2001.

democratisation process in their Member States. Rather, they use their increasing powers and influence to contribute to the consolidation of the process.

CHAPTER THREE: THE ECOWAS AND DEMOCRATISATION IN WEST AFRICA

3.1 Introduction

The ECOWAS, unlike other sub-regional economic integration organisations in Africa, understood very early the link between economic, military and political stability. The Protocol on Non-Aggression was signed in 1978, that is only three years after the signing of the Lagos Treaty creating the ECOWAS. After the 1978 Protocol, a Protocol Relating to Mutual Assistance of Defence was signed in 1981. But before 1991 the excursions of the ECOWAS outside the realm of economy were more or less limited to military issues.

Democracy became the concern of the ECOWAS after the collapse of the Berlin Wall and the change in international order that followed. But this new trend was cautious because, by then, almost all the West African countries were under military rule.⁶⁹ However, that did not preclude the organisation from following the new wind of political change and to gradually develop what can now be termed the “ECOWAS approach to democracy”. This chapter offers a critical analysis of this approach. It appears from the different political and legal instruments adopted by different organs of the ECOWAS, especially the Authority, and from the different concrete actions of the Community that the ECOWAS’ approach to democracy in West Africa can be articulated around three main axis: the creation of an enabling sub-regional environment, the establishment of a link between peace and democracy through the use of military intervention to protect democratic institutions or to impose democratic transition, and the development of sub-regional standards of democracy. The presentation of each axis in the following sections is subject to criticisms specific to that axis. An overall criticism is also envisaged.

⁶⁹ In the early 1990s, Sierra Leone was led by General Joseph Saidu Momoh, Nigeria, by General Babangida, Guinea, by Colonel Lansana Conte, Mali by General Amadou Toumani Toure (who overthrew General Moussa Traore in 1991), Burkina Faso, by Captain Blaise Compaore, Ghana by Flt Lt JJ Rawlings, Guinea Bissau, by General Joso Bernardo Viera, Togo, by General Gnassingbe Eyadema, Mauritania, by Colonel Maaouya Ould Taya, Niger, by Colonel Ali Saibou.

3.2 Creating an enabling environment

The evolution of the ECOWAS has somehow been similar to that of the OAU/AU. From its inception, all the decision making powers were held by political organs where heads of states and governments, and ministers sit: the Authority of Heads of State or Government and the Council of Ministers. And since an overwhelming majority of these heads of state and government did not come to power by democratic means, that meant that the West African peoples were kept away from the ECOWAS. The above mentioned 1978 and 1981 protocols did not change this reality. They rather contributed to reinforce the powers of the Authority and the Council. One could not expect these heads of states and their ministers to push for more representation for the peoples in the structures of the ECOWAS or to undertake to promote democracy in their own countries and in the other neighbouring countries. The ECOWAS was therefore, like the OAU, a “trade union” of heads of state and government. B. Olorunmehin denounced the lack of democracy in the structure of the ECOWAS as the main reason for its lack of efficiency in the various activities undertaken. Inspired by the experiences of the European Union, he advocated, in his *Rebuilding ECOWAS on democratic principles*, for more implication of the citizenry and of the non-state actors in the work of the Community.⁷⁰

As long as the structure of ECOWAS was exclusively dominated by governments and did not allow for the peoples’ or other non-governmental inputs into the activities of the Community, it was illusory to expect the organisation dominated by heads of state and government, an overwhelming majority of whom were military regimes or civilian dictatorships, to push for democracy in west Africa. The 1990s marked a new bend. The Declaration of Political Principles of the ECOWAS adopted in 1991 advocated for more democracy in the sub-region and the principle of the peoples’ participation in development initiative and decision making was reaffirmed.

The 1991 Political Principles largely influenced the 1993 revised treaty of the ECOWAS. This revised treaty completely restructured the Organisation in order to adapt it to the political reality, taking into account the fact that most of the Member States of the

⁷⁰ B O Olorunmehin, (2000), *Rebuilding ECOWAS on democratic principles*, Policy Insight No.1, Ibadan, Nigeria: Development Policy Centre.

ECOWAS underwent a democratic transition. The new structure of the ECOWAS would enable the peoples and non-state actors to participate in the decision-making in the Community, essentially through two main organs: the Community Parliament and the Economic and Social Council.

The Community Parliament was established under articles 6 and 13 of the ECOWAS revised Treaty. A protocol signed in Abuja, Nigeria on 6th August 1994 and entered into force on 14 March 2002 gives details on the structure, composition, competence and other matters relating to the parliament. The 120 members of the parliament are to be elected directly by the populations in each Member State and deem to represent all the peoples of West Africa. The allocation of these 120 seats is made in such a way as to guarantee to each Member State a minimum representation without neglecting the demographic weight of some Member States. As at present the parliament is on a transitional process and the current members were elected by different national legislatures. The parliament does not have real power to take binding decision but its political influence is not to be neglected: By debating issues relating to human rights, democracy, corruption, etc. the parliament would at least bring these problems into the knowledge of different development partners and incite national governments and the organs of the ECOWAS with power to take decisions towards tackling these problems.

The Economic and Social Council of the ECOWAS is a platform of non-state actors within the ECOWAS. This advisory body, established under article 14, has currently not yet been set up.

Although these two organs do not have real power since their decisions are not binding upon Member States, they would at least influence the decisions and regulations of the organs which detain such a power.⁷¹

⁷¹ E K Quashigah, 'Human rights and integration' in R Lavergne (ed)(1997), *Regional Integration and Cooperation in West Africa: A multidimensional perspective*. 259-278, International Development Research Centre (IDRC).

3.3 The link between peace, security and democracy: The use of military intervention to promote and protect democracy

ECOWAS is famous for its military interventions, through the ECOMOG, notably in Liberia and in Sierra Leone. The hidden political motivations behind these interventions were denounced by some journalists and some scholars.⁷² It is not the purpose of this section to analyse such motivations. The section is focus on the analysis of the impacts – positive and negative- of these interventions on the democratic process in the concerned countries.

The ECOMOG has conducted one mission in Liberia in 1990 and two missions in Sierra Leone in 1991 and in 1997. In Liberia, the ECOMOG forces were deployed because an armed rebellion by the National Patriotic Front of Liberia (NPFL) led by Charles Taylor was threatening the regime of President Samuel Doe. The whole country was occupied by the rebels except some areas in Monrovia where loyal forces were still resisting. The then Nigerian president, General Babanguida, together with some other West African leaders intervened and prevented the overthrow of president Doe.⁷³ A Standing Mediation Committee (SMC) was set up within the Authority of Heads of State and Government of the ECOWAS with the task of settling peacefully the crisis. The SMC, dominated by Nigeria, shaped a peace plan which advocated the creation of a peacekeeping force, the ECOWAS Ceasefire Monitoring Group (ECOMOG) and the formation of a neutral interim government, called the Interim Government of National Unity (INGNU). A ceasefire was imposed upon the belligerents and a neutral civilian government was set up, composed of personalities coming essentially from the

⁷² See F Prikic, "Military Intervention As The Transnationalisation Of Democratisation: The Case of West Africa", above No 36, 107-110.

⁷³ The NPFL split into two factions: one faction led by Taylor and another faction chaired by Prince Johnson. The ECOMOG forces failed to secure President Samuel Doe. The NPFL faction led by Johnson took over Monrovia, captured president Doe who was trying to flee the country and executed him. The fighting continued among factions.

academics and the civil society. The transition led to democratic elections won by Charles Taylor in 1997.⁷⁴

The first intervention of the ECOMOG in Sierra Leone in 1991 was requested by General Momoh, President of Sierra Leone and one of the ringleaders of the ECOMOG intervention in Liberia, threatened by a rebel group, the Republican United Front (RUF) under the leadership of Foday Sankoh. The RUF was actively supported by the NPFL of Charles Taylor.⁷⁵ The intervention, once more dominated by Nigeria, was officially devoted to 'push democratic principles on the agenda'⁷⁶ whereas the intervention in Liberia was officially justified by humanitarian reasons. In 1996, a civilian, Ahmad Tejan Kabbah, was elected as president in Sierra Leone.

Kabbah's overthrow one year after his election by a military *coup* successfully conducted by Commander Johnny Paul Koroma on 25 May 1997 provided a justification for another military intervention by the Nigeria-led ECOMOG forces. The Nigerian military regime's reaction to the *coup* was instantaneous. General Abacha rejected the *coup*, denied any recognition to the military junta of Commandant Koroma and reiterated the determination of Nigeria and the ECOWAS to promote democracy in West Africa. The very day of the overthrow of President Kabbah, Nigerian soldiers were, under the cover of the ECOMOG, deployed in Sierra Leone. That number was increased the following days.⁷⁷

⁷⁴ F Prikic, "Military Intervention As The Transnationalisation Of Democratisation: The Case of West Africa", above No 36, 114-116.

⁷⁵ Charles Taylor was later indicted by the Special Court for Sierra Leone of war crimes and crimes against humanity for its support to the RUF rebels. See C Roy-Macaulay, 'Sierra Leone Court indicts liberia leader', *Guardian*, 4 June 2003.

⁷⁶ F Prikic, "Military Intervention As The Transnationalisation Of Democratisation: The Case of West Africa", above No 36, 117.

⁷⁷ F Prikic, "Military Intervention As The Transnationalisation Of Democratisation: The Case of West Africa", above No 36, 117.

On the issue of democracy, the ECOMOG forces' interventions in Liberia and Sierra Leone had the benefit of putting to an end armed conflicts and favouring the establishment of a civilian democratic government: In Liberia, a transitional period was decided, conducted by neutral civilians, and led to the organisation of free and fair elections in 1997, won by one of the belligerents, General Charles Taylor. In Sierra Leone, the first military intervention has brought to the agenda the necessity of a democratic transition while the second was aimed at restoring the democratic government overthrown by a military junta.

However, the record of the ECOMOG missions is not only positive. The ECOWAS is reproached for the intervention in terms of the non-democratic decision-making process, the human rights violations, the lack of long-term prevision in respect of democracy draw-back, the negative effect on domestic democracy process in the countries sending troops, especially Nigeria.

First of all, regarding the decision-making, the ECOMOG was openly dominated by Nigeria, the sub-regional hegemon. The decision to send troops in Liberia and in Sierra Leone was not taken by the Authority of Heads of State and Government of the ECOWAS, rather by a close committee, the SMC dominated by Nigeria and its allies. The other members of the ECOWAS were not happy with the concentration of powers in the hands of the SMC, and some politicians contested the right of the SMC to intervene militarily in the concerned countries.⁷⁸

An extraordinary summit convened in November 1990 was left with no alternative but to endorse the decision taken by the SMC in respect of the situation in Liberia since Nigeria and his peers in the Committee had already started implementing it, the interim government was already formed and the ECOMOG forces deployed.⁷⁹ The second

⁷⁸ K Oteng Kufuor, "The Legality of the Intervention in the Liberian Civil War by the Economic Community of West African States." *African Journal of International and Comparative Law* Vol. 5 (1993): 525—560., A C Ofodile, "The Legality of ECOWAS Intervention in Liberia." *Columbia Journal of Transnational Law* Vol. 32 No. 2 (1994): 381—418. A-D Mindau, "Intervention armée de la CEDEAO au Libéria: illégalité ou avancée juridique." *African Journal of International and Comparative Law* Vol. 7 No. 2 (1995): 257—283.

⁷⁹ F Prikic, "Military Intervention As The Transnationalisation Of Democratisation: The Case of West Africa", above No 36, 109.

operation in Sierra Leone was unilaterally decided by Nigeria and was later endorsed by the ECOWAS and supported by the international community. The consequence of this lack of wide-scale consultation was that some Member States supported the same rebels the Community was supposed to combat, by providing them with weapons and rear-bases.⁸⁰ Some countries such as Cote d'Ivoire and Guinea openly supported the NPFL in Liberia while Nigeria was providing arms and ammunition to Doe's forces.⁸¹

The human rights record of the ECOMOG is not very good. The lack of coordination and control over ECOMOG troops and the lack of clarity in their mandate left room for massive human rights violation by the soldiers. The ECOMOG forces conducted offensive actions against factions in Monrovia where civilians were killed. Moreover, in the zones under their control, some of the ECOMOG soldiers indulged in lootings. The ECOMOG forces were nicknamed Every Car and Moving Object Gone by local populations and the press.⁸²

The lack of long term provisions had very bad effects experienced in both Liberia and Sierra Leone. Democracy cannot be reduced to the mere imposition of a ceasefire and the holding of an election. It is a long and gradual process especially in countries emerging from civil wars and other armed conflict. The international community which helps to put an end to the conflict and to institute democratic transitional institutions must stay by the side of the country and help it maintaining the democratic *acquis* and avoid democratic drawbacks. As long as the animosity between former factions is not definitively quelled, there is a constant threat that is hanging over the democratic transition, such a Sword of Damocles.

⁸⁰ M Malan, 'ECOWAS Peace Operations from 1990 to 2004: Synopsis of Lessons noted and Key Recommendations', above No 37.

⁸¹ C Tuck, 'Every Car and Moving Object Gone: The ECOMOG intervention in Liberia', *African Study Quarterly*, the Online Journal for African Studies of the University of Florida available at : <<http://web.africa.ufl.edu/asq/v4/v4i1a1.htm>>(accessed on 17 September 2005)

⁸²See for instance, 'Lessons of sierra Leone intervention still being debated' *Africa Law Today*, 19 May 1998, available at <www.globalpolicy.org> (accessed on 26 September 2005), and Chris Suellentrop, 'Nigeria: it can handle Liberia, but can it peacekeep itself?', *Slate*, 8 August 2003, available at <www.slate.msn.com> (accessed on 26 September 2005).

The consequence of the lack of provision and the absence of supportive care and attention was the drawback of democracy in Sierra Leone through the overthrow of democratically elected president Kabbah in 1997, leading to the second ECOMOG intervention, and in Liberia where the war never really ended despite the imposition of a democratic transition. In 1999, another armed rebellion, the Liberians United for Reconciliation and Democracy (LURD) was created by Liberians refugees in West Africa with the principal objective of ousting Charles Taylor from power.⁸³ Threatened by the rebels right to Monrovia, the Liberian capital city, and under the pressure of the international community, Charles Taylor was forced to exile in 2003.

Last but not least, the ECOMOG intervention in Liberia and Sierra Leone had a counter-productive effect on democratic transition in sending countries, especially in Nigeria.⁸⁴ The interventions in Liberia and in Sierra Leone occurred at a moment where the state of democracy in Nigeria was under heavy criticism and the military regime was under sanctions from the United States, the European Union and the Commonwealth because of the interruption of democratic reform by the Nigerian military rulers. In 1993, General Babangida decided to call off the result of the presidential elections allegedly won by the leader of the opposition, Chief Moshood Abiola. The militaries kept on delaying the return to a civilian government. The interventions in Sierra Leone came at the right moment to divert the international opinion from the violation of human rights and the breach of democratic principles by General Babangida and his successor General Sani Abacha. Furthermore, thanks to the interventions of the ECOMOG forces, Nigeria acquired a stature of democracy and freedom defender which the country was far from being at that time.⁸⁵ The 1990s under the military rules in Nigeria were characterised by banning of

⁸³ J Brabazon, "Liberia: Liberians United for Reconciliation and Democracy (LURD)", Briefing Paper No. 1, February 2003, Armed Non-State Actors Project, Africa Programme of the Royal Institute of International Relations.

⁸⁴ In the Gambia, President Dawda Diawara was overthrown by a successful military coup led by Lieutenant Yahya Jammeh in July 1994. In Sierra Leone, which was the rear base of the ECOMOG forces, president Momoh faced an armed rebellion more or less linked to the conflict in Liberia and was forced into exile by a *coup d'état* by Capt. Valentine Strasser.

⁸⁵ F Prikic, "Military Intervention As The Transnationalisation Of Democratisation: The Case of West Africa", above No 36, 118.

independent medias, assassination, arbitrary arrest and issuing death penalties to opponents and NGO leaders, and other human rights violations.⁸⁶

Aware of the abovementioned deficiencies, the ECOMOG since the end of the 1990s is gradually taking measures in order to improve the record of the use of military interventions as means of protecting and promoting democracy. The Community has set up a Mechanism for Conflict Prevention, Management, Resolution Peacekeeping and Security (the Mechanism) in 1999.⁸⁷ It makes the effort to secure politically and militarily West Africa a permanent concern in stead of acting on a case by case basis.

The mechanism makes provision for better coordination and associate closely civilian component to the Community's operations.⁸⁸ It also clearly defines the mandate of the Community's forces and involves more closely the ECOWAS with domestic political affairs such as the organisation and the monitoring of elections as part of its peace-building mission.⁸⁹

The new approach makes a clear and express link between peace, security and democracy. "Promotion and consolidation of a democratic government as well as democratic institutions in each Member States" are among the principles of the Mechanism, which also encompass the protection of human rights and the observance

⁸⁶ In the 1990s many communications were filled with the African Commission on Human and Peoples' Right by Nigerian and international NGOs to denounce the lack of democracy in Nigeria leading to a series of human rights violations including violation of the freedom of the press, the right to a fair trial, freedom of opinion, expression and association: *Media Rights Agenda and Others v Nigeria* (2000) AHRLR 200 (1998); *Constitutional Rights Project and Others v Nigeria* (2000) AHRLR 227(ACHPR 1999); *International Pen and Others (on behalf of Saro-Wiwa) v Nigeria* (2000) AHRLR 212 (ACHPR 1998); *Media Rights Agenda v Nigeria* (2000) AHRLR 262 (ACHPR 2000), etc.

⁸⁷ Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution Peacekeeping and Security (Protocol relating to the Mechanism) signed in Lome, Togo, on 10 December 1999.

⁸⁸ A civilian, the Special Representative is, at least according to the Protocol on the Mechanism (article 34), the Head of ECOWAS' operations.

⁸⁹ Article 42 of the Protocol relating to the Mechanism.

of international humanitarian law.⁹⁰ Democratic consolidation is not part of the objectives of the Mechanism. Preambular provisions of both the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution Peacekeeping and Security (the Protocol relating to the Mechanism) and the 1991 Declaration on Political Principles of the ECOWAS acknowledge that lack of democracy and good governance jeopardises peace and security in West Africa. The Mechanism may apply, *inter alia*, in case of serious and massive violation of human rights and the rule of law and in the event of an overthrow or attempt overthrow of a democratically elected government.⁹¹

The Mechanism is complemented by a Protocol on Democracy and Good Governance which takes further the issue of democracy and good governance as factors of peace and security. The latter Protocol sets up standards of democracy and good governance and provides for modalities for their implementation and for sanctions in case of violation.

3.4 Developing sub-regional standards of democracy

The ECOWAS, since the 1990s, is progressively developing and entrenching standards as regards democracy. These standards are enshrined in key instruments such as the Declaration of Political Principles of the ECOWAS, the Protocol relating to the Mechanism and the Protocol on Democracy and Good Governance. In order for these standards not to be reduced to mere political wishes, the different instruments provide for concrete actions to be taken by the Community in case of a gross breach of at least the most important of them.

3.4.1 The Declaration of Political Principles of the ECOWAS

The 1991 Declaration of Political Principles of the ECOWAS occupies an important position in the democratic device of the Community. It was written at a period of great

⁹⁰ Article 2 of the Protocol relating to the Mechanism.

⁹¹ Article 25 of the Protocol relating to the Mechanism.

disturbance in international law and international relations.⁹² For the ECOWAS it is a landmark and all the other declarations, resolutions and protocols signed after its issuance refer expressly to it. The principles it proclaims are not binding *per se*, but they have an indirect impact due to the fact that they have been repeated, detailed and rendered compulsory through other binding instruments.

As a political document, the Declaration is written in a somehow vague term, leaving room for biased interpretations. The approach of the ECOWAS to democracy that was further developed in other relevant instruments was nicely summarised in Principles 6 of the Declaration which recalls the inalienable right of individuals to political participation by means of free and democratic processes. The Member States commit themselves to establish political pluralism and representative institutions.⁹³ In the preamble, they affirm their determination to found democracy in West Africa on political pluralism and respect for fundamental human rights.

It is not frivolous to recall here that the military interventions of the ECOWAS, including the 1997 intervention in Sierra Leone in order to re-establish a democratically elected government that was overthrown by a military *coup* and which is referred to as the first ever military intervention in support of democracy in Africa,⁹⁴ occurred under the Declaration, before any of the binding instruments that are the different protocols were even signed.

3.4.2 The Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security

The purpose of the 1999 Protocol relating to the Mechanism for Conflict Prevention, Management, Peacekeeping and Security is a military one. However the protocol took

⁹² The collapse of the Berlin Wall in 1989 marked the end of the Cold War between the West and the East. African countries acknowledged this change in international relations in their 1990 OAU “Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes taking place in the World”.

⁹³ Para 6 of the Declaration.

⁹⁴ F Prikic, “Military Intervention As The Transnationalisation Of Democratisation: The Case of West Africa”, above No 36, 118.

peace and security from a broad perspective to include political issues. The protocol recalls the attachment of the community to certain principles, including “promotion and consolidation of democratic government as well as democratic institutions in each Member State”⁹⁵, and the “protection of fundamental human rights and freedoms”.⁹⁶ Democracy, however, is not part of the objectives of the Mechanism which remain purely military or linked to security issues.⁹⁷ The Mechanism may apply, *inter alia*, in case of serious and massive violations of human rights, the rule of law and in the event of the overthrow or attempted overthrow of a democratically elected government.⁹⁸ The Protocol states under article 42 that the ECOWAS shall be involved in the preparation, organisation and supervision of electoral processes in Member States, and shall participate in the monitoring and development of democratic institutions of Member states. The Community is also under an express duty of assisting countries emerging from armed conflicts by helping them to “increase their capacity for national, social, economic and cultural reconstruction”. This provision, if it is well implemented, would help avoiding democracy drawback in post conflicts countries due to the lack of resources and lack of the state’s capacity to fully play its role.

The Protocol also makes provisions for the possibility for the ECOWAS to intervene in order to restore the political authority when the authority of the state is contested, eroded, weakened or absent. The restoration may take the form of the organisation of electoral processes. In any case, fundamental human rights and the rule of law shall be respected.

The provisions of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security as regards democracy were clarified and complemented by the Protocol on Democracy and Good Governance.

⁹⁵ Article 2(c).

⁹⁶ Article 2(d).

⁹⁷ Article 3.

⁹⁸ Article 25.

3.4.3 The Protocol on Democracy and Good Governance

The Protocol on Democracy and Good Governance, signed in 2001, is part and parcel of the Mechanism. The long title of this instrument is "Protocol on Democracy and Good Governance, Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security". It is the most detailed and the most practical documents of the ECOWAS dealing with democracy. It is also a progressive document. The Protocol contains "constitutional convergence principles" to be shared by all Member States, makes detailed provisions for the organisation and the monitoring of elections, the role of armed forces in a democracy, the rule of law, human rights and good governance, women and children's rights. It goes further and enshrines modalities for its implementation and provides for sanctions in case of non-respect.

The "constitutional convergence principles" include separation of powers with an emphasis on the independence of the judiciary and parliamentary immunity, and organising of free and fair elections as the only avenue to political powers (and therefore the condemnation of unconstitutional changes of government), entrenchment of democratic principles and devolution of power through decentralisation, the subordination of the military to the political authority, the separation of state and religion, the principle of non-discrimination, human rights enforcement through the courts, freedoms of political parties, of association and freedom of the press.⁹⁹ These constitutional principles appear as the bare necessary constitutional standards each members state shall meet in order to enable a real democratic system to work.

Regarding free and fair elections, the Protocol guarantees the neutrality and the credibility of the electoral commission by making provisions relating to the condition for amending the electoral law, the structure and the composition of the commission, women's right to vote and to be voted, respect for the electoral agenda, etc.,¹⁰⁰ and

⁹⁹ Article 1.

¹⁰⁰ Articles 2-3.

advocates a series of measures to enhance transparency in the conduct of the electoral operations.¹⁰¹

Articles 12 to 18 request the ECOWAS to get involved with the electoral process in Member States. It shall provide support to Member States holding elections. The Community is also required to set up a mission to oversee and monitor elections. Such a mission shall oversee the whole process. Its mission shall start before the pooling day and end at the proclamation of results.¹⁰² Thus, the ECOWAS has notably sent mission to the presidential and parliamentary elections in Sierra Leone in May 2002, in Ghana in December 2004, the presidential elections in Togo in April 2005, and in Liberia in October 2005.

Regarding the armed forces, the police and the security forces, the Protocol defines their role in a democracy by resolutely taking the position that they shall be non-partisan, shall remain loyal to the nation and shall be under civilian authority.¹⁰³ They shall participate in development projects. The role of the army is to defend the independence, the territorial integrity and the democratic institutions. The police and other security agencies are tasked with maintaining law and order, protecting persons and properties. The Protocol prohibits the use of arms to disperse non-violent meetings or demonstration. These provisions regarding the place of armed forces in a democracy represent an enormous progress and their mere mention in the Protocol is historical in a region where, with the exception of Senegal, all the countries have experienced military regimes with the 'instrumentalisation' of armed forces for political purposes.

The Protocol takes the point of view that good governance and freedom of the press are essential, *inter alia*, for the strengthening of democracy.¹⁰⁴ It defines the rule of law as involving promulgation of good laws, a good judicial system for their enforcement, a

¹⁰¹ Articles 4-10.

¹⁰² Articles 12-18.

¹⁰³ Articles 19-24.

¹⁰⁴ Article 32.

good system of administration and a good management of the state apparatus.¹⁰⁵ The Protocol calls upon Member States and the Executive Secretariat to adopt national and regional practical modalities for the entrenchment of the rule of law, human rights, justice and good governance.¹⁰⁶ Provisions are also made for the establishment of independent national institutions to promote and protect human rights, the institutionalisation of a national system of mediation and the struggle against corruption.¹⁰⁷ It further pleads for the revision of the Protocol A/P1/7/91 relating to the Community Court of Justice to give the court the power to hear cases relating to human rights violation.¹⁰⁸

As far as women, children and the youth are concerned, although the Protocol acknowledge that measures shall be taken towards the development and the promotion of their welfare, it does not make express provision as to their civil and political rights, except the afore mentioned provisions on women's electoral rights.

Last, the Protocol moves away from the way most of international instruments are written in the African context, by making provisions for its implementation and by providing for sanctions.¹⁰⁹ The ECOWAS may impose sanctions in case of unconstitutional change of a democratically elected government.

The sanctions shall be decided by the Authority and comprise, in increasing order of severity: refusal to support the candidates presented by the concerned Member State for elective positions in international organisations; refusal to hold ECOWAS meetings in such a Member State; suspension from all ECOWAS decision-making bodies. During the period a country is under sanctions, the ECOWAS shall continue to monitor, encourage and support the efforts being made by the suspended country to return to normalcy and constitutional order. On the recommendation of the Mediation and Security

¹⁰⁵ Article 33.

¹⁰⁶ Article 34.

¹⁰⁷ Articles 35-38.

¹⁰⁸ Article 39.

¹⁰⁹ Chapter 2 of the Protocol.

Council, a decision may be taken to proceed as stipulated in article 45 of the Protocol relating to the Mechanism which provides for the restoration of political authority.¹¹⁰

Sanctions have been recently taken against Togo after Faure Gnassingbé unconstitutionally acceded to power after his father Gnassingbé Eyadema died in February 2005. The sanctions were lifted only after Gnassingbé junior accepted to relinquish power to the president of the national assembly and elections were organised in April 2005 following mediation by the ECOWAS.¹¹¹

3.5 Criticisms

The approach of the ECOWAS to democracy is not perfect. A certain number of criticisms can be formulated as regards the standards set but also pertaining to the preponderance of formal democracy over substantial democracy in the ECOWAS' approach, and the implementation of the standards especially the way the decision to impose sanctions is taken.

First of all, regarding the standards, it is regrettable that some issues that are crucial in modern debate about democracy are left out or are not dealt with in a very clear and practical manner. Paramount among these are the rights of women, especially their political rights. West Africa is one of these sub-regions where women have been since the independences, discriminated against when it comes to the management of public affairs and the holding of political positions.¹¹² Promoting women's political rights and especially their right to hold public and elective offices needs more energetic measures than the mere declaration of principles such as encouraging the representation of women. Putting women and men in an equal basis in societies where they are impoverished and considered as having less value than men by the weight of

¹¹⁰ Article 45(4).

¹¹¹ M Jolayemi, K Ologbondiyan, A Ogbu and L Okenwa 'Attack Togo', USA/Africa Dialogue No.381, February 2005.

¹¹² See the "Recommendations of West Africa sub region on the evaluation of the Beijing Platform 10 years after its adoption " available on the Website of WILDAF West Africa at <www.wildaf-ao.org> (accessed on 14 October 2005)

retrograded traditions will just widen the gape between the two sexes and aggravate the economic and social handicap of women: they need money to campaign for public offices, and they have to fight against well-established prejudices. Hence, political participation of women within the ECOWAS needs to be supported by more affirmative actions to compensate the historical gap between men and women and the fight against gender-based biases.

Secondly, the approach of the ECOWAS expressly establishes formal conception of democracy to the detriment of substantial democracy. The Protocol on Democracy and Good governance provides for sanction only in case of unconstitutional change of government or, even more narrowly, in case of overthrow of a democratically elected government. This is a “minimalist” approach which, according to C Hartmann, restricts “democracy to the principles of constitutionalism “. That clearly gives preponderance to the process (elections as only avenue to political power) over the substance (among other things the guarantee of and respect for civil and political rights).¹¹³ As I have stated earlier the ECOWAS already had the occasion to implement these sanctions against Togo after the unconstitutional change of government following the death in February 2005 of President Eyadema. The same ECOWAS never condemned the “deficit of democracy” in Togo under late president Eyadema that led to the termination of European financial support to the country in the 1990s. Moreover, some members of the ECOWAS, notably Guinea¹¹⁴ and Cote d’Ivoire,¹¹⁵ are violating the most elementary civil and political rights of their citizenry such as the right to freedoms of expression,

¹¹³ C Hartmann, (2003) “Towards Internalisation of Democracy? Regional Organisations and the Survival of Democracy in Africa”, Paper for ECPR Conference 18-22/09/2003 in Marburg (Section No.26), 13.

¹¹⁴ The International Non-Governmental Organisation, Reporter Sans Frontière publishes every year a report on the freedom of the press worldwide. Guinea is regularly condemned for the abuses on journalists and newspapers. The reports are available at <www.rsf.org> (accessed on 10 October 2005). Moreover, it was only in August 2005 that, for the first time since independence in 1958, the government of Guinea decided to authorise private radio stations to function. (See S Samb, “Media-Guinee: La libéralisation des ondes ouvre la voie vers une nouvelle ère”, IPS News Agency, 6 September 2005, available at <www.ipsnews.net> (accessed on 13 October 2005).

¹¹⁵ See Human Rights Watch’s Report, “Country on a Precipice: The Precarious State of Human Rights and Civilian Protection in Côte d’Ivoire” May 2005 Vol. 17, No. 6 (A).

association, peaceful assembly etc. without the ECOWAS doing anything, not even issuing a mere communiqué or taking a resolution to condemn such violations.

The “minimalist” approach to democracy poses the problem of democratic monitoring. How are West African countries monitoring respect for democratic principles that they have agreed upon, under the umbrella of the ECOWAS, in various treaties and declarations? According to Hartmann, there are two ways of monitoring democratic performance. The first one takes into account a cluster of indicators,¹¹⁶ such as the separation of power, respect for various political liberties, devolution of powers, etc. The other way is to rely on a single criteria to decide whether a country is democratic or non-democratic.

The advantage of the first approach is that it enables to see exactly at what level a country is encountering problems to reach the democratic requirements and to concentrate efforts towards improving the quality of democracy in this country to the concerned realm. The second approach is bad in that it does not deal with the quality of democracy: A country is democratic if it reaches the criterion. It is not democratic if it fails to reach this single criterion. As regards the ECOWAS, it is my view that it should be classified in the last category which is also the approach adopted by other regional and sub-regional organisations in Africa:

African states are clearly not monitoring democratic practice in the sense of a set of indicators. They have instead implicitly agreed that there is a single basic criterion that *ex negativo* excludes a country from the family of democracies: the access to power via unconstitutional means.¹¹⁷

Regarding the sanctions provided for under the Protocol on Democracy and Good Governance, their application is subjected to political considerations. They are not imposed evenly and automatically against every single West African governments that comes into power by unconstitutional means. The action of the ECOWAS when it comes

¹¹⁶ That is the approach suggested by democracy auditors such as Bruce Baker (see B Baker, “The quality of African democracy: Why and how it should be measured”, (1999) *Journal of Contemporary African Studies*, 17, 2, 273-285).

¹¹⁷ C Hartmann, (2003) “Towards Internalisation of Democracy? Regional Organisations and the Survival of Democracy”, above No 113, 9.

to imposing sanctions is torpedoed by conflicting interests of Member States. The grossest case was the military *coup* that deposed democratically elected President Koumba Yala of Guinea Bissau in 2003. Instead of sanctions, the ECOWAS rather negotiated and obtained that the then already overthrown president Yala officially accepted to step down. The ECOWAS further suggested that an at least two-year transitional period was necessary. President Abdoulaye Wade of Senegal even congratulated the new military rulers before the ECOWAS took any official position.¹¹⁸

In Cote d'Ivoire, the attempted *coup* of September 2003 was not vigorously condemned by the ECOWAS which rather attempted negotiations between the government and the perpetrators of the *coup* who transformed themselves into an armed rebellion controlling northern half of the country. Here again interests of ECOWAS Member States were conflicting since Liberia was supporting the government whereas Mali and Burkina Faso are accused by Abidjan of backing the rebels. This situation caused the ECOWAS to be disqualified by President Gbagbo from any mediating role towards finding a solution to the crisis.¹¹⁹

3.6 Conclusion

It appears from our study in this chapter that, although the ECOWAS has an approach to the consolidation of democracy in West Africa, this approach is imperfect. The outcome of the chapter is that the ECOWAS prefers protecting existing democracies rather than pushing for democratic reforms in non-democratic regimes except in the extreme case of armed conflicts. Moreover, the ECOWAS is not concerned with the quality of democracy which it seems to limit to the mere holding of regular elections. Recommendations are necessary in order to enhance the approach of the ECOWAS.

¹¹⁸ M Mas, "Guinée-Bissau: Coup d'Etat négocié", article published on the website of Radio France Internationale, <www.rfi.fr> 19 September 2003 (accessed on 24 September 2005).

¹¹⁹ The ECOWAS held a meeting in Abuja, Nigeria, in October 2005 in order to revive the peace process in but President Gbagbo boycotted the meeting.

CHAPTER FOUR: CONCLUSION AND RECOMMENDATIONS

4.1 Conclusion

Our study has shown that African countries, soon after independence, embarked on sub-regional and regional integration and cooperation. Many organisations were created and tasked with economic objectives. The ECOWAS is one such an organisation. After the collapse of the Berlin Wall, many African countries underwent a process of democratisation, and sub-regional organisations shifted from their originally economic missions to address political issues. This democratisation was the outcome of the conjunction of internal and external factors. International factors (mainly the influence of former colonial powers and the pressure of international financial institutions such as the World Bank and the International Monetary Funds) were more determinant in the “third wave” of democratisation of which democratisation in Africa was a part.¹²⁰

The first and main outcome of our research is that the ECOWAS, as a sub-regional organisation has an approach to promoting democratisation in West Africa. The approach of the ECOWAS is materialised, firstly, by the creation of an enabling environment through the democratisation of the structure of the ECOWAS itself in order to allow for more participation from the peoples and the civil society.

Secondly, the approach of the ECOWAS involves the adoption of sub-regional standards of democracy enshrined in various political and legal instruments including the 1991 Declaration of Political Principles of the ECOWAS, the 1999 Protocol relating to the Mechanism for Conflict Prevention, Management, Peacekeeping and Security and the 2001 Protocol on Democracy and Good Governance, Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. The standards set by these instruments include free and fair elections, women’s political participation, separation of powers, devolution of powers

¹²⁰ S Huntington, (1991), *The third wave. Democratisation in the Late Twentieth Century*, Norman: University of Oklahoma Press.

through decentralisation, respect for human rights, condemnation of unconstitutional changes of government, the subordination of the military to the civilian authority, etc.

The approach of the ECOWAS, as the second finding of our study goes, is not perfect. In the new structure of the ECOWAS, the organs where peoples and civil society are represented are not yet working properly whereas the political organs with governments' representatives and under governmental influences were the first to be set up; the standards are not energetic enough as regards women's political rights; the approach privileges formal democracy to the detriment of substantive democracy; there is no monitoring device to oversee the implementation of the standards; and the application of the sanctions provided for under the Protocol on Democracy and Good Governance, is subjected to political considerations and is not automatic.

The approach of the ECOWAS, although it has helped in positively addressing democracy breakdown in some countries and has been efficient in pushing for a democratic transition, notably in Sierra Leone and in Liberia, has shown its limits as regards the improvement of the quality of democracy in other west African countries.¹²¹

4.2 Recommendations

The following recommendations are made regarding the structure of the ECOWAS, women's political participation, and the monitoring of the standards, including the sanctions.

First of all, regarding the structure of the ECOWAS, it would be beneficial for the democratisation of the ECOWAS if organs where non-state actors are represented are provided with more power in order to allow for more impact of the peoples and the NGOs in the work of the Community.¹²² For instance decisions with human rights implications should not be taken without the agreement of the Parliament. The powers of the

¹²¹ Cote d'Ivoire, Guinea, Togo. See above chapter 3, sect. 3.5, P.42-44.

¹²² We have already held, in the wake of B O Olorunmehin, that the democratisation of the ECOWAS as an institution would positively impact on the way it is carrying out its mission which includes, since the end of the Cold War, promoting democracy in its Member States. See Chapter 3, sect. 3.2, above P.28-29.

parliament should also be extended to include the oversight of the work of the Executive Secretary and other staffs of the Community. The appointment of the Executive Secretary shall be homologated by the Parliament to whom he shall be accountable. It is also urgent for the members of the Parliament to be elected directly by the peoples instead of being designated by national parliaments as is the case currently.

The protocol to the ECOWAS Treaty governing the organisation and the functioning of the Economic and Social Council shall be adopted immediately and shall make compulsory the consultation of the Council before taking decisions with economic and social implication. The consultation of the Council in this case shall be compulsory even though its opinions are not legally binding.

Secondly, regarding women's political participation, more energetic actions need to be taken to enable them overcoming prejudices and economic and social constraints in order to participate evenly with men to the different political competitions and to improve their representation at decision-making positions. It is necessary to set up quotas for women's representation in political and administrative institutions (parliament, cabinet, etc.). The SADC has already adopted such a quota system.¹²³ Moreover, incentives shall be given to women who engage in political competitions, especially presidential, legislative and local elections. These incentives may include for instance exemption of fees and granting of subsidies for campaigning.

As regards the monitoring of the standards and the sanctions provided for in case of non-respect, they should go beyond the mere unconstitutional change of government to apply to violations of all the standards. Democracy is not only about free and fair elections. The separation of powers, the independence of the judiciary, the subordination of the armed forces to the civilian authority, the respect for human rights, the freedom of opinion, expression and of the press, etc. are all important to democracy and shall also be monitored. Sanctions, therefore, shall not be limited to the cases of unconstitutional change of government.

¹²³ The Summit of Heads of State and Government, in Blantyre, Malawi, in 1997, adopted the Declaration on Gender and Development which fixed a quota of 30% of women in political and decision-making structures to be attained by the year 2005.

The Community Parliament shall participate in the monitoring of the standards. It may conduct missions and inquiries on the measures taken by Member States to give effect to the standards and make proposals to the Authority of Heads of State and Government habilitate to impose sanctions.

The way the decisions to impose sanctions are taken shall also be reviewed. The decision to impose sanctions shall not be subject to the political will and the interest of Member States. In extreme and gross cases such as *coups d'état* and massive violations of human rights, the sanctions shall be automatic, and in case of disagreement within the Authority of Heads of State and Government, single Member States or group of Member States shall be allowed to take actions in order to ensure the respect for those fundamental standards of democracy.

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