

SOVEREIGNTY AND TRANSITION IN WEST AFRICA

Monday 7 – Tuesday 8 March 2005

Wilton Park Roundtable S05/27

convened on behalf of the **United Nations Office for West Africa**,
with the support of the **Foreign and Commonwealth Office**,
at the **Gorée Institute, Dakar, Senegal**

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1. Introduction and Core Argument

In some countries in West Africa minimum standards of governance practice are disregarded. The actions or inactions of such governments may lead to social breakdown or civil war, threatening the stability of other countries. However, they may continue to claim that no outside party has the right to criticise, proffer advice or otherwise “interfere”.

Other countries in the sub-region are emerging from years of conflict. In these cases the sub-region and the international community has a role to play in restoring the State’s sovereignty and helping it ensure security. This implies that the international community needs to be present for the long haul, but without creating a culture of dependency on outside assistance.

This round table was convened in order to develop imaginative ideas for unlocking some of these complex but urgent policy issues. It was intended to provide an analysis of the problem by drawing on a wide range of experience and come up with concrete policy proposals for national governments, the sub-region, and the international community.

Through ECOWAS, the West African region has a relatively developed mechanism and a growing body of experience on conflict prevention, exercising the responsibility to protect, and other issues related to post-conflict reconstruction. At international level, this agenda has been reinforced by the UN Secretary-General’s High Level Panel on Threats, Challenges and Change.

We have to build on the successes of regional organizations in developing strong norms to protect Governments from unconstitutional overthrow, and to protect minority rights. And we will have to work collectively to find new ways of regulating the management of natural resources, competition for which often fuels conflict.¹

- Bad governance in the region is the major source of conflict in West Africa. Other factors behind conflict and social breakdown include competition for resources, the blocking of the democratic process, poor leadership and a lack of vision for the sub-region, the absence of the opportunity for legitimate employment, the weakness of institutions to check executive power and low public understanding of democratic rights. Peace is an ongoing process. Constant social dialogue is needed for conflict prevention. In countries which are coming out of long wars, there is no quick fix.

¹ Report of the Secretary-General’s High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility (Executive Summary)*, UN, 2004, p. 3.

- Recent African support for constitutional rule in Togo is to be welcomed. Abiding by constitutional provision is crucial in transition phases. However in some cases the constitution cannot be regarded as wholly legitimate. Respect for consensus may be more important than strict adherence to texts.
- Regional cooperation is the key, and an appropriate framework for preventative diplomacy needs to be developed. Limits to state sovereignty in the region need to be established and agreed, for the benefit of the people of the countries concerned, as well as those of the region as a whole. Building on its 1998 protocol on governance, ECOWAS could undertake the following initiatives: codify the principles on which it intervenes, and some of the benchmarks it uses to decide different actions (“red flags”); provide mechanisms to advise and guide new governments; undertake contingency planning for countries where crises are looming.
- More attention must be paid to the timescales for external engagement in crisis-affected regional states, in order to ensure that these are neither abandoned prematurely, nor reduced to long-term external dependence. The reform of the security sector is key, but it needs to be applied to all prospective providers of security, and not only to specific institutions like the army and police. In cases where there is little prospect of a coherent state security structure emerging, consideration needs to be given to “de-centralised security”.

Detailed conclusions and recommendations are given at the end of this conference report.

2. Analysis of the Problem

Bad Governance

Bad governance is overwhelmingly the major source of conflict in West Africa. In some cases this went so far as to break the social pact between the population and the ruling elite, and could be seen as having compromised the sovereignty of the government.

Resources

Competition for resources and the refusal of politicians to cede power in order to maintain control over resources is a major factor behind political violence. The absence of opportunities for legitimate gainful employment (especially in the critical agriculture sector) has serious social repercussions. Better governance is needed to address this, but development partners must do their part - particularly by reforming trade rules and addressing corruption-related issues. If legitimate economic opportunities do not emerge, much of the economy will remain illegal. West Africa is fitting into the world economy "from below", via criminal networks, a "terrifying" prospect.

Electoral Accountability

Many problems in West Africa stem from illegitimate elections, which the international community is sometimes wrongly willing to accept. This is particularly problematic in winner takes all, centralised presidential systems. In some cases, this is due the "poverty of the alternative" - opposition parties are not up to the job, and civil society is weak. In particular they are often failing in their duties to act as the intermediary between the population and the political process and to educate the population about what democracy entails.

Weak or Poor Leadership

Although there are shining exceptions, overall leadership in West Africa is seen as poor. Although in some isolated examples leaders of countries or leaders of opposition parties have played significant roles in ensuring a peaceful transition of power, but rarely is there a positive overall vision of where West Africa is going. For new governments in fragile states, some form of mentoring may be appropriate. The Global Leadership Forum and the Yakubu Gowon Centre were pointed to as potential sources of guidance and training

Other factors leading to social breakdown were pointed to during the course of the conference. Bad governance and violent alternation of power has weakened parliamentary institutions and political parties and interrupted their learning process. The social tissue for conflict prevention was thereby weakened. The proliferation of small and light weapons is a major problem which must be dealt with.

3. Peace-building and Intervention

Maintaining Social Dialogue

Peace is an ongoing process, not an event. Even during conflict there are ways of minimising bitterness, by avoiding stigmatising the other side as enemies. After a conflict a State must concentrate on three priority areas - protection of citizens, equitable distribution of resources and then longer term re-organisation.

Niger was pointed to as an example of the benefits of social dialogue. After years of instability, during which the army acted as the adjudicator of the political scene, the recent transition had been peaceful and accepted by all. This was achieved through respect for the opposition, an agreed electoral code and the opportunity to air grievances by constant and open dialogue. A National Dialogue Council operated in Niger at the political level, and a tripartite group at the economic level (government, labour and employees). Peaceful transition requires broad consensus over the rules of the game, such that the end result is considered legitimate by all.

Interventions: who, when, for how long?

All agreed that we had to approach peace-building and post conflict reconstruction as a long term venture. The idea of a "fix" (quick or otherwise) is misguided. Some countries of the region coming out of civil war (such as Liberia) lacked any institutions to fix. The problem was more "organic" in nature. In some cases it is clear that the international community had not stayed long enough to stabilise the situation (Guinea Bissau, Central African Republic).

It is important for the international community to rule out unconstitutional changes of government (as the OAU/AU has done). However, constitutions may not be considered wholly legitimate, especially if written by non-democratic governments. This can be particularly problematic if the constitutional successor to the head of State is not considered to have democratic legitimacy. In some cases "constitutionalism" - a respect for the principles of legality and consensus - needs to take precedence over a strict adherence to the text of the constitution.

The international community and the sub-region also need to deal with states which consistently ferment trouble in neighbouring countries. It is not clear why West African countries have not managed to do so. Long term personal relations between leaders were pointed to as a factor.

In some cases (immediate post conflict) the international community has particular traction. In other cases, it is a case of "pressure without influence". Recent events in Togo and the concerted African response are grounds for optimism. However, the conditions may not be the same in other countries which reach a similar crisis point, and the international community may not be able to wield such influence. In these cases patient work is needed, especially to build demand from civil society for better governance.

Western powers intervening in Africa face particular challenges. In some cases the relations they are dealing with are complex and emotional, and cannot be dealt with by simple policy decisions. Such relations require a long and painful process of "normalisation", which includes moving to a more multilateral approach. Development partners need to continue to work in conjunction with African mediation efforts, but also need to find ways of dealing with the countries which are neither well run, nor in open conflict - "the blind spots on the governance map". In many cases this will inevitably involve dealing with people whose aims and methods are difficult to reconcile with peace and better governance - but the West has to continue its diplomatic engagement.

4. Other key themes

International Assistance, Sovereignty and Transition

Much more support is needed for regional co-operation, which can help to contain conflicts by addressing their regional impact in an integrated way. It is also essential to ensure that resources can be made available rapidly and for the medium term in crisis situations, while at the same time attention must be paid to the long-term and deep-seated sources of conflict. This requires especially that state institutions (and notably the military and police) must be accountable to the population. Training and implementation help from donors is deeply needed and desired by all those searching for lasting peace and stability.

Preventive Diplomacy and Peaceful Alternation to Power

This session discussed a draft concept paper, prepared at the invitation of the UN Office for West Africa (UNOWA), designed to explore ways in which the regional community in West Africa could mitigate the factors that lead to political breakdown and *coups d'état*. It emphasised that a long history of interaction between West African peoples has brought home to the leaders and peoples of the region the extent to which their own security depends on their neighbours.

A significant amount has already been done to develop regional problem-solving capacities, as most recently illustrated by the ECOWAS stance on the succession issue in Togo. The need remains to codify the principles that should guide and legitimise regional responses (and where necessary global ones, orchestrated through the United Nations), to balance regional stability and national sovereignty. The core principle advanced was that regional involvement must be designed to empower and not displace mechanisms for national accountability.

Four 'red flags' were suggested as triggers for regional concern and engagement: clear breaches of the constitution by a country's own government; rigged or suspect elections; clear and significant breaches of human rights, including 'exclusionary' practices that discriminate against sections of the population; and high and continuing levels of corruption. It was pointed out that many of these practices are in breach of the *1998 ECOWAS Supplementary Protocol on Democracy and Good Governance* - for which a better implementation strategy is needed. Civil society organisations need to be involved in this and there is an important and constructive role that can be played on an informal basis by peer groups and regional eminent persons.

Reform of the Security Sector

There was general agreement that 'security sector reform' should not be seen purely as sending foreign 'experts' to retrain African armies and police services. 'Security' is the product of a country's general political situation. In cases where security for the population as a whole has fallen to abysmal levels, the key requirement is to develop a political process within which security can be re-established. This is necessarily a difficult and long-term process.

There was likewise general agreement that security must be anchored at the local level ("decentralised security"), rather than delivered from above. Disagreement centred on the extent to which state supervision of this process was necessary and desirable, with the majority emphasising the essential role of the state. Cases were put forward of groups, such as the 'Bakassi Boys' in parts of south-eastern Nigeria, where local-level initiatives had got out of hand, though it was also argued that this was because they had been co-opted by political authorities. Armed militias have had a disastrous impact in many parts of Africa. Nevertheless, in some countries a cohesive national

security sector is simply unattainable in the foreseeable future - the reality is that local communities do and will continue to provide their own security.

State-level security institutions have to rest on the establishment of an effective 'national mystique'. Considerable care is needed in recruiting people to such institutions: urban youths, for example, are extremely unlikely to possess the required qualities. Trainers must recognise that while specific skills may be relatively easily imparted, it is extremely difficult to inculcate the core values, such as discipline, *esprit de corps*, and respect for other national institutions on which the success of security sector reform depends. Without firm backing in a legitimate political structure, security sector reform is liable to collapse as soon as the supporting framework is removed.

Transparency and Accountability in Management of Natural Resources

There is a need to move beyond specific regimes for particular commodities, to an integrated structure of accountability that would apply to single-crop products such as coffee and cocoa, rather than just to oil and diamonds, as well as to all the key actors. It is likewise essential to ensure that control measures apply to all of the external partners through which commodity trade is conducted, rather than only to Western ones. This has become increasingly important with the engagement of other (and especially Asian) corporations in West Africa's commodity trade including oil and gas. The extractive industries transparency initiative may be a model that can be followed for natural resource management in West Africa.

Accountability measures likewise need to be applied to all aspects of the natural resources business. Financially, this requires transparency both in the generation of resource revenues (or income), and in their distribution (or expenditure). Special attention needs to be paid to the impact of the trade in resources on local communities, with regard both to the conflicts generated by resource exploitation, and to the dangers of environmental degradation. Civil society organisations can help in this.

5. Detailed Conclusions and Recommendations

International Level

A long-term framework is needed for securing peace and stability in West Africa: we need to have a picture of what the region might be expected to look like, against immediate measures can be checked for their long-term impact. Several specific proposals emphasised the need for global support for regional and national institutions, including notably:

- Provision of assured and regular funding for disarmament, demobilisation and reintegration (DDR) programmes. But the voice of the non-combatant needs to be heard and all stakeholders need to be consulted in each DDR programme.
- Provision of effective international support for election monitoring, in partnership with existing international, regional and national structures and the newly-established ECOWAS Electoral Assistance Division;
- International support for “countervailing powers”, including for political parties, both governmental and opposition; the judiciary (including the provision of secondments and training). Support is needed for public education and awareness of the rights and duty of democratic society (including through the press).
- The establishment of a pool of trained administrators available to advise West African states and qualified people available to help West African governments, especially new governments, to cope with the demands of office. This could potentially be incorporated into the African Peer Review Mechanism (APRM) follow up.
- Effective arms monitoring regimes should be instituted. The international community knows who is responsible, and action should be taken. The UN and other bodies should refuse to tolerate ineffective systems.

Regional Level

ECOWAS responsibilities:

- At its next summit, ECOWAS should review its powers and capacities, and reach a clear understanding of what it can and cannot be expected to do;
- ECOWAS states should codify their rights and responsibilities towards one another, in the provision of regional security and good governance, building on an implementation strategy for the *1998 Protocol on Good Governance*.
- The next ECOWAS summit should agree a two-thirds majority principle to guide regional engagement in crises within member-states that may affect regional security (to put an end to the power of veto by a single state hiding behind the mantra of national sovereignty to prevent ECOWAS action);
- Building on its Council of Elders, ECOWAS should establish and institutionalise a ‘wise persons’ system for providing informal advice and guidance to regional leaders;

- ECOWAS should establish principles for the role of opposition political parties, and ensure that such parties are allowed to operate within these principles;
- ECOWAS should monitor its members' constitutions, to ensure that these abide by regional standards, with particular reference to term limits;
- The ECOWAS secretariat, working with its international partners, should prepare annual reports on transparency in each of its member states;
- ECOWAS should undertake contingency planning for the looming crisis in Guinée.

Other Regional Issues

- The development of regional institutions promoting cross-border activities and integration should be encouraged.
- Building on the West African Civil Society Forum, West African civil society organisations should be encouraged and enabled to collaborate on a regional basis, in order to create a regional constituency for good governance and transparency.
- The APRM should be supported, even if its results were not visible in the short term. One dissenting voice added that the APRM was not useful - the only review which counted was through elections.

National and Sub-national Levels

- Local actors in societies emerging from conflict should be empowered to work out the appropriate division between local, national and international responsibilities (for instance on issues such as policing).
- It is crucial to decentralise power, but attention must be paid to conflicts over State resources which can arise. Local populations should be empowered to control their natural resources locally (although this second suggestion was also widely opposed). Capacity building for the local people was seen entirely as urgently necessary and as thoroughly beneficial.
- Military *coups d'état* and blatantly rigged elections should be explicitly treated in national constitutions as violations of national security.

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The report summaries main themes of discussion at the conference and is not to be regarded as necessarily reflecting the views of the individual participants or the organizations or governments for which they work

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WILTON PARK SPECIAL CONFERENCE

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