

**REGIONAL MECHANISM FOR CONFLICT RESOLUTION: AN
EXAMINATION OF THE ECOWAS TREATY FRAMEWORK AND
RECOMMENDATIONS FOR ENHANCED EFFICACY**

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ABSTRACT

The Economic Community of West African States (ECOWAS) has emerged as a pivotal actor in the landscape of regional conflict resolution, evolving from a primarily economic bloc into a multifaceted security community. This article provides a comprehensive examination of the conflict resolution architecture of ECOWAS, rooted in the foundational and revised treaties that govern its operations. Methodologically, the article adopts a doctrinal legal research approach, complemented by a comparative case study analysis of ECOWAS interventions in Liberia, Sierra Leone, and Côte d'Ivoire, drawing on relevant treaties, protocols, institutional instruments and other primary and secondary legal materials. It analyses the key legal and institutional dimensions, including the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, and the pivotal role of the ECOWAS Standby Force. The article critically evaluates the application of these frameworks through case studies of interventions in Liberia, Sierra Leone, and Côte d'Ivoire, assessing both the successes and the inherent challenges. These challenges range from issues of state sovereignty and resource constraints to the complexities of addressing transnational threats like terrorism and the democratic backsliding exemplified by recent coups. Drawing upon these analyses, the article concludes with a set of actionable recommendations to the effect that there should be a proper Strengthening of the Legal Clarity of ECOWAS intervention powers and to establish a more predictable and sustainable funding mechanism.

Keywords: *ECOWAS Mechanism 1999, ECOMOG Peace Enforcement Preventive Diplomacy, Responsibility to Protect Sovereignty, West African Regional Security Conflict Resolution and Humanitarian Intervention.*

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1. INTRODUCTION

The West African sub-region has, since the post-independence era, been a theatre of complex and interwoven security challenges. From civil wars associated with Cold War rivalries, political instability and internal ethnic and communal tensions to the contemporary scourge of transnational terrorism and the resurgence of military coups, the quest for durable peace has remained a central, but often elusive, objective of West African states. The interconnectedness of the states of the region, reflected in shared borders, ethnic and cultural affiliations, economic interdependence, and population movements, means that conflict in one state can have significant consequences for neighbouring states and the wider sub-region. Armed conflict may generate refugee flows, cross-border insurgency, illicit trafficking, organised crime, and humanitarian crises, thereby transforming domestic instability into a regional security concern.¹ This reality has necessitated collective responses and has made regional cooperation not merely a political choice but a pragmatic imperative for regional stability and development.² The Economic Community of West African States (ECOWAS) has consequently evolved beyond its original economic mandate to become one of Africa's most significant regional actors in the maintenance of peace and security. Established by the Treaty of Lagos in 1975 principally to promote economic integration and development, ECOWAS gradually assumed responsibilities in conflict prevention, mediation, peacekeeping, peace enforcement, humanitarian protection, and the restoration of constitutional order.³ This transformation was driven substantially by the experience of violent conflicts in Liberia and Sierra Leone during the 1990s, which exposed the inadequacy of an exclusively economic conception of regional integration. The establishment and deployment of the ECOWAS Cease-fire Monitoring Group (ECOMOG) marked an important turning point in the organisation's evolution from an economic community into an increasingly security-oriented regional institution.⁴

The subsequent development of the ECOWAS legal framework institutionalised this transformation. The 1993 Revised Treaty expressly incorporated the maintenance of regional peace, stability, and security among the objectives and principles of the Community.⁵ The

¹ ECOWAS, *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*, 10 December 1999, Preamble and arts 2–3.

² Treaty of the Economic Community of West African States, signed at Lagos, 28 May 1975, Preamble.

³ Ibid; Revised Treaty of the Economic Community of West African States, signed at Cotonou, 24 July 1993, arts 2–3.

⁴ ECOWAS, Decision A/DEC.1/8/90, *Decision Establishing an ECOWAS Cease-Fire Monitoring Group for Liberia*, 7 August 1990; see also Adekeye Adebajo, *Building Peace in West Africa* (Lynne Rienner Publishers 2002).

⁵ Revised Treaty of the Economic Community of West African States (n 3) art 4.

Protocol on Non-Aggression of 1978 and the Protocol Relating to Mutual Assistance on Defence of 1981 constituted important early steps towards regional security cooperation.⁶ These instruments were followed by the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, adopted in 1999, which established a more comprehensive institutional framework for conflict prevention, mediation, peacekeeping, peace enforcement, and other forms of regional intervention.⁷ The 2001 Protocol on Democracy and Good Governance further strengthened this architecture by establishing regional norms relating to democratic governance, constitutional order, human rights, and unconstitutional changes of government.⁸ The development of this treaty framework raises important legal questions. To what extent do ECOWAS treaties and protocols provide a sufficient legal basis for regional intervention in internal conflicts? How has ECOWAS reconciled the traditional principle of state sovereignty and non-intervention with its commitment to human rights, democratic governance, and regional peace and security? To what extent have the institutional mechanisms established under the 1999 Mechanism translated legal commitments into effective conflict-resolution practice? These questions are particularly significant given the resurgence of unconstitutional changes of government and the changing security environment in West Africa.⁹ The legal and institutional framework of ECOWAS for regional conflict resolution. Its primary focus is on the Treaty of Lagos 1975, the Revised ECOWAS Treaty 1993, the Protocol on Non-Aggression 1978, the Protocol Relating to Mutual Assistance on Defence 1981, the 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, and the 2001 Protocol on Democracy and Good Governance.¹⁰ Particular attention is given to the legal authority and institutional functions of the Authority of Heads of State and Government, the Mediation and Security Council, the Council of the Wise, the ECOWAS early-warning

⁶ ECOWAS, *Protocol on Non-Aggression*, signed at Lagos, 22 April 1978; ECOWAS, *Protocol Relating to Mutual Assistance on Defence*, signed at Freetown, 29 May 1981.

⁷ ECOWAS, *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* (n 1).

⁸ ECOWAS, *Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*, 21 December 2001.

⁹ See generally ECOWAS, *Protocol A/SP1/12/01 on Democracy and Good Governance* (n 8); ECOWAS, *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* (n 1).

¹⁰ Treaty of the Economic Community of West African States (n 2); Revised Treaty of the Economic Community of West African States (n 3); ECOWAS, *Protocol on Non-Aggression* (n 6); ECOWAS, *Protocol Relating to Mutual Assistance on Defence* (n 6); ECOWAS, *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* (n 1); ECOWAS, *Protocol A/SP1/12/01 on Democracy and Good Governance* (n 8).

architecture, and the ECOWAS Standby Force.¹¹ The article also considers the relationship between ECOWAS's regional conflict-resolution framework and broader principles of international law, particularly sovereignty, non-intervention, humanitarian intervention, peace enforcement, and the protection of constitutional order.¹² The study does not purport to examine every ECOWAS intervention or every conflict experienced in West Africa. Rather, it adopts a comparative case-study approach, focusing on four significant instances of ECOWAS engagement: Liberia (1990–1997), Sierra Leone (1997–2000), Côte d'Ivoire (2002–2007), and The Gambia (2016–2017).¹³ These cases were selected purposively because they illustrate different dimensions of the ECOWAS conflict-resolution architecture. Liberia represents the formative experience of ECOMOG and the controversial use of regional military force in an internal conflict; Sierra Leone demonstrates the use of regional force in support of constitutional government and the subsequent transition towards a United Nations peacekeeping framework; Côte d'Ivoire illustrates the increasing importance of regional mediation and cooperation with continental and international actors; and The Gambia provides an example of preventive diplomacy and coercive diplomacy supported by the credible threat of regional military deployment.¹⁴ Taken together, the cases permit a comparative assessment of how the ECOWAS legal framework has operated across different conflict environments and intervention modalities.

The temporal scope extends principally from 1975 to 2017, beginning with the establishment of ECOWAS and encompassing the principal stages in the development and practical application of its peace and security architecture. The analysis nevertheless refers to developments after 2017, particularly the resurgence of military coups and the changing security environment in the Sahel, where such developments are necessary to evaluate the continuing relevance and limitations of the ECOWAS framework.¹⁵ The article does not

¹¹ ECOWAS, *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* (n 1) arts 4–22 and 27–29.

¹² Charter of the United Nations, arts 2(1), 2(4), 33, 52 and 53; ECOWAS, *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* (n 1).

¹³ See Adekeye Adebajo, *Building Peace in West Africa: Liberia, Sierra Leone, and Guinea-Bissau* (Lynne Rienner Publishers 2002); Fummi Olonisakin, *Reinventing Peacekeeping in Africa: Conceptual and Legal Issues in ECOMOG Operations* (Kluwer Law International 2000).

¹⁴ On the comparative development of ECOWAS intervention, see Cyril I Obi, 'ECOWAS and the Challenge of Preventing and Managing Conflicts in West Africa' in Gilbert M Khadiagala (ed), *Peace and Security in Africa: A Handbook* (Africa Institute of South Africa 2017); Laurie Nathan, 'The ECOWAS Mission in The Gambia: A Model of Coercive Diplomacy?' (2018) 27 *African Security Review* 234.

¹⁵ See generally ECOWAS, *Protocol A/SP1/12/01 on Democracy and Good Governance* (n 8); ECOWAS, *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* (n 1). For subsequent developments, see ECOWAS, *Sixty-Fifth Ordinary Session of the Authority of Heads of State and Government*, 2024.

undertake a comprehensive empirical assessment of every ECOWAS policy or intervention after 2017. Its principal concern is the development, interpretation, and practical effectiveness of the legal and institutional framework, rather than a statistical measurement of regional security outcomes. The study has certain limitations. First, as a doctrinal legal study, it relies principally on treaties, protocols, official institutional documents, decisions, communiqués, and relevant scholarly literature rather than primary field interviews or quantitative conflict data.¹⁶ Second, the selection of four case studies necessarily excludes other important ECOWAS interventions and initiatives, including those relating to Guinea-Bissau, Mali, and other regional crises. The selected cases are therefore not presented as an exhaustive representation of ECOWAS practice but as analytically significant examples through which the strengths and weaknesses of the regional framework can be examined. Third, the rapidly changing political and security environment in West Africa means that some institutional developments may continue to evolve beyond the period covered by the principal analysis. These limitations do not, however, diminish the value of the doctrinal and comparative approach adopted, which is intended to assess the relationship between ECOWAS's formal legal commitments and their practical implementation.

Following this introduction, Section 1.1 sets out the evolving nature of conflict in West Africa. Section 2 examines the evolution of the ECOWAS treaty framework, beginning with the 1975 Treaty of Lagos and tracing the transition towards a regional peace and security regime through the 1993 Revised Treaty and the subsequent security protocols. Section 3 analyses the legal and institutional architecture of conflict resolution, with particular attention to the 1999 Mechanism, the Mediation and Security Council, the Council of the Wise, ECOWARN, and the ECOWAS Standby Force, together with the 2001 Protocol on Democracy and Good Governance and the relationship between democratic governance, constitutional order, human rights, and regional security. Section 4 examines the spectrum of ECOWAS engagement and applies the legal framework to the selected case studies of Liberia, Sierra Leone, Côte d'Ivoire, and The Gambia, evaluating the successes and limitations of ECOWAS interventions. Section 5 concludes the article, and Section 6 sets out recommendations. ECOWAS has developed a comparatively robust normative and institutional framework for regional conflict resolution, but the existence of legal instruments does not automatically translate into effective regional action. The practical effectiveness of the framework depends

¹⁶ See generally Malcolm N Shaw, *International Law* (9th edn, Cambridge University Press 2021) 3–7, on doctrinal approaches to international legal research.

upon the interaction of legal authority with political will, institutional capacity, predictable financing, operational readiness, respect for human rights, and the willingness of member states to apply regional norms consistently.¹⁷ The article therefore argues that strengthening ECOWAS's future role requires not only further development of its legal framework but also greater institutional coherence, improved operational capacity, stronger preventive diplomacy, and a more inclusive, people-centred approach to regional peace and security.¹⁸

1.1 The Evolving Nature of Conflict in West Africa

The landscape of conflict in West Africa has undergone a profound transformation since independence. The immediate post-independence period was characterised by secessionist movements, border disputes, political instability, and the consequences of colonial boundaries. By the 1990s, the region experienced devastating intra-state conflicts, particularly in Liberia, Sierra Leone and Guinea-Bissau. These conflicts involved non-state armed groups, widespread displacement, attacks against civilian populations, the exploitation of natural resources to finance armed conflict, and the recruitment and use of child soldiers.¹⁹ The scale and cross-border consequences of these conflicts demonstrated the limitations of a strictly state-centred conception of security and reinforced the need for collective regional responses. In the twenty-first century, the security environment has become increasingly complex. Violent extremism has emerged as one of the principal threats to regional peace and security, particularly in the Sahel and the Lake Chad Basin. Groups affiliated with Al-Qaeda and the Islamic State have expanded their activities across parts of the region, while Boko Haram and its splinter groups have conducted insurgent and terrorist operations, resulting in extensive civilian casualties, displacement and humanitarian insecurity.²⁰ The transnational character of these threats has made purely national responses inadequate and has strengthened the case for regional cooperation in intelligence-sharing, border management, counter-terrorism and conflict prevention.

¹⁷ ECOWAS, *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* (n 1); ECOWAS, *ECOWAS Conflict Prevention Framework*, Regulation MSC/REG.1/01/08.

¹⁸ ECOWAS, *ECOWAS Conflict Prevention Framework*, Regulation MSC/REG.1/01/08; ECOWAS, *Protocol A/SPI/12/01 on Democracy and Good Governance* (n 8).

¹⁹ Adekeye Adebajo, *Building Peace in West Africa* (Lynne Rienner Publishers 2002); Ibrahim A Gambari, *The Role of ECOWAS in Conflict Prevention and Resolution in West Africa* (relevant scholarly literature should be verified against the edition used).

²⁰ United Nations Security Council, *Report of the Secretary-General on the Activities of the United Nations Office for West Africa and the Sahel*; United Nations Office for West Africa and the Sahel (UNOWAS), relevant reports on terrorism and transnational organised crime in West Africa; see also African Union, *African Union Strategy for the Sahel Region*.

The political environment has also deteriorated in recent years. Between 2020 and 2023, military takeovers occurred in Mali, Guinea, Burkina Faso and Niger, representing a significant challenge to the regional commitment to constitutional government.²¹ These developments have tested the effectiveness and consistency of the ECOWAS normative framework on democracy and unconstitutional changes of government. In addition, climate-related resource pressures, transnational organised crime, illicit trafficking, food insecurity and competition over land and natural resources have increasingly operated as conflict multipliers.²² The changing character of conflict therefore requires ECOWAS to move beyond a predominantly reactive approach towards a comprehensive system combining prevention, mediation, peacekeeping, peace enforcement, democratic governance and post-conflict peacebuilding. Against this background, the transformation of the Economic Community of West African States (ECOWAS) from an organisation primarily concerned with economic integration into an important regional peace and security institution is particularly significant. ECOWAS was established by the Treaty of Lagos in 1975 principally to promote economic cooperation and integration among West African states.²³ The founding treaty reflected the prevailing conception of regional integration in which economic development, trade liberalisation and cooperation constituted the principal objectives of the Community. Security considerations were not developed into a comprehensive system of collective regional security. The outbreak of the Liberian civil war in 1989 fundamentally altered this position. The conflict generated substantial refugee flows, humanitarian suffering and serious risks of regional destabilisation. In response, ECOWAS established the ECOWAS Cease-fire Monitoring Group (ECOMOG) in 1990.²⁴ The deployment of ECOMOG represented a significant institutional departure from ECOWAS's original economic mandate and constituted an important stage in the development of regional peace and security cooperation.

The legal character of the Liberian intervention, however, was controversial. The 1975 Treaty did not contain the comprehensive conflict-intervention framework subsequently developed under the 1999 Mechanism. The intervention therefore generated debate concerning the extent to which ECOWAS could lawfully deploy a regional military force in an internal

²¹ ECOWAS, *Final Communiqué of the Extraordinary Summit of the ECOWAS Authority of Heads of State and Government*, Accra, 15 September 2020; ECOWAS, relevant communiqués concerning the situations in Mali, Guinea, Burkina Faso and Niger.

²² ECOWAS Commission, *ECOWAS Conflict Prevention Framework* (2008); African Union, *African Union Strategy on Climate Change and Resilient Development Action Plan 2022–2032*.

²³ Treaty of the Economic Community of West African States, 28 May 1975, 14 ILM 1200.

²⁴ ECOWAS, Decision A/DEC.1/8/90 of the Authority of Heads of State and Government on the Ceasefire and Establishment of an ECOWAS Cease-fire Monitoring Group for Liberia, 7 August 1990.

conflict without the consent of all parties to the conflict.²⁵ The experience demonstrated a significant gap between the political necessity of responding to regional instability and the availability of an express treaty-based legal authority for intervention. It also contributed to the subsequent development of a more elaborate legal and institutional framework governing regional conflict management. The evolution from the 1975 Treaty through the 1993 Revised Treaty and the subsequent security protocols therefore represents a fundamental transformation in the legal identity of ECOWAS. The Community gradually moved from a predominantly economic organisation towards a regional security institution possessing mechanisms for conflict prevention, mediation, peacekeeping, peace enforcement and the protection of constitutional order.²⁶

2. THE ECOWAS TREATY FRAMEWORK

2.1 The Foundational Pillars: Analysing the ECOWAS Treaty Framework

The legal architecture of ECOWAS is the product of a gradual process of normative development. Rather than creating a comprehensive security regime at its inception, member states progressively expanded the Community's mandate in response to changing regional circumstances. The principal stages of this development may be traced from the Treaty of Lagos of 1975, through the Protocol on Non-Aggression of 1978 and the Protocol Relating to Mutual Assistance on Defence of 1981, to the Revised Treaty of 1993, the 1999 Mechanism and the 2001 Protocol on Democracy and Good Governance. Understanding the present capacity of ECOWAS to address conflict therefore requires consideration of the normative progression from economic integration towards regional peace, security, democracy and human rights.

2.1.1 The Treaty of Lagos 1975

The Treaty of Lagos, signed on 28 May 1975, was principally an instrument of economic integration. Its preamble expressed the determination of member states to promote cooperation and integration leading to the establishment of an economic union in West Africa, raise the living standards of their peoples, maintain economic stability and contribute to the development of the African continent.²⁷ The substantive provisions of the Treaty were consequently directed principally towards trade, economic cooperation, industrial

²⁵ See generally Fummi Olonisakin, *Reinventing Peacekeeping in Africa: Conceptual and Legal Issues in ECOMOG Operations* (Kluwer Law International 2000); Adekeye Adebajo, *Building Peace in West Africa: Liberia, Sierra Leone, and Guinea-Bissau* (Lynne Rienner Publishers 2002).

²⁶ Revised Treaty of the Economic Community of West African States, 24 July 1993; Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, 10 December 1999.

²⁷ Treaty of the Economic Community of West African States, 28 May 1975, Preamble.

development, agriculture, transport, communications and related areas of regional integration. From a conflict-resolution perspective, the limitation of the 1975 Treaty is significant. The Treaty did not establish a comprehensive system of collective security or a general authority for ECOWAS to intervene militarily in the internal affairs of a member state. Its institutional framework was therefore not designed to address the type of internal armed conflicts that subsequently affected Liberia and Sierra Leone.²⁸ The Treaty must also be understood within the wider post-colonial international legal environment in which sovereignty, territorial integrity and non-interference in the domestic affairs of states constituted important principles of African regionalism. Nevertheless, it would be inaccurate to regard the 1975 Treaty as entirely disconnected from regional stability. Economic integration itself presupposed a degree of peace and stability among member states. More importantly, the Treaty provided the institutional foundation upon which subsequent legal instruments were constructed. The later development of the ECOWAS peace and security regime should therefore be understood not as a complete abandonment of the original treaty framework but as a progressive expansion of the Community's functions in response to the realities of regional insecurity.

2.1.2 *The 1978 Protocol on Non-Aggression and the 1981 Defence Protocol*

The first significant movement towards a formal regional security framework occurred with the adoption of the Protocol on Non-Aggression in 1978.²⁹ The Protocol required member states to respect the territorial integrity and political independence of one another and to refrain from the threat or use of force against other member states. It represented an attempt to establish minimum rules governing inter-state relations and to prevent armed confrontation among members. The Protocol was principally inter-state in character and did not create a general legal authority for intervention in internal conflicts. The Protocol Relating to Mutual Assistance on Defence, adopted at Freetown on 29 May 1981, constituted a further development.³⁰ It established a framework for collective defence and contemplated the creation of an Allied Armed Force of the Community.

Article 3 of the 1981 Protocol required member states to provide mutual aid and assistance against armed threats or aggression. Article 4 extended the regional security framework to certain internal conflicts where the conflict was engineered and actively supported from outside and was likely to endanger peace and security in the Community.³¹

²⁸ Ibid.

²⁹ ECOWAS Protocol on Non-Aggression, 22 April 1978.

³⁰ ECOWAS Protocol Relating to Mutual Assistance on Defence, 29 May 1981.

³¹ Ibid, art 4(b).

Article 18 reinforced this limitation by providing that Community forces could not intervene where the conflict remained purely internal.³² This limitation was significant in Liberia because the conflict originated principally as an internal armed conflict, notwithstanding its subsequent regionalisation. The 1981 Protocol therefore illustrates the gradual development of ECOWAS's intervention authority. It established a collective defence framework but did not provide a general authority for humanitarian intervention.

The limitations of these instruments became particularly apparent during the Liberian crisis. Their primary orientation remained one of inter-state security and collective defence rather than the management of internal armed conflicts characterised by state collapse and mass humanitarian suffering. Moreover, the legal and institutional requirements for deployment were not readily suited to situations in which the government of the affected state had lost effective control over substantial portions of its territory. The Liberian experience consequently exposed the inadequacy of relying exclusively on traditional notions of collective defence to address complex internal conflicts with regional consequences.

2.1.3 The 1993 Revised ECOWAS Treaty

The limitations revealed by the Liberian crisis contributed to the adoption of the Revised ECOWAS Treaty at Cotonou on 24 July 1993. The Revised Treaty marked an important normative development by expressly incorporating peace, stability and security into the objectives and principles of the Community. Article 3 identifies, among the aims of the Community, the maintenance of regional peace, stability and security through the promotion and strengthening of good neighbourliness.³³ More significant from a legal perspective is Article 4, which establishes the fundamental principles governing the Community. These principles include respect for, promotion and protection of human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights; accountability, economic and social justice and popular participation in development; recognition and promotion of the rights of peoples to development; and the maintenance of regional peace, stability and security.³⁴ The legal significance of Article 4 lies in the fact that peace and security are presented alongside human rights, accountability, popular participation and development as fundamental principles of the Community. This formulation demonstrates that ECOWAS's

³² Ibid, art 18(2).

³³ Revised Treaty of the Economic Community of West African States, 24 July 1993, art 3.

³⁴ Ibid, art 4.

conception of regional stability is not limited to the absence of armed conflict. Rather, it connects security with governance, human rights and socio-economic development.

However, Article 4 should not be interpreted as creating, by itself, an unlimited unilateral right of military intervention by ECOWAS in the domestic affairs of member states. The provision establishes normative commitments and guides the operation of the Community, but the more specific authority for intervention must be derived from subsequent legal instruments, particularly the 1999 Mechanism and the 2001 Protocol on Democracy and Good Governance. This distinction is important because it prevents an overstatement of the legal effect of the Revised Treaty while recognising its foundational role in the subsequent development of the ECOWAS security regime.

2.1.4 *Sovereignty, Non-Intervention and the Emergence of Regional Responsibility*

The development of the ECOWAS security framework raises an important doctrinal tension between the traditional principle of state sovereignty and the emergence of regional obligations concerning human rights, constitutional governance and collective security. Under the traditional West African conception of sovereignty, reflected in the principles of the Organisation of African Unity (OAU), member states were expected to respect one another's sovereignty and refrain from interfering in their internal affairs.³⁵ The subsequent ECOWAS framework did not simply abolish this principle. Instead, it qualified the traditional conception of non-intervention by establishing common regional standards concerning human rights, democratic governance and constitutional order. The Revised Treaty and subsequent protocols consequently demonstrate a movement from an absolute conception of domestic jurisdiction towards a conditional conception of sovereignty in which membership of the Community entails compliance with agreed regional norms.

This development is particularly evident when Article 4 of the Revised Treaty is read together with the African Charter on Human and Peoples' Rights and the 2001 Protocol on Democracy and Good Governance. The protection of human rights and constitutional government is no longer treated exclusively as an internal matter for individual states. Where violations attain a level capable of threatening regional peace and security, ECOWAS possesses a treaty-based framework through which collective action may become legally and politically legitimate.³⁶ The 1999 Mechanism subsequently gave this principle greater operational specificity by identifying circumstances in which ECOWAS may authorise

³⁵ Charter of the Organisation of African Unity, 25 May 1963, art III(2).

³⁶ Revised Treaty of the Economic Community of West African States, 24 July 1993, art 4; African Charter on Human and Peoples' Rights, 27 June 1981.

intervention, including internal conflict threatening to trigger a humanitarian disaster, serious and massive violations of human rights and the rule of law, and the overthrow or attempted overthrow of a democratically elected government.³⁷ The significance of this development is that ECOWAS moved from merely proclaiming regional peace and human rights as principles to establishing institutional procedures through which collective action could be undertaken.

The ECOWAS framework should nevertheless be distinguished from an unrestricted doctrine of humanitarian intervention. Its intervention powers remain treaty-based and institutionally conditioned. Intervention must be authorised through the procedures established by the relevant ECOWAS instruments, and the legitimacy of military action must also be considered in light of the United Nations Charter, the African Union's Constitutive Act and applicable rules of international law. Accordingly, the evolution of ECOWAS represents not the disappearance of sovereignty but its reconfiguration within a system of reciprocal regional obligations. This normative transformation provides the foundation for the later development of ECOWAS's comprehensive conflict-resolution architecture. The 1999 Mechanism, in particular, translated the Revised Treaty's broad commitments into institutional mechanisms for early warning, preventive diplomacy, mediation, peacekeeping, and peace enforcement. The 2001 Protocol further connected regional security with democratic governance and constitutional order. The combined effect of these instruments was to create a regional legal regime in which serious threats to peace, mass violations of human rights and unconstitutional changes of government could no longer be regarded solely as matters falling within the exclusive domestic jurisdiction of individual member states.

2.1.5 The Legal Basis for Humanitarian Intervention and Peace Enforcement

The 1999 Mechanism represents the central legal instrument in the development of ECOWAS's conflict-resolution architecture. Its preamble expressly recalls the 1993 Revised Treaty, the United Nations Charter, the earlier ECOWAS security protocols and the experience of ECOMOG, while emphasising the need for effective policies addressing humanitarian suffering, good governance, the rule of law and regional insecurity.³⁸ Article 25 specifies the circumstances in which the Mechanism applies. These include aggression or conflict in a member state, conflict between member states, internal conflict threatening humanitarian disaster or sub-regional peace and security, serious and massive violations of human rights and

³⁷ Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, 10 December 1999, particularly arts 22–25.

³⁸ *Ibid*, Preamble.

the rule of law, and the overthrow or attempted overthrow of a democratically elected government.³⁹ Article 26 identifies several means by which the Mechanism may be activated, including decisions of the Authority or the Mediation and Security Council, a request from a member state, an initiative of the Executive Secretary, or a request from the African Union or United Nations.⁴⁰

Article 27 establishes the procedure for applying the Mechanism. It contemplates a range of responses, including the Council of Elders, fact-finding missions, political and mediation missions and intervention by ECOMOG.⁴¹ This demonstrates that the Mechanism does not equate conflict resolution with military intervention. Rather, it establishes a graduated framework in which diplomatic and preventive measures may precede coercive action. The claim that the Mechanism constitutes a regional codification of the Responsibility to Protect (R2P) should, however, be expressed with greater caution. The ECOWAS framework predates the formal adoption of the R2P concept by the 2005 World Summit, but the two regimes overlap in their emphasis on preventing mass atrocities and protecting populations. The 2005 World Summit Outcome recognised the responsibility of states to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and recognised a collective international responsibility to employ diplomatic, humanitarian and other peaceful means, consistent with the UN Charter.⁴² The UN framework, however, does not create an autonomous regional licence to use military force: coercive collective action must remain consistent with the Charter, including the role of the Security Council.⁴³ Accordingly, it is more defensible to describe the ECOWAS Mechanism as anticipating or contributing to the development of regional protection norms that overlap with R2P, rather than stating that it formally codified R2P before the United Nations.

3. THE ECOWAS SECURITY AND GOVERNANCE ARCHITECTURE

3.1 The Cornerstone of Conflict Resolution: The 1999 Mechanism

The 1999 Mechanism institutionalised ECOWAS's conflict-prevention and conflict-management architecture. Article 4 identifies the principal institutions of the Mechanism, including the Authority, the Mediation and Security Council and the Executive Secretariat.

³⁹ Ibid, art 25(a)–(f).

⁴⁰ Ibid, art 26.

⁴¹ Ibid, art 27.

⁴² United Nations General Assembly, *2005 World Summit Outcome*, UNGA Res 60/1, 24 October 2005, paras 138–139.

⁴³ Ibid, para 139; Charter of the United Nations, arts 2(4), 39, 41, 42 and 53.

⁴⁴ Article 6 makes the Authority the highest decision-making body and gives it powers concerning conflict prevention, management and resolution, peacekeeping, security, humanitarian support, peacebuilding, cross-border crime and related matters.⁴⁵

The Authority delegated substantial operational responsibility to the Mediation and Security Council. Under Article 10, the Council is empowered to make decisions on peace and security, implement policies concerning conflict prevention and resolution, authorise forms of intervention and approve mandates and terms of reference for political and military missions.⁴⁶ This provision is particularly important because it converts the general commitment to regional security into an institutional mechanism capable of authorising concrete operations.

The legal significance of the Council's power to authorise intervention should nevertheless be distinguished from the question of whether ECOWAS possesses unlimited authority to use force under international law. The Mechanism must be interpreted alongside the UN Charter, which the 1999 Protocol itself expressly recalls. In particular, the legality of coercive force undertaken without the consent of the territorial state or Security Council authorisation raises questions under Article 2(4) and Chapter VIII of the UN Charter.⁴⁷ Recent scholarship continues to debate the relationship between ECOWAS's regional democracy-enforcement practice and the general international law prohibition on the use of force.⁴⁸

The Council of Elders, now commonly referred to as the Council of the Wise, constitutes another important component of the Mechanism. Article 20 provides for the selection of eminent personalities who may act as mediators, conciliators and facilitators.⁴⁹ The provision requires such personalities to perform their functions neutrally, impartially and objectively. The Council therefore provides an institutional mechanism for preventive diplomacy rather than constituting a merely symbolic body.

The Mechanism also provides for regional standby capabilities. Article 28 requires member states to make available appropriate military, police and other personnel for ECOMOG operations, while Article 29 provides that the strength, mandate and functions of deployed units

⁴⁴ Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, 10 December 1999, art 4.

⁴⁵ *Ibid*, art 6.

⁴⁶ *Ibid*, arts 7–10.

⁴⁷ Charter of the United Nations, arts 2(4) and 53; Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, 10 December 1999, Preamble.

⁴⁸ See, for example, Sean D Murphy, 'More Stick and Less Carrot: ECOWAS, the Use of Force to Restore Democracy, and the Contest between Regional and International Normative Regimes' (2025) 119 *AJIL Unbound* 254. (Cambridge University Press)

⁴⁹ Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, 10 December 1999, art 20.

should vary according to the circumstances of each operation.⁵⁰ The present ECOWAS Standby Force developed from this institutional experience and from the broader African Standby Force architecture.

3.2 The 2001 Protocol on Democracy and Good Governance

The 2001 Protocol on Democracy and Good Governance supplemented the 1999 Mechanism by establishing more detailed regional standards for constitutional governance.⁵¹ Article 1 declares a series of constitutional principles shared by member states. These include separation of powers, judicial independence, free and transparent elections, zero tolerance for power obtained or maintained through unconstitutional means, popular participation and civilian control of the armed forces.⁵² The Protocol is therefore significant because it transforms democratic governance from a purely domestic matter into a regional normative concern. The relationship between governance and regional security is explicit: unconstitutional transfers of power can trigger regional instability and may consequently activate the ECOWAS conflict-prevention and enforcement framework. The Protocol's zero-tolerance principle must, however, be distinguished from an unrestricted authority to intervene militarily whenever democratic standards are violated. Its significance is that it establishes agreed regional norms and provides a legal framework for sanctions and other measures against unconstitutional changes of government. The legal basis and proportionality of any coercive response must still be assessed against the relevant ECOWAS instruments and international law.

4. ECOWAS ENGAGEMENT IN PRACTICE

4.1 Dimensions of ECOWAS Engagement: A Spectrum of Intervention

The 1999 Mechanism establishes a continuum of regional responses. Prevention constitutes the first dimension. The Mechanism created an early-warning and monitoring architecture intended to identify potential conflicts and provide information for preventive action.⁵³ The institutional design links early warning to political decision-making, allowing information to be transmitted to ECOWAS institutions capable of initiating mediation or other appropriate measures.

⁵⁰ Ibid, arts 28–29.

⁵¹ Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, 21 December 2001.

⁵² Ibid, art 1.

⁵³ Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, 10 December 1999, arts 23–24.

The second dimension is mediation and peace-making. Articles 20 and 27 envisage the use of eminent personalities, fact-finding missions and political or mediation missions before or alongside coercive measures.⁵⁴ The third dimension is peacekeeping and peace enforcement. The Mechanism provides for the deployment of regional forces whose mandates may vary according to the circumstances of a particular conflict.⁵⁵ This distinction is legally important. Peacekeeping normally depends upon consent and impartiality, whereas peace enforcement may involve coercive measures against parties that do not consent to the regional settlement.

4.2 Liberia (1990–1997): The Birth of ECOMOG and the Challenge of Peace Enforcement

The Liberian civil war constituted the critical turning point in ECOWAS's transformation into a security actor. In August 1990, ECOWAS established ECOMOG under Decision A/DEC.1/8/90 on the Ceasefire and Establishment of an ECOWAS Cease-fire Monitoring Group for Liberia.⁵⁶ The decision placed ECOMOG under ECOWAS authority and assigned it functions including monitoring the ceasefire, restoring law and order and creating conditions for free and fair elections.⁵⁷ The intervention nevertheless generated an important legal controversy because the 1975 Treaty and 1981 Defence Protocol did not provide an unambiguous legal basis for military intervention in a purely internal conflict. The 1981 Protocol expressly prohibited intervention where a conflict remained purely internal.⁵⁸ The Liberian operation therefore demonstrates the distinction between institutional authorisation by ECOWAS and international legal justification for the use of force. The legal controversy was compounded by operational difficulties and allegations concerning the conduct of ECOMOG forces. Human Rights Watch documented serious concerns regarding human rights protection and the relationship between ECOMOG's military objectives and its treatment of civilian populations.⁵⁹ These concerns demonstrate why legal authority alone cannot establish the legitimacy or effectiveness of a regional intervention.

Rather than describing the Liberian intervention simply as an unlawful operation subsequently “retroactively rationalised”, the stronger legal argument is that Liberia exposed a normative gap in the existing ECOWAS framework and contributed directly to the subsequent codification of broader intervention powers in the 1999 Mechanism. The later treaty framework

⁵⁴ Ibid, arts 20 and 27.

⁵⁵ Ibid, arts 28–29.

⁵⁶ ECOWAS, Decision A/DEC.1/8/90 on the Ceasefire and Establishment of an ECOWAS Cease-fire Monitoring Group for Liberia, 7 August 1990.

⁵⁷ Ibid.

⁵⁸ Protocol Relating to Mutual Assistance on Defence, A/SP3/5/81, 29 May 1981, art 18.

⁵⁹ Human Rights Watch, *Waging War to Keep the Peace: The ECOMOG Intervention and Human Rights*, June 1993.

should therefore be understood as a response to the practical and legal deficiencies revealed by ECOMOG's first major operation.

4.3 Sierra Leone (1997–2000): From ECOMOG to a Comprehensive UN Mission

The Sierra Leone intervention raised a different legal issue because the immediate ECOWAS objective was closely connected to the restoration of constitutional government following the 1997 coup against President Ahmad Tejan Kabbah. ECOMOG subsequently intervened militarily and helped restore Kabbah to office in 1998.⁶⁰ The Sierra Leone experience therefore illustrates the emerging relationship between ECOWAS's democratic-governance norms and its security powers. It also demonstrates the importance of cooperation between regional and universal institutions. In October 1999, the UN Security Council established UNAMSIL through Resolution 1270, acting under Chapter VII of the UN Charter.⁶¹ The resolution expressly contemplated cooperation and coordination between UNAMSIL and ECOMOG.⁶² The Sierra Leone experience therefore provides a useful example of a division of labour between regional and international organisations. ECOWAS supplied regional political knowledge and military capacity, while the United Nations subsequently provided a larger and more formally international peacekeeping framework.

4.4 Côte d'Ivoire (2002–2007): Regional Mediation and Multilateral Cooperation

The Côte d'Ivoire conflict illustrates a further development in ECOWAS practice: the increasing reliance upon mediation, political pressure and cooperation with the African Union, France and the United Nations. The Linas-Marcoussis Agreement emerged from negotiations among Ivorian political forces in January 2003 and provided for a Government of National Reconciliation, electoral reforms, restructuring of the security forces and disarmament of armed groups.⁶³ The Security Council subsequently endorsed the Agreement in Resolution 1464 (2003) and authorised ECOWAS and French forces to take specified measures to protect personnel and civilians.⁶⁴ The subsequent establishment of UNOCI through Resolution 1528 (2004) further illustrates the transition from predominantly regional intervention to a multilayered international peace-support arrangement.⁶⁵ The Ivorian case therefore demonstrates that ECOWAS intervention is not necessarily a substitute for international

⁶⁰ ECOWAS, Final Communiqué of the First Summit of the Committee of Five on Sierra Leone, Conakry, 29 June 1997.

⁶¹ UN Security Council Res 1270 (1999), UN Doc S/RES/1270 (22 October 1999).

⁶² Ibid.

⁶³ *Linas-Marcoussis Agreement*, 23 January 2003.

⁶⁴ UN Security Council Res 1464 (2003), UN Doc S/RES/1464 (4 February 2003).

⁶⁵ UN Security Council Res 1528 (2004), UN Doc S/RES/1528 (27 February 2004).

intervention. Instead, regional institutions may operate as part of a broader system involving the African Union, the United Nations and other external actors.

4.5 The Gambia (2017): Preventive Diplomacy and Coercive Diplomacy

The Gambian crisis represents one of the clearest examples of preventive diplomacy supported by the credible threat of regional force. Following the December 2016 presidential election, President Yahya Jammeh initially accepted the result but subsequently rejected it and refused to relinquish power. ECOWAS undertook intensive mediation while preparing a military response. The United Nations Security Council adopted Resolution 2337 (2017), which endorsed the recognition of Adama Barrow as President-elect and supported efforts by ECOWAS and the African Union to secure a peaceful transfer of power.⁶⁶ The resolution is important because it illustrates the interaction between ECOWAS's regional democratic framework and the authority of the United Nations. The Gambian case is therefore better characterised as an example of coercive diplomacy than simply military intervention. The preparation of ECOMOG created a credible possibility of force while diplomatic negotiations continued. The eventual departure of Jammeh demonstrated that the combination of political pressure, legal legitimacy and credible coercive capacity can sometimes achieve the desired constitutional outcome without prolonged armed conflict.

5. CONCLUSION

The development of ECOWAS demonstrates a substantial transformation from an organisation principally concerned with economic integration into a regional institution with significant responsibilities for conflict prevention, mediation, peacekeeping, democratic governance and constitutional order.⁶⁷ The 1993 Revised Treaty provided an important normative foundation, while the 1999 Mechanism supplied the principal institutional framework for conflict management and the 2001 Protocol established more detailed democratic and constitutional standards. The case studies nevertheless demonstrate that the existence of a regional legal framework does not automatically produce effective or lawful intervention. Liberia exposed the legal and institutional uncertainties surrounding intervention in internal conflicts; Sierra Leone demonstrated both the utility and limitations of regional military intervention; Côte d'Ivoire illustrated the importance of cooperation between ECOWAS and international actors; and The Gambia demonstrated the potential effectiveness of preventive diplomacy backed by credible regional coercive capacity.

⁶⁶ UN Security Council Res 2337 (2017), UN Doc S/RES/2337 (19 January 2017).

⁶⁷ Revised Treaty of the Economic Community of West African States, 24 July 1993; Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, 10 December 1999.

The more recent political crisis within ECOWAS reinforces this conclusion. Burkina Faso, Mali and Niger formally ceased to be ECOWAS members on 29 January 2025 following the withdrawal process under Article 91 of the Revised Treaty.⁶⁸ This development should be analysed not simply as an institutional crisis but as a test of the legitimacy, consistency and political sustainability of ECOWAS's democratic and security norms. The central conclusion is therefore that ECOWAS possesses a substantial legal framework for regional conflict resolution, but that its effectiveness depends upon the interaction between legal authority, political legitimacy, institutional capacity and operational resources. Future reform should consequently focus on clearer rules governing the use of coercive force, stronger procedures for authorising regional interventions, predictable financing of peace-support operations, improved early-warning mechanisms, and greater consistency in the application of democratic and constitutional norms.

6. RECOMMENDATIONS

In light of the foregoing analysis of the ECOWAS treaty framework, institutional architecture and experiences in Liberia, Sierra Leone, Côte d'Ivoire and The Gambia, the following recommendations are proposed:

6.1 Strengthening the Legal Clarity of ECOWAS Intervention Powers

ECOWAS should clarify, through an additional protocol, supplementary instrument or authoritative interpretation, the precise circumstances and procedures under which it may authorise coercive intervention in a member state. Particular attention should be given to the relationship between the 1999 Mechanism, the 2001 Protocol on Democracy and Good Governance, the United Nations Charter and the African Union Constitutive Act. Clear rules would reduce uncertainty concerning the legality of regional military action and strengthen the legitimacy of ECOWAS interventions.

6.2 Establishing a Predictable and Sustainable Funding Mechanism

ECOWAS should establish a more predictable and sustainable financing system for peacekeeping, mediation, early-warning operations and other peace-support activities. Excessive dependence on voluntary contributions or ad hoc funding can delay or weaken regional responses to crises. A dedicated regional peace and security fund, supported by assessed contributions and other lawful and transparent sources of finance, should be

⁶⁸ ECOWAS, 'Press Statement: Withdrawal of Burkina Faso, the Republic of Mali and the Republic of Niger from ECOWAS', 29 January 2025.

strengthened to ensure that ECOWAS possesses the resources necessary to respond rapidly to emerging conflicts.

6.3 Strengthening the ECOWAS Standby Force

The ECOWAS Standby Force should be maintained at an effective level of operational readiness, with greater emphasis on common training, logistics, interoperability, communications, intelligence and rapid deployment capabilities. Clear rules concerning command structures, operational mandates and civilian protection should also be established before deployment. This would reduce delays and operational difficulties experienced in earlier regional interventions.

6.4 Improving Early-Warning and Preventive Diplomacy

ECOWAS should strengthen its early-warning system by improving the collection, verification and analysis of information concerning political instability, communal violence, terrorism, unconstitutional changes of government and humanitarian crises. Early-warning information should be linked directly to clearly defined preventive measures so that ECOWAS can intervene diplomatically before a crisis develops into armed conflict.

6.5 Strengthening the Council of the Wise and Mediation Capacity

The Council of the Wise should be given stronger institutional and financial support to undertake preventive diplomacy and mediation. ECOWAS should maintain a standing pool of experienced mediators, legal experts and conflict-resolution specialists capable of being deployed rapidly to states experiencing political or security crises. Mediation should remain the preferred first response wherever circumstances permit.

6.6 Establishing Clearer and More Consistent Rules on Unconstitutional Changes of Government

ECOWAS should develop more precise and consistently applied procedures for responding to coups and other unconstitutional changes of government. The application of sanctions and other measures should be based on clearly established legal criteria rather than perceived political selectivity. Consistency would strengthen the credibility of the 2001 Protocol on Democracy and Good Governance and restore confidence in ECOWAS's commitment to constitutional order.