

# Introduction

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## INTRODUCTION

In Africa, as in most parts of the world, the end of the Cold War was greeted with a great deal of optimism that the resulting peace dividend would translate to sustainable economic development, thereby improving the lives of the peoples of the continent. This expectation was founded on the belief that the removal of the often confrontational Cold War dynamics would usher in a period of peace and security that would help to consolidate modest socio-economic gains in the post-independence period. Africa, perhaps, more than any other region of the world, needed peace, security and stability as fundamental conditions for economic development. The existence of violent conflicts, often aided by one side of the Cold War divide, undermined political and socio-economic development in post-independence Africa. It should be remembered that by the time that most African countries had achieved independence in the 1960s or thereabouts, the Cold War was in full swing. Thus, the newly independent states became pawns in the superpower competition for allies.

However, to the disappointment of the people of Africa and elsewhere, the much-anticipated peace dividend remained elusive, as some countries degenerated into violent internal conflicts with colossal loss of life and property. The conflicts engendered considerable humanitarian crises, with dire consequences for the civilian populations. Though considered intra-state, most of the conflicts had region-wide consequences through the massive flow of refugees and small arms and light weapons, among others.

In West Africa the end of the Cold War coincided with the outbreak of civil conflict in Liberia. The United Nations (UN) and the international community were discernibly slow in appreciating the real and potential danger of the conflict to West Africa and the continent as a whole. Appalled by the indifference of the international community, the Economic Community of West African States (ECOWAS) took the bold,

though controversial decision, to deploy its Ceasefire Monitoring and Observer Group (ECOMOG) to Liberia in August 1990. ECOMOG was meant to forestall the suffering of the civilian population, especially the tens of thousands of West African nationals trapped by the fighting. However, from its inception ECOMOG was dogged by controversy arising from, among others, its lack of Security Council authorisation. To a large extent the UN took a minimalist approach in the deployment of the meagre UN Observer Mission in Liberia (UNOMIL) between 1993 and 1997 and its sister UN Observer Mission in Sierra Leone (UNOMSIL) between 1998 and 1999. In spite of ECOWAS's projection of its mission as one that was designed to safeguard life and property, restore and maintain regional peace, stability and security, it failed to cut the ice with the international community. Perhaps the necessary relief for the regional initiative came in the wake of the NATO intervention in the Balkans, which did not have UN Security Council authorisation either – save for the argument of greater public good and regional security interests – until ex-post facto in June 1991.

The international community's opposition to regional intervention strengthened the resolve of the key warlords Charles Taylor and Foday Sankoh and their regional mentors and backers, Côte d'Ivoire, Burkina Faso and Libya. The reluctance to support the ECOWAS initiative served as a green light to the warlords and the countries that supported them to pursue their agenda of destabilising the sub-region. This development, coupled with the hasty US withdrawal of its forces from Somalia, which was subsequently followed by the withdrawal of the UN Humanitarian Mission in Somalia (UNOSOM), after several US rangers and Pakistani peacekeepers were killed, led many observers to conclude that the maintenance of peace and security in Africa was not a priority, especially if it meant putting Western troops in harm's way. But while some member states quickly withdrew their forces – lock, stock and barrel – from Somalia, following limited setbacks, some of the same lead nations stuck to their guns in the on-going operations in Afghanistan and Iraq where, they continue to suffer much more serious casualties, with no assured exit strategies in sight.

International peacekeeping efforts in Africa suffered serious setbacks after the Somali debacle. The withdrawal of US troops effectively paved the way for the withdrawal of the multinational UN peacekeeping force, which had been in the country from April 1992 to March 1993 as UNOSOM I.<sup>2</sup> The bitter experiences of Somalia were to have a negative impact on the international community's response to the genocide in

Rwanda in 1994. Operating under a weak mandate and small force of about 2,550 troops, the UN Assistance Mission for Rwanda (UNAMIR)<sup>3</sup> was forced to watch helplessly as thousands of innocent men, women and children were slaughtered by the Rwandan military and the government-backed Hutu *Interahamwe* militia.

The obvious outcome of the failure of UN peacekeeping in the 1990s, coupled with the indifference of the international community, has been the regionalisation of peace operations. Thus, while ECOWAS and SADC, among others, mounted ‘humanitarian missions’ to resolve conflicts in their backyards, the OAU/AU was left to find solutions to many other African conflicts – Comoros, Burundi, Sudan (South), etc – that had failed to register on the radar of UN or the larger international community. African-led interventions were undertaken against the backdrop of limited human, financial, and logistical capacities, with little or experience in dealing with complex humanitarian emergencies. The culmination has been the attenuation of regional conflict resolution efforts to the detriment of the hundreds of thousands of civilians who continue to be caught in the maelstrom of these conflicts.

In recognition of the challenges that confronted it in the 1990s, the UN embarked on efforts to strengthen its capacity for preventive diplomacy, peacemaking and peacekeeping. These efforts culminated in the publication of the seminal policy document *An agenda for peace* by Secretary General Boutros Boutros-Ghali in 1992 with a subsequent review in 1995.<sup>4</sup> Essentially, the UN recognised the linkage between conflict, or instability, and economic development, thereby establishing the complementary ‘An Agenda for Development’ in 1994. In addition, it recognised and instituted important changes, pursuant to the recommendations of the Brahimi Panel (2000), to enhance its capacity for rapid deployment in theatres of conflict.

Further to this, the UN has since assigned appropriate mandates, with a strong focus on civilian protection, to its new missions in Africa, namely UNAMSIL (Sierra Leone), MONUC (DRC), UNMIL (Liberia), UNOCI (Côte d’Ivoire) and UNOB (Burundi). However, the robustness of the earlier deployments (UNAMSIL and MONUC) initially was not matched by adequacy of resources and corresponding military capacity. As a result, the mandate of UNAMSIL, for instance, had to be shored up by the deployment of British forces operating outside a UN mandate in Freetown, while MONUC had to be salvaged by mandating the deployment of the French-led International Emergency Multinational Force (IEMF) to Bunia (Ituri) from June to September 2003. The same

could be said of the role of France's Security Council-mandated 4,000-strong operation LICORNE, operating alongside UNOCI.

While the trend towards what is now commonly referred to as the 'hybridisation' of peace operations has contributed to the implementation of ceasefire and peace agreements, they have raised some concerns. In particular, their operations outside the framework of UN peace operations and the selective nature of their contribution, often along colonial-linguistic lines, as well as their (sometimes limited) duration, have not been altogether helpful. UN and international commitment to the resolution of the continent's conflicts remains moderate when measured against the resources directed at conflicts in such places as Afghanistan and Iraq. Nor does the UN requirement that a binding and comprehensive ceasefire must be in place before the often laborious and expensive deployment of blue helmets, offer a realistic response to regional and internal conflicts. In the intervening period, in many cases, protagonists engage with impunity in maiming, slaughter, destruction and genocide.

As in ECOWAS's initial deployment in Liberia in the 1990s, in Burundi Africa was spurred into taking responsibility where the rest of the international community has failed to do so. Determined to bolster its diplomatic initiatives in Burundi, South Africa agreed to deploy troops, eventually taking the lead in the composition, command and control, and operations of the African Mission in Burundi (AMIB), along with Ethiopia and Mozambique. As with previous African-led deployments, the need to deal with the humanitarian crises triggered by the conflict was a strong imperative for the deployment of AMIB.

Thus, one of the primary objectives of the political intervention by the AU/RECs and their deployment of troops for peace-support operations is to address the humanitarian crises resulting from conflicts. Given the UN's slow progress owing to political horse trading, African-led missions are aimed at creating the congenial conditions that are requisite for the deployment of UN peace operations after it has reached consensus. In all cases, the end game of these interventions and actions by either the AU or the RECs is to contain conflicts and seek their resolution and subsequent settlement, thereby contributing to broad arrangements aimed at protecting the civilian population.

Against the backdrop of the establishment of the PSC and efforts at building concrete African regional capacities for peace operations, these objectives are germane to the debate Africa has thus committed itself to the establishment of standby forces as part of the wider

continental security architecture that is meant to address the perennial problems relating to the safety and security of civilian populations in armed conflicts. It is therefore more urgent now than ever to expedite the establishment of the ECOWAS Standby Brigade within the policy framework of the ASF.

## **BACKGROUND TO THE PROJECT**

The violent internal conflicts that erupted in the 1990s in Liberia and elsewhere in West Africa and Africa in general had a serious impact on the safety and security of civilian populations. This ominous development, owing largely to the blurring of the line between civilian populations and combatants, led to renewed interest in reviewing extant norms regarding the protection of civilians in armed conflict, and the development of new frameworks to enforce international norms. It is important to note the role and responsibility of the UN, the Geneva Conventions and the Additional Protocols in the protection of civilians. In terms of the international legal system perhaps the most significant development has been the signing of the Rome Statute in 1998, establishing the International Criminal Court (ICC). In addition, the establishment of International Criminal Tribunals (ICTs) for the former Yugoslavia and Rwanda, and the Special Court for Sierra Leone marks a dramatic shift in the focus of international due process for dealing with the impunity that characterised the domestic civil wars that engulfed several African states in the post-Cold War era.

In essence, therefore, the issue of effective civilian protection will devolve on the UN and AU, as well as the international legal system. However, efforts towards the development of appropriate holistic doctrine for the protection of civilians have been ad hoc, fragmented and based on evolving horrors of conflicts in Africa and elsewhere. This has led to a gap between the means and ends of the UN and AU peace operations in terms of their mandates and the resources, capacities and willingness to use force in upholding mandates. Even though the UN is making an effort to consolidate its doctrine for peace-support operations through such mechanisms as standard generic training modules (SGTMs), the political dynamics of the UN System point to difficulties in achieving consensus on what may be expected of UN peace operations "to carry out forcefully all provisions of the mandate". As regards the AU, doctrine development is still too early in the timelines for the establishment of the ASF by 2010.

Recent initiatives have seen dramatic rhetorical progress towards the proposed establishment of an African standby force for peacekeeping purposes. Driven by the experiences of the UN during the Rwandan genocide in 1994 and Western disengagement after the US disaster in Somalia, Africa is experiencing a revival of the belief that peace enforcement can best be conducted by regional groupings of the willing, leaving traditional peacekeeping to the UN.

Regional organisations such as ECOWAS have a strong history of engagement in the region, thus making an important contribution to peacekeeping needs. In the past few years South Africa has also brought unprecedented commitment to peace making. Innovative solutions are being sought for Africa – and Africans are often in the forefront of this search. Africa, however, remains dependent on ever-increased levels of foreign support.

#### A FINNISH VISION

Against this background, little or no research is currently being conducted on African peacekeeping experiences – such as those of ECOWAS in Côte d’Ivoire, Communauté Économique et Monétaire de l’Afrique Centrale, CEMAC (Economic and Monetary Community of Central African States) in the Central African Republic and AMIB in Burundi – that are not ‘mainstream’ UN missions. In the absence of clear holistic higher strategic direction, doctrinal thinkers in African militaries have attempted to address the development of appropriate concepts and doctrines in a partial and superficial manner. They have, in particular, failed to create a conceptual framework for peace operations that offers greater potential for the protection of civilian populations than the existing paradigm of incrementalism. Best practices have been overlooked and few lessons have been learned from past and existing peace operations and deployments. What are necessary are not better regulations or more conventions but a better means of enforcing the tenets of international law that have been so carefully elaborated. Africa has an important contribution to make towards peace and security on the continent. This contribution can take place from a deployment perspective, as well as in the larger debate on how such deployments can be enhanced from a policy and operational perspective.

One of the most urgent and critical needs therefore is to address the doctrinal void and uncertainty by framing the vulnerabilities of civilian populations in order to gain deeper and more clarity of the issues at

stake. Against that backdrop it is hoped that broad consensus could be achieved to identify and elaborate relevant principles and practical procedures that could inform the mandates and concepts of operations of key stakeholders, in order to synergise the role of the military in the protection of civilians in set-piece peace operations.

Thus, the purpose of the project is to promote the development of a comprehensive and workable set of doctrinal principles on the protection of civilians in peacekeeping/peace-enforcement in Africa by the AU, African regional organisations and the UN. In this vein, the study focuses on the crucial role of ECOMIL and UNMIL in the protection of civilians in Liberia. Though focused primarily on UNMIL, an attempt is made to capture ECOWAS's involvement in Liberia's tortuous road to peace, dating back to its first intervention in the 1990s. To illuminate UNMIL's role, a broad spectrum of peace-building programmes such as the disarmament, demobilisation, reintegration and rehabilitation, (DDRR), restoration of civil authority, transitional justice, gender and peacekeeping will be analysed. We hope that the outcome of the research will inform the development of operational concepts for contemporary and future peace operations in Africa and elsewhere.

#### **REGIONAL AND INTERNATIONAL INTERVENTIONS IN LIBERIA: 1990–2004**

On 24 December 1989 the National Patriotic Front of Liberia (NPFL), comprising Libyan-trained Liberian dissidents led by Charles Taylor,<sup>5</sup> invaded Liberia's north-eastern Nimba County, from Côte d'Ivoire. Taylor declared that it was his binding duty, in 90 days, to rid Liberia of the despotism of President Samuel Doe, a former Master Sergeant in the AFL, who had himself overthrown the last Americo-Liberian government of William R Tolbert on 12 April 1980. Charles Taylor promised to restore full constitutional democracy through free and fair elections, rebuild the economy based on free enterprise, and unify all Liberians irrespective of class, social status, ethnic origin, religion or political affiliation. However, massive suffering of the civilian population, caused by the NPFL's lack of clear distinction between armed combatants and unarmed civilians, soon exposed his true motive – pillage and plunder.

The civil war was characterised by the massive suffering of the civilian population at the hands of all sides in the conflict. This pre-dawn invasion marked the beginning of one of the most brutal conflicts in West Africa's post-colonial history and in the Mano River Union (MRU) area in particular.<sup>6</sup> As the invading NPFL rebels blitzed

through north-east Liberia, they left in their wake a massive destruction and humanitarian crisis as the rebels as well as government forces deliberately targeted civilians on ethnic grounds or suspected political affiliations. Entire populations of towns and villages fled in the face of forces advancing towards Monrovia, the capital. Besides the tens of thousands of Liberians evacuated by ECOMOG in October 1990, it was estimated that by 1991, between one third and one half of the population – 2–2.5 million – had been displaced, while between 15,000 and 20,000 had been killed.<sup>7</sup>

### **ECOWAS INTERVENES – A CASE OF HUMANITARIAN INTERVENTION?**

Given the unprecedented scale of the humanitarian catastrophe, coupled with the indifference of the international community, ECOWAS undertook to expeditiously deploy a military intervention force, the ECOWAS Ceasefire Monitoring and Observer Group (ECOMOG), to Liberia in August 1990. The ECOMOG force of about 2,600 troops was led by Nigeria, with contingents from Gambia, Ghana, Guinea (Conakry) and Sierra Leone. ECOMOG was mandated to assist the Standing Mediation Committee (SMC) to supervise the ceasefire and ensure compliance by all parties to the conflict. However, by the time that ECOMOG deployed in Liberia there was virtually no peace to keep, and given the lack of good faith on the part of the various warring factions, ECOMOG had to take enforcement action to establish the peace before it could keep it.

The ECOWAS intervention itself was unprecedented. It was the first time that a regional organisation that was set up for economic integration had intervened in a domestic conflict. The invocation of the humanitarian rationale for the intervention was also unprecedented, thereby resulting in a re-conceptualisation of security policy and discourse in West Africa.

The preamble setting up the ECOWAS Standing Mediation Committee to deal with the Liberian crisis referred to the following as the reason for the intervention:

“... the wanton destruction of human life and property and the displacement of persons ... the massive damage in various forms being caused by the armed conflict to the stability and survival of the entire Liberian nation; and concern ... about the plight of foreign nationals, particularly citizens of the Community who are seriously affected by the conflict; and considering that law and order in Liberia had broken down ... to find a peaceful and lasting solution to the conflict and to put an end

to the situation which is seriously disrupting the normal life of innocent citizens in Liberia.”<sup>8</sup>

In spite of the humanitarian rationale, the ECOWAS intervention was beset by acrimony and controversy as some ECOWAS member states, notably Côte d’Ivoire and Burkina Faso, contested the political and legal basis of the intervention, arguing that the Liberian crisis was an internal problem that did not require military regional intervention. This position was tenuous at best, because both countries were known to have provided support to the Liberian insurgents. Responding to critics of the intervention, President Dauda Jawara of Gambia, then chair of ECOWAS, noted that “the wanton killings going on in Liberia have made that country a slaughter-house and the situation could no longer be treated as an internal matter”.<sup>9</sup>

If the appeal to military humanitarianism by the intervening states was meant to build regional consensus, it failed because the region was effectively polarised over the legality and procedure of the intervention. The regional divide therefore served as a catalyst and an impetus for prolongation of the civil conflict, with dire consequences for the civilian population, national cohesion and regional peace and stability.

Meanwhile, in 1991 the war spilled over into Sierra Leone, compounding the security dynamics of the region. UN intervention in the conflict was too little too late in 1993, following the Cotonou Accord, when it established a Joint Ceasefire Monitoring Committee (JCMC). This was followed by the (co)deployment of the 300-strong UN Observer Mission in Liberia (UNOMIL) and, between 1994 and 1995, the establishment of the UN ‘Expanded ECOMOG’.<sup>10</sup> This deployment brought the strength of ECOMOG up to about 13,500, but this force level dropped significantly with the departure of the Expanded ECOMOG until the electoral process in 1997, when additional West African troop contributions increased the force level to about 11,000.

After seven years of often bloody engagement, Charles Taylor won the elections of July 1997. In his inaugural address on 19 August he pledged a government of inclusion, but no sooner was this over than key flag-bearers of the political opposition were threatened into exile. President Taylor, arguing that it was his sovereign prerogative to restructure and retrain the AFL, also made it difficult for Major General Victor Malu (Nigeria), the eighth ECOMOG force commander, to carry out the restructuring and retraining of the AFL in accordance with the relevant instruments. Under the circumstances, and in the wake of the upsurge

of conflict in Sierra Leone, ECOMOG was withdrawn and redeployed for pacification operations against Foday Sankoh's Revolutionary United Front (RUF) in 1998. This was just before Taylor signed the Status of Forces Agreement (SOFA) in June 1998.

With the whole theatre to himself and determined to consolidate his hold on power, President Taylor saturated the AFL – and the Liberian National Police (LNP) – with his loyalists, thereby undermining national consensus and confidence in the country's faltering peace process. This situation effectively paved the way for the continuation of the conflict and its resurgence in 2002 and upsurge in early 2003.

In 2002 a group of exiled Liberians under the banner of Liberians United for Reconciliation and Democracy (LURD) invaded Liberia from neighbouring Guinea and Sierra Leone. It did not take long for the coalition of anti-Taylor forces in the guise of LURD to split, when the Movement for Democracy in Liberia (MODEL), a coalition of former Doe loyalists and of Krahn ethnic extraction, broke away. The split, however, enabled the coalition of anti-Taylor forces to open two fronts against Taylor's forces, LURD in the west and MODEL in the east. Under military pressure from significant rebel military advances in the north-west and south-east of the country, Taylor agreed to participate in ECOWAS-mediated peace talks in the Ghanaian capital, Accra.

Taylor's position became increasingly untenable as the arms embargo imposed by the UN Security Council for Liberia's support to the RUF was beginning to have serious impact on Taylor's war machine. Consequently, the combination of LURD and MODEL military pressure on Monrovia, the arms embargo, and pressure from ECOWAS and the international community, coupled with soured relations with his former mentors and backers, Côte d'Ivoire and Burkina Faso, forced Charles Taylor to resign and go into exile in Nigeria. In his own words, Taylor made a "soft landing" in exile in Nigeria, and made the ominous promise: "I will be back." The brutal civil war waged by him had fallen far short of his 1989 promise to return the country to constitutional democracy, economic reconstruction and nation building.

As in the 1990s, the upsurge in the conflict in Liberia created another serious humanitarian crisis that trapped several thousands of civilians who had returned to Liberia after the 1997 electoral process, halted the return of more returnees and sent a fresh wave of refugees across the borders. Except for better media coverage this time, the humanitarian crises in Liberia failed to generate a robust international response and compelled ECOWAS, once again, to expeditiously intervene to restore

peace. While negotiating with the UN for the deployment of a larger multinational force, ECOWAS deployed the 3,660-strong ECOWAS Mission in Liberia (ECOMIL), with the mandate to stabilise the situation, pending the deployment of a larger multinational force under the command of the UN.

#### FROM ECOMOG TO ECOMIL

Following Liberia's relapse into violent conflict in early 2003, ECOWAS undertook to broker peace in the troubled West African state. As ECOWAS's chair, Ghana's President John Kufour, hosted the peace talks in close collaboration with the ECOWAS Secretariat in Abuja, Nigeria. The former Nigerian head of state, retired General Abdulsalami Abubakar, was appointed by ECOWAS as its chief mediator. After protracted peace negotiations in Accra an agreement on ceasefire and cessation of hostilities (ACCH) was signed between the GoL, LURD, and MODEL – the main parties to the conflict – on 17 June 2003. Under the ACCH the parties agreed to “declare and observe a ceasefire ...; refrain from committing any acts that might constitute or facilitate a violations of the ceasefire ...; establish an ECOWAS-led Joint Verification Team (JVT), comprising two representatives from each of the parties, plus representatives of the UN, AU and the International Contact Group on Liberia (ICGL);<sup>11</sup> establish a Joint Monitoring Committee (JMC) to supervise and monitor the ceasefire ...; the need for the creation and deployment of an international stabilisation force and committed themselves to cooperate with it”.<sup>12</sup> The agreement also dealt with a wide range of issues that were subsequently addressed in the negotiations leading to the signing of the Comprehensive Peace Agreement (CPA) on 18 August 2003.

The CPA called for the “deployment of an International Stabilisation Force (ISF) in Liberia ... the parties request the UN in collaboration with ECOWAS, the AU and the ICGL to facilitate, constitute, and deploy a UN Chapter VII force ... to support the transitional government and to assist in the implementation of this Agreement”.<sup>13</sup>

The CPA addressed itself to a broad spectrum of peace-building challenges and outlined specific areas of focus, such as the DDRR, and the restructuring of the AFL, the LNP and other security services, as well as human rights and humanitarian issues, transitional justice programmes, distribution of power within the National Transitional Government (NTGL) and the crucial question of amnesty.

Following the signing of the ceasefire agreement, the UN Security Council adopted Resolution 1497 (2003), authorising ECOWAS to “establish a Multinational Force in Liberia to support the implementation of the 17 June 2003 ceasefire agreement, including establishing conditions for initial stages of disarmament, demobilisation and reintegration activities, to help establish and maintain security in the period after the departure of the current President and the installation of a successor authority, taking into account the agreements to be reached by the Liberian parties and to secure the environment for the delivery of humanitarian assistance, and to prepare for the introduction of a longer-term UN stabilisation force to relieve the Multinational Force”.<sup>14</sup>

In brief, ECOMIL’s mandate was to:

- establish zones of separation;
- secure the ceasefire line; and
- create conditions for the deployment of the ISF.

Almost five years after ECOMOG’s withdrawal from Liberia, ECOWAS troops returned to the streets of Monrovia to cheering crowds of civilians. The arrival of the ECOMIL troops saw hundreds of desperate civilians who had been trapped by weeks of intense fighting in Monrovia lining the streets to welcome them as they made their way from Roberts International Airfield (RIA). The 3,566 ECOMIL troops were drawn from eight ECOWAS member states: Nigeria, Ghana, Gambia, Guinea-Bissau, Mali, Senegal, Togo and Benin.<sup>15</sup>

Unlike ECOMOG, ECOMIL from its inception received diplomatic, political and logistical support from the UN and the international community. At diplomatic level, UN Security Council Resolution 1497 (2003), which authorised the establishment of a multinational force, gave ECOMIL the political legitimacy that was needed under international law. In addition, the force received military and logistical support from the US Joint Task Force.<sup>16</sup> Other forms of logistical support came from the UN Mission in Sierra Leone (UNAMSIL), which provided aerial helicopter and reconnaissance support, while the Pacific Architects and Engineers (PAE) provided logistical support with funding from the USA through the framework of the UN Trust Fund.<sup>17</sup>

The division of labour between ECOWAS, the UN and other international players such as the United States is a clear acceptance of the pivotal role of regional organisations in keeping the peace in their backyards. This division of labour, referred to elsewhere as the

‘blood-treasure’ dynamic,<sup>18</sup> involves African countries providing military manpower, while the international community provide the necessary financial and logistical resources to complement it. But it also reflects an abdication of responsibility for the maintenance of global peace and security that leads to the hybridisation of peace operations in Africa, whereby external countries selectively choose not to place their forces under UN mandates, but to deploy them alongside UN and/or regional peace operations.

A striking feature of ECOMIL’s deployment was the relative ease with which ECOWAS achieved broad and sufficient consensus, in contrast with the spoiling diplomatic tactics of the 1990s. The composition of the force, eight of the fifteen ECOWAS member states – excluding Guinea, Côte d’Ivoire and Sierra Leone, which could not send troops because of their alleged affiliations with one party or another and/or for being involved in conflict – points to greater consensus within ECOWAS. In part, this was due to agreement on the Protocol Relating to the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 1999. In the absence of the Allied Armed Forces of the Community (AAFC) that was provided for in its revised charter of 1975, ECOWAS was caught unprepared by the conflicts that erupted in the 1990s.<sup>19</sup>

Unlike the previous ECOMOG operations, which were characterised by diplomatic, legal and political problems, ECOMIL deployed without any of these challenges. Moreover, the eight troop-contributing states were drawn from the three linguistic zones in the region: English, French and Portuguese. It should be remembered that the divisions over ECOMOG were largely played out in the anglophone and francophone dichotomy in the region. In addition, Côte d’Ivoire and Burkina Faso, the staunch opponents of ECOMOG, with close links to Libya and Taylor in the 1990s, were not inclined to oppose the intervention this time.

ECOMIL’s mandate was clear, credible and supported by a rational exit strategy. However, it obviously lacked adequate military and organic logistical capacity and would have run into difficulties, but for the adherence of the warring parties to the Ceasefire Agreement (CFA) and the CPA. The speed of deployment of the follow-on operation by the UNMIL was a far cry from the thumb-sucking arguments of the Security Council in 1990s. Nonetheless, while progress was made in West Africa, including the mandating and deployment of the UN Mission in Côte d’Ivoire (MINUCI) in 2003 and its subsequent replacement by the UN Operation in Côte d’Ivoire (UNOCI) from April 2004,<sup>20</sup> it is pertinent

to point out the tardiness of UN intervention in Burundi, more than one year after the deployment of AMIB.<sup>21</sup>

#### ENTER THE UNITED NATIONS MISSION IN LIBERIA (UNMIL)

In fulfilment of the provisions of Resolution 1497 (2003), which called for the establishment of an International Stabilisation Force (ISF) to take over from ECOMIL, the UN Security Council adopted Resolution 1509, which authorised the establishment of UNMIL, for an initial 12-month period commencing 1 October 2003. The resolution directed the Secretary General to transfer authority from ECOMIL forces to UNMIL by 1 October 2003. It stipulated that UNMIL would consist of “15,000 UN military personnel, including up to 250 military observers and 160 staff officers, and up to 1,115 civilian police officers, including formed units, to assist in the maintenance of law and order throughout Liberia, and the appropriate civilian component”.<sup>22</sup>

UNMIL was established with a Chapter VII mandate and, in its broadest sense, was charged with carrying out two major responsibilities: to support and protect. In its supporting role, UNMIL was given the following responsibilities:

- support for implementation of the CFA;
- support for humanitarian and human rights assistance; and
- support for security sector reform.

In terms of protection, the force was mandated to:

- protect UN personnel, facilities, installations and equipment;
- ensure the security and freedom of movement of its personnel; and, without prejudice to the efforts of the government; and
- protect civilians under imminent threat of physical violence, within their capabilities.

Article VI of the CPA calls for the cantonment, disarmament, demobilisation and reintegration and rehabilitation (CDDRR) of all former combatants, with “the AFL confined to their barracks, their arms placed in armouries and their ammunition in storage bunkers”.<sup>23</sup> To coordinate the activities of the ‘DD’ component of CDDRR, the CPA called for the establishment of an interdisciplinary and interdepartmental National Commission for Disarmament, Demobilisation, Rehabilitation

and Reintegration (NCDDRR). Membership of the NCDDRR should be drawn from all the national and international stakeholders in Liberia, that is, the relevant agencies of the national transitional government (NTGL), namely GoL, LURD, MODEL, ECOWAS, the UN, the AU and the ICGL.

The primary responsibility of the NCDDRR is to "oversee and coordinate the disarmament, demobilisation, rehabilitation and reintegration of combatants, and work closely with the ISF and all relevant international and Liberian institutions and agencies". Following the deployment of UNMIL, a Joint Implementation Unit (JIU) was established to implement all aspects of the DDRR and coordinate with traditional leaders, civil society organisations and other stakeholders. The DDRR programme has been running concurrently with other peace-building initiatives such as the retraining of the Liberian Nation Police (LNP), the establishment of the rule of law, including judicial and corrections reform, the establishment of mechanisms to safeguard human rights, transitional justice programmes such the Truth and Reconciliation Commission (TRC), and the restoration of civil authority.

That the mission (force) became operationally effective on 1 October 2003 was commendable, as was the deployment of ECOMIL, as rapid deployment that is intended to dominate the mission area achieves a security umbrella that contributes to the protection of civilians. The deployment of the force, however, was made tenuous by the withdrawal of the Moroccan contingent and the time it took to source replacements from Ethiopia, Ghana and Senegal, which were already heavily committed in the mission area and elsewhere. Thus, even though the task brigades were operational in the four sectors, the mission was thin on the ground in Maryland, Grand Kru and Grand Gedeh counties, where the insecurity had implications for the safety and protection of civilians. In spite of its robust mandate, there were reported cases of violence against the civilian population by former combatants, even in areas where UNMIL was deployed. It should be pointed out that these reported cases of violence against civilians were not systematic but isolated cases involving renegade ex-combatants. Since taking over from ECOMIL, UNMIL has embarked on a number of peace-building initiatives that have invariably improved the welfare of the civilian population in the country.

This volume therefore seeks to analyse the various peace-building programmes in Liberia's tortuous search for peace, security and stability. In this vein, the contributors address a broad spectrum of issues that enhance the safety and prosperity of the population.

Chapter Two presents a critical analysis of the principle of civilian protection in conflict zones. Alhaji M S Bah takes a close look at the evolution of the principle of civilian protection as contained in modern international humanitarian and human rights law. He investigates the re-conceptualisation of security from its narrow state-centric approach to a broader and more human-oriented approach, that is, human security. He also analyses the complex and often controversial notion of humanitarian intervention, especially in light of the long-standing principle of sovereignty. In setting the stage for the subsequent chapters, he concludes that, in spite of the compelling need for humanitarian interventions, the principle of sovereignty will continue to inform the actions of members of the international community in the foreseeable future.

In Chapter Three Lansana Gberie presents a historical overview of the Liberian conflict and that country's tortuous search for peace and security in the past 15 years. Lansana delves into the political and socio-economic forces that have shaped the peace process. Through the eyes of an experienced observer, he presents the reader with a factual account of the complex dynamics of what started as an attempt to overthrow the government of late President Samuel Doe, but which subsequently spread to its neighbours. He concludes that although Liberia by 2004 was at a crossroads, it would remain dependent on international assistance, even in such intimate areas as governance and security, for a very long time.

In their contribution, in Chapter Four, Festus Aboagye and Theophilus Tawiah focus on the intervention by the Economic Community of West African States (ECOWAS) following Liberia's relapse into violence in 2003. Armed with practical and conceptual understanding of the conflict, the authors analyse the ECOMIL operations from a military and humanitarian point of view, focusing, among other things, on the mandate and concept of operations of the force and its crucial role in the protection of civilians. They conclude that the timely deployment of ECOMIL saved thousands of lives and restored confidence to the Liberian people, but also draw attention to lingering issues, particularly those relating to a post-UNMIL role for ECOWAS and the need for credible regional standby forces.

In Chapter Five, Festus B Aboagye and Alhaji M S Bah takes a critical look at the mandate and operations of UNMIL. They focus the chapter on two key aspects of UNMIL's mandate, namely the DDRR and the reform of the LNP and the AFL. They underscore the need to bridge the funding gap between DD and RR components to ensure the absorption of the idle youth so that they do not become a potential pool of recruits

for future conflicts. Similarly, they contend that the reform of the LNP and the AFL should be transparent and, more importantly, should include the non-statutory ex-combatant forces.

In Chapter Six, Abiodun Bashua explores the crucial efforts at restoring civil administration throughout Liberia. He presents a detailed analysis of policies and programmes of UNMIL in collaboration with the national transitional government to restore government institutions that will ensure the smooth delivery of essential services, invariably enhancing the standard of living of the people. He also explores the role of civil society organisations and the international community in dealing with the governance challenge. The author concludes that although most peacekeeping missions on the African continent have a Chapter VII mandate, such mandates have not provided sufficient protection to civilians, especially in the post-conflict peace support operations environment.

With the theme of human rights abuses involving sexual abuse and exploitation of women, and also the abuse of children, Fatoumata Aisha, in Chapter Seven, focuses on the dynamics of gender in relation to the Secretary General's bulletin on the protection of women and children in peace operations and on efforts to mainstream gender in UNMIL. She concludes by underlining the reasons for the comparative success of UNMIL in minimising the abuse of women and children in the mission area in Liberia.

Albert Fiawosime, in Chapter Eight, outlines the role of the international humanitarian community and interrogates the concept of an integrated approach to peacekeeping and peace-building processes. Using UNMIL as his case study, he analyses the complex relationships among the organisations involved in the provision of humanitarian assistance to the civilian population. In an attempt to clearly illuminate this relationship, he focuses on the mandates, roles and activities of the agencies that are operating in Liberia. He also explores the civil-military relations, especially between humanitarian agencies and the military component of UNMIL. Since the concept of integrated mission is a new one, he concludes by calling on all stakeholders to share experiences of lessons learned and best practices, as this is the only way to perfect the concept.

In Chapter Nine, Chernor Jalloh and Alhagi Marong explore the thorny subject of impunity and how accountability for serious crimes committed during Liberia's 14-year conflict could enhance the protection of civilians in Liberia. Using strong legal arguments anchored in international Humanitarian and Human Rights Law, coupled with the country's

obligations under some of the international agreement to which it is a party, the authors illustrated Liberia's responsibility to prosecute those responsible for the war crimes and crimes against humanity. In a bid to end the culture of impunity, Jalloh and Marong call for the trial of all senior political and military leaders of governments and rebel organisations during Liberia's destructive conflict. The chapter concludes by exploring mechanisms both national, international and hybrid mechanisms for the prosecution of persons suspected of war crimes and crimes against humanity. Having explored the full gamut of accountability mechanisms, the authors concluded by calling for the extension of the Mandate of the Special Court for Sierra Leone to cover cases in Liberia.

Continuing on the crucial subject of transitional justice, in Chapter Ten, Abdul Rahman Lamin investigates another accountability mechanism that has become commonplace in the post-Cold War era, that is, Truth and Reconciliation Commissions. The author takes us through Liberia's experience with human rights abuse in the past leading to the outbreak of the conflict in 1989, which was characterised by gross violations of International Humanitarian and Human Rights Law. Drawing on the provisions of the Comprehensive Peace Agreement (CPA), coupled with parallels from TRC experiences in Sierra Leone, Ghana, and South Africa, the author carries out a lucid analysis of the complex dynamics surrounding "truth telling" as an accountability mechanism. In his conclusion, he argues that whilst TRCs can be a good mechanism for peace-building, justice through prosecutorial means is equally important to the process.

In Chapter Eleven, Festus Aboagye and Martin Rupiya bring into sharp relief the origins of Liberia's security forces. They contend that owing to the politicisation of the AFL and the LNP, among others, and their wrongful employment by the country's leaders, the professionalism of Liberia's security forces has been undermined to the extent that they have become instruments of repression and breaches of human rights and international humanitarian law. In this context, they argue for a transparent reform of the security sector, based on a regional security framework of the Mano River Union (MRU) and ECOWAS, in order to gain substantive rule of law.

In the final chapter Festus B Aboagye and Alhaji M S Bah summarise the fundamental discourse over the responsibility to protect, particularly by the UN System and the International Convention on Intervention and State Sovereignty (ICISS). It contextualises the best practices of UNMIL, such as close collaboration between ECOWAS, the UN and

the international community, but also highlights some important gaps, such as the incoherence between the mission mandate and varying rules of engagement of the troop-contributing countries (TCCs) and how that impacts on the civilian population, as well as the delicate balance between peace and justice, the reform of the security sector.

## NOTES

- 1 Festus B Aboagye is the Head of the Peace Mission Programme at the Institute for Security Studies and Alhaji M S Bah is a Senior Researcher in the same programme.
- 2 UNOSOM II was established in March 1993 and withdrawn in March 1995.
- 3 UNAMIR was established in October 1993 and withdrawn in March 1996.
- 4 See UN, Report of the Secretary General, A/47/277-S/24111, 17 June 1992.
- 5 Charles Taylor was a former government functionary who had fled Liberia after allegations of embezzling nearly one million dollars. He fled to the United States of America and was subsequently arrested and detained by the authorities in Boston. The mystery of how Charles Taylor 'escaped' from his detention in the United States and crossed the Atlantic to wage a brutal civil war remains unresolved.
- 6 Established in 1973, the Mano River Union initially consisted of Liberia and Sierra Leone. However, Guinea (Conakry) joined the union in 1980. The union was initially founded to promote economic integration and trade, but at a summit meeting in Conakry, Guinea, in April 2000, the heads of state signed a security protocol to deal with the violent conflicts that gripped the sub-region in the 1990s.
- 7 Festus B Aboagye, *ECOMOG, a sub-regional experience in conflict resolution, management and peacekeeping in Liberia*, Accra, SEDCO, 1999, pp 38–39; see *African Confidential* 31(15), 27 July 1990; *West Africa* 3827, 7–13 January 1991, p 3149.
- 8 See ECOWAS Decision A/DEC 1/8/90.
- 9 *West Africa*, op cit, pp 1085–1087. Scholars of international law at the time questioned the legality of the ECOWAS intervention in Liberia, since it ventured beyond general peacekeeping and attempted to influence the outcome of the civil war in Liberia. For details see Chukwuka Ofofiele, The legality of ECOWAS intervention in Liberia, *Columbia Journal of Transnational Law* 32(381), 1994.
- 10 The 'Expanded ECOMOG' consisted of a Tanzanian contingent (747) and a Ugandan contingent (760); a pledged contingent from Zimbabwe was eventually not provided.
- 11 The ICGL comprises Ghana, Morocco, Nigeria, Senegal, ECOWAS, the AU, France, the UK, the USA, the EU and the UN.
- 12 For details see Agreement on Ceasefire and Cessation of Hostilities between the Government of Liberia (GoL) and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL), Accra, Ghana, 17 June 2003.

- 13 See the Comprehensive Peace Agreement between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and political parties, Accra, Ghana, 18 August 2003.
- 14 See United Nations Security Council Resolution 1497 (2003), S/RES/1497(2003), 1 August 2003.
- 15 Troop contributions from the eight ECOWAS member states were as follows: ECOMIL headquarters (80), NIBATT 1 (770); NIBATT 2 (776); Gambia (150); Ghana (231); Guinea-Bissau (650); Mali (249); Senegal (262); Togo (150); and Benin (249).
- 16 The US force was provided by the Fleet Anti-Terror Support Team (FAST) – returning from Iraq – that landed between 150 and 200 marines in Monrovia for a limited time in August 2003.
- 17 The PAE started its operations in Liberia in 1996, as part of international community support for the implementation of the Cotonou Accord (1993), to support UNOMIL and ECOMOG. In 1998, it relocated to Sierra Leone with ECOMOG.
- 18 For more on the 'blood-treasure' dynamics see Alhaji M S Bah, ECOWAS and the dynamics of constructing a regional security regime in West Africa, PhD dissertation, Department of Political Studies, Queen's University, Kingston, Ontario, Canada, 2004.
- 19 The charter also provided for the Non Aggression Protocol (1978) and the Protocol Relating to Mutual Assistance on Defence (1981), but these were ineffectual for a classic post-interneccine fratricidal war within a state.
- 20 In respect of Côte d'Ivoire, ECOWAS deployed the 1,430-strong ECOWAS Mission in Côte d'Ivoire (ECOMICI) in 2002 after the rapid deployment of the 3,900-strong French Operation LICORNE – already based in the country – after the Linas Marcoussis Agreement of January 2003.
- 21 The deployment of the African Mission in Burundi (AMIB) was authorised by the AU Peace and Security Council in April 2003. It anticipated that the "African Mission in Burundi would have fulfilled its mandate after it has facilitated the implementation of the Ceasefire Agreements and the defence and security of the situation in Burundi is stable and well-managed by newly created national defence and security structures".
- 22 For more information see UN Security Council Resolution 1509 (2003) S/RES/1509(2003), 19 September 2003.
- 23 See Comprehensive Peace Agreement, op cit, p 8.