



REGIONAL APPROACHES TO IMPROVING  
**SECURITY POLICY AND  
ELECTORAL PROCESSES**  
IN WEST AFRICA



GET TO KNOW  
**ECOWAS**  
TRAINING PROGRAMME 2011/2012

**FRIEDRICH  
EBERT**   
**STIFTUNG**



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## PREFACE

This volume combines the contributions of participants of the “Get to know the ECOWAS” Training Programme from the classes of 2011 and 2012. It is the second publication in a series, which began in 2010 following a joint initiative of ECOWAS and the Friedrich-Ebert-Stiftung (FES) in 2010.

The 2011 ‘Get to know ECOWAS Programme’ focused on “Exploring ECOWAS’ responses to regional trans-border threats”. The 2012 programme addressed the question of “Regional approaches to improving electoral processes in West Africa”. In the course of a one-week programme, participants met with ECOWAS executives in the Commission, the Parliament, and in the Court of Justice. The overall aim and rationale was:

- to provide young West African experts an opportunity to discover ECOWAS and to discuss the organisation’s structure, its security architecture and mechanisms of conflict prevention and management as well as its approaches towards electoral processes in the region;
- to draw ECOWAS executives’ attention to the concerns of young experts and activists from all over the region and to secure their commitment to accomplishing an “ECOWAS of the people”, as is stated in the institution’s Vision 2020;
- to enable participants after their return to facilitate national initiatives for a better understanding, further improvement and implementation of ECOWAS’ protocol and norms of good governance in their respective countries;
- to allow a new generation of qualified experts in West Africa to strengthen their profile and to access or establish regional networks;

The alumni of the programme have created a platform to continue their discussion and exchanges, which can be accessed at <http://www.gettoknow-ecowas.blogspot.com>.

The volume at hand contains the contributions by participants as well as the programmes of the training. It is the hope of the organisers that the voices of these young scholars be heard and that they may trigger more debate on security and electoral processes on both regional and national levels in West Africa.

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## ABOUT THE FRIEDRICH-EBERT-STIFTUNG

The Friedrich-Ebert-Stiftung (FES) is a German private, not-for-profit organisation, committed to the ideas and values of Social Democracy. It is active in over 100 countries around the globe, seven of which are located in West Africa. Beyond their work on the national levels, these offices join forces to engage in the following issues on the regional level: Economic and Social Policy, Security Policy and Electoral Processes.

Rendering security policy development and implementation more democratic and democratising electoral processes have been principal goals of the Friedrich-Ebert-Stiftung's regional activities over the last years. Against this background, the FES creates platforms for experts and policy-makers to exchange and develop strategies to facilitate further improvement of the West African security architecture and electoral processes for a long-term stability in the region.



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## 1. IMPROVING REGIONAL SECURITY POLICY IN WEST AFRICA:

### Exploring ECOWAS' Responses to Transborder Threats

The contributions in this first part of the document focus on transnational/transborder threats in West Africa. The main content of the papers examine the phenomenon of SALW flow in the region as well as the challenges of national and official SALW stock pile management. The authors also highlight the nexus between organised criminal activities, terrorism and their impacts on the security situation in West Africa. Ultimately, this first part gives an overview on the important role and place of women in their effort to work towards peace and security in the region.

The analysis contained in these papers challenge political actors, especially parliamentarians that are supposed to represent the people of the region within the Community Parliament.



## PROLIFERATION OF SMALL ARMS AND INCREASED VIOLENT CRIME IN WEST AFRICA:

The role of the local blacksmith.

By Johnson Asante -Twum

Johnson Asante-Twum is currently a Senior Programs Officer with the Ghana National Commission on Small Arms. He holds an MBA from the University of Ghana and a Bachelors degree in Geography and Resource Development from the same University. He is interested and deeply involved in security and Small Arms issues and their impact on Human Security and economic development in Africa.



### INTRODUCTION

Over the past two decades, violent crime has seen a dramatic surge in West Africa, ranging from armed robbery on the highways to serious damage to human life and moreover, complex and widespread organised crime. A few examples include: The gruesome murder of an Overlord of a tribe in northern Ghana and its resultant conflict since March 2002, tribal conflict in the north-eastern town of Bawku in Ghana; The continuous horrific killings in the Plateau State town of Jos in Nigeria since 2001; The Niger Delta and Boko-Haram insurgent group attacks in Nigeria; Conflict in Côte d'Ivoire arising from results of the previous Elections; the clandestine activities of the Al-Qaida of the Islamic Maghreb (AQMI) of northern Mali and Niger and Recent Disturbances in Burkina Faso amongst many more. A contributory factor that has remained common in all violent crimes which have plagued the sub-region is the Small Arms; Higazi (2011) explains that, one of the features of the violence witnessed in 2010 was the increased use of guns compared to previous riots which have occurred in Jos.

All these happenings have not only succeeded in destabilizing West Africa, but have exposed the vulnerability of the region as far as the proliferation of small arms is concerned. The result is the unfortunate reversal of the clock of development in the region. Under-development in the region is evident when certain issues are considered such as inadequate infrastructure, a deplorable state of hospitals and

schools, scarcity of portable drinking water, erratic power supply and inefficiency in the transportation and telecommunications sector amongst many others. These issues have largely affected the region.

At this juncture, it is pertinent to conceptually define such terms as 'Small Arms' and 'Light Weapons'. Small arms, according to article one (1) of the ECOWAS Convention on Small Arms and Light Weapons... (2006), are arms used by one person and which include notably: firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine; revolvers and pistols with automatic loading; rifles and carbines; machine guns; assault rifles and light machine guns.

Light Weapons on the other hand, according to the same article are portable arms designed to be used by several persons working together in a team and which include notably: heavy machine guns, portable grenade launchers-mobile or mounted; portable anti-aircraft cannons; portable anti-tank cannons, non-recoil guns; portable anti-tank missile launchers or rocket launchers; portable anti-aircraft missile launchers and mortars with a caliber of less than 100millimeters. Included for the purpose of gaining a better understanding is a definition, of the term 'ammunition'. As stipulated by the same Convention, ammunitions are devices destined to be shot or projected through the means of firearms including others such as: cartridges; projectiles and missiles for light weapons; mobile containers with missiles or projectiles for anti-aircraft or anti-tank single action system, *ibid*.

Small Arms and Light Weapons (SALW) have flooded West Africa, most of which have been imported by conflict entrepreneurs (individuals who profit from armed violent conflict but do not directly take part in the conflict), governments, and rebel groups. However, a good number of these small arms found in West Africa are made by local manufacturers popularly known as blacksmiths. Any attempt to analyse the activities of the blacksmith must be placed within the appropriate historical and socio-cultural context. Iron smelting and forging technologies may have existed in West Africa among the 'Nok' culture of Nigeria as early as the sixth century B.C. There were also blacksmiths among the 'Mande' peoples of Guinea and Mali during the same period. The fabrication of iron tools and weapons in these early ages by the blacksmiths allowed for the kind of extensive systematized agriculture, efficient hunting, and

successful warfare necessary to sustain large urban centres. Politically and socially, the blacksmiths were extremely powerful, offering invaluable counsel to the village chief concerning all major decisions (Ross 2002).

According to the UNOCD (2005) several countries in the region especially Ghana, has a flourishing artisanal industry of arms manufacture. Such artisanal manufacture in Ghana is increasingly transnational, as arms are smuggled outside Ghana for use in violent crime. The Arms and Ammunition Act 118 of 1962 of Ghana prohibited the local manufacture of arms and ammunition, whilst National Redemption Council Decree 9 of 1972 which amended certain portions of Act 118 of 1962 stated among other things that no person shall, except with the written consent of the National Redemption Council and subject to such conditions and restrictions as the council may determine, manufacture any arms and ammunition including explosives. In spite of this amendment, a study by the Ghana National Commission on Small Arms indicates that the implementation of this law is yet to see the light of day.

The difficulty with implementing this law is represented by the ambiguity in the law. This is because the law prohibits the manufacture of arms, but gives blacksmiths the license to repair imported firearms. As a result, some blacksmiths take advantage of the situation to illegally manufacture same, making them easily accessible. Even though iron-working technology has been known in West Africa for many centuries, the manufacture of guns was made a criminal offence in colonial times and therefore the Ghanaian laws and many such laws in West Africa were just in keeping with the status quo.

In Nigeria, according to the P. M. News (April 8 2004), in one seizure of illegal weapons in April 2004, the goods confiscated included not only foreign-made guns and ammunition, but also a locally assembled AK-47 assault rifle as well as 13 locally-made revolvers, four double-barrelled shotguns, one single-barrelled shotgun, and other pieces as well, 19 illegal manufacturers were subsequently arrested by the Nigerian Police.

Originally established to meet local demands for hunting, these blacksmith factories have grown in expertise and capacity to satisfy ever-growing demands brought about by general insecurity. In Ghana, there are also blacksmiths who are able to produce pistols, shotguns, revolvers and even, in one case, an AK-47 (Aning, 2004). To avoid

detection and repression, producers in Ghana have established networks of 'part' manufacturers, with each cell specializing in the production of specific components of the rifle. Components such as barrels, triggers and butts are produced separately and are later assembled at a secret location for distribution (Aning and Abdel-Fatau, 2002). Similar reports of the manufacture of artisanal weapons have been received from Senegal, Guinea, Benin, Togo, Mali and Nigeria, although in none of these cases is the subject to have been so extensively researched as in regard to Ghana (UNODC 2005).

ECOWAS, in an attempt to control and prevent the illicit import, export, and manufacture of SALW adopted the convention on Small Arms and Light Weapons, their ammunition and related materials in 2006. Article 3 (1) of the convention states that: 'Member states shall ban the transfer of SALW and their manufacturing materials into their territory or from/through their territory'. Article 7 (2) says that: 'each Member State shall regulate the activities of the local SALW manufacturers and shall undertake to adopt strategies and policies to the reduction and or limitation of the manufacture of SALW so as to control the local manufacture as well as their marketing in the ECOWAS region.'

Whereas some ECOWAS Member States already have in place, legal instruments that outlaw the manufacture of SALW, the ECOWAS convention on SALW enjoins all Member States to regulate and control the activities of the local blacksmiths. The difficulty with this proposition by article 7(2) of the convention is that member states do not currently have the competent authority to regulate, especially when it comes to standardization and scientific calibration of the parts and materials for the kinds of weapons that these blacksmiths want to manufacture (AK-47, revolvers, pistols, among other sophisticated arms). In light of this position, some questions to be answered are:

- Will these small holder blacksmiths be able to afford the kinds of quality materials required internationally to manufacture a standardized AK-47 and other sophisticated assault rifles as they are have started experimenting?
- Do they have the expertise to mark the arms they will manufacture according to standard?

- Considering that most of the blacksmiths are illiterates, how are they going to keep records of what they manufacture and to whom they will sell the arms?
- Do we have what it takes to set-up laboratories to standardize, regulate, and control the manufacture of sophisticated small arms in West Africa?
- What competitive advantage does West Africa have in arms manufacture?
- Will this proposition not be an impetus to empowering armed criminal banditry in volatile the region?

The ECOWAS Convention on SALW is a laudable push-forward to dealing with the proliferation of SALW that has bedevilled the region, but a complete ban on arms manufacture will bring it closer to achieving its objective. Moreover, when a complete ban is imposed, sincere political will on the part of the Heads of States to implement it will be the icing on the cake to ensure that the fight against proliferation of SALW does not remain rhetoric.

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## ACCESSIBILITY AND CIRCULATION OF SALW IN WEST AFRICA: Beyond the Convention, Securing Land Borders to Reduce Proliferation.

By Maryse Glele Ahanhanzo

Maryse Glele Ahanhanzo holds a Master degree in Law studies. She has a strong interest in issues related to human rights, gender, peace, human security, development and governance. She has completed an internship in WANEP in Benin Republic where she participated to the 'Electoral Village' organised and facilitated by FORS-ELECTIONS under the 2011 parliamentary elections in Benin. She also was the Focal Point for the WANEP-Benin early warning project (BeWARN) during the same period.



### INTRODUCTION

For some years, the West African region has become a theater of violent conflict and criminal acts that seriously endanger human security. The increasing involvement and use of small arms and light weapons (SALW) in committing these criminal acts render the situation more complex. In effect, from the Liberian conflict to the recent Ivorian conflict, even to those of Sierra Leone, Guinea, and Casamance, the use of SALW has been hugely demonstrated. In countries where there are no wars, these arms are used to commit various crimes such as armed robbery, hold ups, etc. It becomes obvious then that one of the solutions to the rising wave of transnational crimes is the control of the movement of SALW.

That was what led Heads of State and Government of the West African region to adopt on June 14, 2006 the ECOWAS Convention on small arms and light weapons, their ammunitions and other associated materials, which came into force in September 2009 after its ratification by 9 out of 15 Member Countries of the Community. However, it should be noted that the objective is far from being reached since SALW still circulate like small loaves of bread in the region due to the porous nature of the borders. In what ways are the measures of the Convention inadequate? What other steps should then be taken in order to effectively secure the borders and put an end to this plague? The present paper will attempt to answer those questions while presenting on the one hand, solutions proffered by the ECOWAS Convention and, on the other, proposing measures going forward.

## 1. Efforts of the Convention for the control of the circulation of SALW

In an effort to control the movement of SALW in the region, ECOWAS has had to ratify many treaties, conventions and protocols. But of all, the 2006 Convention is the most innovative because it contains specific measures on conditions of transfer<sup>1</sup> of these types of arms both by State and by non-State actors. Three essential measures helping in the control of movement of SALW deserve attention. First, the banning of any transfer to Member States except where the security interest of the State is at stake. Even in such a case, the transfer is only allowed when the country concerned benefits from exemption granted to its request by all the other Members of the Community. The result of such measures is that each of the Member States of ECOWAS is in possession of true and reliable information on weapons stockpiles kept by others : information on armament of States long considered State secret is henceforth available to other States of the region. Next, the formal banning, without any possible exception, of any transfer of SALW to non-State actors which include mercenaries, armed militia, armed rebel groups and security companies. Finally, the non-inclusion of SALW among goods as defined by Article 45 of the 1993 revised Article of ECOWAS.

But in spite of these series of measures a considerable number of arms still circulate in Member States, essentially as a result of weak control at the borders. The need then arises to reform the border security system of States in order to support the Convention and expect better results.

## 2. Proposals for better security of the borders

The porous nature of the borders of Member States of West Africa has always been a crucial problem in securing the region. This was further worsened by new trans-border threats (traffick in drugs, human organs, child, etc ; piracy, terrorism, etc.) involving SALW which defy all security apparatus. In fact, on account of their easily concealable nature, these small death machines escape all border security checks only to easily resurface in one State or the other. It is not uncommon for carriers to have them in their containers or hidden in goods by women traders who do business along the borders, or by men who cleverly hide them in their personal effects.

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1. Transfer here means the import, export, transit, transshipment and transport or any other movement whatsoever, from or through the territory of a state of small and light weapons their ammunition and other related materials (Article 1.9 of the Convention)

Whatever the case the situation poses a control problem at the borders of Member States which deserve to be considerably reinforced. In fact, a great part of ECOWAS security policy is based on the control of transfer of SALW. The policy will fail if the movement of SALW in the region is not controlled and secured. In this respect, the following proposals are made to somewhat help in improving the situation :

- At the level of Member States, improving the living and working conditions of affected agents posted to the borders : equipping them with sufficient and functional technical materials (detectors, scanners<sup>2</sup>, etc.) and giving them sufficient pay as to help them resist any temptation of corruption;
- Review and harmonise the personnel status in all Member States as well as the plan of posting to borders : as borders are leaking points for SALW, agents posted to borders should be the competent ones ;
- Ensure a rigorous application of policies on fight against existing corruption and eradicate all forms of impunity as regards border agents and posts. Strengthen trans-border cooperation among Member States by creating a framework for exchange of information and security techniques ;
- Consider social and economic development of uninhabited and sparsely inhabited zones near the borders in a way to eradicate the impoverishment of the population that live there and reduce their vulnerability and tendency to cooperate with traffickers;
- At the ECOWAS level, defining a rigorous security policy which will back up the free movement of persons and of goods in a way that the free movement of persons does not mean the free circulation of SALW

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2. A project on the harmonisation of border posts exists in the entire African region: This refers to the construction of "juxtaposed border posts ". This is already operational between Kenya and Tanzania and works rather well. The effective and timely implementation of this project (which has already been studied by the responsible authorities) at ECOWAS borders is highly desirable.

- Also, promoting collaboration among different concerned department of the regional institution to efficiently resolve the problem of borders management. This list of suggestions is not exhaustive. It needs to be further looked into to ensure peace in the region. With SALW being used in almost all the trans-national crimes, the capturing of their movement and the reduction of their proliferation would already be a great stride in the fight against crime and consequently in achieving peace and security in the West African region.

## MANAGEMENT AND SECURITY OF WEAPONS STOCKPILES WITHIN THE ECOWAS SPACE.

By Kangoye Ismaila

Ismaila Kangoye is member of Amnesty-International Cote d'Ivoire since 2006. He is responsible for advocacy and consultancy on Military-Police Section in Amnesty-CI. His research interest is SALW and military equipment transfer.



### INTRODUCTION

Created on May 25, 1975, ECOWAS (Economic Community of West African States) had as its main objective the free movement of persons and goods within Member States. However the West African region experiences problems linked with illegal proliferation and circulation of small arms and light weapons (SALW) with devastating consequences on human rights, international humanitarian law and sustainable development within the region.

The Liberian and Sierra Leonian conflicts have fostered the strong presence of SALW in the area. To fight against this proliferation, Heads of State signed a moratorium declaration on importation, exportation and manufacturing of small arms within ECOWAS territory in Abuja, Nigeria on October 31, 1998 and adopted in Lome Togo on December 10, 1999. Desirous of sustaining and strengthening efforts towards securing the region, the Heads of State and Government of ECOWAS decided to transform the moratorium into a binding legal Convention during the Dakar summit of January 2003. This Convention, in its article 16, stipulates: "Member States shall take the necessary measures to ensure the safe and effective management, storage and security of their national stocks of small arms and light weapons".

It is now two years since the Convention came into effect after it was signed by the ninth country (Benin). With that in mind, one could ask, what management and security system is there for the weapons stockpiles within the ECOWAS territory?

Our analysis will shed light on the dangers posed by bad management and security of arms depots which puts the lives of thousands of persons at risk in Member Nations of ECOWAS.

## 1. The Challenges

During the last twenty years, conflicts have been frequent in the region; Liberian and Sierra Leonian conflicts and recently that of Cote d'Ivoire caused a lot of casualties: about three thousand (3000) dead, thousands injured and disappeared, added to that are many internally displaced people and refugees.

These various conflicts have encouraged a strong presence of weapons in that part of Africa. The common feature of the massive presence of arms is the different attacks on national police stations and arms depots against the failing security system: moreover, those charged to manage national stockpiles are poorly-skilled.

Some are assigned to manage stockpiles for reasons of punishment, invalidity, shortage of personnel or politics. These do not benefit from any grade promotion once they are put charge of arms. All these encourage the loss and illegal rental of arms.

Again, some arms depots built during colonial era no longer meet international requirements and standards, moreso as they are in serious state of disrepair (aging racks, presence of humidity...).

Many military bases are located near densely populated areas with possible serious human consequences in case of explosions. This was the case during the explosion of an arms depot in northern Nigeria when many were killed and others rendered homeless.

The reality of the problem varies from one country to the other. There are countries where there are no registers for reliable recording as recommended by the Convention on SALW in its Article 16: "inventory management and record keeping". Even where they do exist, they are old and hardly maintained, with arms that are neither marked nor traceable. It is therefore obvious that such deficiencies contribute to fueling conflicts and illegal circulation routes of SALW.

Arms leaking from stockpiles occasionally end up in the wrong hands (militias, armed groups, drug traffickers...), which worsens the phenomenon of robberies of cars and homes in ECOWAS countries.

Unfortunately, Nigeria is not the only country to experience these events; according to reports by Adrian Wilkinson, director of 'South-Eastern and Eastern European Clearing House' there were more than eighty (80) arms depot explosions between 1995 and June 2010 within the community's territory. Wilkinson's research recorded more than ten thousand (10,000) dead and injured in ammunition and arms depot explosions in West Africa in the last twenty years, rendering more than 4800 persons homeless. There is therefore a need to act. The proper application of the Convention on SALW and its associated materials would have allowed countries to better secure their borders and to confront the problem of circulation of SALW, as the Convention implies control within a regional instrument that is legally binding since the Convention countries are committed to:

- Establish efficient standards and procedures for the management and storage on national stockpiles including those of artisans, sellers and individuals.
- Regularly check the facilities and storage conditions of SALW kept by armed and security forces and other authorised organs with a view to identifying and destroying surpluses and old stockpiles; similar measures will be taken with respect to arms collected during peace operations.

## 2. Recommendations:

- A practical and workable plan to fight against transit, transfer and storage of arms and ammunitions at all levels.
- Establish a link between work already done about the training and improvement of army personnel in charge of the security and management of weapons stockpiles as well as practical and physical management of arms depots.
- Prioritise capacity building in arms management and security of arms stockpiles.
- Real technical support of UNDP and development partners with tangible and effective actions towards reducing armed violence.



- Harmonising of national registers in all ECOWAS Member Countries.
- Signing and total ratification of the SALW Convention and related materials by all Member States.
- Relocate old weapons stockpiles

## CONCLUSION

West Africa has the peculiarity of having at its disposal an institution like ECOWAS which has been working for a long time and whose structure allows the coordination of an instrument such as the SALW Convention. This is an advantage when compared with other regions of Africa which lack such an organisation.

However, for ECOWAS to ensure the application of the Convention, it should have necessary means to accomplish its task. The Commission is called upon to play the active role of coordinating, evaluating and surveillance.

Reinforce small arms units with qualified personnel. Clearly, a global commitment on reducing violence caused by bad management and non-securing of national weapons stockpiles requires actions at the national level, not just words on paper.

## LACK OF ACCOUNTABILITY MECHANISMS: A CHALLENGE TO THE IMPLEMENTATION OF THE PROTOCOL ON THE FREE MOVEMENT OF PERSONS AND GOODS IN WEST AFRICA

By 'Kemi Okenyodo

Mrs. 'Kemi Okenyodo is the Executive Director of Cleen Foundation. She holds a masters degree in Humanitarian and Refugee Studies from the University of Lagos and first degree in law from the same university. Her areas of expertise include police accountability, gender justice, public safety and security, and election observation management.



### INTRODUCTION

The treaty establishing the Economic Community of West African States guarantees every citizen of the region the right to freedom of movement. Article 59(1) of the ECOWAS treaty<sup>3</sup> provides that citizens of the community have the right of entry, residence and establishment and Member States undertake to recognize these rights of Community citizens in their territories in accordance with the provisions relating thereto. This right was further expatiated in a Protocol on Free Movement of Goods and Persons adopted on the 29th May 1979.

These principles are also clearly reiterated in the Revised Treaty of the ECOWAS, which was adopted in 2006. Despite these provisions in the Treaty and the Protocol on Free Movement of Persons and Goods, the challenges to actualizing the objectives of regional integration using the ECOWAS are still very glaring.

The objectives of the Protocol confers on the citizens of the community the right to move freely so as to establish and strengthen income generating activities with the aim of achieving regional integration.

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3. The treaty came into force on May 28, 1975.

The citizens of the community are plagued with 'harassments, extortion, brutality, threats of deportation and traumatic delays in moving across the borders'<sup>4</sup>. There are multiple checkpoints and roadblocks mounted by various security officials who most times are unauthorised. A preliminary study carried out on the Nigerian side of the Nigeria-Benin border by the CLEEN Foundation in September 2004, revealed that a total of 25 security agencies had roadblocks and checkpoints within a 10 km radius of the border crossing point. Only about 5 of these check points were found to be legitimate and necessary for border security. The social and economic effect of this situation and its implication on regional integration and trade was clearly stated by the former Executive Secretary of ECOWAS, Dr. Ibn Chambers when he said:

'The estimates are that intra regional trade among West African countries is lower than 10 percent of our trade. That should be much higher in a free trade zone, in a regional grouping designed to bring all the countries under one umbrella, so to speak. So the problems at the border need to be dealt with seriously to facilitate free trade (and free movement of persons) in the sub region'<sup>5</sup>.

The Directorate of Immigration and Free Movement has done a lot of work on sensitization and raising awareness of members of the Community on their rights and responsibilities as stated in the Protocol on Free Movement of Persons and Goods. However, an area that seems to be lacking is the establishment and institutionalisation of accountability mechanisms that would monitor the compliance level of the Member States to ensuring that the objectives of the Protocol are achieved. ECOWAS has a responsibility of developing accountability mechanisms because it is clearly stated in the ECOWAS treaty Article 59 that:

1. Member States undertake to adopt all appropriate measures that Community Citizens enjoy fully the rights referred to in paragraph 1 of the Article;
2. Member States undertake to adopt, at national level, all measures necessary for the effective implementation of the provisions of the Article.

4. Okechukwu Ibeanu: Beyond Declarations: Law Enforcement Officials and ECOWAS Protocols on Free Movement of Persons and Goods in West Africa published by CLEEN Foundation 2007.

5. Interview with IRIN News.org, March 12 2002, published by Okechukwu Ibeanu, *ibid*.

The aim of the accountability mechanisms would be to get citizens of the community have an input into the regional integration process thereby creating local ownership and support for the process at the grassroots (moving away from the regional integration process being driven by the Member States).

The accountability mechanisms could take the following form:

1. **Setting up of Monitoring Team from the Commission:** Although the Commission has taken steps to set up a monitoring team that would be tasked with visiting the border posts periodically and filing their experiences in the forms of reports, There is a need to re-strategize on the purpose of the monitoring team such that they produce reports that could be presented at various levels of the meetings that are available at ECOWAS. For example, the meetings of Heads of immigrations and security chiefs; inter-ministerial council and the Heads of States meetings. The modalities for presenting the reports could adopt the format of highlighting the top 5 countries with the worst records and recommendations being made on changes that need to be made.
2. **Periodic reports from Member States:** The Commission should institutionalize a process and mechanism that would require that member states file periodic reports to the Secretariat on their level of compliance to the provisions of the treaty. This would provide a platform for civil society groups to file shadow reports to those of Member States and thereby, provide further information for the Commission.
3. **Setting up of complaints receiving mechanisms across the borders:** Beyond sensitization and creating awareness at the borders or the refusal to pay bribes to corrupt border officials to facilitate their movement, a reporting mechanism should be set up at the border posts. This reporting mechanism should include complaint receiving mechanisms, such as call centres where citizens can lodge complaints giving information about the corrupt officials at the borders. This would assist the Commission to make reports to the Member States, giving names and details of erring officers for immediate attention.

4. **Periodic surveys across the borders:** The Commission should explore working with civil society groups (NGOs, academic institutions, etc.), to carry out periodic surveys that capture the experiences of members of the community crossing borders. The findings of the surveys would be used to evaluate the effectiveness of its policies and activities.
  
5. **Collaboration with organized private sectors working across the borders:** The Commission could explore the possibility of structuring a working relationship with private sector agencies (multinationals) that have trade or economic interests across the borders. The purpose of this is to mobilize resources for campaigns on regional integration thereby expanding the frontier and acceptability which would also widen the ownership base of activities that take place at the borders.

Accountability mechanisms are effective in checking compliance and excesses of member states, their personnel and even members of the community. This could provide opportunities for increase in economic activities across the borders, free flow of members of the community and their goods. Corrupt officials and processes could be reduced to the barest minimum and certain types of crimes could also be reduced. The effective implementation of the Protocol on Free Movement of Persons and Goods is at the heart of achieving regional integration in West Africa.

## TERRORISM AND DRUG TRAFICKING IN THE SAHELO - SAHARAN STRIP :

### The Malian case

By Timbine Moussa

Moussa Timbine was the Mayor (2009-2011) for the 5th District of Bamako, Mali. His area of interest are security policy issues (community conflict mediation and resolution, trans-border security concerns...). He was the Rapporteur for a Group of Contact on the of security issues in northern Mali in May 2009.



## INTRODUCTION

The Sahelo-Saharan strip which includes Northern Mali is a vast whole which, according to all the analysts, today attracts crucial geostrategic interest for many reasons. Considered a sanctuary which could help to furnish logistic facilities (training, retreat, supply, source of funding for organising various forms of trafficking) before they are sent to the front against the "apostates and the miscreants". They are considered as sanctuaries zones where State presence has disappeared as well as desert or mountaineous zones emptied of all authority and control.

Actually, the Sahelo-Saharan space is huge (from the Atlantic Ocean to the Red Sea), hardly inhabited with borders which are neither marked nor controlled and easily accessible from a multitude of locations ; theater of multiple and superimposed trafficks (connivance between traffickers and terrorists from the South American coast to the Red Sea).

That immense territory constitute the "collar" of three spaces of strategic importance : Maghreb, Euro Mediterranean and Great Middle East.

On account of its geographical location, of its historical and cultural links, of the precarious and vulnerable nature of its population, of its weaknes, of the insufficient – even the absence – of State structures, the Sahelo-Saharan space is a link bridge to other parts of the world for terrorists and drug traffickers. Many of the perpetrators of

the September 11 bombings in the United States were from North Africa. Many Maghrebians are fighting in Irak and other regions.

Being the State or official religion in North Africa and that of the majority of Africans, Islam is a very important identifying factor in that part of the continent, filling the present civic and ideological vacuum with realities, mainly as regards the notions of justice and equity. Terrorism is seen as a response to the malaise of muslims. African and Northern Malian environment, particularly scarred by serious poverty which particularly affects youths and women who make up the majority of the population, offers from that viewpoint a fertile ground to breed fundamentalists. A huge quantity of drugs coming from Colombia passes through that area, headed towards the Guinean coast, passing through Mauritania, linking Yemen, passing through Mali and Egypt.

One of the factors which encourages the conscription of the population that lives there is the fact that post conflict situations produce ex-combattants here and there, as well as victims of or persons affected by violence. These are the ideal recruitment targets of terrorist groups and traffickers. That is why it has been observed that ex-rebel fighters have spent some time in Peshawar and today are hosts to Pakistani and Afghan preachers who criss-cross the Sahel or other ungoverned zones. The remoteness of the territories and the absence of control gives them a temporary sanctuary and vast spaces where they can move without much hindrance, benefitting from logistic support, hiding places for planning their actions.

The presence of Pakistani and Afghan preachers affiliated to Dawa could be noticed at Kidal. They are also active on the Kidal-Kano-Kaduna-Katsina axis with influences on the populations of Kidal Gao and Timbuktu regions.

**Mali is on the frontline :** the arrival and the stay of hostage takers shows to what extent terrorism can infiltrate the territory and threaten the population. The liberation from Libya of Malian soldiers kidnaped in Mali some of whom were detained in Chad, the locating in Northern Mali of Austrian hostages kidnaped in Niger and detained on Malian soil, the arrival of hostages and kidnapers in large numbers on Malian territory shows, if any more proof is needed, the accessibility of its geographic space for all kinds of adventures.

In addition to the continuous efforts of the Malian government, many initiatives have been undertaken: Among them is the UNO Security Council Resolution 1373, African Union Action Plan on the Prevention and Fight Against Terrorism and other security machineries (Pan Sahel, Africom). Sahel and Sahara zone Ministers' meeting held in Bamako and Algiers as well as the next meeting of army chiefs and particularly that of Heads of State constitute a crucial step in the commitment of ECOWAS Member States?

Thus, the anti-terrorist fight has a multilateral dimension and should be sustained for a long time. That is why all actions related to security and stability must be backed by the Staet whose democratic functioning must guarantee social cohesion, civil peace, security of people and investments, equitable treatment of citizens, social and economic progress, and fully involving the masses while taking into consideration sensitivities, local cultural values, and past experiences. In fact, the anit-terrorist fight should be complemented by a social development programme, integrating civic action and values of solidarity and assistance to those most vulnerable.

### Some consequences on the populations of Northern Mali:

Regions	GAO	TIMBUKTU	KIDAL	TOTAL
<b>Categories</b>				
<b>Mutilated</b>	118	56	90	264
<b>Widows</b>	1 024	1 101	756	2 881
<b>Orphans</b>	670	1 816	259	2 745
<b>Displaced persons</b>	979	-	2 975	3 954
<b>Affected persons</b>	306	208	2 018	2 532
<b>Populations</b>	3 097	3 181	6 098	12 376



## Notes :

- Mutilated:** persons who have lost the use of at least one body member as a result of conflict;
- Widows :** women who have lost their husbands as a result of conflict;
- Orphans :** children who have lost at least one parent as a result of conflict;
- Displaced person :** persons forced to leave their villages, homes or habitation as a result of conflict;
- Affected persons:** persons who have lost their belongings, pastures or employment as a result of conflict;
- Populations :** Total population of various categories of victims.

This particular context and the social aspects of these questions, both of which are burnign and delicate, necessitate close intervention of social development actors integrating civic action, guarantee for all human development and sustainable social peace. It is imperative that all aspects of true social security should be strengthened by a machinery of civic action and of solidarity aimed at maintaining social consolidation and create obstacles to negative influences.

Social development remains the only credible and effective way for consolidating peace and waging a lasting war against terrorism. Thus, in that case we need projects which are capable of providing solutions to the constraints and to the vulnerability of the population right from the start by grassroot actions. Moreso as big investments are being undertaken today in northern Mali by the country's authorities. For these to last and be effective, it is necessary for citizens to paly their part within the context of rule of law and democracy. In effect, the Wabaria bridge, the Taoussa dam and many other development projects aimed at reducing poverty among the population should exist within a framework of social cohesion, harmony and peace, which will assure them consensual management and maintenance. A civic population reconciled with itself and its values.

## Recommendations and conclusion

The threat in northern Mali should not be seen as only one country's business ; it is the business of the whole West African community.

To fight this plague, ECOWAS must succeed in uniting security efforts of governments and parliaments of various Member States and also of different partners with a view to creating a global synergy with regards to the issue of security.

Also, it should revive civil society bodies which deal with security problems at national level and the creation of networks at regional level with a view to better sharing know-how, experiences and information.



## TRANSNATIONAL CRIME AND SECURITY IN WEST AFRICA: AN OVERVIEW OF THE ECOWAS CONTROL INITIATIVE ON DRUG TRAFFICKING

By Danjuma Aku

Aku Danjuma was a Research Fellow at the African Centre for Strategic Research and Studies (ACRS), in the Nigeria National Defence College (NDC). before joining the ECOWAS. His research interests are in Democracy, Small arms and Light Weapons, Peace and Security. He has a few journal publications to his credit and played a major role in the ACRS Learning Design Team which produced both the Facilitators and Participants Manual for the Course on the Protection of Civilians in Armed Conflict being run at the ACRS.



### INTRODUCTION

1. Over the years, West Africa has become a hub to transnational criminal activities, which have in turn constituted threats to regional security. These threats to regional security do not only endanger the lives and properties of ECOWAS citizens, but also the survivability of the region itself. West Africa faces numerous security challenges amongst which are: communal conflict, religious extremism, ethnic conflict, environmental degradation, declining social values, insurgency and violent crimes. While threats of a global war remain distant, many old security threats linger while new challenges are fast emerging. Security challenges to the region such as the proliferation of Weapons of Mass Destruction (WMD), proliferation of Small Arms and Light Weapons (SALW), and dangers posed by insurgency and trans-national crimes have not only persisted, but seem to be on the increase.
2. Transnational crimes include a vast array of illegal activities comprising human trafficking, drug trafficking, terrorism, contraband smuggling, advance fee fraud, illegal oil bunkering, economic espionage, sex slavery and sea piracy. The growing rate of these phenomena and increased sophistication of organized criminal gangs (especially in the area of drug trafficking), has become a serious security problem affecting the region. The negative impact

of trans-national crime in the region, especially since the region is besieged with relatively weak countries, has been unsettling. Young children are being initiated into drug use, there is increased vulnerability of women and children and drug money is being used to perpetuate other nefarious acts.

3. West Africa is paraded as a focal point in the network of transnational organised crime. The region is seen as a tripod of transnational crime; First, as a point of origin, second as a transit route and thirdly, as a destination point. Of recent, the seashores and harbours have become hubs of Trans-Atlantic drug trafficking. Most international airports in the region have become major transit points for drug markets in Europe, South Africa and the Middle East. In 2008, between 10-30 tons of cocaine found its way into the West African Drug Market, while around 15 – 60 tons transited from other countries through West Africa destined for European markets. The adverse effects of cocaine cannot be under-emphasized; it poses a serious threat to the peace, security and development of the region and is also the most trafficked drug in the region. In addition, it is the most preferred transit point for drug couriers, dealers and cartels.

While cocaine has captured most of the headlines, heroine destined for European markets and, to a lesser extent, the American market, also moves through West Africa from Afghanistan or Southeast Asia via Dubai or trans-shipment points in East and South Africa. Although international narcotics trade in West Africa appears to be pioneered by Nigerians, other nationals of the region particularly Ghanaians and Guineans are increasingly involved and have used their countries as transit points. The growing rate of drug trafficking has caught the attention of the regional community and it has responded to these threats through means to be subsequently discussed.

## **CONTROL INITIATIVES**

In response to the global effects of transnational crimes, global steps to arrest the scourge have been initiated. For instance, the United Nations Convention against Transnational Organized Crime adopted by the General Assembly in November 2000 is the main instrument in the fight against transnational organized crime. It came into force on 29 September 2003. It has three other supplementary protocols.

At the continental level, the African Union Commission (AUC) launched its own plan of action on drug control and crime prevention (2007-2012) in December 2007. This was approved by the African Union Heads of State summit in January 2008. The plan has two main aims which are to: reverse the current trends of drug abuse and trafficking, organized crime, corruption, terrorism and related challenges to socio-economic development, and to achieve tangible improvement in the social economic well-being of the people of Africa and their communities.

At the regional level, two documents were adopted for the fight against drug trafficking. These are the Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking and Organized Crime in West Africa and the Regional Action Plan to Address the Growing Problem of Illicit drug Trafficking, Organized Crime and Drug Abuse in West Africa. The declaration provides the political commitment needed from member states and gives new impetus to the ECOWAS Commission in the fight against the scourge.

On the other hand, the Action Plan provides the necessary framework for regional and national actions against drug trafficking, with the support and cooperation of development partners. The declaration mandates the ECOWAS Commission to coordinate the implementation of the Regional Action Plan and to monitor and report to the summits of Heads of State in 2009 and 2010 respectively on the progress made in the implementation of the declaration and the ECOWAS response action plan. It also directs the Commission to establish a strong coordination mechanism to forge close links with member states, civil institutions and organizations involved in drug control in order to achieve better coordination in the control of drug trafficking and abuse in the region.

In this regard, the Commission set up the ECOWAS Drug Control and Crime Prevention Mechanism. It will also prepare an ECOWAS convention against illicit drug trafficking and abuse. The Commission subsequently established an ECOWAS drug division to articulate drug related policies for the region. To this end, an Inter-disciplinary committee made up of representatives from drug division, legal department, political affairs, peace and security, external relations, and finance departments was introduced. The aim of this committee is to foster coordination, information sharing and oversight functions on drug related matters within the ECOWAS region.

Despite these initiatives however, drug trafficking persists in the region. Such persistence could be traced to the following reasons:

**a. Lack of Political Backing:** West African leaders demonstrated great political will at the beginning of the fight against drug trafficking at the regional level; however, this has not been transformed into concrete implementation at the national level. Except for Nigeria and Ghana, other countries lack the institutional framework to fight the menace. At airports in some countries, there are no body scanners or sniffer dogs to detect drugs. The political heads in those countries do not give the necessary backing to ECOWAS initiatives.

**b. Lack of a Regional Legal Framework:** The region does not have a regional legal framework to fight the menace of drug trafficking. In some countries in the region, drug offenders spend barely a month behind bars and in some extreme cases, the offenders actually buy their freedom. This is a challenge to the efforts made by the Commission in fighting drug trafficking.

**c. Non extradition Treaties among ECOWAS Countries:** There are no extradition treaties in place, to guide member states in the region. As such, drug offenders in one country can flee and have succour in another country within the region thus making their prosecution difficult.

**d. Lack of strict border patrol:** Some of the borders within the region are so vast that the countries in question cannot adequately police them. The borders in Guinea-Conakry and Guinea-Bissau for instance are not adequately manned because the countries simply lack the capacity to police them.

Having identified some of the problems of drug trafficking, some suggested recommendations are as follows:

1. Increased donor funding for national agencies: ECOWAS, through its ECODRUG fund could reach out to countries that need institutional strengthening and assistance. The ECODRUG fund could be expanded by reaching out to UNODC and EU for more donors funding.

2. A Regional Legal Framework should be formulated and implemented by member states.
3. Extradition Treaties between member states on drug trafficking should be signed.
4. Joint border patrol should be encouraged by ECOWAS.





## THE ROLE OF THE ECOWAS PARLIAMENT IN THE FIGHT AGAINST CROSS-BORDER CRIME IN WEST AFRICA

By Evelyn Rita Annan

Evelyn Rita Annan holds a Master of Arts in International Affairs. She is currently the External Affairs Director of Bridge-Gap Foundation-Ghana. Her Research interest is on issues of security and Governance. Her major works includes rural development issues but also regional security aspects.



### INTRODUCTION

Since the 1990s, the West African region has become better known as the 'oasis of insecurity' as a result of a constant spiral of violent conflicts and other forms of insecurity that confront the region. This insecurity has been exacerbated by the increase in cross-border crime with deleterious effects on the people of the region. Broadly speaking, cross-border crime can be defined as a set of criminal activities whose perpetrators and effects or repercussions cross territorial borders. This form of crime occurs in West Africa i.a. in the form of drug trafficking, human trafficking, illicit manufacture, trade in small arms and light weapons and money laundering. The pooled effects of these crimes constitute a deleterious threat to peace, social harmony, stability, good governance, rule of law and above all signify a major affront to the free movement of persons and goods, which is a vital goal of regional integration. Therefore, all dimensions and sources of this crime must be vehemently combated.

The failure in specific national approaches to addressing the challenges of cross-border crime in West Africa eventually culminated in ECOWAS' adoption of more coherent regional approaches to solving the problem. This manifested in the adoption of several initiatives, conventions and protocols such as the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) in 1999, the Convention on Small Arms and light Weapons (2006) and the Regional Action plan to address problem of illicit drug trafficking, organized crimes and child

trafficking (2008) to serve as modules to combat cross-border crime. These notwithstanding, the fact still remains that cross-border crime still exists and the various regional conventions adopted towards fighting different categories of crime have not achieved the desired impact. This is because currently few countries have ratified some of these innovative instruments aimed at fighting these menaces.

Studies have shown that a major problem the community faces with regards to implementing its new security sector reforms is the lack of involvement of the people whom the laws and protocols are made for. In this direction, as part of the strategies to building a people-centered ECOWAS, the ECOWAS Parliament was established in 1993. The parliament is made up of members voted into their respective national parliaments by the people and thus it is the organ of parliament that is directly linked to the people. This means the role the parliament plays in promoting security in the region and for that matter on the fight against cross-border crime cannot be overemphasized. However, the protocol which established the parliament allows the parliament only to perform an advisory role. Article 6 of the protocol mandates the parliament to deliberate on issues concerning fundamental human rights and freedom, rule of law and any issue of security concerns that affect the community. Besides, ECOWAS parliamentarians are to deliberate on issues, refer to them by any organ of the community and offer recommendation and advise. This places limitations on what the parliament can do as regards initiating and formulating decisions and policies meant to address issues of security concern such as cross-border crime that directly affect the people.

This paper is of the view that since human and people's security is the focus of the current vision of ECOWAS, then the ECOWAS parliament made of members of parliament voted into their national assembly by the people must take center stage in the designing and the formulation of programme and policies meant to address issues of transnational crime, which put the security of people at stake.

Having admitted the institutional and functional limitations the parliament faces as regards direct legislations and decisions on the fight against cross-border crime, the ECOWAS parliament, which represents the people of the community, should be capable of committing themselves further towards the fight against cross-border crime and become fully involved in promoting security for people they represent. Again, in a time when the community is finding it difficult to harmonize national

policies on trans-national crime, members of the ECOWAS parliament who are also members of their respective national parliaments must take a center stage in making the fight against these crimes a success.

**In specific terms, ECOWAS parliament must play the following roles in the region's quest to end transnational crime:**

Firstly, members of parliament must advocate a law relating to cross-border crime and, using their national parliaments as a platform, ensure the ratification and harmonization of treaties and protocols relating to cross-border crime.

They can also encourage civil society participation in discussions of methods and means of combatting cross-border crime.

Members of parliament must also get involved in the creation of awareness amongst local populations as regards all decisions on the fight against cross-border crime by designing programmes such as television and radio documentaries in local languages that will take all stakeholders on board.

By the virtue of their expertise in legislation, the parliament must also assist member states in formulating their national policies on cross-border crime by harmonizing them with regional ones.

Apart from assisting member states to formulate policies, the parliament must also put in place mechanisms to follow up national report on trans-border crime with the possibility for civil society to provide reports to challenge or confirm that of states.

Finally, Members of parliament must introduce relevant and innovative bills relating to the fight against cross-border crime especially in the areas of human trafficking, illicit trade in drugs, small arms and light weapons and money laundering.

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## THE ROLE OF ECOWAS IN CONSIDERING THE GENDER DIMENSION IN NATIONAL SECURITY POLICIES

By Nafissatou Wade

Nafissatou Wade is an architect with a strong political background. Her research interest is gender and women participation in political parties. As such, she is the Coordinator of the Women's Committee (COMFED) in Dakar, Senegal. She has managed several programmes aiming to gender awareness, women capacity building and women's role and position in political parties.



### INTRODUCTION

Faced with threats to the security of States and their people, governments define and provide answers. Actions that are aimed at promoting security are directed by a security policy that could be national, regional or international. Security issues have an important place on the priority list of ECOWAS, in view of current security challenges in West Africa, with crime, diverse conflicts, diseases and poverty, etc.

The fundamental issue cannot be settled without formulating an adequate policy with a defined approach for security issues followed by tangible decisions.

At ECOWAS level conventions and protocols are not imposed but they rather constitute orientations for Member States. At that level, the issue of gender is taken into account for a better appropriation and participation of peoples of the region. When it comes to applicability and understanding, the problem is with the Member States.

For the avoidance of doubt, it should be understood that gender does not refer only to women but also looks into men-women relationship, taking their peculiarities into consideration. Of course, men and women do not react in the same manner in the face of security threats, policies or answers proffered in these areas.

The issue of gender is often ranked with that of women in our society because of the imbalance arising from social relations between men and women, as it is often the

women who are victims of discrimination. It is true that they are the ones barred from areas that affect them the most, especially the area of security with all that they undergo therein (rape, violence, all types of conflicts, feminisation of poverty, criminality, drugs, human trafficking and slavery...).

All these make it indispensable to take women into account when formulating security policies.

Within the framework of this analysis, more thought is given to national security policies, more precisely to the contribution of ECOWAS to ensuring that Member States take the gender dimension into account. The vision of an ECOWAS of the people in 2020 should strengthen the integration of the gender dimension which really takes into account all sections of the population to guarantee real and sustainable security for all (men, women, girls and boys)

ECOWAS, which has a Gender and Human Development Commission takes that dimension into account in all areas with the support of the gender center, which enforces the policy of the Institution in this domain. However, ECOWAS should stimulate national appropriation and encourage a real application in Member States by putting accompanying measures in place. In its policy, ECOWAS should reflect on searching for or putting funds in place for the benefit of Member States in order for them to :

- Work with the civil society for a better sensitisation, that all sections of the population may embrace security issues and understand that security is not only an issue for men.
- Involve all sections of the population in issues of security policy when security is threatened at the local level. This can be done by organising consultative meetings during which they are asked to propose ways of solving their specific security problems.
- Strengthen the capacity of national actors who are from the gender security and sex-specific issues areas.

- Promote the integration of women in organs of decision making and the formulation of security policies. To this end, the institution should partner the States in continuous training programmes. It is not just a question of giving quota to women but of involving them in the formulation of security policies in order to take their needs into account.

Certainly, ECOWAS should encourage States to take gender issues into consideration in security policies, but they should also be made to respect or rather be reminded of their national, regional and international commitment as regards gender equality. That is where all the problems lie because in spite of signing its conventions, ECOWAS does not have the prerogative for sanctioning States which do not respect their commitments.

ECOWAS should urge Heads of State to implement conventions and should sensitise them on the importance of a political will for sustainable security in the region.

If it is true that insecurity knows neither boundary nor gender, it should also be true as regards security policies in order to guarantee a world of peace and security with free movement of persons and goods which will facilitate the regional integration sought by ECOWAS.





## 2. ECOWAS & ELECTORAL PROCESSES:

### Regional approaches to improving Electoral Processes in West Africa

Tackling the issue of election in the region, the second part of this volume present the analysis of the 2012 trainees on the prospects and challenges of the electoral norms and standards in their implementation in the ECOWAS member states. It also highlights the crucial need to secure the different phases of elections so as to limit electoral violence that is becoming rampant in the region. Before ending with the role and responsibilities of international assistance in electoral processes in the region, these young experts also questioned the independency of electoral management bodies as a response for a free and fair election.



## Electoral Norms and Standards in ECOWAS, Prospects and Challenges.

By Clotaire A. Olihide, Juliana Anosike, Rufin Godjo, Ibrahim S. Cissoko

### INTRODUCTION

Electoral processes in the West Africa region are guided by the principles on elections as enshrined in the ECOWAS Supplementary Protocol on Democracy and Good Governance. The initial objective for the creation of the regional body “ECOWAS” was for economic development of the region, however due to the outbreak of armed and violent conflicts in some member states in the 1990s and consequent spill of these conflicts to neighbouring countries, the regional body was forced to review her treaty in 1993 thereby saddling the community with additional responsibility of conflict prevention and developing a framework for transition to democracy in West Africa, hence the endorsement of the “Mechanism on Conflict Prevention, Management, Peacekeeping and Security” (1993) and the “supplementary protocol on Democracy and Good Governance” (2001).

In recent times, ECOWAS has not only portrayed itself as a “Bulldog” but has also increasingly proven that it can bite. The 2001 ECOWAS Supplementary Protocol on Democracy and Good Governance (A/SP1/12/01), Article 2.1 prohibits modification of electoral laws six months before any election without the consent of a majority of the political actors. Often times in West Africa and indeed Africa, desperate leaders turn to arbitrary constitutional amendments so as to perpetuate themselves in power, however, ECOWAS has in recent time ensured full compliance with this principle. Example is the case of Niger Republic, when the former President Tanja tried to forcefully change the constitution of the country to enable him enjoy an extra tenure in office, ECOWAS played a lead role to the extent that Niger was suspended from the community, thereby facilitating a speedy reinstatement of democracy in the country. Transparent electoral process is emphasized upon in the protocol so as to mitigate post elections tensions and/or conflicts that arises from mistrusts from oppositions in the process. The protocol equally calls for speedy discharge of electoral disputes though no timeline is stipulated to avoid prolonged, time and resource consuming adjudications. Indeed most of the member states have gone through electoral reforms and somehow conforming to the guiding principles; nevertheless the application of these provisions in the region have been a mix bag.

Despite the different national contexts and history, some elections in the region have been adjudged to be fair, peaceful and acceptable whereas others have been marred by tensions and violence. This paper seeks to understand the application of the ECOWAS guiding principles on elections in member states, to ascertain their usefulness and where there is gap, advocate for improvement.

The paper is divided into three parts. The first part is a review of the ECOWAS provisions on election. Part two looks at their application in member states, where they successful, if not what are the challenges or setbacks? Is there any need to sustain the good practices in application of these laws, whether in the area of election management, use of biometric voter register etc? These are some of the questions that we will try to respond to via our recommendations on the third part of the paper. The regional body should no longer fold her arms while signed protocols and conventions are treated with disrespect. These laws must be strengthened and “our democracy must be consolidated”.

### **Review of ECOWAS provisions for Elections in the region**

The fundamental principles for elections organisation and management in ECOWAS member states are embedded in the Protocol A/SP1/12/01 on democracy and good governance dated 21 December 2001. This is supplementary to the Protocol of 10th December 1999 “relating to the Mechanism of conflict prevention, management, resolution, peacekeeping and security”.

This regional convention contains the basic principles for elections as summarised below:

Very often, the reform of electoral laws is made unilaterally by the government in power. Other political actors, especially those in opposition, are not consulted, which results in confidence crisis. Even if such proposed reform is for democratic advancement, other parties oppose it just for the mere fact that they were not involved in the decision making process. Therefore, to avoid such conflicts, the period for electoral review is pegged at a period not later than six months prior to the election date, unless the initiative is taken by consensus among political actors. Procedures for elections and tenure of office are enshrined in the constitution of each and every ECOWAS member state. The constitutions explicitly state the mandates and responsibilities of institutions; hence the onus on the ruling government is to ensure

that these laws are respected in letter and spirit unless a unanimous decision is otherwise taken by all political actors.

The ECOWAS revised Treaty and its Protocols on Democracy and Good Governance state that women have the same right as men, to vote and be voted for in all positions and at all levels. To have a participatory democracy this principle should be obeyed. The independence or neutrality of the bodies responsible for election management is crucial and where necessary the structure and composition of the bodies shall be determined after due consultation of all political actors.

It is important to ascertain the exact population of the country, it is also important to maintain and update the information with the Central Registry to ensure that it depicts the current status of the population of a country at any point in time (it should contain data on births, deaths, jailed persons, emigrants, mentally retarded persons etc). If this is respected, it could provide the basis for an accurate and transparent voters list.

The compilation of a voter register could be subject to serious manipulation (especially when done manually) in favor of a political party or candidate. This explains the basis and the need to involve all political actors, civil society and especially the citizens in developing the list. If eligible voters are captured and the list is made public, the major bone of contention often witnessed among the political actors and particularly by the opposition could be avoided. A credible and transparent voters register contributes significantly to the strengthening of the electoral processes and therefore of democracy.

Election results announcement is one of the most delicate phases of the electoral process because non acceptance of the results by political actors could trigger an outbreak of post election violence. It is therefore important to ensure, above all, the reliability of the organs in charge of the announcement of either interim and or final results, as well as ensure competence and integrity of men and women in charge of these organs and/or institutions.

To dispense or manage electoral disputes, it is recommended that each State sets up courts to adjudicate election petitions. In principle, an uncompromising and credible electoral process should be able to substantially minimise contestation of result,

where this is not the case, it would be desirable for the court to show impartiality in her decision. It is therefore important to ensure prompt dispensation of electoral disputes.

## Experiences within the region vis à vis the regional provisions

### a) Independence of electoral management bodies

The independence of the electoral management bodies as stated under section 3 of the ECOWAS Additional Protocol on democracy and good governance is now enshrined in domestic legislation of Member States of the Community, hence, National Electoral Commissions (Guinea Bissau, Cape Verde, Liberia, Ghana, Sierra Leone, Gambia), Autonomous National Electoral Commissions (Benin, Senegal), or Independent National Electoral Commissions (Burkina Faso, Niger, Nigeria, Mali, Guinea, Cote d'Ivoire, Togo), whatever the appellation are established in the region. All these bodies exercise more or less extensive prerogatives in the electoral process and almost have autonomy of managing their budgets.

It is important to note that differences in the appellation and functioning of electoral commissions do not violate the Community laws, as Article 3 of the Additional Protocol cited above gives the latitude for each State to determine the nature and form of their electoral bodies.

However, it should be noted that the composition, mode of financing and the importance of the prerogatives granted to election management bodies determine the degree of their independence, perhaps reason why in the region, some EMBs are more independent than others. This indeed is a factor towards greater efficiency and acceptance of the results by the parties.

It should be noted that some countries have two institutions in place for election organisation and management, that is to say, both state structures and electoral commissions are involved. However this does not determine the independence of the latter. In Mali, Senegal and Cape Verde especially, the success of the mix does not imply that independent commissions are less effective in other countries. This suggests that, beyond the legal texts, an intelligent linkage between institutional actors and good collaboration with all stakeholders play a vital role in the implementation of the principle of independence of EMBs.

## **b) Neutrality of electoral management bodies**

The issue of neutrality of electoral management bodies could be assessed under the double prism of the mode of appointing the members, the professional and moral quality of those members.

Each country in West Africa has adopted methods of appointing members of the electoral commission that is in consonance with their constitution. Thus, we have countries where the parliament plays a role in appointing members of electoral management bodies (Guinea Bissau, Cape Verde, Nigeria), others where it is rather the Head of State that appoints the members of the EMB, after consultation with some institutions (Senegal, Ghana, Sierra Leone, Liberia) and the ones in which the Head of State along with other institutions/bodies nominate EMB members (Benin, Niger, Burkina Faso). Similarly, the degree of political actors' involvement in the EMB is dependent on their presence as politically engaged members in the Electoral Commissions (as in the case of Benin, Cote d'Ivoire, Mali, Togo,) or otherwise apolitical (as in the case of Liberia, Cape Verde, and Ghana).

To the subject of professionalism, more emphasis and values has been laid so far on representation of parties instead of professional qualification and integrity of the members. Sometimes when these issues are discussed, the legislators are more concerned about the integrity of the member of EMBs than their professional skills and competences in discharging their duties.

In summary, though member states are working towards neutrality in legal framework, there is still much to be done in professionalizing the commission and ensuring members are apolitical.

## **c) Establishment of transparent and participatory voters registers.**

Since the advent of democratic regimes in Africa in the 1990s, the issue of voter registration has been at the center of many electoral disputes. This is because control of the electorate is not only a technical and legal but also a big political stake.

Faced with the obvious failures of the civil registration system, several countries began to take census of their population towards elections. However, over time, the identification of voters using only alphanumeric data has shown its limits. Biometric data is currently adopted in electoral registration. These biometric data is used to



establish the physical uniqueness of each voter, thus reducing multiple registrations and other voter card related frauds.

Though the "biometrics" seems to be an effective way to improve reliability of the electoral register, difficulties remain and arise in terms of regular updating of data, comprehensiveness, transparency and security.

Moreover, the establishment of computerized voter registration with biometrics takes place with varying degrees of problems for two reasons: first, the African states, because of their limited resources, are unable to bear the cost of these reforms and are forced to look outside. Secondly, because of either their quest to please the external partners or because conditions are attached to these assistance, African states often choose technologies that are not necessarily more adapted to their natural, sociological, and economic realities.

#### **d) Transparency of election results announcement**

It is essential that the results are announced by structures that inspire confidence and under conditions such that winners and losers recognize the impartiality and objectivity of the declared results. To this end and taking into account their socio-political realities on the one hand, and anxious to entrust such a delicate task to bodies or institutions that are less contestable, states choose to award the announcement of results either in part or in full to the Electoral Commissions, or to institutions or separate structures to the Commissions.

Thus, in some countries such as Niger, Cote d'Ivoire, Guinea, Election Commission announces the interim results and leave the announcement of the final results to the Constitutional Court. For countries like Ghana, Gambia, Guinea Bissau, Liberia, Nigeria announcement of final election results is the responsibility of the Electoral Commission. Finally, in Benin, Senegal, Electoral Commissions are not involved in the declaration of results.

Each of these alternatives has its advantages and disadvantages, it should be noted that in some cases (Benin, for example), the announcement of temporary and final results by the same institution (the Constitutional Court) posed a fundamental problem. It is difficult if not impossible that this institution, which is also in charge of electoral disputes, to change decisions between two announcements. Especially

since the law grants it the privilege to observe in the field and express irregularities that it could have found during the voting process.

### e) Gender and Participatory Elections:

Accommodating women in the electoral space is still a topical issue in the West African region. The African Charter on Human Rights and Peoples' Rights and additional protocol on Women Rights encourages women to take part in politics and governance. Although the supplementary protocol provides for APPROPRIATE measures to be taken by member states to ensure equal rights between men and women in the electoral process, the women still are relegated to the back. Conscious efforts should be made in encouraging and accommodating the women in the political process. Some countries have devised means of including women; an example of this “measure” can be found in the 2005 Liberian National Electoral Commission's guideline for procedures in nomination of political parties' candidates to the commission: It states that “each political party shall ensure that 30% of candidates nominated for public electoral offices by that political party shall be women”. In Nigeria nomination forms are given to interested women free of charge by some political parties whether these means are “appropriate” enough and yielding the desired results is another kettle of fish.

### f) Electoral disputes Management

This actually means that electoral dispute tribunals should be opened to all party—often the losers in elections: – give the aggrieved the opportunity to make claims and, if they are based on evidence, to state the law. This step is quite important, especially in an African context where generally there is a tendency for defeated candidates to consistently challenge the results.

In general, in the ECOWAS states, adjudication of electoral dispute falls within the purview of the higher courts (Supreme Courts or Constitutional Courts) that give final decision.

The organisation of election disputes within the states seems so unimportant at first sight; however a deeper look shows that it is crucial for the quality and acceptability of decisions by the court.

The first distinction lies in the powers granted to the judge for electoral disputes; the second refers to the level of intervention.

Whereas some states mandate competent jurisdiction to either cancel or amend results if the complaints are based on evidence (Guinea, Benin,) or even decide on its own the winner (Benin) without running another ballot, in some other countries (Ghana, Nigeria) the cancellation of elections results by the courts would entail a re-run or organising a fresh election.

While some national laws permit the judges' intervention between the announcement of temporary and the final results, while others do appeal to the courts after the final results have been announced.

Whatever law is applied, the judgments should more or less be acceptable to all parties.

In fact, in recent years, it appeared in many countries (Senegal, Benin, Niger, Cote d'Ivoire), that decisions made ultimately by the judges to litigations have been severely challenged, sometimes resulting to violence or self-proclamation of the elected candidates.

This situation raises some concerns and requires innovative mechanisms to address them quickly. In addition, countries like Nigeria have experienced delays in adjudication of electoral disputes, sometimes taking as long as four years (a whole term of office). This is a form of distraction for the government to function as well as waste of public resources (as the person occupying the post usually dips his/her hand into the coffers to pay off his/her legal expenses). The supplementary protocol on democracy and good governance advocates speedy discharge of electoral disputes; however no time frame is stated in defining the "promptness" of adjudication.

Considering all these facts and considering that no evidence of current national electoral systems can claim to be the most perfect, it is however possible to identify positive trends related to key steps in the electoral process. These positive trends could be generalised among ECOWAS member states.

## Recommendations

**1. Professionalisation of Election Management Bodies:** it would be desirable that ECOWAS member states lay emphasis on the need for specific professional criteria to be attained, either by members of the electoral management bodies or by the technical staff that support them.

**2. Creation of frameworks with political actors:** to encourage the desired involvement of political actors in the electoral process, it would be good to develop a legal framework to listen and inform them of changes in EMBs' activities.

**3. ECOWAS Court of Justice:** should be given a role in enforcing the principles on elections in the protocol.

**4. Harmonisation of result announcements and disputes procedures within ECOWAS:** the electoral stakes are now so high that most of ECOWAS states entrust electoral disputes and the announcement of final results to the highest courts of the States in constitutional matters. However, control of ruling powers over all state institutions has led to a noticeable takeover of the Constitutional Courts and Councils by the Executive. Therefore, the decisions of these courts, especially in electoral matters, are progressively characterized by evident partiality, which is backed by frivolous/ridiculous legal arrangements for the benefit of the incumbent, who is for seeking re-election. This played out in Cote d'Ivoire during the 2010 elections, where the Constitutional Council's decision triggered post election violence that resulted in the death of thousands of people in the country. In Benin, this same challenge led to self-proclamation of an opposition candidate elected as president. Fortunately for Benin, internal and external actors prevented the country from sliding into chaos. Given all this, and learning from the experiences of Côte d'Ivoire and Guinea, we suggest that ECOWAS should establish a unit or a permanent body that will be responsible for certification of elections in member states.

**Our suggestion is that the system would work if:**

- a) Election Management Bodies have the mandate to announce election results;
- b) The certification body as proposed above certify or reject the results announced. This body which is coordinated by ECOWAS will be endowed with substantial resources to monitor the entire electoral process and could be composed of local civil society members and organizations like the African Union and the UN;
- c) In case of disputes or contradictions between the two bodies (EMB and certification body), the decision of the highest court of the State/or the Constitutional Court should apply;
- d) The decisions of that court may, in case of dissatisfaction, be referred on appeal to the ECOWAS Court of Justice which would give the final judgment.

**5. A timeline should be given in the protocol for concluding on electoral disputes:** preferably before any elected officer is sworn in to discourage the use of public funds by a party for litigation (equal and level playing ground for all parties involved).

Provisions should be made for affected individual candidates in an election to seek redress at the ECOWAS Court of Justice after exhausting the existing channels of justice in his/her country, if he/she is still not satisfied with the decisions.

**6. Developing electoral security management guidelines by ECOWAS:** this guide should be a collection of good practices on electoral security management (for example the case of Togo).

**7. Promotion of gender in the electoral processes:** ECOWAS could encourage all Member States to adopt in their legislation, the requirement for political parties to reserve a specific percentage (example 35% or more) to women on the lists of candidates for various elections.

## Conclusion

While one cannot really say that there is 'uhuru'<sup>6</sup> with elections in the ECOWAS states, to a certain extent the provisions in the supplementary protocol on democracy and good governance are domesticated and observed though in various forms depending on each country's context. There is room for constant improvement in the way elections are conducted and managed in the region. This paper dwelt mainly on those fundamental principles that are cross cutting in the member states with a view to strengthen and consolidate democracy West Africa. Transparent and participatory pre, during and post elections activities/processes in any given society provides the basis for security and development in such a society, hence transparent and credible voter register, the independence and professionalism of the electoral umpire are crucial to earn the trust of all stakeholders and acceptance of the outcome of the elections. Though the practice of "winner takes it all" and "money politics" has made it difficult in Africa for contestants to accept defeats at elections, if the process is transparent, election related conflicts will be reduced to the barest minimum and the contestants will be encouraged to easily accept results of any elections. The ECOWAS Court of Justice must be empowered to watch over the ECOWAS principles on elections, to ensure that they are not being observed in the breach. Perhaps free, fair and credible elections can tame the recent trend of military incursion in the region.

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6. Means 'Freedom' in Swahili

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## ECOWAS AND ELECTORAL VIOLENCE, SECURING ELECTIONS IN WEST AFRICA

By Ernest Fama Kamano, Sam Itodo, Doris Anne Medegan,  
Hajara Mohammed And Musa Shalangwa

### INTRODUCTION

Elections have come to be accepted as the legitimate means of transferring political power in democracies the world over. Although holding elections do not make governments democratic, but there is no denying that free and fair elections are cardinal to the establishment of democracy. This is so because elections do not only allow for “political competition, participation and legitimacy, but also permit peaceful change of power, thereby making it possible to assign accountability to those who govern<sup>7</sup>”. Through elections citizens exercise their rights by putting into office those 1 that will protect their interests as they take over the affairs of the state for a certain period of time and if they fail to do so satisfactorily, they are replaced at the next election. However, elections in Africa are gradually becoming sources of concern rather than avenues for political participation because of the violence that have come to be associated with them. Except for countries like South Africa, Mauritius and Ghana, elections in Africa have over the years been marred by various forms of violence like kidnapping, arson, assassinations, harassment and intimidation, ballot box snatching, repression, violent campaigns etc.

West Africa like the rest of the continent, have not fared any better in the area of electoral violence. Elections in Nigeria, Senegal, Guinea, Côte d'Ivoire and presently Mali, have degenerated into violence in the past. Election related violence has led to the loss of lives and properties, displacement of hundreds of thousands of people from their homes and means of livelihood, rekindled old rivalries and suspicions and have generally increased tension and suspicion between and within communities, ethnic and religious groups as well as political parties and opponents etc. There is no doubt, these portent great dangers to the growth and flourishing of democracy in the West African sub-region as well as the entire African continent. The questions to ask

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7. Omotola, S.(2008) Explaining electoral violence in Africa's 'new' democracies, a paper presented at the 27th Annual Conference of the Nigerian Political Science Association (NPSA), held at Benue State University, Makurdi, Benue State, Nigeria, November 2008.



here are who or what is responsible for the continuous and persistent increase in electoral violence in West Africa? Why have institutions responsible for prevention or management of election violence failed to do so effectively and finally, what new strategies can be adopted to curb this dangerous trend?

## Understanding Electoral Violence

Electoral violence can be referred to as any outbreak of violence, whether perceived or real, which disrupts the smooth running of the electoral process and causes fear or harm to those involved in the political process. This can occur at different stages in the electoral cycle, the period before when candidates go out to campaign and solicit for votes from the electorates, this can take the form of violent disruption of campaigns, refusal to allow opposition parties access to some area or grievous bodily harm to candidates or their supporters. Violence also occurs during the elections when armed youths assail perceived opposition strongholds during the election to frighten voters away, cart away ballot boxes or just generally prevent voting from taking place. Violence after the elections usually occurs when the results do not favour some candidates and their supporters or where there are allegations of fraud and corruption like it happened in Nigeria after the announcement of the presidential results in April 2011. It has also been defined as 'all forms of organized acts of threats-physical, psychological and structural- aimed at intimidating, harming blackmailing a political stakeholder before, during and after an election with a view to determining, delaying or otherwise influencing an electoral process'<sup>8</sup>.

Electoral violence has been described as a form of electoral fraud because it is mainly perpetrated to influence electoral outcomes<sup>9</sup>. Incumbents desperate to remain in power resort to using violence to remain in government and this unfortunately has been the case with most African countries. Political opposition seeking to wrest power from the party in government at all cost have also been known to abet electoral violence<sup>10</sup>.

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8. Albert (2007) in Omotola op.cit.

9. Lehoucq, F. (2003) Electoral fraud: Causes, types and consequences. *Annual Review of Political Science*, 6, pp. 233-256.

10. Omotola Op. Cit.

Election Management Bodies (EMBs) have also contributed to the rise in the occurrence of electoral violence. The conduct of some of the EMBs seen to be conniving with politicians to rig elections has brought to question the integrity of the whole electoral process. Failed or flawed elections superintended by some EMBs have therefore often caused electoral violence.

Another major source of election violence has been the area of election dispute adjudication. The legal regimes do not make adequate provisions for the discharge of election related disputes in the fastest manner. The cultures of abuse of incumbency influences, legal and constitutional bodies who are supposed to interpret the laws, rather misrepresent those electoral codes to favour incumbent governments. The undue delay in other systems to adjudicate and settle election related legal tussle has made violence a more attractive means of solving electoral disputes. These however are not the only causes of electoral violence because other issues like ethnicity, religion, but more importantly poverty and socioeconomic inequality caused by poor governance, to name a few, have also been acknowledged as veritable sources of electoral violence.

In our opinion, the hardship and frustration cause by the increasing incidence of poverty and socioeconomic inequality has made the impoverished people of West Africa easily susceptible to all forms negative mobilization at the slightest inducement, including electoral violence<sup>11</sup>. A cursory look at some of the economic indicators across the sub-region in the preceding years will give us a picture of just how bad the situation has been. With a per capita GDP of 527 USD averagely in 2004, economic growth in most West African State especially since 2003 has considerably slowed down and the growth of real GDP has shrunk to 3.4 in 2004 from 4.2 in 2003 which according to a 2005 Africa Development Bank report stands at 1.7 percent below the continental average<sup>12</sup>. In 2004, out of a group of 12 countries among the least performing in the world, nearly half (Benin, Guinea Mali, Liberia Niger) are from West Africa<sup>13</sup>. Also with regards to issues like food production every country in the

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11. Ibid

12. African Development Bank, African Development Report 2005, in Ndaïye, B. Conflicts and Crisis: Internal and International Dimensions, in Jaye, T. and Amadi, S. (eds) ECOWAS and the Dynamics of Conflict and Peace building, CODESRIA (nd).

13. United Nation Conference on Trade and Development (UNCTAD), The Least Developed Countries Report 2006 in Ndaïye Op. Cit.

region had a negative per capita production according to the World Bank<sup>14</sup> and over the 1990s, many of the West Africa states had the lowest percentage of their population with access to sanitation, safe water to drink or adequate health services with Mali, Sierra Leone, Liberia and Niger being the worst hit<sup>15</sup>. With youth unemployment and underemployment on the increase, no wonder the sub-region has continued to be a theatre of conflicts and violence which have had far reaching and devastating negative impact not only in the countries where the crises emanate, but also neighboring countries and the entire sub region. This explains why ECOWAS as a regional body had to get involved in the search for ways to curtail to the barest minimum, or prevent the occurrence of violence associated with elections in the sub-region.

### ECOWAS and its mechanism for Conflict Prevention, Management and Resolution

At the time of its establishment in 1975, the main objective of ECOWAS was the economic integration of its member's states. However, emerging issues around insecurity, conflict and political crises in the region forced the regional body to consider and integrate issues of security, conflict resolution and prevention as well as peace building among its objectives. Let us proceed to see what mechanism and how ECOWAS has used them to mitigate conflict and violence especially those associated with elections.

After the devastating war in Liberia which took place between 1990 and 1997 and other not so prominent conflicts in the sub region that the Heads of State and Government of ECOWAS in 1999 adopted the Protocol on the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security. According to the Protocol "the Assembly of heads of states shall be the highest decision making body on issues relating to conflict prevention, management and resolution, peacekeeping and security, humanitarian support, peace building, control of cross-border crime, proliferation of small arms as well as other issues covered by the provisions of the Mechanism<sup>16</sup>".

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14. World Bank, 2006 World Development Indicators in Ndaïye ibid.

15. Ibid.

16. Article 6 and 7 of Chapter II of the Protocol Relating to the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security.

This Mechanism also includes a sub-regional peace and security observation system known as “early warning system and this system is made up of an observation and monitoring system based at the headquarters of ECOWAS as well as monitoring and observation zones<sup>17</sup>. The purpose here is to gather information from these zonal offices to send to the observation and monitoring system in Abuja to aid the Department of Political Affairs, Peace and Security to anticipate, assess and respond appropriately to any potential crisis situation. These mechanisms have however been unable to achieve much due to what we see as excessive protection of so called “national sovereignty”. So in a bid to show determination in addressing specifically and more elaborately issues concerning elections, human rights and good governance, peace and stability within the region, ECOWAS established the “the Supplementary Protocol on Democracy and Good Governance” which was adopted by the Authority of Heads of State and Government in December, 2001 which is meant to complement that of December, 1999 on 'internal crisis prevention, democracy, good governance, rule of law and individual rights’.

The Protocol defines the constitutional principles common to all Member states of ECOWAS, including the separation of power between the executive, the legislature and the judiciary, accession to power through free, fair and transparent elections, zero tolerance for power obtained or maintained through unconstitutional means, guarantee of the freedom of the press, freedom of association and the right to meet and organize peaceful demonstration<sup>18</sup>. This is a far reaching improvement over the earlier mechanisms especially in the areas that guarantee human right and democratic principles. The Protocol also include sanctions that the Authority of Heads of State and Government can apply in cases where democracy is abruptly brought to an end by any means or where there is massive violation of human rights<sup>19</sup>. Such sanctions range from suspension of the country concerned from all governing bodies of ECOWAS, to refusal by the ECOWAS to support candidates presented by the country concerned for elective positions in international organizations and refusal to hold ECOWAS meetings in the country concerned.

With all these provision which all ECOWAS member countries are signatories to, one wonders why then the sanctions have not been effectively applied to countries where

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17. Chapter III of the Protocol.

18. Article 1 of the Supplementary Protocol.

19. Article 30 of the Supplementary Protocol.

the principles have been violated like in Niger in 2009, Côte d'Ivoire in 2010 and Senegal in 2011. We believe that two things come into play here; the first is the lack of the strategy to effectively implement the sanctions on the erring countries and secondly, perhaps more importantly, is the simple lack of political will to implement the sanctions as enumerated in the mechanisms and supplementary protocols as provided. This has in no small way encouraged impunity and brazen disregard to the protocols as offenders know that they will not get more than mere verbal condemnations for their actions or at worst some feeble rejection of their actions which will not affect them in any significant way. In Nigeria in 2007 and in Guinea in 2009, ECOWAS failed to muster the will to intervene and mitigate the crises in both countries. Rather what it exhibited was a clear lack of capacity to manage the crises.

So clearly, what needs to be done is to go beyond writing and signing Treaties and Protocols, but to begin to look for new and better ways of implementing the provisions, sanctions and general application of the policies agreed upon by all the members. Secondly, most of the citizens of the ECOWAS are ignorant of the Protocols and other policies which their countries are signatories to. We feel it will be good for the ECOWAS Commission to begin to distribute and popularize these documents so that people will know and begin to hold their government accountable for some of their actions. It will also be good for Election Management Bodies of the sub-region to be encouraged to establish a platform where they can share experiences and exchange knowledge on international best practices in election management. Finally, we believe that without the commitment and full cooperation of member countries, ECOWAS will be unable to achieve much in this regard. Member states have to be genuinely interested in pursuing and delivering good governance to their people. After all is said and done, the onus is on individual states and their respective government to lead the way towards genuine democratic governance with respect for human rights and dignity, rule of law, peaceful and credible elections that are devoid of manipulations and acceptance of electoral outcomes. Otherwise the entire sub-region will continue to wallow in deprivation, backwardness, crises and stagnation that majority of the countries find themselves in.

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## ELECTION AND INTERNATIONAL ASSISTANCE ACTORS

By Dramane DIARRA, Sansan-Claude HIEN, ADDO William Davies

### INTRODUCTION

International electoral assistance is an important factor in electoral processes in some countries like it happens in Africa, where external aid constitutes a substantial share of electoral budget. To better understand this issue, we should mention international electoral assistance in its context, its definition, its objectives, its forms, its achievements, challenges or difficulties. We will round up our presentation with some recommendations that will facilitate the achievement of international electoral assistance objectives.

### Background of the electoral assistance in West Africa

From the Latin "electio", election is a choice made by a suffrage (voting, approval) to which all persons entitled to vote are expected to participate. And in democracies, elections are the main route of access to power.

Democratic elections contribute to social peace and political stability which are indeed critical factors for better development. After independence, the party system prevailed in Africa in general and particularly in West Africa. The so called democratic elections did not appear until 1990, with the advent of multiparty. From then and to allow these elections to be conducted according to international norms and standards, international actors saw fit to support them through various forms of assistance.

### Definition of electoral assistance international players

Electoral assistance is defined as a financial, technical and / or material support to the electoral process by international institutions (governments, the UN system, regional and sub regional organisations, foundations, NGOs etc...), which are called international actors. They intervene most of time in countries in democratic transition or post-conflict situation.



## Forms of assistance

Electoral assistance is manifested through budget support, the services of experts in legal or technical, hardware data processing, election materials, the development of electoral management bodies, election observation, the deployment of security forces, etc...

## The objectives of the international electoral assistance

Through electoral assistance, international actors express their willingness to ensure transparency and credibility of the electoral process for a good democratic transition states and to contribute actively to the promotion, strengthening and consolidation of democracy in states which they operate. This is especially also a way for them to give these states the institutional capacity to organise ultimately and fairly their various elections and without periodic external support that affects their sovereignty and integrity. However, some international actors have, in fact, some hidden agendas while that intend to supporting or imposing one or more candidates, whose consequences can be disastrous for the state where the election is held.

International electoral assistance achievements

### Electoral assistance has helped African countries to achieve the following:

- To adhere to democratic principles;
- To acquire notions on democratic electoral process;
- To withstand the tremendous cost of elections;
- To make electoral processes relatively more credible;
- To promote the awakening of consciousness of the people;

## Difficulties and challenges of international electoral assistance

The assistance of international actors in the electoral process is facing many challenges, mainly the late implementation of various assistance programs, ignorance of local realities, and the will of direct intervention in some components of the process such as election observation.

It is also common to find that international actors are coming up with ambiguous ambitions by conditioning their help or input and without regard to the priorities of the recipient state. This brings considerably into question the sovereignty of the state receiving assistance, since its opinion on the real needs seems to be ignored.

Therefore, difficulties related to lack of cooperation based on mutual respect and considerations can arise.

Other challenges faced in the field of electoral assistance are the socio economic realities of the country. People living in socio economic conditions that require attention are easily drawn into malicious game by politicians who are often time guided by their personal interests instead of democratic ones. The deficiencies in the electoral lists, the lack of a real operational framework for exchange between the actors involved in the management of elections, the disparity in electoral administration systems and their responsibilities (ECOWAS), etc. The effectiveness of international assistance also suffers from its lack of coordination in many countries. One should also consider the scarcity of resources due to the economic and financial crisis the world is facing since some time, especially in developed countries.

## Recommendations

**To overcome all these difficulties, it would make sense to:**

- anticipate on election-related issues (availability of funds on time);
- develop training programs and awareness on the electoral process and democratic values for national stakeholders over several years before the election;
- provide assistance taking into account the realities and real needs of the state benefiting the support, which will help to ensure a good collaboration to achieve the objectives;
- strengthen the training of media practitioners who are also important actors in the electoral process, so they can effectively ensure the dissemination of information;
- focus on indirect intervention based on national or local groups, including CSOs;
- create permanent funding to support elections in each state;
- set up a package of election materials (ballot boxes, voting booths ...) by the regional institution that is ECOWAS, to make available to each state during election periods;
- strengthen the domestic election observation instead to the international one;
- provide special assistance to marginalised and vulnerable groups (women, youth, people with a handicap .
- encourage coordination of efforts of international actors or stakeholders;
- encourage the creation of platform of CSOs.

## Conclusion

Despite twenty years of democratic practice, the support of international actors is always essential to West African electoral processes. However, such assistance has limits due to several aspects that are both endogenous and exogenous as developed above (bad behavior of some local actors, institutional weakness of state actors and CSOs). In addition to the above limits, some solutions are proposed to allow, in long term, West Africa states to hold their elections without international assistance. This is essential in safeguarding the independence and sovereignty of those States.

## NOTES THE CONTRIBUTORS:



Dramane DIARRA is a Magistrate in the IV District of Bamako, Mali since 2011. He used to be an Investigating Magistrate and also a Trainer for election observers before then. He has trained Media observers, civil society activist and political parties for several past elections in Mali and has co-edited an election observation guide book to improve the work of non-partisan actors in electoral processes.



Sansan-Claude HIEN holds a Master degree in German language and is a civil society activist. He has been very active in training and assistance on human rights during the election crisis in Cote d'Ivoire in 2010. He is actually working as deputy coordinator at the Observatory for transitional justice in Cote d'Ivoire.



Addo William Davies holds a Master of Science in Accounting and is a Chartered and Certified Accountant, Member of ACCA. He is currently the Executive Secretary, National Electoral Commission, Sierra Leone (Apr 2010 to date). Director of Administration and Finance, National Electoral Commission, Sierra Leone (Feb 2008 to Mar 2012). Elections Administration – logistics, financing, monitoring, reporting and evaluation

## INDEPENDENCE OF ELECTORAL MANAGEMENT BODIES (EMBs), A PARADIGM FOR PEACEFUL ELECTIONS?

By Klenam NORMANYO, Mama COULIBALY, Prosper Yaw HOETU, Affoué Delphine NOEL,  
Mathias TANKOANO

### INTRODUCTION

Democracy comes with trains of institutions, processes, concepts and paradigms that form the pedal for its effective institutionalisation. The concept of election has been firmly grounded and embraced as a central pillar of the democratic process. Election among other things is a widely accepted process where the majority of the ruled choose the custodian into whose hand the power to manage the collective assets and interests of the people is entrusted. The central theme of any electioneering process is the competition for “power.” Power in this context assumes the 'zero-sum' concept - to gain power for one set of actors means that others must give up some power. (Vene Klasen and Miller 2002, p: 37). Not long after many African countries attained political independence in the late 1950s and early 1960s many of them regressed into a litany military dictatorship and civil conflicts. The 1990's saw the advent of multiparty democracy on the African continent. One tenet of multiparty democracy is participation that enables electorates to select their leader in a 'free and fair elections'. It has been said that the only credible election ever conducted in most African countries was the very first one, after which h the incumbent party extensively finds means to cling on to power while the opposition party also explore all avenues to gain power.

Recent elections in Cote d'Ivoire, Mali, Guinea, Burkina Faso to mention only a few led to serious disturbances that resulted in loss of lives, properties and peace. This has called for the need to thoroughly examine elections in general and election management bodies in particular within the West African sub region as well as the significant roles EMBs play in ensuring free, fair and credible elections.

It is believed that strong and independent Electoral Management Bodies (EMBs) is a panacea to the alarming violence and disturbances that have recently characterized elections in the sub region. This is not to say elections are the root cause of these violent conflicts. Rather, it provides the avenue for exhaling suppressed resentments and disappointments. Electoral Management Bodies play very critical roles in the management of elections in West Africa. The credibility of EMBs has far reaching

implications for the authenticity of elections. The concept of independence of EMBs implies that to some extent EMBs should be free from control from persons or groups of persons and that there should be mechanisms such as laws that guarantee their independence and adequate resource allocation to facilitate their work. This may be difficult to achieve. However, what is more critical is the freedom by EMBs to perform their duties effectively without fear or favour. The most essential issue to consider is that in the exercise of the functions and powers, EMBs must not be perceived as partial or bias towards any party in elections. When EMBs are credible and transparent in the performance of their duties, citizens will not doubt the outcomes of elections which in most cases precipitate violence.

The main argument of this paper is that ensuring the independence of EMBs is critical in ensuring the credibility of elections. Again, the paper suggests that the Economic Community of West African States (ECOWAS) as a regional body has a major role to play in shaping electoral reforms and helping guarantee the independence of EMBs in the sub region.

Section one examines the electoral bodies in the sub-region. It takes into account their composition, functions and the legal frame work that brought them into existence. Section two also provides a comparative analysis of the various Electoral Management Bodies and their practices with the view of knowing the strengths, weaknesses, and challenges of the various systems. Section three looks at the role of ECOWAS and recommends how it can play more active and purposeful roles to ensure the independence of EMBs thereby helping to guarantee free, fair and credible elections. It will end with a conclusion/summary of the findings.

## Methodology

This is a comparative study that seeks to review the nature and operations and practices of existing EMBs with the view of recommending best practices worth emulating in the sub-region. For the purpose of this work, greater portion of materials is drawn from secondary sources. These include works of experts; publications materials from meetings among others. Also, reflection of experiences of young experts who are actively involved in the Electoral Management process in their various countries will be taken into account to further enrich this paper.

Reflective practice as a method of inquiry creates an opportunity for learning valuable lesson from new experience that one can easily gloss over. According to David Boud, learning is always grounded in prior experience and any attempt to promote new learning must take into account that experience. It is also a way of expressing and exploring our own and others experience; crafting and shaping them to help us understand and develop.

### **Electoral management bodies: trends in West Africa**

Credible elections by EMBs confer legitimacy on elected officials, reposes voters trust in the electoral process, promote social cohesion and attract international recognition. This can be achieved first if we have EMBs that are credible with the right capacity and adequate resources to perform their duties effectively. EMBs must not be seen as partial or subject to the control of any person or groups of persons. In cases where other stakeholders such as political parties distrust the work of the EMBs it results in rejection of the outcome of elections and in some cases plunges nations into chaos like the case of Cote d'Ivoire. Therefore, in this journey of democratization a lot has to be done to ensure the independence of the EMBs to facilitate their work. The independence of EMBs can be guaranteed in several ways and this is manifested differently across countries within the sub-region. It begins with the legislative framework within which the EMBs operate. This among other things include the appointment and removal processes of members of the EMBs, their functions, financing the activities of the EMBs, security of tenure of members as well as their prerogatives and immunities. Whereas some EMBs in West Africa are permanent institutions established to conduct and supervise elections, others are temporary in which case they are constituted before elections and dissolved soon after the elections.

Generally, the appointment of members of EMBs involves either the deliberate exclusion of political party interests or the consideration of political party representation. In Burkina Faso, other interest groups apart from the political party in majority and minority also nominate representatives. These include civil society organizations, religious and traditional bodies. In Nigeria, members of the Independent National Commission (INEC) are supposed to be non-partisan. In other words, they must have proven records of not belonging to any political party. In the cases of Benin, Guinea Conakry, Mali, Nigeria and Burkina Faso members of the EMBs

are absolutely from civil society. In Togo however, it is the reverse, through the comprehensive political agreement, there is a deliberate representation of political parties on the EMB.

Membership of EMBs varies from 5 members in the case of Cape Verde and Liberia to as many as 38 members as in Niger.

In many countries, the Head of State appoints members of the EMB. However, there are legal restrictions on the powers of the president in order not to make it absolute. This is common in Anglophone countries such as Senegal, Gambia, Ghana, Nigeria, Sierra Leone and Liberia. In Liberia, members are appointed by the president subject to the approval of Senate and final acceptance by the president. Like it happened in Nigeria, Senate may reject nominations in which case the president may have to appoint different persons. In these cases, the president does the appointment in consultation with other institutions. In the case of Ghana, the President appoints members of the Electoral Commission in consultation with the Council of State. Cape Verde and Guinea Bissau have strengthened the role of Parliament in the appointment process. There are checks and balances in the appointment process of members of EMBs by the restrictions placed on the president and the National Assembly. In Cape Verde, members the National Electoral Commission are elected by Parliament through secret ballot. This gives the Commission some confidence as commissioners are elected by members of the National Assembly across the political divide.

Qualifications for members of the EMBs also vary from one country to another. Generally, members of EMBs are required to possess qualities such as integrity, persons of high moral standing in the society, and they must have demonstrated some level of neutrality and impartiality. These are conditions common to countries such as Nigeria, Benin and Guinea Conakry.

Members with criminal records or those who have been convicted by law courts are prohibited from being appointed as members of EMBs. In Ghana and Cote d'Ivoire, prospective members of the EMB must have complied with tax regulations.

An important qualification in Ghana is that members of the Electoral Commission must satisfy the requirements of Members of Parliament. In Cote d'Ivoire the ability to

read and write also constitutes criteria for qualification. In some cases there are also age limitations.

Among the above qualifications, the personality of the individuals is critical in building trust and confidence in the electoral process. Persons who are widely known to be partial and fraudulent may not be trusted and this can create suspicion among the electorate and jeopardize the credibility of the activities of the EMB.

### **An analysis of the legal framework within which the EMBs operate**

The adequacy of legal instruments in addressing issues of composition and removal of members of EMBs is important in guaranteeing the independence of EMBs and enhancing the performance of their duties. The lacuna created by some of the legal instruments turn out to be the source of confusion and they may be exploited by people to create chaos. A typical example was the case of Benin where the Chairman of the Electoral Commission was dismissed a few days before elections in April 2007. In Benin, Niger and Mali EMBs are only constituted prior to elections and stand dissolved after elections. Benin however has an administrative body that is permanent in nature and supports the Commission in its work. Mali's INEC is however constituted before elections and dissolved after elections and it has no administrative structure. The above practice may save cost in terms of maintaining a Commission throughout non-election years. However, it does not give room for proper institutional memory and effective use of lessons learned to help the electoral process become more efficient and to ensure continuity.

Nigeria's INEC has a five year term which is renewable once. In Liberia, the EMB has a seven year term which is non-renewable. However, in the case of Ghana, no specific duration is assigned. The Chairman's tenure of office is conterminous with the retirement age of an Appeals Court Judge (70 years) whereas the terms of the two deputies are aligned with that of a High Court Judge (65 years), other members therefore retire at the age of 60.

Termination of mandate of members of the EMB in Cote d'Ivoire relates to the physical or mental incapacity of members. In Guinea Bissau and Cape Verde, members of the EMB cannot be sacked. Members also enjoy some immunity from law suit apart from cases of official misconduct.



In Anglophone countries generally, there are elaborate provisions that guide termination of membership of EMBs. Sierra Leone and the Gambia, the president may dismiss members of the EMB on stated grounds whereas in Ghana once the president appoints he has no power to dismiss. Dismissal of members goes through a judicial process before the president exercises a final authority of dismissal. In Nigeria, the President has the power to fire only with the approval of two-thirds of Senate members. In Senegal, termination of membership occurs due to physical or mental disability or resignation.

Much as it is important to protect members of EMBs against arbitrary dismissal in order to guarantee their independence, there's the need to create room for removal from office either through stated misconduct, death, resignation, mental or physical incapacity.

### Functions of election management bodies

The primary functions of EMBs generally include: the compilation and revision of voters' register (list), voter education, the actual organisation of elections and in some cases resolving some electoral disputes. Some also recruit and train their staff. Other EMBs have the function of registering and monitoring the activities of political parties. It appears however that many EMBs are overwhelmed with functions that have been assigned them by law. In Nigeria and Ghana, EMBs appear to be weak in the monitoring of the activities of political parties such registration and enforcement of electoral laws with respect to financial accountability. The issue of prosecution of electoral offences remains a major concern. In Ghana the Electoral Commission does not have the power to prosecute but rather hand over offenders to the police. In Nigeria, where INEC has some prosecutorial functions, they are so overwhelmed with cases such that they are unable to prosecute electoral offenders. There have therefore been calls to assign such functions to other institutions. Alternatively, the capacities of EMBs can be enhanced and legal departments may be created to handle such responsibilities.

Making elections more transparent through the establishment of EMBs is a key democratic achievement at least in principle. However, the power to these bodies will further enhance their independence and autonomy. These powers also vary from one country to another. Whereas it is fairly strong in some cases, in others it is very weak.

## The role of the ECOWAS

ECOWAS believes in the strict adherence to democratic principles and has a policy of zero tolerance of power obtained or maintained by unconstitutional means. The Supplementary Protocol on Democracy and Good Governance makes elaborate provisions on elections within the sub-region.

ECOWAS supports the principle of the independence and neutrality of EMBs such that all political parties shall have confidence in the EMBs.

ECOWAS therefore in tandem with the Supplementary Protocol on Democracy and Good Governance has provides assistance to Member States in the conduct of elections at their request. ECOWAS has also undertaken election monitoring and observation over the years.

In recent times there have been efforts to bring EMBs within the sub-region together. This initiative is a laudable one for all intends and purposes. Such a platform will provide for effective peer review and sharing of ideas and best practices.

This platform will provide opportunity for technical assistance and exchanges among Member States. A practical demonstration of this is the possibility of Member States assisting each other with electoral materials. The following are recommendations on how ECOWAS can enhance its influence in strengthening electoral processes within the sub-region.

### Standardization/Harmonization of Electoral Practices

Democracy has come to stay hence the priority of ECOWAS should be the consolidation of democracy in West Africa. To achieve this, it must strengthen the network of Electoral Management Bodies to achieve harmonization of the structures and principles of management of elections. Thus, ECOWAS through the central election commission should deal with the disparities in electoral practices in the sub-region. This would be done by actively facilitating and creating the platform to standardize electoral practices by adopting good practices while taking into account the uniqueness of each State.

### Support for EMBs

ECOWAS should also enhance its support to EMBs of Members States. This support may come in several ways which include but not limited to capacity building and training, creation of a Central pool where resources can be shared among members to reduce cost.

ECOWAS should endeavour to be proactive with their diplomatic intervention and lobby States to adopt best practices, monitor and move quickly to trouble States to water down tensions arising from elections.

### Monitoring the Independence of EMBs

To ensure the independence and autonomy of the EMBs, ECOWAS should take action against the internal influences that act negatively on the functioning of EMBs and their performance. The EMBs must have administrative autonomy, have their own offices and services, and receive useful information or assistance from governments to perform their duties effectively. EMBs must be financially independent to avoid undue influence and inefficiency caused by the denial of funding. The desire for independence of members of EMBs, its chairman, must be able to apply the full extent of the electoral laws and to resist negative influences from any person or political party.

### The role of development partners

Development partners have been instrumental in their support to EMBs within the sub-region by providing both technical and financial support. These forms of support should be enhanced such that EMBs will be more efficient and independent in the performance of their duties.

### The role of civil society

Civil society organisations (CSOs) remain a key factor in monitoring the activities of EMBs and undertaking research and advocacy for reforms. The role of CSOs in the electoral process must be enhanced to ensure effective reforms of EMBs and electoral practises.

### General recommendation to strengthen EMBs

The study of the existing EMBs brought out some strength, weaknesses and challenges, the one key recommendation that should be considered is the

development and implementation of National Strategic Plan that can comprehensively determine their key needs and priorities and systematically collaborate with other stakeholders to implement the plan to strengthen the EMBs.

## Conclusion

In view of the above discussion there is no doubt that the Independence of the EMBs is key to free, fair and credible elections towards consolidation of democracy in West Africa. It is therefore critical to adopt the following measures.

### The appointment of members

The appointment of members of EMBs must be based on integrity and competence of the individuals. The appointees should rise above reproach to ensure the neutrality and professionalism of electoral commissions. Based on the country's peculiarity the best and less controversial means that gives credence and enhance the neutrality of the EMBs, should be adopted in the selection process. Example is the trickle down effect observed in Nigeria's 2011 election. The appointment of credible nonpartisan personality to man the election made the elections the most credible and highly praised by most Nigerians.

### The ability to withstand pressures

Competence alone is not always sufficient. The commission should be strong enough to withstand pressures to change its neutral position or manipulate the process in favour of one group. Acting independently and coping interferences further improves its credibility. It would be useful to ensure the EMBs powers and mandates and limits are clearly spelt in the constitution as in the case in Ghana.

### Standing Electoral Management Bodies

The advantages of having a standing commission are numerous. The commission retains vital lessons and experiences gained which could be leverage to better improve subsequent elections. Furthermore with experience comes efficiency and familiarity, good management practices which will reduce the high cost associated with elections greatly. Also, it reduces the incidence of appointing puppets to serve the short term needs of politicians, casting dust on the credibility of the electoral process. It also gives confidence to discharge their duties without fear or favour. An example is the commendable performance of the Electoral Commissioner of Ghana

in the 2008 elections. His rich experience contributed largely to averting possible social breakdown during the heat of the election.

### **The Independence of Electoral Commissions**

The legal framework setting up the commission should focus on creating an independent commission. The independence must be guaranteed by the founding documents. The commission must have administrative autonomy, have its own offices and services, and receive useful information or assistance from the state in line with lay down procedures. Thus practices of having the Minister of Interior or Land, who are political appointees manage elections is a recipe for disaster as has been in the case of Burkina Faso, Mali, Benin etc. This makes the EMBs subservient to the powers that appoint eroding any image of independence or autonomy, which reassures stakeholders of a level playing field in the political game. It means autonomy against all forms of influence or interference of power, political parties, and money power. The framework should also make room for Civil Society Organisations to demand accountability of the EMBs. These checks will create balance in autonomous EMBs.

### **Responsible Stakeholders and Building Strong Institutions**

The organisation of genuinely democratic elections depends on the political will of all actors on the political stage. All stakeholders have the primary responsibility to create an environment and a climate conducive to transparent and credible elections. It is up to leaders and board members to assume responsibility and courageously carryout this important mission and lays the foundations of modern democratic nations, where elections are no longer opportunities to fratricidal wars blocking the democratization process and development and mortgaging the future of the States. The presence of strong institutions and structures that outlive an individual will go a long way in aiding the autonomy of EMBs. All legal, financial and material needed to ensure the independence and credibility of the electoral commissions cannot replace the real desire for independence which depends primarily on members of the commission, and its first president, who must be able to apply the full extent of the electoral law and to resist forces.

## NOTES THE CONTRIBUTORS:



**Klenam NORMANYO** is a development practitioner in the Non Profit sector, her expertise is in Resource Mobilization for Non Profit Organization, Monitoring and Evaluation, Communication and Facilitation. She holds a Masters degree in Development Studies from Institute of Development Studies, University of Sussex, UK in 2011 and a B.A (Hons) Information Studies and Swahili at University of Ghana, Legon in 2007. She holds a MA in Development Studies from the Institute Of Development Studies, Brighton, U.K. she is currently the Research and Communication Director, Read Ghana



**Mama COULIBALY:** Mama is from Mali She holds a MA in law schools in Bamako. She is an active member of the PARENA political party in Mali and has been representing the youth wing of the party in several meetings.



**Prosper Yaw HOETU:** Prosper is from Ghana B.A Sociology. Executive director Youth Network for Human Rights & Democracy (you-net) and has 'Mainstreaming Youth, the Key to Effective Youth Development in Ghana' Parliamentary Briefing Paper published by Friedrich-Ebert-Stiftung, May, 2011



**Affoué Delphine NOEL:** Delphine is from Cote d'Ivoire. She is a civil society activist working on gender and social development. She is also very active in the **PDCI** party where she was the Women leader in Cocody District Council, Abidjan in 2008 before being counsellor in the same District.



**Mathias TANKOANO:** Mathias is from Burkina Faso Magistrat, Directeur des Affaires Sociales et de la Réinsertion du ministère de la Justice. Expert Electoral (opérations électorales, logistique, contentieux, formation, monitoring, reporting, etc.). Administrateur d'Election,.

Has done several election observation in many african countries. Also member of the Burkina electoral commission since 2011.



Group Photograph of Get to Know 2012



Participant visit to Ecowas parliament





**Get to know the ECOWAS: Training Programme 2011**

Exploring **ECOWAS** approaches on Regional Transborder Security Threats in the Region".



**Venue:** ECOWAS, Abuja, Nigeria

**Dates:** 28th June to 5th July 2011

**Programme:**

Tuesday, 28th June 2011

### I. Opening and Introduction to the programme

9.00-12.30 Book Launch: The Jos crisis: A recurrent Nigerian Tragedy, by Adam Higazi, Author. Valencia Hotel (Organized by FES Nigeria)

12.30-14.00 Lunch break

14.00-15.30 Welcome address

- Welcome Address by Sebastian Sperling, FES Abuja
- Presentation of programme and participants
- Junior Experts' perspectives on ECOWAS vs. transnational crime

FES Abuja Conference Hall

15.30-18.00 Break

18.00-20.00 Book Launch: Who owns the Sahara? Old Conflicts, New Menaces: Mali and the Central Sahara between the Tuareg, Al Qaida and Organized Crime, by Annette Lohmann, FES Mali Country Director

FES Abuja Conference Hall

Wednesday, 29th June 2011

### 9.00-17.00 II. Visit ECOWAS COMMISSION

9.00-10.30 Overview on Transnational crime: scope, initiatives and challenges in West Africa by Simon Asoba, FES Abuja

10.30-11 ECOWAS Commission, Asokoro, Committee Room 155  
Tea break

- 11.00-12.30
- Introduction to the Commission's administrative structure by Mr Henry Nwagboso, ECOWAS Library and Documentation
  - Guided tour of the ECOWAS Commission, Asokoro
  - Visit to the ECOWAS Library
- 12.30-14.00 Lunch break
- 14.00-17.00 Visit to the ECOWAS Early warning System, Presentation by Mrs. Florence Iheme, Director  
Early Warning Situation Room, Asokoro
- 16.30 Tea break

### Thursday, 30th June 2011

- 9.00-10.30 Presentation: Immigration, porous borders and civilian protection by Mrs. Ijeoma Nwodo & Mr Pietro Mona, Expert and Technical Advisor  
Directorate of Free Movement of Persons and Tourism  
ECOWAS Commission, Asokoro, Committee Room 155
- 10.30-11.00 Tea break
- 11.00-12.00 Presentation: Drug trafficking in West Africa, ECOWAS Responses by Dr Sintiki Tarfa Ugbe, Director, Directorate of Gender and Child Development, Youth/Sport, Civil Society, Employment and Drug Control  
ECOWAS Commission, Asokoro, Committee Room
- 155 12.00-13.30 Lunch break

### III. INTERNATIONAL ASSISTANCE IN COMBATting TRANSNATIONAL CRIME IN WEST AFRICA

- 14.00-17.00 International Assistance in combating transnational crime in the ECOWAS region
- Presentation by US Embassy in Nigeria
  - Presentation by Mrs. Mumbi Njau, Coordinator, Anti-TIP & SOM, UNODC
  - Presentation FES Regional Security Policy Project by Sebastian Sperling
- FES Abuja Conference Hall
- 16.00 Tea break

Friday 1st July 2011

#### IV. Visit to ECOWAS' INSTITUTIONS

9.00-12.30	ECOWAS Parliament: Presentation by Mr. M'pe Traore Moussa, Ag. Secretary General, The potential role of the Parliament in managing crisis in the region
11.00	Tea break
12.30-14.00	Lunch break
15.00-17.30	ECOWAS Court of Justice: Presentation by Dr Daouda Fall, Expert and Analyst at the Court.
16.00	Tea break

#### Saturday 2nd July 2011

9.00-14.00	<ul style="list-style-type: none"> <li>- Exchange on Junior Expert Perspectives</li> <li>- Experience sharing: Participants (or their organisation)'s experience on transborder crime at national level</li> </ul> FES Abuja Conference Hall
14.00-17.00	Touring Abuja City and environs

#### Monday 4th July 2011

9.00-10.30	Attendance to the 10th Anniversary of the ECOWAS Court of Justice, ECOWAS Commission Auditorium, Asokoro
10.30-11.00	Tea break
11.00-13.30	Availability and accessibility of SALW in West Africa: implication for transborder insecurity by Dr Cyriaque Agnekethom, Director Small Arms Division ECOWAS Commission, Asokoro, Committee Room 155
14.00-15.30	Lunch
15.30-18.30	Department of Political Affairs, Peace and Security DPPAS Presentation: Regional strategies and responses to transnational crime. <ul style="list-style-type: none"> <li>- Security responses, By Lt-Col. Abdourahmane Dieng, Director, Security Division</li> <li>- Political responses, By Dr Franck Afanyankossou, PPO, Political Affairs Directorate</li> <li>- Courtesy Visit Gen. Mahamane Toure, Commissioner of the Department of Political Affairs, Peace and Security DPPAS</li> </ul> ECOWAS Commission, Asokoro, Committee Room 155
16.30	Tea break
19.00-21.00	Closure dinner

Tuesday 5th July 2011

## V. Visit to Training Center

9.00-12.30	<p>Visit to National Defence College-NDC (Ecowas Center of Excellence)</p> <ul style="list-style-type: none"> <li>- Presentation: Organized crime and regional responses: Role of civilian actors by Dr I. Zabadi, Dean CSRS-NDC and WANSSED Executive Board Member</li> <li>- Guided tour of NDC</li> </ul>
12.30-14.00	Lunch break
14.00-17.00	<p>Wrap up of Programme</p> <ul style="list-style-type: none"> <li>- Feed back on Perspectives from Junior Expert</li> <li>- Discussion on Essays for Publication and follow up of the programme</li> <li>- Evaluation</li> </ul> <p>FES Conference Hall</p>
16.00-17.00	Tea break and Closure

**Get to know the ECOWAS'' Training Programme 2012**

'Regional approaches to improving Electoral processes in West Africa'.



**Venue:** ECOWAS, Abuja, Nigeria

**Dates:** 13th – 22nd June 2012

**Programme:**

### Wednesday, 13th June 2012

	I. Opening and Introduction to the programme
9.00-12.30	- Welcome Address by Felix Henkel, FES Abuja - Presentation of programme and participants - Forming working groups on specific thematic area
	FES Abuja Conference Hall
12.30-14.00	Lunch break
14.00-17.00	ECOWAS Commission (Administration & Library)
	<ul style="list-style-type: none"> <li>• Introduction to the Commission's administrative structure</li> <li>• ECOWAS Library and Documentation by Mr. Joseph Aipri AHOPA, PO, Human Resources Operations</li> <li>• Visit of the ECOWAS Library and main divisions and offices</li> </ul>
	ECOWAS Commission Assokoro

### Thursday, 14th June 2012

9.00-11.00	Overview on Electoral Systems in multiethnic societies and challenges towards democratic principles: Any typical African model? by Mr. Francis Madugu, PO, National Democratic Institute (NDI)
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Committee Room 155 – ECOWAS Commission

- 11.00-12.30      Group Work on thematic area
- 13.00-14.30      Lunch break
- 14.00-17.00      The ECOWAS Electoral Assistance Unit: Roles and Initiatives in election management and observation in West Africa by Mr. Barou Luther, ECOWAS Electoral Assistance Unit and Mr. Eyessan Okorodudu, PPO, Democracy and Good Governance, Directorate of Political Affairs
- Committee Room 155 – ECOWAS Commission

### Friday, 15th June 2012

- 10.30-12.30      ECOWAS Parliament (Attending ECOWAS Parliament Extraordinary Session) ECOWAS Parliament, Garki International Conference Center, Abuja
- 12.30-14.00      Lunck break
- 14.00-17.00      Group Work on thematic area Committee Room 155 – ECOWAS Commission

### Saturday, 16th June 2012

- 09.00-14.00      Abuja tour

### Monday, 18th June 2012

- 09.00-12.30      The use of technology in election management: opportunities and risks in West Africa by Mr. Seray M. JAH, Senior Election Operations Manager and Mr. Jide OJO, PO, International Foundation for Electoral Systems (IFES)
- Committee Room 155 – ECOWAS Commission

- 12.30-14.00 Lunch break
- 14.00-17.00 International Assistance to electoral processes: funding and crisis management by Mr. Bodurin Adebo, PO, UNDP/Democratic Governance for Development Project Committee Room 155 – ECOWAS Commission

### Tuesday, 19th June 2012

- 9.00-12.30 Group Work on thematic area  
Committee Room 155 – ECOWAS Commission
- 12.30-14.00 Lunch break
- 14.00-17.00 Election Management Bodies, paradigm for elections? The Nigerian experience by Prof. 'Lai Olurode, Nigeria INEC Commissioner  
Committee Room 155 – ECOWAS Commission

### Wednesday, 20th June 2012

- 9.00-11.00 Group Work on thematic area  
Committee Room 155 – ECOWAS Commission
- 12.30-14.00 Lunch break
- 14.00-17.00 ECOWAS Court of Justice, ECOWAS procedures towards election disputes  
ECOWAS Court of Justice, Wuse II

### Thursday, 21th June 2012

- 9.00-12.30 Visit to Nigeria INEC  
Courtesy visit to the Chairman, Prof. Attahiru Jega INEC Nigeria, Maitama
- 12.30-14.00 Lunch break
- 14.00-17.00 Security forces and Election management: Challenges and perspectives
- 19.00 Dinner (Albacha Restaurant)



## Friday, 22th June 2012

- 09.00-12.00      Wrap up of Programme
- Feed back on Perspectives from Junior Experts
  - Discussion on Essays for Publication and follow up of the programme
  - Evaluation
  - Closure

FES Conference Hall

## **REGIONAL APPROACHES TO IMPROVING SECURITY POLICY AND ELECTORAL PROCESSES IN WEST AFRICA**

As a combination of two generations of trainees who are looking at two different angles of the issues related to regional stability, this volume highlights the various initiatives of the ECOWAS in the regional integration process. It also focuses on its efforts and various responses to threats and improvement of electoral processes in West Africa. This volume is the second publication in a series, which began in 2010 following a joint initiative of ECOWAS and the Friedrich-Ebert-Stiftung (FES) to get the regional young brains (juniors experts, activists...) to the better know and learn on the regional body through a full two weeks working visit in its premises.

With the hope that the ideas of these young experts here will revive the questions and provide some answers to security challenges the regional institution is facing.

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