
MEDIATING PEACE IN AFRICA: PERSPECTIVES FROM THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES

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Abstract

The Economic Community of West African States (ECOWAS) Commission established its Mediation Facilitation Division (MFD) in June 2015 within the Directorate of Political Affairs (DPA). This article examines the rationale and factors that underpin its establishment as well as the mandate, scope of operation, experiences and challenges in the utilisation of the structure. While acknowledging remarkable success, the gaps that have been observed are insufficient integrated planning, weak coordination and spontaneity of interventions. It concludes by arguing that more resounding achievements could be attained in preventive diplomacy and peace mediation processes undertaken by the organisation if the identified gaps were to be creatively and decisively addressed.

Introduction

The Economic Community of West African States (ECOWAS) was established on 28 May 1975 through the Treaty of Lagos, as a regional economic group with the mandate of promoting economic integration among its member states. The Treaty was revised in 1993 and consequently regional security was inserted “to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region” (Article 58), as part of an institutionalised response to the civil conflicts in some of its member states in the late 1980s and early 1990s. This was followed up with the development and adoption of the 1999 Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security; the 2001 supplementary Protocol

on Democracy and Good Governance¹ and the 2008 ECOWAS Conflict Prevention Framework (ECPF). Specifically, the ECPF states the objective of preventive diplomacy to “diffuse tensions and ensure the peaceful resolution of disputes within and between Member States by means of good offices, mediation, conciliation and facilitation based on dialogue, negotiation and arbitration” (ECOWAS 2008:24). This chapter attempts to examine and analyse the knowledge, experiences, challenges and lessons learnt in backstopping mediation interventions following seven years of the existence of the mediation support structure (MSS)² and suggests recommendation(s) to further strengthen its utility and value to peace-making in the ECOWAS region.

Rationale and Mandate of the ECOWAS MSS

Though established in 1975, the first legal and normative instruments in which the concept of mediation as a tool for conflict prevention, resolution and management was first encapsulated was the Revised ECOWAS Treaty of 1993. Under the provisions of Article 58 of the said Treaty, member states of ECOWAS are urged to “undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region” (ECOWAS 1993). To this end, member states shall “co-operate with the community in establishing and strengthening appropriate mechanisms for the timely prevention and resolution of intra-state and inter-state conflicts”, paying particular attention to the need to

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- 1 Unsuccessful efforts have been made to revise the 2001 supplementary Protocol on Democracy and Good Governance following the recent wave of military incursions into the political governance space in the region, notably in Mali, Guinea and Burkina Faso on 18 August 2020, 5 September 2021 and 24 January 2022 respectively.
 - 2 It is important to note that an earlier version that gave account of the setting up of mediation support structure within ECOWAS was written in 2016, just after one year of the establishment of the structure. Though information in the said article has remained relevant, this work provides an opportunity to update the information contained in the article, especially the reference to the MSS as a Directorate which has now been restructured to a Unit following an institutional reform at the Commission. See Odigie, B. (2016), “The Institutionalisation of Mediation Support within the ECOWAS Commission” The African Centre for the Constructive Resolution of Disputes (ACCORD), *Policy and Practice Brief*, 42, Durban South Africa.

“employ, where appropriate, good offices, conciliation, mediation and other methods of peaceful settlement of disputes.”

From these initial provisions, ECOWAS proceeded to develop a more comprehensive normative instrument for conflict prevention, management, resolution, peacekeeping and security, commonly referred to as the “1999 Mechanism.” Among other objectives, this mechanism aims to “implement the relevant provisions of Article 58 of the Revised Treaty” and “promote close cooperation between ECOWAS Member States in the areas of preventive diplomacy and peace-keeping” (ECOWAS 1999:8). The institutions saddled with the responsibilities of preventive diplomacy and mediation by the Mechanism included the Authority of Heads of State and Government, (the highest decision-making body of ECOWAS), the Mediation and Security Council (MSC) which operates at both ministerial and ambassadorial levels, the Executive Secretariat, which has now been transformed to the ECOWAS Commission, headed by the president of the Commission. The Mechanism equally established the Council of Elders – now the Council of the Wise (CoW) – as a supporting organ for preventive diplomacy and mediation. By its design, the CoW is a council of eminent personalities, assembled by the president of the ECOWAS Commission, who uses their good offices and experience to play the role of mediators, conciliators and facilitators, especially at the early stages of conflict³ There are also the offices of the Special or Resident Representatives of the President of the ECOWAS Commission in Member States, which by virtue of the responsibilities assigned to it by Article 32 of the Mechanism,

3 Article 20 of the 1999 Protocol states that the Executive Secretary (now President of the ECOWAS Commission) shall compile annually a list of eminent personalities, to comprise persons from various segments of society, including women, political, traditional and religious leaders. The list shall be approved by the Mediation and Security Council at the level of the Heads of State and Government. From the list, the President of the Commission can assemble eminent personalities to constitute the Council of the Wise (CoW), who will normally be requested to deal with a given conflict situation and report back to the President of the Commission. From an active engagement in 2010, especially in respect of the active role they play in Niger in 2010, the CoW became moribund in 2015 when MFD was established. However, efforts were taken to resuscitate the Council with the development and adoption in 2016 of a Statute that strategically defined its mandate and functions, and in 2021, new Council members were constituted under the Chairmanship of H.E. Goodluck Ebele Jonathan, former President of the Federal Republic of Nigeria.

undertakes preventive diplomacy and mediation functions on behalf of the President of the Commission.⁴ Together with Headquarters staff, the offices backstop mediators, facilitators and special envoys deployed by ECOWAS Authorities to Member States.

The rationale for the establishment of a mediation facilitation structure within ECOWAS could be said to have taken root in the uniqueness of ECOWAS experiences in peace processes starting with the political conflicts and instabilities that engulfed some of its member states in the 1990s up until the Malian crisis of 2012. The lessons learnt, including gaps identified in the mediation processes for the resolution of these numerous conflicts, were to inform the establishment of the Mediation Facilitation Division in 2015 (Odigie 2016). Importantly, the organisation's After-Action Reviews (AARs) of its 2012 interventions in Mali indicated that "aspects of extant ECOWAS Community Instruments were compromised by some processes and agreements entered into in Mali due to the absence of a resourced mediation support facility at the ECOWAS Commission, as well as the weak link between the ECOWAS Mediators and the Commission" (ECOWAS 2013:22). The report had equally noted "the marginalisation of the ECOWAS Commission in the mediation process, leading to inconsistencies with ECOWAS normative frameworks and hitches in the implementation of the 6 April 2012 Framework Agreement between the ECOWAS Mediator and the Committee for Recovering Democracy and Restoring the State (CNRDRE)" (ECOWAS 2013:20). The existence of a well-resourced MSS was therefore envisaged by ECOWAS Authorities to facilitate, guide and backstop its mediation efforts in order to avoid mistakes in subsequent interventions.

The Needs Assessment report for establishing the ECOWAS MSS identified its mandate to include the "support, coordination, and

4 The offices of Special Representatives were provided for in the 1999 Protocol to coordinate Peace Support Operations, political and diplomatic activities in post-conflict Member States. However, in 2014, by Decision A/DEC.9/03/2014, ECOWAS established the offices of Permanent Representatives in all member states with mandates broader than that of the Special Representatives, including development initiatives and regional integration agenda. Furthermore, in 2016, through Regulation C/REG/20/12/16, Permanent Representatives were designated Resident Representatives.

monitoring of mediation efforts by ECOWAS Institutions and Organs, by Member States and non-State actors, and by joint initiatives” (ECOWAS 2012:7). To achieve the aforementioned mandate, the Commission was to ensure a mediation facilitation capacity to promote preventive diplomacy in the region through competence and skills enhancement of mediators, information sharing and logistical support; build a database of potential mediators and resources in the region and beyond; facilitate capacity enhancement of relevant institutions of the Community, state and civil society institutions within the region to undertake mediation, conciliation and arbitration within and between Member States” (ECOWAS 2012:7)⁵.

In a nutshell, the mandate and scope of the ECOWAS MSS include operations and logistic support for preventive diplomacy and mediation processes, which among others, include the provision of information, guidance notes, analysis and intervention strategy for designated mediators, special envoys and facilitators; facilitation, documentation and dissemination of knowledge on mediation and peace processes, including conducting AAR exercises and capacity building to enhance competences and skills on dialogue, mediation, negotiation and other peacemaking thematic areas, including facilitating seminars and exchange programmes, for mediation resources. These various components were thoughtfully designed and institutionalised to ensure a transition from an *ad hoc* to a well-structured and functional mediation support. It is therefore pertinent to assess how the ECOWAS MSS has fared in the years following its establishment in 2015 to draw lessons that might be useful for its continuous utilisation and relevance.

Supporting preventive diplomacy, dialogue and mediation processes

The 2008 ECOWAS Conflict Prevention Frameworks (ECPF) urges Member States of ECOWAS to “cooperate with and facilitate the work of fact-finding missions, special envoys, mediators and any such entities as may be deployed into their territory for the purposes of mediation, conciliation and facilitation” of peace processes (ECOWAS 2008:19) This

5 Also see ECOWAS Commission, 2008. *ECOWAS Conflict Prevention Framework (ECPF)*, pp. 24–26; ECOWAS Conflict Prevention Framework regulation MSC/REG.1/01/08 p. 25.

encompasses working with relevant entities to mobilise national and local resources, including eminent persons, traditional rulers, religious leaders, community groups, women organisations, the private sector and any such actors as may be necessary, for the purpose of mediation, conciliation and facilitation for the resolution of local disputes.

Since the institutionalisation and operationalisation of its MSS in 2015, the structure has been backstopping the organisation's preventive diplomacy and mediation interventions, including conducting skills enhancement and training on conflict analysis, dialogue, mediation and negotiation; organising dialogue fora in the lead-up to elections in member states to build trust and confidence in the electoral process as well as conducting inter-party dialogue to promote trust building and bipartisanship among member states' parliamentarians.⁶ In the same vein, the ECOWAS MSS has accompanied and provided technical, operational and logistic support to high-level preventive diplomacy, fact-finding and mediation missions in the lead-up to the conduct of elections, on Election Day and immediate post-election phases in a number of countries. This is undertaken as part of efforts to help resolve contentious issues and disputes surrounding the conduct of free, fair, transparent, inclusive, and credible elections, as in the case of Niger (2015, 2020); Guinea (2015, 2020), Burkina Faso (2015, 2020) and Sierra Leone (2018). This kind of support by the MSS has been quite apt. With a high premium on political power, electoral contestations have increasingly become one of the drivers of conflicts in the region, assuming the character of warfare (Heywood 1997:211). This was particularly true with respect to the 2018 general elections in Sierra Leone.

6 As part of efforts at promoting understanding for the effective functioning of parliamentary business, the ECOWAS MSS organised a retreat on dialogue, mediation and negotiation skills for the leadership of Guinea Bissau parliament in Accra, Ghana in July 2019. An important outcome of this initiative was the creation of the Good Offices Group of the National People's Assembly of Guinea Bissau with the support of the UN in August 2020 with representatives of all the political parties with parliamentary seat, thus allowing for dialogue between all parties and groups in the parliament. A similar initiative was organised for the leadership of Sierra Leonean parliament in Accra, Ghana in October 2018, following the tension that engulfed the parliament as a result of the 7 March 2018 general elections.

In the lead-up to the elections, various sources⁷, including the ECOWARN⁸ daily highlights several reports on a tense political environment, inter-and intra-party rivalries between and among political actors including threats of election related violence. Against this backdrop, the ECOWAS, AU and the UN undertook a joint high-level preventive diplomacy mission to the country from 20–23 November 2017. The Mission was backstopped by technical staff of the various organisations, including staff of the MSS of ECOWAS, providing and assisting with operational and logistic planning, stakeholders’ mapping, horizon scanning, conflict analysis and scenario building as well as advising on tactics and strategies for engaging with the various stakeholders and actors in the electoral process.

Amongst others, the mission reiterated the need for the conduct of peaceful, transparent, inclusive and credible elections in Sierra Leone; assessed the risks of election-related violence and urged for a peaceful electoral process; explored options to further support dialogue and consensus by political actors and stakeholders on critical and contentious issues and promoted agreement on all sides for the signing of a Code of Conduct on peaceful electoral processes. The ECOWAS MSS also facilitated a series of trainings on the use of dialogue and mediation as tools for the prevention and mitigation of electoral related disputes and violence for a number of peace actors (political parties’ representatives, CSOs, traditional and faith-based leaders, youth and women etc.) in Freetown and other regions of the country.

The presidential election was held on 7 March 2018 with no clear winner. Following the release of the results of the first round of the election, and within the framework of the organisation’s preventive diplomacy mandate and efforts to have a seamless political transition in Sierra Leone, the President of the ECOWAS Commission, embarked on an official

7 The United States Agency for International Development’s (USAID) Reacting to Early Warning and Response Data (REWARD) programme for ECOWAS, had, from 1 to 12 May 2017 conducted an assessment study in Sierra Leone to identify vulnerabilities and resiliencies, especially in the context of the 2018 general elections.

8 ECOWARN is the ECOWAS Early Warning and Response Network, an observation and monitoring tool for identifying threats to human security, conflict prevention and response strategies.

visit to Sierra Leone from 22 to 24 March 2018, and held consultations with stakeholders involved in the electoral process, including the then incumbent and outgoing president Ernest Bai Koroma, a delegation from the two major political parties, the All Peoples Congress (APC) and Sierra Leone Peoples Party (SLPP), the National Electoral Commission, (NEC), International Partners and Civil Societies Organisations. The period between the first round and the second round slated for 31 March 2018 experienced political tensions, manoeuvring, alignment, and realignments of actors. The High Court had issued an interim injunction ordering the NEC to suspend all preparations for the run-off poll, based on a complaint submitted to the High Court on 21 March 2018 by a Sierra Leonean citizen. Following the hearing of the case, the injunction was vacated on 26 March 2018, thus paving the way for the NEC to proceed with its preparations for the Presidential run-off election.

Strategically, the Head of the ECOWAS election observation mission and his counterparts from AU, Commonwealth, the Electoral Institute for Sustainable Democracy in Africa (EISA) and EU were on hand to assess the situation and brainstorm on the way forward. Based on the principle of subsidiarity, complementarity and comparative advantage, and under the leadership of the ECOWAS Head of mission, bilateral and multilateral meetings were held with the NEC and the two flag bearers and their party leaders, resulting in a consensus to hold the run-off on 31 March 2018. For its part, the NEC approached the Supreme Court to obtain a pronouncement enabling it to exceed the constitutionally allowed 14-day deadline for the conduct of the run-off poll. The head of the election observation mission, who now assumed a preventive diplomacy function undertook mediation and facilitated dialogue between and among Sierra Leonean political actors and stakeholders and significantly contributed to defusing tensions associated with the post-election period and the uncertainty occasioned by the interim injunction. Under the leadership of ECOWAS, the Heads of International Election Observation Missions (IEOMs) met with the APC and the SLPP candidates separately, then jointly with the NEC on 26 March 2018, and also with the diplomatic corps and development partners on 27 March 2018 as well as with the incumbent president Ernest Bai Koroma,

who reiterated his commitment to a peaceful conduct of the poll and readiness to hand over power to the winner of the election.

The run-off was eventually held on 31 March 2018 amid persisting tension, lack of trust, mutual suspicions and accusations between political actors and stakeholders, with both parties claiming victory. The methodology for tallying the results and its transmission from districts to regional centres by the NEC became a contentious issue. The ECOWAS Head of Mission alongside with other Heads of IEOMs continued their engagements and facilitated dialogue with the parties and stakeholders with the aim of avoiding an unwarranted delay in releasing the results, with the potential of snowballing into post-election violence. On 2 April 2018, the Heads of IEOMs succeeded in securing the commitment of the APC, SLPP and the NEC with a duly signed agreement on the way forward for the compilation and transmission of results of the election. The results were announced by the NEC on 4 April 2018, declaring the candidate of the SLPP, Julius Maada Bio winner of the presidential run-off election with 51.81% defeating the candidate of the APC, (then ruling party) Kamara Samura, who secured 48.19%.

With the elections over, stabilising the country's politics and polity in the immediate post-election phase became imperative, as the battle for supremacy shifted to control of the parliament, with the two parties claiming majority. The situation in the parliament had degenerated into chaos following the election of an SLPP member as speaker of the new parliament in a controversial circumstance on 25 April 2018. This necessitated the swift deployment of a joint ECOWAS-UNOWAS high level mission from the 27 to 30 April 2018 to hold consultations with various political actors and stakeholders with the aim of dousing the tension and safeguarding the stability of the country. Against the backdrop of continued mistrust, especially among the leadership of the parliament, the ECOWAS MSS, with the support of the resident representative office in Liberia, organised an inter-party dialogue for the leaders of the parliament, held in Accra, Ghana from 26 to 27 October 2018, aimed at promoting understanding, trust building and bipartisanship which are necessary for the efficient functioning of parliamentary business.

The ECOWAS MSS had equally provided support between 2015–2016 to Olusegun Obasanjo, former president of Nigeria and current AU envoy to the Horn of Africa, who at the time was ECOWAS’ special envoy to Guinea Bissau for the resolution of the country’s protracted political and institutional crisis (Odigie 2019); backstopped the organisation’s mediation of the 2016 post-election impasse in the Gambia (Odigie 2017); the 2017/2018 political crisis in Togo (Odigie 2020) and the joint ECOWAS-UNOWAS good office mission to Liberia undertaken from 26–27 December 2019 to douse tension spawned by a planned protest of the Council of Patriots against the government’s alleged mismanagement of the economy.

The ECOWAS’ interventions and management of the 2016 post-election impasse in The Gambia particularly showcased the significance and benefits of a comprehensive, integrated and structured inter-departmental collaboration for preventive diplomacy and mediation processes at the level of ECOWAS. It may be recalled that following his initial acceptance of defeat in the 1 December 2016 presidential election, President Jammeh volte-faced and demanded a re-run, an action the ECOWAS, AU, the UN and the international communities condemned. Following a series of preventive diplomacy engagements, the Authority of the ECOWAS Heads of State and Government at its 50th Ordinary Session, held in Abuja, Nigeria on 17 December 2016, resolved to uphold the result of the elections and guarantee the safety and protection of the president-elect, Mr Adama Barrow. Consequently, the authority appointed Presidents Buhari of Nigeria and Mahama of Ghana as mediator and co-mediator respectively. They were given a mediation mandate to engage with Jammeh and Barrow on adhering to the constitution of The Gambia in respect of the declared results of the 1 December 2016 elections; determine a comprehensive and practical timetable to ensure the smooth transfer of power on 19 January 2017; consult with the UN, the AU and relevant partners in supporting the smooth transition of power; and develop a mechanism for mediated settlement for the outgoing president in support of the maintenance of peace and stability in The Gambia.

Pursuant to their appointment as mediators, the ECOWAS Department of Political Affairs, Peace and Security immediately liaised with the

minister for foreign affairs of Nigeria, being the head of President Buhari's Mediation Support Team (MST) to brainstorm and strategise on the execution of their mandate. Consequently, a platform was established that enabled regular exchanges between the mediators' team and the ECOWAS Commission technical team for planning, scenario building, coordination, generation of options and strategies for the mediation process. The ECOWAS MSS provided backstopping services to the entire process. Internally, an inter-departmental committee and a situation room was established and chaired by the Commissioner of political affairs, peace and security (CPAPS). The committee included representatives of relevant directorates, divisions and units within ECOWAS, such as political affairs, early warning, peace keeping and regional security, legal affairs and communications directorates, including the Peace Fund.

The inter-departmental committee coordinated activities and ensured synergies across ECOWAS, especially between political and military planning. Whilst the early warning directorate provided frequent updates and information pertaining to election results, and the changing dynamics, the legal directorate provided insights into constitutional and legal issues, and the political affairs directorate that houses the MSS provided political analysis, mediation strategies and options, background information and documents to guide response interventions, and actively supported the mediation missions to Banjul. A communication channel was established with partner institutions, namely the AU and UNOWAS to share information and explored options and coherence of interventions, upholding and respecting the principles of subsidiarity, complementarity and comparative advantage.

The inter-departmental committee also undertook daily reviews of events in The Gambia, monitored trends and events in the field, provided technical advice to the leadership of the ECOWAS Commission, and interfaced with the technical teams of the Mediators. The committee gathered relevant staff to exchange information, built a common understanding of the situation, harmonised points of view on areas of support and reached a consensus on the approach to be adopted. It regularly appraised events in The Gambia, fine-tuned its approach and policy options

and decided on next steps to ensure effective delivery of the mediation mandate. Unfortunately, this kind of a comprehensive and integrated horizontal inter-departmental collaboration in support of preventive diplomacy and mediation processes has yet to be institutionalised.

Learning from The Gambia experience and several others, the MSS in 2018 developed a mediation guideline (ECOWAS 2018) a policy and operational document that identified eleven principles, a sort of standard operating procedure, to which the organisation and its mediators, facilitators, and special envoys could commit themselves. The guidelines aimed at promoting integrated and comprehensive planning, professionalism, enhanced coordination, and collaboration in joint mediation initiatives with other entities, as well as improved internal horizontal and vertical coordination of interventions.

Despite the availability of the practice guidelines, one continues to observe gaps in respect to the need for a systematic and structured approach, and an inclusive and integrated planning and effective coordination of interventions. More resounding achievements could be attained in preventive diplomacy and peace mediation processes undertaken by the organisation if these gaps were creatively and decisively addressed.

Conclusion

The establishment of the ECOWAS MSS in 2015 was greeted with enthusiasm and immense goodwill from a wide array of peace-making practitioners in the region including the UNMSU and other similar structures and entities. It has remained a leading example for other RECS/RMs on the African continent. Seven years of the existence of the Structure (from being a division, to a directorate and now, a unit within the Mediation and Coordination of Regional Political Affairs Division of the Directorate of Political Affairs) underscored its resilience and relevance. Despite its frequent remodelling, it has nonetheless, achieved remarkable feats in backstopping preventive diplomacy and peace mediation processes, promoting mediation knowledge management and building capacity and skills enhancement for a wide range of peace actors across the region.

Notwithstanding the achievements recorded so far, the challenges of a systematic, structured, comprehensive and integrated approach and an effective coordination of interventions between and among the relevant structures and departments within the organisation, including its resident representative offices in member states has significantly undermined some of its efforts. There is for sure, a daunting task ahead for the organisation's MSS, considering that the region is fraught with peace, security and governance challenges that will continue to require its support. Addressing the identified lacuna in a systematic manner could help the organisation sustain its remarkable achievements and be well positioned for more feats in its peace mediation interventions.

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