Conference Report: Conflicts and Human Security in West Africa

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Abstract

The authors summarize discussions and recommendations concerning conflicts and human security in West Africa, arising from a conference on 1 March 2004 at the University of Essex, which included participants from across Africa and the United Kingdom. A number of inter-connected causes of conflict were identified, including the struggle between different groups in the region for control of natural resources, particularly diamonds and oil, the continuing cycle of recurring conflicts based on grievances arising from earlier conflicts, a deficit of democracy, unequal distribution of economic resources, unemployment and the need for development, the supply of arms by North America, Europe, and other regions outside West Africa, and varying concepts of citizenship. With regard to prevention and resolution of conflicts, a primary need is to disarm and demobilize armed groups, and reintegrate ex-combatants into society. Non-governmental organizations (NGOs) and civil society can play a role in preventing and resolving conflicts, although NGOs must recognize the limits to their own capacities and expertise, as negligent interventions can make situations worse. Regional structures such as Economic Community of West African States (ECOWAS) were also seen as potentially positive forces. With regard to justice and conciliation, the reluctance of states to take action against other states with respect to human rights issues is a key and continuing problem, thus trans-national institutions, open to individual or non-state group complaints, are important. Truth and Reconciliation Commissions must be victim-centred. They should balance legal approaches with other approaches, they require commitment from national leaderships, both executive and parliamentary, to function effectively, they need to have authority to require testimony and production of documents, and to impose penalties for non-compliance, and they must be accompanied by fundamental changes to state structures such as police systems, that were implicated in previous abuses.

1.   Introduction

Participants from across Africa and the United Kingdom gathered on 1 March 2004 at the University of Essex to discuss conflicts and human security in West Africa. The conference was organized by students from postgraduate programmes in human rights offered by the University,[1] with sponsorship and support from the British Council, the Nigerian Coalition on the International Criminal Court (NCICC) and the University's Human Rights Centre. Sindi Medar-Gould of the Nigeria Coalition on the International Criminal Court (NCICC) chaired the discussions at the Conference.

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[1] The organizing committee for the conference consisted of Ameen Ayodele, Ai Kihara-Hunt, Godwin Odo, Matt Pollard, and Nicole Widdersheim.

In his welcoming remarks, Dr Todd Landman[2] noted that the last decade has seen an epidemic of conflict in the African continent, especially in the West African region, including Senegal, Guinea-Bissau, Nigeria, Sierra Leone, Cote d'Ivoire and Liberia. He identified the following as primary reasons for conflict in the sub-region: Poverty, low or negative economic growth, and high dependency on natural resources such as oil and diamonds. He noted also the political dimensions to these conflicts, particularly state government corruption.

An introductory paper by Dr Kayode Fayemi[3] emphasized the link between democracy and development, and the re-definition of conflicts in West Africa through the dynamics of the partnership between Africa and its development partners. He urged support for peace-building and reconstruction, development of civil society, multi-cultural tolerance, and development of human resources. He also advocated support for better management of natural resources, and respect for local ownership of the post-conflict reform agenda to provide security against disasters and economic shocks, and the means to reduce and prevent conflict through greater regional integration supported by global partnership.

Discussions developed through three loosely grouped panels: Causes and prevention, impact and resolution, and issues of justice. However, the degree of overlap between these perspectives or subject matter became evident throughout the course of the day. The balance of this report summarizes the themes that emerged through the presentations and discussions.

2.   Causes of Conflict

With respect to the causes of conflict in West Africa, speakers and participants identified a number of contributing factors. Prominent among them was the struggle between different groups in the region to control natural resources, in particular diamonds and oil. The conflicts in the region are always long – drawn out, because the rebels keep procuring arms through the proceeds from the sale of illegal diamonds.[4] Primary examples of conflicts perpetuated through diamond trading by insurgents include the conflicts in Angola and Sierra Leone.[5] Nigeria is perhaps the most prominent example of an armed conflict fuelled by, amongst other things, the struggle to control oil resources.[6]

Contemporary conflicts, it was also observed, may be part of a continuing cycle of recurring conflicts based on grievances arising from earlier conflicts. Alithur Freeman[7] in particular discussed this dynamic in the context of Liberia and Sierra Leone. The absence of democracy in political institutions, and a lack of strength and political will in existing democratic institutions, was also of concern.

Economic issues were also identified as a major source of conflict in West Africa. In particular, speakers pointed to the unequal distribution of economic resources, unemployment, and the need for development in the region. It was also troubling that in

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[2] Dr Todd Landman is a Professor in the Department of Government at the University of Essex, and is also co-director of the Human Rights Centre at the University of Essex.

[3] Kayode Fayemi is African Studies Scholar-in-Residence, North Western University, Evanston, Illinois, USA and Director of the Centre for Democracy & Development.

[4] See Stephen Ellis, 'War in West Africa' (2001) 25 *Fletcher F. World Aff.* 33 at 34 and Lucinda Saunders, 'Rich and Rare are the Gems they War: Holding de Beers Accountable for Trading Conflict Diamonds' (2001) 24 *Fordham Int'l L.J.* 1402, especially at 1404-1407 and footnotes 14 to 18 therein.

[5] Saunders, ibid. at 1416 to 1427.

[6] See Bronwen Manby, 'The Warri Crisis: Fueling Violence' (2003) Human Rights Watch, vol. 15, No.18(A).

[7] Alithur Freeman is the National Coordinator, Civil Society Movement, Sierra Leone.

some areas warfare had become almost professional, linked to economic conditions. The supply of arms to West Africa by North America, Europe, and other regions outside West Africa was also identified as causing or exacerbating the transformation of political and economic conflicts into violent struggle.

Dr Abubakar Momoh[8] discussed, as a further relevant factor, the varying concepts of citizenship. As ethnic groups cut across national borders, individuals do not necessarily see themselves as bound by the limits of the territorial state; rather, they see themselves bound by the limits of their tribal identity. This has led to situations where members of a particular ethnic group join forces with their kith and kin involved in conflict within another national territory, resulting in turn in the internationalisation of the conflict. Other dynamics also arise in relation to citizenship. Some communities identify themselves as 'settler' or 'native'; sometimes these distinctions are framed in a constitution and at other times they exist only by custom or tradition. Yet these divisions can play a role in causing or exacerbating conflict by emphasizing differences between groups, rather than emphasizing the things that bind them together as a nation. Political contests come to be determined by the relative population size of the various groups, as people vote for candidates from their group rather than for reasons of competence or qualification. When such a candidate emerges victorious, popular loyalty often lies with his group and not with the country as a whole; political appointment and the awarding of contracts are tilted in favour of the group. This breeds discontent and a feeling of marginalization in the other groups and may lead to otherwise avoidable conflicts.

3.   Prevention and Resolution

With regard to the prevention and resolution of conflicts, among the themes to emerge from the conference were the following: A key and pressing need is to disarm and demobilise armed groups. It was also therefore considered important to proactively seek social re-integration of ex-combatants, both because the importance of this goal, and also in respect of the individuals and communities involved.

Dapo Oyenwole[9] and Nana K. Busia Jr.[10] spoke of the role of non-governmental organisations (NGOs) and civil society in preventing and resolving conflicts. However, there was also a strong feeling that NGOs must recognize the limits to their own capacities and expertise. Examples were given of NGOs actually worsening the situations they were seeking to resolve or in which they were attempting to operate, for example by attempting conflict resolution without the expertise to do so. Dapo Oyenwole, in particular, expressed concern about situations where international NGOs assert a leading role in peace processes, effectively excluding or subordinating local activists. NGOs were seen as integrally important in developing and maintaining early warning systems, on-the-ground monitoring and networks for the dissemination of such information. Speakers highlighted the need for capacity building of NGOs operating within the region as well as the formation of regional networks of NGOs. David Cooper[11] emphasized the impact of armed conflicts on women and children as particularly vulnerable groups, giving examples of individual cases and the assistance that NGOs can potentially provide.

Many speakers noted that the Economic Community of West African States (ECOWAS) began as a regional organization focussed on economic integration, but has

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[8] Dr Abubakar Momoh is the Vice President (West Africa) of the Africa Association of Political Science and Senior Lecturer, Lagos State University.
[9] Representative of Centre for African Policy & Peace Studies.
[10] Representative of International Alert, UK.
[11] Representative of Tear Fund, UK.

expanded in mandate to include regional peace and security.[12] There was some debate among Conference participants as to the effectiveness of ECOWAS in this regard. However, further strengthening and development of ECOWAS was generally viewed positively, as part of the recognition of linkages between peace and security, and democracy and human rights. International support for ECOWAS peacekeeping and conflict prevention initiatives would go a long way towards preventing the exacerbation of conflicts within the region.

4.   Justice and Reconciliation

With regard to justice and reconciliation, conference speakers, including Ibrahima Kane,[13] identified the reluctance of states to take action against other states with respect to human rights issues as a key and continuing problem. For instance, the African Commission on Human and Peoples' Rights, established under the African Charter on Human and Peoples' Rights, which has been in force since October 1986, has only ever received one inter-state complaint. This highlights the importance of transnational institutions being open to individual or non-state group complaints. The primary transnational institutions through which justice in relation to conflicts and human security in West Africa might be sought are the African Commission on Human and Peoples' Rights, the new African Court of Human Rights,[14] and the ECOWAS Community Court of Justice.[15] It was also noted that the fact that the African Charter includes 'Peoples'' rights is important, as many West African conflicts are characterized by an intentional pattern of attacks and abuses, both against individuals due to their membership of a people, and against peoples. Finally, the Constitutive Act of the African Union creates additional bodies to which NGOs and other groups could potentially address peace and security issues, though petition by individuals or NGOs is not expressly contemplated by the Act itself.[16]

Truth and Reconciliation Commissions (TRCs) represent an alternate model for seeking closure for victims and their communities. However, TRCs are generally marked by a tension between the objective of seeking truth and the objective of justice. Nevertheless, participants generally recommended that TRCs need to be victim-centred.

Some conference participants felt that TRCs should balance membership by lawyers and a legal approach with other approaches. For instance, Dr Landman identified social science as a potentially underutilized resource and perspective for TRCs. Speakers also highlighted the need for commitment from national leaderships for TRCs to function effectively, including commitment from both presidential and parliamentary

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[12] See Treaty of the Economic Community of West African States (ECOWAS), 28 May 1975, 14 *I.L.M.* 1200 (1975) (original ECOWAS Treaty, superseded by 1993 treaty); Economic Community of West African States (ECOWAS): Revised Treaty, 24 July 1993, 35 *I.L.M.* 660 (1996).

[13] Ibrahima Kane is Legal Officer for Africa, at Interights.

[14] The African Court of Human Rights has been established under an Additional Protocol to the African Charter on Human and Peoples' Rights. The Protocol entered into force on 25 Jan. 2004.

[15] Protocol Establishing the Community Court of Justice, see Treaty Establishing the African Economic Community, arts. 18-20, 30 *I.L.M.* 1241 (1991). The Court was inaugurated in 2001. However in its first case, *Olajide Afolabi v. Federal Government of Nigeria* (unreported), decided in April 2004, the Court held that only states, and not individuals, could bring cases before it, though the Justice urged the formulators of the Act to broaden its scope to enable individuals to bring actions before the court.

[16] The Assembly of Heads of State and Government of the Union can impose sanctions under art. 23 on any Member State that 'fails to comply with the decisions and policies of the Union', including 'denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.'

leaders. Participants also agreed that TRCs should be given clear authority to require testimony and the production of documents, under threat of penalty for non-compliance.

Dr Landman also stressed that TRCs must be provided with sufficient financial and human resources to fulfil their mandates effectively. Underfunding is a serious issue for TRCs in West Africa. By way of illustration, Dr Landman indicated that the TRC in South Africa had an overall budget in excess of US$30 million, the TRC in Peru had a budget of some US$13 million, while the TRC for Sierra Leone has only received funding of approximately US$2 million.

Sonny Onyegbula,[17] amongst others, expressed concern that existing TRCs had largely served as a process for legitimizing post-democratization regimes, and this prevented them from achieving the aim of justice for victims of human rights abuses. Nigeria was cited as one example. Ukoha Ukiwo[18] also spoke about the cultural obstacles to the work of the TRCs, such as the phenomenon of preference for 'short memory', a desire to forgive and forget and to carry on into a more peaceful future without looking back at the past. Speakers agreed that the truth and reconciliation process must be accompanied by changes to state structures such as police systems that were implicated in previous abuses, if the work of the process was to be effective, not only in uncovering the abuses of the past but preventing abuses in the future.

Benson Olugbuo[19] from the Nigeria Coalition for the International Criminal Court (NCICC), discussed the problem of impunity for perpetrators of massive human rights violations, and other violations of domestic and international law, associated with armed conflicts. He particularly focussed on Charles Taylor, who has been indicted by the Special Court for Sierra Leone (established by resolution of the UN Security Council) on seventeen counts of war crimes and crimes against humanity committed during Sierra Leone's 11-year civil war. In 2003 Nigeria granted Taylor asylum when the Liberian capital, Monrovia, came under siege by rebel forces. To date, despite pressure from human rights NGOs, Taylor has not been brought before criminal accountability processes.

5.   Conclusion

At the conclusion of the Conference, one of the attendees noted that the Conference had not given specific attention to the role of women in relation to armed conflicts in West Africa (both in terms of intervention in conflicts and the particular effect of conflicts on women), nor to the issue of child soldiers. These topics, it was generally agreed, would be integral to future conferences and any consideration of the armed conflict and human security in West Africa.

Apart from these observations, among the recommendations generated by the conference participants for the resolution of existing conflicts and the prevention of further conflicts in the future, were the following:

•   States both within and outside of the African continent must be sensitive to how the struggle between different groups in the region to control natural resources contributes to the conflict, and ensure that they and private actors under their jurisdiction do not contribute to trade in resources that fund conflicts.

•   Promoting democratic reform in affected states is an important part of any strategy to resolve and prevent conflict.

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[17] Sonny Onyebula is Acting Director, Centre for Democracy and Development.
[18] Ukoha Ukiwo is a researcher at the University of Oxford.
[19] Benson Olugbuo is now the African Anglophone Coordinator, Coalition on the International Criminal Court, and is based in Abuja.

• Remedying the unequal distribution of economic resources and unemployment, and the promotion of responsible economic development in the region, will contribute to prevention and resolution of conflict.

• Restricting the supply of arms to West Africa by North America, Europe, and other regions outside West Africa will help to avoid the transformation of political and economic disputes into violent conflict.

• Armed groups must be disarmed and demobilized, and ex-combatants must be reintegrated into society.

• NGOs and civil society can play a role in preventing and resolving conflicts, but must recognize the limits to their own capacities and expertise as negligent interventions can make situations worse.

• NGOs should develop and maintain early warning systems and on-the-ground monitoring, and networks for the dissemination of such information. The formation of regional networks of NGOs is also needed.

• Individual and non-state groups should be made aware of transnational institutions open to complaints, such as the African Commission on Human and Peoples' Rights, the new African Court of Human Rights, and the ECOWAS Community Court of Justice, as well as additional bodies potentially available under the Constitutive Act of the African Union, and these institutions should be provided with sufficient resources and powers to meet their mandates.

• Truth and Reconciliation Commissions must be victim-centred, should balance legal approaches with other approaches, for instance social science, and need to have authority to require testimony and production of documents, and to impose penalties for non-compliance

• TRCs require commitment from national leaderships, both executive and parliamentary, to function effectively, and must also be accompanied by fundamental changes to state structures such as police systems that were implicated in previous abuses. It is critical that the general population have the opportunity to actively participate in TRCs in a meaningful way and that they also feel they are a central part of the process.