THE CENTER FOR PUBLIC POLICY ALTERNATIVES

Terrorism, Collective Security and Regional Co-operation

Impact and Assessment

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Abstract

Africa is a continent that has experienced wide–ranging violence and all the continent's regions have had their fair share of conflict. However, though previous forms of violence have declined, the current form of conflict- non-state Terrorism- is on the rise. This paper investigates the phenomenon of non-state Terrorism, with a focus on two African regions, namely: the AU and ECOWAS. It looks at the integration and cooperation mechanisms within the region; reviews the history of Conflict mechanisms in the regions and traces the development of the current Regional offensive. It assesses the Security Frameworks, Strategies, Mechanisms and the state of cooperation amongst the bodies involved. It ends by offering some recommendations and identifies areas needing review.

Part I

Introduction-The African Union and the Economic Community of West African States

The ideals behind the formation of the Organization of African Unity in addition to protecting the sovereignty of the member states included economic and developmental goals. Chirisa *et al*, state that the founding fathers of the organization "saw African nations coming together into a single government that would work for the realization of equity in resource allocation in a bid to create a stronger force to vehemently compete in the world market and hence result in their voice being heard".[1] Regional cooperation is meant to lead to greater integration among the nations involved on several fronts, i.e. economic, social and environmental. Some writers have put forward that regional cooperation is also a function of the interactions amongst nations. They state that regional cooperation itself is a form of integration which is still part of a complex phenomenon comprising of market, development and regional integration.[2]

History provides us with evidence of pre-colonial and colonial structures for regional integration in the West African region. Though created to enhance the extraction and exploitation of the natural resources of the region, the French (Communaute *Financiere Africaine* in 1948 in Senegal, Mali, Burkina-Faso) and the British (*West African Currency Board* in 1912 in Ghana, Gambia, Nigeria and Sierra Leone)[3] established networks that made this possible.[4] In the writer's opinion, these colonial arrangements may have served as indicators to the emerging nationalists that regional integration was not only possible but economically beneficial.

Regional cooperation is essentially a voluntary collaboration, *inter alia*, for the execution of joint projects and development of common resources. This may be for the overarching purpose of creating access to markets and the establishment of mechanisms and techniques that minimize conflicts and maximize internal and external economic, political, social and cultural benefits.[5] From the foregoing, it is obvious that cross boarder acts of terrorism can destabilize this overarching purpose and negatively affect the process of integration and cooperation. Also, the existence of conflict can influence those affected to work together for mutual safety. This is

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[1] See Chirisa, E. (*et al*). (2014). A Review of the Evolution and Trajectory of the AU as an Instrument of Regional Integration.

[2] See Chirisa, E. (*et al*), op. cit., at p. 1.

[3] See Gupta, A. (2015). Regional Integration In West Africa: The Evolution Of ECOWAS. Observer Research Foundation, at p. 2. Available at: http://s3.amazonaws.com/academia.edu.documents/38580049/OccasionalPaper_67_1440149306104.pdf?AWSAccessKeyId=AKIAJ56TQJRTWSMTNPEA&Expires=1465910068&Signature=LQRvQPPtKySJpq64obeh6Mb1AY0%3D&response-content-disposition=attachment%3B%20filename%3DRegional_Integration_in_West_Africa_The.pdf. Date accessed- 14/06/2016.

[4] See Fulgence, N. (2015). War on Terrorism in Africa: A Challenge for Regional Integration and Cooperation Organizations in Eastern and Western Africa, *Journal of Political Sciences and Public Affairs*, S1: 007. Available at: http://www.esciencecentral.org/journals/war-on-terrorism-in-africa-a-challenge-for-regional-integration-and-cooperation-organizations-in-eastern-and-western-africa-2332-0761-1000S1-007.pdf. Date accessed- 16/06/2016.

[5] Ibid, at p. 2.

reinforced by the notion that successful integration requires a peaceful environment. The development of collective security as a result of conflicts or terrorism is an example of a bitter seed producing a usable fruit: terrorism is harmful but has the potential to lead to broader and enhanced cooperation for the purposes of promoting peace and security. The networks built to ensure safety contribute to providing a safe environment for social and economic development.

The African Union and its Security Architecture

The African Union's goal for the next decades is that: "Africa shall be free from armed conflict, terrorism, extremism, intolerance and gender-based violence, which are major threats to human security, peace and development. The continent will be drugs-free, with no human trafficking, where organized crime and other forms of criminal networks, such as the arms trade and piracy, are ended. Africa shall have ended the illicit trade in and proliferation of small arms and light weapons".[6] The quote above - taken from the African Union's Aspiration 4 on a Peaceful and secure Africa - represents the Union's desires to end the constant and regular violence that has the continent constantly embattled. Mechanisms would certainly be put in place and 47 years is a long time, so what has the Union begun to do now?

The current normative framework[7] of the African Union on counter-terrorism is mainly comprised of:

1) the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism (1999);
2) The Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002);
3) The AU Action Plan for the Prevention and Combating of Terrorism (2002);
4) The Supplementary Protocol to the Convention on the Prevention and Combating of Terrorism (2004);
5) The Mandate of the AU Special Representative for Counter-Terrorism Co-operation (2010);
6) And the African Model Law on Counter Terrorism - to assist states in harmonizing legislation on terrorism-2011. This is in addition to the numerous Declarations[8] and

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[6] See African Union Commission. (2015). Agenda 2063-the Africa We Want, at p. 7. Available at:http://agenda2063.au.int/en/sites/default/files/03_Agenda2063_popular_version_ENG%2021SEP15-3.pdf. Date accessed- 21/06/2016.

[7] See Strydom, H. The African Union lacks a coherent plan to fight terrorism, May 13, 2015, *the conversation*. Available at: http://theconversation.com/the-african-union-lacks-a-coherent-plan-to-fight-terrorism-41394. Date accessed- 21/06/2016.

[8] See Ewi, M. (2015). Peace in an age of terrorism: can the AU achieve Vision 2020? Institute for Security Studies. ISS Today. Available at: https://www.issafrica.org/iss-today/peace-in-an-age-of-terrorism-can-the-au-achieve-vision-2020. Date accessed-21/06/2016. For example the Solemn Declaration at the 50th anniversary of the African Union (AU) in 2013 which outlined the vision to 'end all wars in Africa by 2020'.

Decisions of the Union's Heads of Government, Executive Council and African Union Commission.

The African Peace and Security Architecture (APSA) is the management, administration and implementation structure of the AU. The APSA denotes a complex set of interrelated institutions and mechanisms that function at several levels. Regionally, the APSA relies on the continent's regional economic communities (RECs).[9] The AU recognizes eight RECs as well as two mechanisms for coordinating the African Standby Force (ASF). The relationship between the AU and the RECs is supposed to be hierarchical but mutually reinforcing: the AU harmonizes and coordinates the activities of the RECs in the peace and security realm, in part *via* liaison officers from the RECs serving within the AU Commission in Addis Ababa.[10] At the continental level, a variety of institutions coordinated by the AU's Peace and Security Council comprise the APSA.[11] The hierarchy of these bodies is not linear and involves multiple levels.

In 2014, the AU convened a Heads of State-level Peace and Security Council (PSC) meeting, resulting in a decision setting out a series of PSC's 10 objectives for both AU Member States and the AU Commission which tasked the latter to establish a Counter Terrorism Fund *inter alia.*[12] The PSC called for the establishment of specialized joint counter-terrorism units at the sub-regional level within the framework of the ASF and pending the achievement of the ASF, the African Capacity for Immediate Response to Crises (ACIRC).[13] The Council endorsed the AU Assembly decision to establish the African Mechanism for Police Cooperation (AFRIPOL), particularly in addressing transnational crime. The Council also expressed their determination to fully make functional the PSC Sub-Committee on Counter-Terrorism and called on the latter to develop a capacity to investigate financial support to terrorist groups and strengthen the AU sanctions regime.[14]

It has been acknowledged that the AU has taken practical steps to address conflict on the Continent[15] especially in its Peace Operations but the success against Terrorism has been elusive.

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[9] See Williams, P. (2011). The African Union's Conflict Management Capabilities. Working Paper. Council on Foreign Relations, International Institutions and Global Governance Program, at p. 6. Available at: http://i.cfr.org/content/publications/attachments/IIGG_Eurozone_WorkingPaper_Cameron.pdf. Date accessed- 14/06/2016.

[10] See Williams, P. The African Union's Conflict Management Capabilities, op. cit, at p. 6.

[11] Ibid, at p. 9.These consist of the Assembly of Heads of State and Government, Peace and Security Council, AU Commission, Military Staff Committee, Commissioner for Peace and Security, Commissioner for Political Affairs, African Standby Force, Continental Early Warning System, Panel of the Wise, Peace Fund.

[12] See the United Nations Office to the African Union. *Peacekeeping, Planning and Management*. Department of Political Affairs, Counter Terrorism. Available at: http://unoau.unmissions.org/counter-terrorism. Date accessed- 21/06/2016.

[13] Ibid.At the meeting, the PSC also welcomed efforts to enhance legislation, intelligence sharing, operational capability and coordination through the various AU-led initiatives including the Committee of Intelligence and Security Services of Africa (CISSA) and the African Centre for the Study and Research on Terrorism (ACSRT).

[14] Ibid.

[15] See Williams, P. The African Union's Conflict Management Capabilities, op. cit, at p. 18.

In assessing the Vision 2020 Goals of the Union to rid the continent of Terrorism and conflict, Martin Ewi mentions that: "But 10 months have passed, and there has been little to no progress; nor has there been any concrete follow-up from the AU on implementing the PSC's 10-point recommendations. A series of Vision 2020 workshops and retreats organized by the AU in the past two years have produced innovative and important recommendations for silencing the guns by 2020. Implementing these recommendations, however, remains a major problem..."[16]

Part II

The Economic Community of West Africa States (ECOWAS)

A Brief History

The history of the formation of ECOWAS can be traced to the year 1975, in which 15 West African countries[17] came together in Lagos to form an economic community. Several years later, in 1993, the community reconstituted itself - stemming from the pressure of political events - into an organization also responsible for finding solutions to armed conflicts and other political crisis which were undermining peace and security within the community.[18] This shows that the idea of collective security may have essentially been an afterthought. D. C John explains that: "In 1993, the 1975 Treaty was *revised* to reflect contemporary changes in the organization. The provision for regional security which mandated Member states to work to consolidate and maintain peace, stability and security with the region was set up. Thus, **Article 58** was devoted to regional security and the whole of Chapter10 dealt with "cooperation in Political, Judicial and Legal Affairs Regional Security and Immigration". This showed a slightly better consideration of regional cooperation and awareness by ECOWAS leaders on the nature of security challenges and how non-military security considerations can affect the political environment to create a situation of insecurity".[19] Basically, they realized the importance of peace and absence of conflict, how it affects commerce and trade and came up with protocols to *prevent* conflict, which built on older frameworks, i.e.:

    i.   The 1978 Protocol relating to Non-Aggression (PNA) which enjoined Member states to "... refrain from the threat and use of force or aggression against one another'[20]; and

    ii.   The 1981 Protocol relating to Mutual Assistance in Defense (PMAD) which committed ECOWAS member States to a collective defense treaty by accepting

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[16] See Ewi, M.Peace in an age of terrorism: can the AU achieve Vision 2020?, op. cit.

[17] Namely: Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. Mauritania withdrew from the organization in 2002.

[18] See Yabi, G. (2010). The Role of ECOWAS in Managing Political Crises and Conflict: The Cases of Guinea and Guinea-Bissau. *Friderich-Ebert Siftung*, Abuja Nigeria, at p. 7. Available at:http://library.fes.de/pdf-files/bueros/nigeria/07448.pdf. Date accessed-03/02/2016.

[19] See John, D. Exposition of the Principle of Collective Security under the ECOWAS Treaty of 1993, op. cit, at p. 2.

[20] Ibid., at p. 2.

that armed threat or aggression against one constitutes a threat or aggression against the community and are resolved to give mutual aid and assistance for defense.[21]

Integration and ECOWAS

A study carried out by the United Nations Commission on Trade and Development (UNCTAD), observed that: 'Regional integration within ECOWAS, with its economic heavyweights of Côte d'Ivoire and Nigeria, each belonging to two different sub-groupings, has been *stagnating* for most of its 30 years of existence; however, regional cooperation has gained momentum since the turn of the millennium and a currency union is envisaged'.[22] This statement though made 16 years ago and specifically addressing trade does not fundamentally differ from the current situation. Economic integration is certainly better than before but regional integration in respect of collective security is still at sub-optimal levels.

The formation of ECOWAS was for the purpose of member country integration. Commenting on integration, Butu states that: "Political and economic integration involves the process whereby states agree to forgo the ability to formulate policies independently on matters concerning trade, custom tariffs, immigration and international trade among others, seeking instead to delegate the decision making process to a new central organ. The aim of integration is to promote economic advancement of member-states and the overall development of the region or sub-region".[23] Arushi Gupta affirming this position states that: "The process of economic integration is also a political process because of two main reasons: first, it requires the surrender of major national economic instruments to a supranational authority and second, it calls for governments of member states to implement sub-regional policies".[24]

A point to note from these comments on integration is that it involves an act of *forgoing* or *surrender* of a political and economic nature. Since Customary International law can be viewed in one of two forms,[25] it is important for nations to be in the same position regarding its domestic

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[21] Ibid.

[22] See Metzger, M. (2008). Regional Cooperation and Integration in Sub-Saharan Africa, *United Nations Conference on Trade and Development Discussion Papers*, No. 189. Available at:http://unctad.org/en/docs/osgdp20084_en.pdf. Date accessed-02/06/2016.

[23] See Butu, A. (2013). Impact of ECOWAS Protocols on Political and EconomicIntegration of the West African Sub-region. *International Journal of Physical and Human Geography*, Vol.1, No. 2, pp.47-58, at p. 1. Available at: http://www.eajournals.org/wp-content/uploads/IMPACT-OF-ECOWAS-PROTOCOLS-ON-POLITICAL-AND-ECONOMIC-INTEGRATION-OF-THE-WEST-AFRICAN-SUB-REGION.pdf. Date accessed-06/14/2016.

[24] See Gupta, A. (2015). Regional Integration In West Africa: The Evolution Of ECOWAS. Observer Research Foundation, at p. 2.

[25] See Longjohn, C. (2010). Implementation And Application Of Treaties In Nigeria, (L.L.M Thesis), The Nigerian Institute Of Advanced Legal Studies, School Of Post Graduate Studies, University Of Lagos Campus, Akoka, Lagos., at pages 24-25. Available at: http://www.nials-nigeria.org/projects/IMPLEMENTATION%20PROJECT.pdf. Date accessed-05/31/2016.

authority. Elaborating on the reasons for forgoing authority, Butu explains that State unilateralism and State regionalism are eventually pitted against each other. He states that: "[U]nilateralism guards national sovereignty while regionalism requires all member-states to make binding (sic) commitment to the promotion of free trade and provide adjudication for trade (sic) dispute arising from unilateral disregard for trade liberalization…*when countries experience regionalism, national sovereignty is undermined to an extent related to the level of economic integration*. Therefore, the process of integration entails liberalization of trade in goods and services; there is a link between integration and development".[26] This explanation -showing the implications for Customary International - means that States involved in forging such integration arrangements must ensure *pacta sunt servanda*[27] in their dealings.

Conflict Prevention and Management within the ECOWAS Framework

The ECOWAS Treaty of 1993 had just one Chapter concerning Security and Defense - namely Chapter 10, **Article 58** and it has been argued that these provisions were more of a *reaction* to State conflicts that began in the early 1990's.[28] The three States in conflict that experienced the Monitoring, Cease-fire and Peace-keeping role of ECOWAS, generally between the years 1989 to 2004 were: Liberia, Guinea-Bissau and Sierra-Leone. All of these conflicts were characterized by massive human rights violations by the government against its citizens as an *outcome* of its own power tussle against rival power blocs - the latter, struggling for authority.[29] The ECOWAS Treaty, designed majorly as an economic integration tool required more comprehensive provisions relating to security which would also address possible state to state conflict.[30] At various times the ECOWAS set up frameworks to deal with Conflict, Violence and Security.[31] However, the question of applicability and appropriateness of the frameworks arise in addressing Terrorism as a distinct form of conflict. Can they be effective enough to deal with a type of

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[26] See Butu, A. Impact of ECOWAS Protocols on Political and Economic Integration of the West African Sub-region, op. cit, at p. 3.

[27] Latin for "let the agreement be kept".

[28] See Okere, L. (2015). ECOWAS Conflict Management and Peacekeeping Initiatives in West Africa. *Journal of Law, Policy and Globalization*, Vol. 37, 2015. Available at:http://www.iiste.org/Journals/index.php/JLPG/article/viewFile/22547/22922. Date accessed-15/06/2016.

[29] See generally Elowson, C. &MacDermott, J. (2010). ECOWAS Capabilities in Peace and Security-A Scoping Study of Progress and Challenges, Swedish Defence Research Agency. Available at: http://www.foi.se/ReportFiles/foir_3114.pdf. Date accessed- 16/06/2016.

[30] See ECOWAS Conflict Management and Peacekeeping Initiatives in West Africa, op. cit, at p. 2.

[31] See Atutobi, S. (2010). Implementing the ECOWAS Conflict Prevention Framework: Prospects and Challenges, *Policy Brief, 3/2010, Kofi Annan International Peace Keeping Training Centre*, at p. 1. Available at: http://www.kaiptc.org/Publications/Policy-Briefs/Policy-Briefs/Policy-Brief-on-ECPF.aspx.Date accessed- 16/06/2016.

conflict that does not resemble the 'traditional' forms of conflict that ECOWAS have been used to? Or is Terrorism not different from the usual forms of violence?

Perhaps it was considerations such as the ones above that led the ECOWAS Mediation and Security Council in Ouagadougou, Burkina Faso in 2008 to enact the Conflict Prevention Framework (ECPF). The 60 page Framework with over 120 Articles has its overall aim to: "[S]trengthen the human security architecture in West Africa. The intermediate purpose is to create space within the ECOWAS system and in Member States for cooperative interaction within the region and with external partners to push conflict prevention and peace-building up the political agenda of Member States in a manner that will trigger timely and targeted multi-actor and multi-dimensional action to defuse or eliminate potential and real threats to human security in a predictable and institutional manner".[32] The relevance of the ECPF has been said to lie in its objectives, the outputs it attempts to attain, the issues it seeks to address and the method(s) with which it seeks to achieve its objectives.[33]The ECPF lays out 9 objectives[34] that are to guide its implementation and lists outputs drawn from the objectives meant to serve as direction for the full accomplishment and application of the Framework. The objectives ensure the following outputs:

- sets practical guidelines on conflict prevention to which ECOWAS and Member States can refer in their cooperation and in their engagement with partners;
- sets practical guidelines for cross-departmental and cross-initiative cooperation and synergy within ECOWAS on conflict prevention;
- provides practical guidance for cooperative ventures between ECOWAS, Member States, civil society and external partners in pursuit of conflict prevention and peace-building;
- incorporates an ECOWAS strategy on resource mobilization, advocacy and communication to underpin the initiatives with respect to conflict prevention and peace-building;
- creates the necessary bridge linking everyday conflict prevention initiatives to structural (strategic) conflict prevention;
- Shall be supplemented by a Plan of Action and Logical Framework with identified priority activities to be undertaken by ECOWAS, Member States, civil society, the private sector and external partners in the short, medium and long term.

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[32] See Regulation MSC/REG.1/01/08. The ECOWAS Conflict Prevention Framework- Section VI, Article 27: Aims, Objectives and Outputs. Available at: http://www.lawschool.cornell.edu/womenandjustice/upload/ECOWAS-Conflict-Prevention-Framework.pdf. Date accessed- 16/06/2016.
[33] See Atutobi, S. Implementing the ECOWAS Conflict Prevention Framework: Prospects and Challenges, *op. cit*, at p. 2.
[34] See the ECOWAS Conflict Prevention Framework, Section VI, Article 27, *op. cit*.

The ECPF is a comprehensive document that enumerates the ECOWAS Mandate and Legitimacy for Conflict Prevention; the Components, Activities and Benchmarks of the ECPF; the Enabling Mechanisms of the ECPF -Advocacy and Communication, Resource Mobilization and Cooperation; and the Plan of Action, Monitoring and Evaluation.[35] According to Atuobi: "the ECPF focuses on a set of issue areas - or the 14 components - which would contribute to a stable sub-region when addressed".[36] The ECPF outlines activities, capacity requirements and benchmarks for measuring progression each of the 14 issue areas.[37] All the above components have links or relationship with existing ECOWAS protocols and conventions and given the linkages to existing protocols and conventions, the implementation of the ECPF provides the opportunity for the implementation of their relevant provisions.[38]

Terrorism in West Africa and the ECOWAS Response

The Africa Report, on April 12th, 2016, posted that: "There have been attacks in Mali, Burkina Faso and Cote d'Ivoire in recent times, while intelligence agencies have warned that a "credible terrorist's threat" faced all the 16 member countries in the West African sub-region. The warning followed a deadly attack launched on a hotel in … Burkina Faso in January this year followed by another in March, on Cote d'Ivoire's three hotels in the beach resort city of Grand-Bassam … Al-Qaeda in the Islamic Maghreb (AQIM) claimed responsibility for both attacks that reports say targeted foreign nationals".[39] Without a doubt, the country with the highest instance of Terrorist activity within the ECOWAS region is Nigeria. The Global Terrorism Index identifies Boko Haram, Fulani Militants (or Herdsmen) and Al-Shabab as the deadliest groups within the African continent[40] and this rampage is far from over. Also included is Ansar Dine, le Mouvement pourla Liberation de l'Azawad (MNLA), Mouvement pour l'Unicité et leJihad dans l'Afrique de L'Ouest (MUJAO). These terrorists engage in some of the most vicious crimes, ranging from Suicide Bombings (using children as carriers) to kidnappings and Bank robberies. Fulgence traces the origin of these groups to economic and political marginalization by the governments of the states they reside and cites Boko Haram and the AQIM as having been borne out of poor

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[35] See Chapters VIII – XI of the ECPF.

[36] See Atutobi, S. Implementing the ECOWAS Conflict Prevention Framework: Prospects and Challenges, *op. cit*, at p. 2. They include: (1) early warning; (2) preventive diplomacy; (3) democracy and political governance; (4) human rights and the rule of law; (5) media; (6) natural resource governance; (7) cross-border initiatives; (8) governance; (9) practical disarmament; (10) women, peace and security; (11) youth empowerment; (12) ECOWAS Standby Force; (13) humanitarian assistance; and (14) peace education.

[37] See the ECOWAS Conflict Prevention Framework, Section VIII, Articles 42-100, *op. cit*.

[38] See Implementing the ECOWAS Conflict Prevention Framework: Prospects and Challenges, *op. cit*, at p. 2.

[39] See Laary, D. (2016, April, 12). ECOWAS frets over growing terrorist attacks amid dwindling funds. The Africa Report (Online Magazine). Accessed from: http://www.theafricareport.com/West-Africa/ecowas-frets-over-growing-terrorist-attacks-amid-dwindling-funds.html. Date accessed-17/06/2016.

[40] See generally, Institute for Economics and Peace. (2015).*Global Terrorism Index-Measuring and Understanding the Impact of Terrorism*. Available at: http://economicsandpeace.org/wp-content/uploads/2015/11/Global-Terrorism-Index-2015.pdf. 03/02/2016.

governance, weak institutions and corrupt leadership.[41] These groups also have one thing in common: they desire to set up their own government within the state and this might be an independent state or one that pledges allegiance to Middle Eastern Jihadist groups. The Global Terrorism Index provides information showing a dramatic upward movement in number of deaths caused by some of these deadly groups in the figure below:[42]
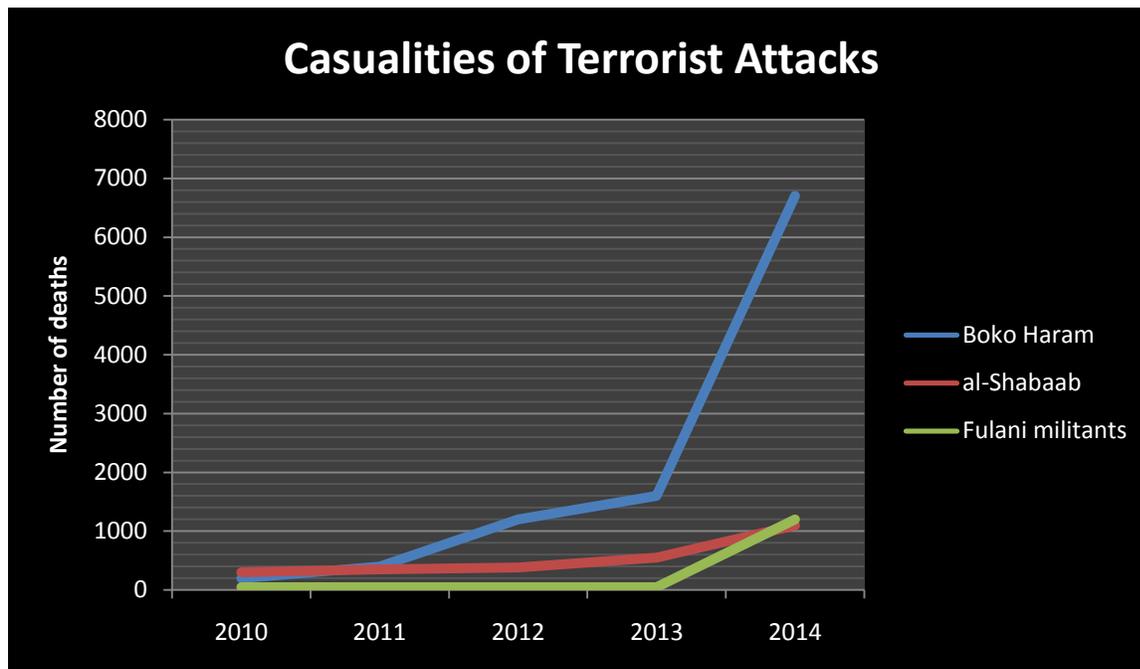

Fig. 1 (Global Terrorism Index 2015)

The ECOWAS and Terrorism Strategies from 2010

In 2011; the Inter-Governmental Action Group against Money Laundering (GIABA), was set up to strengthen the capacity of member states to prevent and control money laundering and terrorist financing in the region. In addition to this, the West African Police Chiefs and Committee of Chiefs of Security Services have functions centered on regional security, logistics and information sharing.[43] ECOWAS then took a step further in 2013 to adopt a Political Declaration and Common Position against Terrorism which resulted in the ECOWAS Counterterrorism

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[41] See Fulgence, N. War on Terrorism in Africa: A Challenge for Regional Integration and Cooperation Organizations in Eastern and Western Africa, *op. cit*, at pages 9-10.

[42] See Global Terrorism Index-Measuring and Understanding the Impact of Terrorism, op. cit, at p. 41.

[43] See Salihu, N. (2015). The Center Can Hold: Towards a Regional Approach to Combating West Africa's Terrorists. *Kofi Annan International Peace Keeping Training Centre, Policy Brief*: 1/ July 2015, at p. 3. Available at: http://www.kaiptc.org/Publications/Policy-Briefs/Policy-Briefs/2015-KAIPTC-Policy-Brief---Naila-Salihu.aspx. Date accessed-17/06/2016.

Strategy and Implementation Plan.[44] The purpose of the Declaration and the Strategy is to: "provide a common operational framework for action to prevent and eradicate terrorism and related criminal acts in West Africa, while protecting human security and creating the enabling conditions for sound economic development and the overall wellbeing of all citizens of West Africa. This strategy also seeks to give effect to regional, continental and international counter-terrorism instruments".[45] Maiangwa states that the ECOWAS Strategy is articulated along three main pillars: prevent, pursue, reconstruct.[46] The implementation of the Strategy aims at harnessing the roles of the National Taskforce on counter-terrorism and calls for the establishment of the ECOWAS Counter-Terrorism Coordination (Unit/Centre) with features like the ECOWAS Arrest Warrant and Black List of Terrorist and Criminal Networks. It also calls for the adoption of an ECOWAS Counter-Terrorism Training Manual and establishment of a training centre for counter terrorism capacity building.[47]

Member states are entrusted with the primary responsibility for the full and effective implementation of this strategy which entails periodic evaluation and reporting on its implementation.[48] The Strategy also recognizes mutual legal assistance in the area of intelligence, investigation, prosecution and counter-terrorism operation as an absolute necessity to meet the shortfall and disparities in capabilities of member states. To ensure regular follow-ups (accountability and effective monitoring of the process), ECOWAS includes a role for international organizations and civil society organizations.[49]

The ECOWAS and Terrorism from 2010: Challenges and Successes

One of the main challenges of ECOWAS was how to jointly prosecute the terrorists. The region's porous borders and close proximity to trouble spots in the Maghreb, Middle East, and Persian Gulf makes it most susceptible to transnational criminal networks and terrorist infiltration.[50] Fulgence also notes that: "The Sahara desert which is very arid, hostile (sic) area has been their terrain of operations. They have established ties and links among local population and it becomes difficult for intelligence work. Though their aspirations may be different, they support each other in their operations".[51] Some of the States involved had at several times tried to solve the problem by negotiation but due to some deceit by the Terrorists or poor follow up by

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[44]In 2014, ECOWAS reaffirmed its determination to combat terrorist threats.

[45] See Salihu, N. *op. cit*, at p. 4. The instruments are: the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism and its Protocol; the African Union (AU) Plan of Action on the Prevention and Combating of Terrorism in Africa, and all other decisions and measures taken by the AU, including the Comprehensive African Anti-Terrorism Model Law.

[46] See Maiangwa, *op. cit*, at pages 9-10 (citing Ewi).

[47] See Maiangwa, *op. cit*, at pages 9-10 and Salihu, *op. cit*, at p. 4.

[48] Ibid.

[49] Ibid.

[50] See Salihu, N. *op. cit*, at p. 2.

[51] Ibid, at p. 8.

the states - the moves for peace were usually short lived. What has characterized the ECOWAS region, in terms of its offensive?

Maiangwa and Salihu have identified several reasons for the inability of ECOWAS to properly deal with terrorism. Firstly, the non-compliance of member states, lack of resources and lack of will to follow through on the implementation of protocols.[52] Secondly, the excessive reliance on the reactive approaches to conflict resolution and management i.e., the important tasks of conflict prevention and peace-building are often neglected or, in some cases, left at the mercy of donors and multilateral organizations. Without active cooperation from the West African states, the overdependence of ECOWAS on external assistance may continue to place the organization on the agenda of the West and of the Security Council.[53] Thirdly, not all member states have established national mechanisms such as counter-terrorism units and other centralized structures to coordinate national counter-terrorism measures. These include regulations of financial institutions aimed at reducing the abuse of financial systems by criminal and terrorist networks which meant that criminal groups are able to take advantage of loopholes to access their illicit finance.[54] Fourthly, the low level of collaboration among the military, law enforcement officers, forensic experts, investigators and court officials. In several instances, evidence is destroyed in the course of military operations. This poses challenges for threat evaluation and identification of key evidence by forensic experts for investigation and prosecution.[55] Fifthly, the youth bulge without corresponding economic growth and social safety nets which may drive many to join ethnic, religious, or political groups (which may be hostile to the state) due to frustration and alienation. For example, it has been proven concretely that problems of insecurity and Boko Haram insurgency arose from bad governance, injustice, poverty, corruption, unemployment, among other factors.[56] Sixthly, a lack of capacity in the judicial system of most countries in West Africa to deal with crimes of terrorism (and the unintended consequences of heavy-handed counterterrorism operations such as human rights abuses) undermines the efforts by governments to curtail the spate of terrorism.[57] Lastly, the general lack of capacity and even the slow response of ECOWAS to conflicts may not always be indicative of the organization's lack of financial resources but rather, because of the incompetence, profligacy and corruption of their political elites and other public officials who facilitate the chain of the organized crime by sacrificing national and regional security on the altar of greed.[58]

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[52] See Maiangwa, *op. cit*, at p. 10 and Salihu, *op. cit*, at p. 5.

[53] See Maiangwa, *op. cit*, at pages 10 and 12 (citing Tavares).

[54] See Salihu, *op. cit*, at p. 5. See also Friedrich Ebert Stiftung. (2011).Emerging Security Threats In West Africa: Money Laundering and Terrorism, -"*Get to know the ECOWAS" Peace and Security in an ECOWAS of the People*. "Perspectives on the ECOWAS Peace and Security Architecture", Abuja, at p. 23.Available at: http://library.fes.de/pdf-files/bueros/nigeria/08008.pdf. Date accessed-16/06/2016.

[55] Ibid, at p. 6.

[56] Ibid, at p. 5.

[57] Ibid, at p. 6.

[58] See Maiangwa, *op. cit*, at pages 12-13.

Maiangwa, citing a UN Report on Africa, stated that: "African leaders were initially of the view that 'they should not be expected to apply the scarce human, technical and financial resources available to them to combat terrorism, which they regarded as mainly a global threat manifesting itself in Africa'".[59] They have collectively and at several instances effectively engaged the terrorist group. It may be difficult to explicitly measure the success of the regions' offensive due to the difficulty in completely eradicating terrorism. However, some successes has been recorded in countries like Nigeria, Chad and Cameroon, all contending with Boko Haram and have shared information amongst each other to jointly defeat the group. The regular arrest of terrorists, destruction of hideouts and recapture of kidnap victims would be appropriate items to consider. Also, the number of terrorist finance conduits/accounts terminated and forfeited to the state and the number of prosecuted (and successfully convicted) terrorists can be other markers of a successful campaign. An encouragement in the battle against terrorism can be amplified where the successes are evident in verifiable data.

Part III

Conclusion

The reasons behind the formation of a union of nations range from an attempt to realize an opportunity that may be costly to take alone, to benefiting from a wider pool of resources to even the creation of a common defense against external opponents. The African Union (or rather, the O.A.U) may have been formed for one or more of the above reasons and so may ECOWAS. But the apparent realities show that positive outcomes (in terms of security operations in the growing face of terrorism) are far from being optimal.. Since the most ravaging and dastardly terror groups have transnational links, the fight would be better won with effective collaboration from the countries in the region.

However, the ultimate solution would involve a colossal improvement of good governance, reduction of inequality gaps and the delivery of basic amenities to society. Yet, the fact that the ECOWAS region is made up of developing nations makes this all more difficult. Commenting on the challenges faced by developing nations in their fight against terrorism, Sandler and Enders provide the following differences that also serve as indications to what requires attention. They state that:

> "Developed countries are also better equipped than developing countries to monitor their economies to determine the need for monetary or fiscal stimuli following terrorist attacks. In addition, developed countries can take decisive and effective security measures to restore confidence. Many less-developed countries

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[59] Ibid, at p. 9.

lack this capacity. Such security measures can speed recovery. *Because developing countries are more dependent on the rest of the world for demands for their products and services, these countries are more vulnerable than richer countries to terrorism shocks in neighbors and important trading partners*. Compared with their richer counterparts, developing countries are less diversified and more apt to experience a larger impact from a sector-specific attack ... Finally, the presence of internal conflicts in many developing countries compromises their ability to address terrorist attacks, which may resonate with other forms of internal strife".[60]

Recommendations

The first and most important recommendation for the ECOWAS region is for the governments of the individual states to pursue economic growth and development of their regions. This should be directed at addressing the structural problems of unemployment, inequality and poverty which leads to frustration and restiveness that makes individuals susceptible to indoctrination.

To be effective, ECOWAS will need to properly ensure the enforcement of its protocols by member states and be unyielding in sanctioning member states who flaunt the legal provisions of any of its security mechanisms. While diplomatic sanctions such as the suspension of member states and the refusal to organize ECOWAS meetings in defaulting states are welcome initiatives, they are, nevertheless, not as *severe* as imposing economic embargoes, which **Article 22** of the 1999 Mechanism allows.[61] There is a huge benefit in this because the penalty does not affect the sovereignty of the nation but rather its finance. It should also be noted that the right to refer cases to the Community Court of Justice is also conferred on the West African people in **Article 4** of the 2005 revised Protocol of the Community Court, which also gives the Community Court the expansive authority to adjudicate on human rights issues.[62]

There is also a need for enhanced cooperation between regional and continental partners to achieve practical and coherent results through the effective implementation of the ECOWAS Counter Terrorism Strategy at both national and regional levels. Governments can show strong commitment towards national counterterrorism measures by providing the needed financial, human and technical resources. It would be a sacrifice but this must be seen in light of the high financial cost of rehabilitation and repair of affected communities, infrastructure and affected

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[60] See Sandler, T. & Enders, W. (2010). Economic Consequences of Terrorism in Developed and Developing Countries: An Overview, at p. 19.Available at:http://www.utdallas.edu/~tms063000/website/Econ_Consequences_ms.pdf. Date accessed-31/03/2016.

[61] See Maiangwa, op. cit, at p. 13.

[62] Ibid, at p. 13.

persons. West African countries can deepen their collaboration in critical areas of intelligence and information-sharing. The capacity of law enforcement and criminal justice officials in the region should be enhanced through targeted training to create the skill and help with the enforcement of counter-terrorism measures in accordance with the rule of law and respect for human rights. This has the benefit of not only addressing the problem of terrorism but inculcating a respect for the dignity of lives of all individuals affected by terrorism.

Member states should engage relevant non-governmental actors such as civil society organizations, local communities, and faith-based groups in developing conflict-prevention strategies to deal with violent extremist narratives that often lead to terrorist acts.[63] The African Union can even consider collapsing the functions of the proposed African Standby Force (ASF) into the various regional Military or even Civilian forces. Not only would this strengthen the existing Security framework but it would provide the much needed fund for the security forces of the various regional blocs.

Finally, ECOWAS might simply be ill-equipped to handle this unique wave of violence.[64] Going by the comments of the ECOWAS Head of Security, the issues of funding will seriously affect any form of collective cooperation for security purposes.[65] The success of the integrated security framework, envisioned by the ECPF is dependent on the smooth running of the relationship: where there is inadequate finance, this can never be carried out effectively and might even be counterproductive. Fulgence states that the failures encountered by ECOWAS in handling terrorism are due to the fact that: "conflicts are only tackled when they appear on the surface and they have been failing to trace the roots of issues that are mostly converted into real conflicts".[66] A lot of attention needs to be given to the actual causes of terrorism, rather than the effects. If not, those same effects - quiet for a brief period - would rear their heads at another opportune time. The challenge in fighting terrorism, thus, is that the symptoms are the most apparent and the least costly to address but this approach never truly solves the problem.

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[63] See Salihu, *op. cit*, at p. 6.
[64] Ibid, at p. 12. Maiangwa provides an insightful analysis into why the socio-political make-up of Nigeria would make external intervention in the country problematic.
[65] See 'ECOWAS frets over growing terrorist attacks amid dwindling funds', *op. cit*.
[66] See Fulgence, N. War on Terrorism in Africa: A Challenge for Regional Integration and Cooperation Organizations in Eastern and Western Africa, *op. cit*, at p. 3.