HUMANITARIAN INTERVENTION IN POST COLD WAR AFRICA: THE CASE OF LIBERIA

BY

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LE贡  JULY 2012
DECLARATION

I hereby declare that this dissertation is as a result of an original research conducted by me under the supervision of Dr. V. Antwi-Danso, and that no part of it has been submitted anywhere else for any other purpose.

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Dated ........................................

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Dated ........................................
DEDICATION

This work is dedicated in appreciation to God Almighty for how far He has brought me and to the blessed memory of Dr. E. O. Adu.
ACKNOWLEDGEMENTS

The Lord has been good to me. My immense appreciation goes to Dr. V. Antwi-Danso for all the assistance in reading, correcting and guidance during the course of my dissertation. I am also truly grateful to the lecturers of the Legon Centre for International Affairs and Diplomacy whose invaluable knowledge has helped shape my thought processes and my actions. I am also exceedingly grateful to Colonel Debrah of the Ghana Military Academy, Lieutenant General Arnold Quainoo, Dr Thamas Jaye (KAIPTC), Bella in Dr Kwesi Aning’s Office (KAIPTC), Dr Ken Ahorsu, Dr Gebe, Dr Linda Darkwa, Sammy, Major Kobbieh and Eric at the LECIAD library.

I am also appreciative of my mother and brother for their prayer support, encouragement and sacrifices throughout the program. Special thanks go to Dr and Mrs Owusu-Kumi for their immense support towards my education as well as my aunties especially Aunty Anna. Finally, I appreciate the contribution of my colleagues Philip and Roselyn at the Legon Centre for International Affairs and Diplomacy.
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<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AFL</td>
<td>Armed Forces of Liberia</td>
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<tr>
<td>AU</td>
<td>African Union</td>
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<td>BBC</td>
<td>British Broadcasting Cooperation</td>
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<td>CRC</td>
<td>Central Revolutionary Council</td>
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<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<tr>
<td>ECOMOG</td>
<td>Economic Community of West African States</td>
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<td></td>
<td>Ceasefire Monitoring Group</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>ECPF</td>
<td>Economic Community of West African States</td>
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<td></td>
<td>Conflict Prevention Framework</td>
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<tr>
<td>INPFL</td>
<td>Independent National Patriotic Front of Liberia</td>
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<td>LDF</td>
<td>Lofa Defence Force</td>
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<td>LPC</td>
<td>Liberian Peace Council</td>
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<td>LUDF</td>
<td>Liberians United Defence Front</td>
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<td>NPFL</td>
<td>National Patriotic Front of Liberia</td>
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<tr>
<td>OAU</td>
<td>Organization of African Unity</td>
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<tr>
<td>PRC</td>
<td>Peoples Redemption Council</td>
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<tr>
<td>RECAMPH</td>
<td>Reinforcement of African Peacekeeping Capacities</td>
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<tr>
<td>RUF</td>
<td>Revolutionary United Front</td>
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<tr>
<td>SMC</td>
<td>Standing Mediation Committee</td>
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<tr>
<td>TWP</td>
<td>True Whig Party</td>
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<tr>
<td>ULIMO</td>
<td>United Liberation Movement of Liberia for Democracy</td>
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<tr>
<td>UN CHARTER</td>
<td>Charter of the United Nations</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNOMIL</td>
<td>United Nations Observer Mission in Liberia</td>
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<td>UNOSOM</td>
<td>United Nations Operation in Somalia</td>
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<td>USA</td>
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ABSTRACT

This study examines the ECOWAS intervention during the first phase of the Liberian conflict (1989-1997). The issues explored were: whether the humanitarian intervention by ECOWAS really served as a channel for protecting and promoting human rights, whether the palpable violations of human rights that occurred could have been abated, whether there were mechanisms put in place to guide the intervention and whether the challenges that confronted the ECOWAS’ military initiative in Liberia contributed to human rights abuses. Using primary data in which a series of semi-structured interviews were held with people from academia, a former commander of ECOMOG, an ECOWAS Commission representative and a person with a peace and security background and secondary data, the study establishes among other things that, ECOWAS’ military intervention in Liberia no doubt contributed greatly in protecting lives and property. The spate of violence at the time required military intervention which was not forthcoming from either the UN or the OAU. ECOWAS' intervention was therefore timely and had proved successful. However, this military intervention had deleterious implications for human rights despite the description of the nature of the abuses by ECOMOG as moral. The study posits that, these actions by soldiers that constituted the abuses resulted from the lack of a proper mechanism regulating the intervention. The study concluded that, once persons at the operational level of such interventions (the military) act according to the parameters set for them by policy makers; there is the need for proper and effective policy guidelines that dictate actions on the field. It is only by doing so that human rights issues can take centre stage in future humanitarian interventions; else humanitarian interventions will have mixed impacts as was the case in the 1990-1997 Liberian intervention.
CHAPTER ONE

RESEARCH DESIGN

1.0 INTRODUCTION

The foundation of international law is based on the principle that, “No State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements are in violation of international law.”¹ This principle of non-intervention is based on the sovereignty of states reflected in the territorial integrity of each state.

Early discussions on the concept of humanitarian intervention were established when states engaged in such interventions to protect oppressed people. However, according to Sarban Kardas, such motives were largely undertaken, if it was aimed strategically at overtly furthering the interest of the state.² This means that, the humanitarian character of such interventions was always in question, since, according to Wheeler and Bellamy, most interventions carried out by states were driven largely by national interest and not necessarily in the interest of those in whose name such interventions were going to be carried out.³ This also meant states employed force as and when they pleased. It is against this background that there was an attempt to outlaw the use of force in international relations after World War I which partly accounted for a decline in the practice during the first half of the twentieth century.⁴

After the sufferings caused by World War II, the United Nations (UN) was created to save succeeding generations from the scourge of war. The UN Charter is described as having helped to qualify and impose limits on the use of force in international relations by making it a universal norm and extending the doctrine of non-intervention to all states with Chapter VII of the UN Charter relating to threats to international peace and security becoming the only possible justification for intervention in the domestic affairs of a state.⁵ The use of force thus became justifiable only in cases of self-defence or collective security measures under Chapter VII of the UN Charter and all such acts of intervention, were subject to authorisation by the Security Council. One of the fundamental principles of the UN Charter is its emphasis on the promotion and respect for human rights as highlighted in Article 1 along with the obligation imposed on the UN in Article 55, to promote and respect the
human rights and fundamental freedoms of all without distinction as to race, sex, language, or religion.\textsuperscript{6}

In the post-Cold War era, the promotion of human rights at the international level has gained increasing attention as a linkage has been drawn between violations of human rights and international security. The United Nations Security Council has since 1945 (despite some restrictions such as the ideological competition and global confrontation between the two superpowers during the Cold War which made the implementation of such collective security measures difficult) had the right to authorise the use of force to end human rights violations as well as to authorise non-forcible measures.\textsuperscript{7} Humanitarian intervention has thus become the most assertive form of promoting human rights, though it challenges traditional norms such as non-intervention and state sovereignty. Such action became necessary especially because, with the end of the Cold War, many intra state conflicts of an ethnic and civil based nature erupted, particularly in Africa, in places like Somalia, Burundi, Rwanda, Uganda, Congo Republic, among others.\textsuperscript{8} This resulted in a rapid deterioration of the security situation in Africa with several conflicts characterised by limb chopping, rape, torture, and almost every gruesome act imaginable.

The international system has also witnessed a substantial change in the concept and practice of humanitarian intervention. Latif attributes this to the fact that a suitable political atmosphere for initiating interventions had been created, particularly with the demise of the Cold War.\textsuperscript{9} As a result, protection of individual rights has increasingly received general acceptance and an increased demand for UN peacekeeping operations in the face of war crimes and genocide which have challenged traditional norms of international politics such as, non-use of force in peacekeeping operations and Article 2(7) of the United Nations Charter, which effectively prohibits interventions in the domestic affairs of the state (it remains the foundation of international law). According to David Harmantas, with the end of the Cold War, sub Saharan Africa in particular has witnessed a demand for peace operations more than anywhere else on the planet.\textsuperscript{10} The West African region in particular has also gained the unenviable reputation of being amongst the most unstable regions on the continent largely because of the death and destruction that civil wars, famine, criminals and skilled militia have left in their wake.\textsuperscript{11} Liberia is not an exception to the case.

The Liberian civil war occurred in two phases; the first from 1989-1997 and the second from 1999-2003 which witnessed what has been described as a task-sharing peacekeeping experiment between the Economic Community of West African States
(ECOWAS) and the UN in both phases. The focus of the study is on the first phase of the conflict because, had the crisis been properly handled, a second civil war may not have broken out.

In December 1989, civil war broke out in Liberia with disastrous implications on the country; many of its neighbours also deeply felt the ripple effect of the conflict. Citing humanitarian abuses and regional instability, ECOWAS intervened in Liberia with a military Monitoring Group (ECOMOG) in August 1990. Initially, the United Nations, United States of America, and the Organisation of African Unity (OAU) failed or refused to intervene. The sub-regional group ECOWAS, was left with no other alternative than to intervene in a conflict that had affected every fabric of the Liberian society.

1.1 STATEMENT OF THE RESEARCH PROBLEM

The Liberian civil war raged on for almost eight months before pressure from Sierra Leone and Guinea was reported to have forced ECOWAS Heads of State to set up a Standing Mediation Committee (SMC). The SMC later sanctioned a military intervention through the setting up of ECOMOG and the initial deployment of 3,500 troops from Nigeria, Ghana, Guinea, Sierra Leone, and The Gambia. Their mission being peacekeeping and humanitarian assistance. It must be noted that the ECOWAS treaty is guided by the Charter of the OAU which favours non-aggression between member states, peaceful settlement of disputes and maintenance of regional peace and security. However, the enormity of economic and social threats that growing chaos in Liberia posed to economic development and regional integration meant that ECOWAS had no choice but to intervene in Liberia through the creation of a military arm.

ECOWAS failure to seek prior approval from the UN before its unilateral action did not hinder the UN from becoming more actively involved in the humanitarian efforts. ECOWAS’ intervention was not without problems. Regional rivalries and differences were brought to the fore as many states resented the hegemonic role played by Nigeria. The intervention is said to have contributed to civilian casualty numbers with reports holding that, from the start of ECOMOG’s intervention in 1990 to the end of the war in 1997, there was a rise in casualty numbers from an estimation of 4,000 to more than 150,000, and over one million displaced persons. ECOMOG’s intervention in the Liberian crisis before the reaching of a cease fire agreement and against the wishes of the country’s most important warring faction, also resulted in a number of situations: Taylor’s National Patriotic Front of
Liberia (NPFL) attacked the West African troops when they landed in Monrovia. Consequently, ECOMOG forces became direct combatants in the conflict as they sought to defend their mandate. Accusations of human rights abuses and engaging in the illegal trafficking of looted goods were also levelled against ECOMOG’s commanders and soldiers. ECOMOG soldiers’ sexual relations in war torn Liberia resulted in a number of ECOMOG children in the countries that participated in the operations in Liberia, with Ghana not being an exception.

Due to lack of vigilance on the part of ECOMOG forces, a break-away faction from the NPFL, Independent National Patriotic Front of Liberia (INPFL) continued to remain in areas of Monrovia already under their control which encompassed ECOMOG headquarters and to remain armed. Consequently, in an unarmed trip to ECOMOG head-quarters Samuel Doe along with his entourage of 75 body guards were attacked by armed INPFL soldiers; his body guards were gunned down and with little resistance from the peacekeepers, Johnson’s men managed to abduct Doe. Doe was later tortured to death while being videotaped in the presence of Prince Johnson. Despite these shortfalls, ECOWAS efforts have been described as commendable.

The central question here is: did ECOWAS humanitarian intervention serve as a channel for the protection of human rights?

- What was the mandate of ECOWAS in 1990-1997 and how was this mandate carried out in Liberia?
- What was the implication of the intervention on the human rights of the Liberian people?
- The intervention came with certain human rights abuses; could they have been abated?
- What were some of the mechanisms guiding ECOWAS humanitarian intervention in Liberia?
- What were some of the challenges and successes of ECOWAS during the intervention and their implications on the Liberian people?

1.2 OBJECTIVES OF THE STUDY

The main objectives of the study include:
• To examine how the humanitarian intervention between 1989-1997 was undertaken.
• To identify and discuss the dimensions of the civil war.
• To analyse the challenges that confronted ECOWAS and the benefits of the intervention.
• To examine the implications of the intervention on human rights abuses in Liberia.
• To examine the mechanisms guiding ECOWAS humanitarian intervention in Liberia.

1.3 HYPOTHESES

This study is premised on the hypothesis that:

• The lack of a proper mechanism guiding ECOWAS intervention in Liberia contributed to the human rights abuse shortfalls faced by ECOMOG.
• The timely intervention of EOCMOG contributed positively to human rights protection in Liberia.

1.4 RATIONALE OF THE STUDY

This research examined the humanitarian intervention in Liberia by ECOMOG under the auspices of ECOWAS in 1989 and the implications of the intervention on human rights. The study sheds light on how this regional military initiative was carried out and the lessons that can be learnt from such action. This study would help fill a lacuna in existing literature in the field of humanitarian intervention in Africa.

1.5 CONCEPTUAL FRAME WORK

The conceptual framework of the research used to explain ECOWAS launching of the humanitarian intervention is hinged on collective security.

1.5.1 COLLECTIVE SECURITY

According to the Report of the Secretary General’s High Level Panel on Threats, Challenges and Change “any event or process that leads to large-scale death or lessening of life chances and undermines States as the basic unit of the international system is a threat to international Security.”19 It is against this background that collective action by states is always needed to ensure the peace, a phenomenon, which has been aptly dubbed ‘collective security.’ Collective Security is a system through which all nations commit to the maintenance of international peace and security, a goal which finds prominence in the UN Charter. It states among others that, all states must ensure the promotion of international
peace and security, by taking “effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace...”

A system of collective security holds peace and security as indivisible and applies the principle of anonymity which holds that, “states belonging to the system of collective security must have no a-priori friends or foes if the system is activated and are willing to take enforcement action against another member state with which they traditionally have good and close relations and assist another member with which they are not on good terms should the former attack the latter.” A collective security system also provides some sort of balancing power which checks a hegemon’s tendency to impose itself on the system, sets clearly defined parameters for enforcement action and has sanctions that are carried out by all members against those member states who fall foul of the system.

In the post-Cold War era, internal conflicts have become the main security challenge with a growing number of ‘rogue states’ and ‘failed states’ that disregard the international legal order with central and local authorities that have little or no control over the country with gross human rights violations almost becoming a regular feature. Despite the fact that, the UN Charter prohibits the unilateral use of force by states or regional organizations, Chapter VIII, Article 52, of the UN Charter recognises “the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.”

ECOWAS has such a regional agreement existing between its members called the 1981 Protocol relating to Mutual Assistance of Defence and was effectively triggered by ECOWAS members during the 1989/1990 Liberian crisis. The Treaty setting up the Economic Community of West African States signed in Lagos on the 28th of May, 1975 and The Protocol on Non-Aggression signed in Lagos on 22nd April 1978, is in accordance with Member States resolve not to use force as a means of settling their disputes. These could therefore be set aside where collective action was needed to ensure peace in Liberia, for example. Indeed, Article 2 of the protocol on Mutual Assistance of Defence holds that, “Member States declare and accept that, any armed threat or aggression directed against any Member State shall constitute a threat or aggression against the entire Community.” Article 4 on the other hand, stipulates that “In case of internal armed conflict within any Member
State engineered and supported actively from outside likely to endanger the security and peace in the entire Community...... the Authority shall appreciate and decide on this situation in full collaboration with the Authority of the Member State or States concerned.\textsuperscript{26} Article 18(2) prohibits intervention if the internal armed conflict poses no danger outside the borders of the afflicted state and if it is not supported from outside.\textsuperscript{27}

The unleashing of a humanitarian catastrophe in Liberia that accompanied the fighting begun to affect regional trade and tourism, produced scores of refugees, and threatened to spill over into the bordering states. Clearly, the civil war in Liberia fit the criteria enumerated by the Articles stated above. Inspired by the failure of the UN and OAU to trigger its collective security mechanisms, and the failure at resolving the Liberian crisis by all ‘peaceful’ means, citing humanitarian abuses and regional instability, the SMC adopted the ‘ECOWAS Peace Plan for Liberia’ which ordered the formation of the ECOWAS Monitoring Group in Liberia (ECOMOG).\textsuperscript{28}

\textbf{1.6 LITERATURE REVIEW}

Kelly Pease and David Forsythe discuss Human Rights, Humanitarian intervention and World Politics and note that, “International law, and the world politics that creates and sustains it, has increasingly manifested a tension between the primacy of state sovereignty and other values that would challenge that primacy.”\textsuperscript{29} They maintain that, this is particularly the case with the end of the twentieth century as there has been an increase in attention on values of individual human rights with humanitarian intervention becoming the mode of enforcing protection of such values.\textsuperscript{30}

Pease and Forsythe note that, there is a broad formulation of the principle of non-intervention yet, the legal status of the principle of non-intervention has been highlighted in a number of resolutions, fundamental legal documents and in United Nations Charter article 7 Paragraph 2.\textsuperscript{31} Pease and Forsythe maintain that, despite changing views in world politics and international law, interconnectedness and interdependence, there are still no clear rules that serve as a guideline for triggering interventions.\textsuperscript{32} With the creation of the United Nations, the development of human rights treaties by three regions in the world, the Helsinki Accord of 1975 amongst others, human rights has been internationalized making the principle of non-intervention difficult to maintain.\textsuperscript{33} Such human rights protection can be enforced only through humanitarian interventions expressed either as unilateral or multilateral action that is accompanied by the use of force. Both authors contend that
currently, legal claims for forcible unilateral humanitarian intervention to enforce human rights protection in world politics are based on claimed protection for either nationals or non-nationals yet, the international community has refused to recognise such action claimed to be undertaken on behalf of non-nationals nor is there any treaty law backing such action.\textsuperscript{34} This clearly shows that, there is a lack of a consistent form of action guaranteeing the protection against violations of internationally recognisable human rights whether in a political or legal context.

Jeremy Levitt in his article, “Humanitarian Intervention by Regional actors in internal conflicts: The case of ECOWAS in Liberia and Sierra Leone” asserts that, with the end of the Cold War, customary international law has moved more towards recognising humanitarian interventions by either a group of states or regional actors in internal conflicts.\textsuperscript{35} Levitt notes that, the normative criteria for such interventions include, human rights abuses within a state that violate the norms of international law, state collapse that leads to anarchy and when safeguarding democracy in a state when a democratic government has been illegally removed against the will of its civilian population.\textsuperscript{36}

In both Liberia and Sierra Leone, the regional body launched unilateral interventions without seeking prior approval from the Security Council. However, the interventions in Liberia, Sierra Leone and the Inter-African mission to monitor the implementation of the Bangui Agreement (MISAB) in the Central African Republic basically had their legal basis steeped more in customary international law doctrine of humanitarian intervention.\textsuperscript{37} Levitt asserts that, current recognition given to exceptions to the principle of non-intervention in the domestic affairs of states could include when what he describes as a ‘de jure’ government grants its consent and when a right to humanitarian intervention is invoked by a group of states or regional actors.\textsuperscript{38} To Levitt, the issue of an internal conflict being a matter under the domestic jurisdiction of the state in international law is not in dispute. However, this does not mean states engaged in committing grave human rights violations can hide behind the principles of sovereignty and domestic jurisdiction.\textsuperscript{39}

Levitt concludes by stating that, currently under certain circumstances, the international community may accept unilateral humanitarian intervention. There is also, a growing trend that is emerging where, regional actors are allowed to undertake some peace enforcement action.\textsuperscript{40}
Festus Aboagye in his book, “ECOMOG: A Sub-regional Experience in Conflict Resolution, Management and Peace-keeping in Africa”, presents a comprehensive historical overview of the formation of the Liberian state and the subsequent frictions between the indigenes and the ‘settlers.’ Aboagye also focuses on the problematic social and political environment that pertained during the dominance of the settlers in the governance structure till the coup d’état and dictatorship of Samuel Doe. He highlights the demise of the democratic state structure, the subsequent conflicts and the quick down-ward spiral into a bloody civil war that was fought along ethnic lines. Aboagye continues to document the resultant instability in Liberia and the spread of the conflict to Liberia’s neighbours, amid gross human rights abuses by the warring factions that eventually propelled the regional group-ECOWAS, to seek a peaceful resolution to the conflict.

Aboagye notes that, when it became apparent that, the entrenched positions taken by the warring factions was going to serve as a major obstacle/hindrance to a peaceful resolution of the crisis, ECOWAS first turned its attention to the international community to trigger its collective security mechanism in order to halt the blatant abuses. According to him, the ‘blatant refusal’ of the international community to spear-head intervention efforts in Liberia led to the creation of a regional force-ECOMOG by the SMC in August 1990. He continues to note that, despite the successes chalked by ECOMOG, it was beset with several challenges that almost hindered its operations. Amongst its challenges were: a failure to obtain a cease fire before its intervention, failure to understand the complex geo-political environment in Liberia and an underestimation of the Taylor and NPFL factor to significantly influence any peace efforts or the success of ECOMOG’s operation. There was also a lack of a clear mandate that revolved round peacekeeping, counter insurgency and peace enforcement and most importantly, the crack in the ECOWAS front based on colonial experiences that expressed itself as Anglophone/Francophone divide and resulted in a diplomatic stalemate in the face of human and material tragedy, and support for the warring factions by some of the regions members.

Aboagye concludes by noting amongst other things that, the action by ECOMOG served as an important example for a new type of external intervention by a sub-regional organization, led to a re-examination of the policy of non-interference in the internal affairs of states, reaffirmed the indivisibility of security, contributed to the change in focus on the part of West African leaders and expanded the mandate of ECOWAS member states from purely political and economic perspectives to include questions of security and thus, redefined the concept of non-intervention.
Janet Fleischman in her book, *Waging war to keep the peace: the ECOWAS Intervention and Human Rights*, evaluates the ECOMOG intervention in Liberia from a human rights perspective and how human right abuse accusations leveled against ECOMOG and the intransigence of Taylor and his NPFL posed serious challenges to the regional effort. Fleischman highlights the background to the intervention, ECOWAS/ECOMOG attempts at attaining a cease fire from 1990- the inability to achieve a cease-fire or negotiated settlement and how Taylor and his NPFL intransigence, forced ECOMOG into a situation of peace enforcement that is associated with aggression and resulted in ‘collateral damage.’

Fleischman notes that, a number of factors accounted for the human rights shortfalls that befell the regional force. Amongst them are the following: failure by ECOWAS/ECOMOG to insert/embed human rights provisions into its peace negotiations or peace process since the beginning conflict because of its alliance with warring factions, whose human rights records were abysmal, a failure on the part of the regional group to make use of the frail truce in November 1990-1992 and a failure to ensure accountability for past human rights abuses which inadvertently contributed to the continuing abuses. Even the comprehensive peace accord, the Yamoussoukro IV accord did not contain human rights provisions. Most importantly, ECOMOG’s mandate was not explicit on human rights but rather, on things such as, peace enforcement and disarmament.

Fleischman concludes by critiquing ECOMOG’s failure to prevent incidental attack on civilians. She notes that, when ECOMOG was conducting bombing and strafing raids using Nigeria’s Alpha jets on Taylor territory, it was rather the civilians who bore the brunt of these air strikes. It was common knowledge that, the NPFL used the civilian population or civilian institutions as a shield for its military activities. ECOMOG’s ‘oversight’ was a direct violation of the principles of proportionality and Medical Neutrality in International Humanitarian Law. Fleischman notes that, Article 51(5) (b) and 51 (7) of Additional Protocol 1 (977), to the 1949 Geneva Conventions, forbids any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated. To Fleischman, despite ECOMOG’s intervention succeeding in temporarily stopping the bloodshed and ethnic killings in Liberia, it did not
adequately fulfil its obligation and duty to protect civilians and issue rules of engagement designed to strictly limit or avoid civilian casualties.

Clement E Adibe assesses the Liberian Conflict in terms of the ECOWAS-UN partnership, how effective the partnership was and some lessons to be drawn from the partnership. Adibe asserts that, the partnership was created for two reasons; when the Liberian conflict assumed international dimensions through ECOWAS direct political and military intervention in an attempt to curb the spread of the conflict and, the adoption in 1992, of The Agenda for Peace which effectively meant, some sort of global support had to be ‘lent’ to peace efforts in Liberia. Adibe describes this ECOWAS-UN partnership as an ‘experiment’ that was triggered by failure on the political and military front. ECOWAS political challenge largely emanated from issues regarding diplomacy and what he describes as a “lack of experience in the diplomacy of multilateral security and its calculations of self-interest of proponents of the ECOWAS peace plan.” According to Adibe, based on the Cotonou Agreement and the adoption by the UN Security Council resolution 866, UNOMIL was established.

Ismail Rashid assesses West Africa’s Post-Cold War Security Challenges as presented at the end of the twentieth century. The challenges, he notes, are characterised by poverty and a volatile conflict ridden region. Containing these conflicts whiles preventing new ones from emerging and, developing a security frame-work that ensures lasting peace whiles ensuring pro-poor development programmes. He analyses the origins and dynamics of differing conflicts in West Africa as influenced by historical experience, social context, the agenda of various factions, the role played by external actors and the fact of African’s some-times playing key contributory roles in triggering conflicts. Rashid highlights how conflicts in the sub-region, particularly in Liberia and Sierra Leone, have left in their wake, a break-down of vital security and state institutions and impacted large populations.

Christopher Tuck’s Every Car or Moving Object Gone, The ECOMOG intervention in Liberia examines the ECOMOG intervention in Liberia which he describes as, representing a classic case of Post-Cold War intra state conflict characterized by state collapse, ethnic conflict, political fragmentation, warlords and a late and inadequate response from the UN. ECOMOG’s intervention in terms of its usefulness as a model for future African peacekeeping operations is assessed by Tuck through the intent of the intervention,
the method used and its outcome. Tuck also highlights some of the challenges faced by ECOMOG.

Tuck notes that, 1997 witnessed an end in hostilities that was importantly preceded by the deployment of ECOWAS ceasefire monitoring group (ECOMOG). To Tuck, partly due to the achievements of ECOMOG, interest has grown in developing African peacekeeping which has culminated in programmes such as Reinforcement of African Peacekeeping Capacities (RECAMP) by France, the Africa Crisis Response Initiative by the US and ECOMOG’s engagement in Sierra Leone. Tuck continues to note that, the outcome of ECOWAS efforts in Liberia included: an inclusive electoral process which witnessed the involvement of major factions in the political process.

Tuck maintains that, the method of carrying out African regional peacekeeping operations is not removed from the problems associated with other UN operations. Instead, the only points that ECOMOG seemed to have been a bit more effective related to areas of strategic direction, the formulation of mandates, the use of force, co-operation with other organisations, and the question of resources.

To Tuck, regional peacekeeping operations may be driven by considerations for democracy, human rights or humanitarian considerations, existing regional protocols, at the instance of a regional hegemon or on the basis of safe-guarding the peace and security of a region or community. He warns that, such actions may not be spared from controversies and may face resistance from some quarters. Also, regional peacekeeping efforts may have to deal with bitter conflicts where, ethnic differences are being manipulated for political gains by factional leaders as made manifest in Liberia. Another challenge is what Tuck describes as “a zero-sum approach to negotiation where, cease fires are often used in a calculated fashion to promote breathing spaces during which to consolidate and re-arm.”

Tuck continues to note that, internal conflicts which persist, as did in Liberia, become increasingly ‘confused’ with the emergence of new groups and the fragmentation of existing groups. There is also the potential for the conflict to receive support from outside, the tendency of such conflicts spilling across borders as did the Liberian conflict into Sierra Leone and the imminent and unavoidable use of children as soldiers.

Tuck concludes by observing that, “ECOMOG’s success was less in peacekeeping, since the fighting may well have been more prolonged and heavy than if it had not
intervened. The ECOMOG operation was, in reality, an ambiguous exercise in attrition, sustained by Nigeria’s willingness to accept heavy material costs, which succeeded largely because of eventual compromises made bilaterally between the then Nigerian President, Sani Abacha, and Charles Taylor. The ECOMOG deployment was in several respects a very poor choice of role model for future African peacekeeping operations. Whilst it was in many ways no worse than other contemporary peacekeeping operations, it struggled to be much better and it provided few answers to enduring peacekeeping problems.\cite{56}

It is clear from the above reviews that the authors have touched on various aspects of the Liberian crisis. None, however, placed accent on the humanitarian aspects of the intervention. Although every aspect analysed by the various authors is relevant to this study, the work is more concerned with the humanitarian issues involved in the ECOMOG intervention.

1.7 CLARIFICATION OF CONCEPTS

Humanitarian intervention and peace enforcement have varied meanings that are usually dependent on context of application. For the purpose of this research, humanitarian intervention and peace-enforcement are defined as follows:

**HUMANITARIAN INTERVENTION**

Following Kardas, the term Humanitarian Intervention is used in the work “as referring only to coercive action taken by states, at their initiative, and involving the use of armed force, for the purpose of preventing or putting a halt to serious and wide-scale violations of fundamental human rights, in particular the right to life, inside the territory of another state.”\cite{57}

**PEACE ENFORCEMENT**

“Peace enforcement involves the application, with the authorization of the Security Council, of a range of coercive measures, including the use of military force. Such actions are authorized to restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression.” \cite{58}
1.8 METHODOLOGY

The study employed qualitative research design to investigate the research problem. Qualitative research attempts to increase understanding of why things exist as they pertain in our social world and why people act in the ways they do.\textsuperscript{59} It involves direct interaction with individuals on a one to one basis, a group setting or through observation which allows for richness of data and deeper insight into the phenomena under study. The challenge however arises from time consuming nature of data collection hence, necessitating the collection of data from smaller numbers of people.\textsuperscript{60}

The research design used also sought to describe the Liberian intervention in detail. The methods of collecting data were through primary and secondary sources.

The primary sources included semi structured interviews with four (4) people drawn from peace and security background, the academia, a former commander of ECOMOG and an ECOWAS Commission representative. Focus was primarily on the ECOMOG operations in Liberia between 1990 and 1997 and involved a series of open ended questions based on the topic areas under discussion which helped define the topic under investigation and provided the opportunity to discuss topics in more detail. The secondary sources were information from books, journal articles and libraries.

1.9 CHAPTER ARRANGEMENT

Chapter One: Research design (introduction, problem statement, objectives, methodology and hypotheses).

Chapter Two: The international system in Post-Cold War Africa and the history of the Liberian civil war.

Chapter Three: The dimensions of the civil war and mechanism guiding ECOWAS humanitarian intervention in Liberia.

Chapter Four: Summary of findings, conclusion and recommendations.
Endnotes

4 Kardas, op.cit.
5 Ibid
7 Kardas, op.cit
9 Latif, op.cit., p.25
13 Ibid
14 For a more comprehensive analysis of the situation see: Max Sesay, ibid
18 Gberie, op.cit., p.57
20 Charter of the United Nations, op.cit, p.3
22 Ibid., p.74-75
23 Ibid., p.83
24 Charter of the United Nations, op.cit,p.11
26 Ibid., p.4
27 Ibid., p.8
28 Brown, op.cit.
30 Ibid., p.290
31 Ibid., p.291-292
32 Ibid., p.293
33 Ibid., p.294 and 296
34 Ibid., p.298
36 Ibid., p.336-337
37 Ibid., p.335
38 Ibid., p.335
39 Ibid., p.339-340
40 Ibid., p.373-374
44 Ibid., p.471
45 Ibid., p.474
47 Ibid., p.383-384
49 Ibid., p.2
50 Ibid., p.1
51 Ibid., p.1
52 Ibid., p.11
53 Ibid., p.4
54 Ibid., p.4
55 Ibid., p.3
56 Ibid., p.12
57 Kardas, op.cit.
60 Ibid., p.2
CHAPTER TWO

THE INTERNATIONAL SYSTEM IN POST COLD WAR AFRICA AND THE
HISTORY OF THE LIBERIAN CIVIL WAR

2.0 THE INTERNATIONAL SYSTEM IN POST COLD WAR AFRICA

During the Cold War, more accent was placed on state sovereignty, rather than on enforcing
human rights. Intervening states’ justification for humanitarian intervention was also based
on claims of acting in self-defence. In this sense, armed humanitarian intervention was
considered-illegitimate.¹

In the post-1945 to the 1990s era, the UN is said to have largely engaged in what has been
described as traditional peacekeeping which did not require the use of military force.²
These UN peacekeeping missions took the form of post-conflict peacebuilding, involving the
conclusion of agreements of a ceasefire or peace agreement with the peacekeepers serving
the purpose of reinforcing or supporting such agreements. It was not until the early 1990s
that the UN is reported to have broken away from the norm of not using force in
peacekeeping. And, this was in Somalia and Bosnia, which proved quite unsuccessful and
resulted in the retreating of the UN into what has been described by Cottey as the traditional
model of peacekeeping.³ In contrast to peacekeeping in the 1990s, humanitarian
interventions in places like Somalia and Bosnia involved the use of military force to achieve
humanitarian ends. It was aimed at protecting populations in situations of on-going violence,
with the deployment of forces. According to Cottey, the forces were first, to protect
populations and provide support to humanitarian relief, facilitate the delivery of aid, and
disarm warring factions.⁴

Jack Donnelly describes humanitarian interventions as generally being in the form of
unilateral or multilateral action.⁵ To Jeremy Levitt, unilateral interventions are based on the
initiative of a state or group of states or by a regional actor’s initiative that has the authorization of the UN but does not involve it partaking in such efforts or on the other hand, such interventions as are undertaken by the UN.\textsuperscript{6}

To Greenwood, tradition legal positions on unilateral military intervention in another state were seen as a violation of the prohibition of force in Article 2(4) of the United Nations Charter.\textsuperscript{7} Against this background, little support existed for conducting humanitarian interventions based on human rights protection. States that did engage in humanitarian interventions relied more on the self-defence arguments as reasons for their action as exemplified by Tanzania’s overthrow of the Amin government in Uganda in 1979.\textsuperscript{8} Greenwood further notes that, with the end of the Cold War, a changed political situation in the Security Council and growing amount of public opinion on humanitarian concerns has resulted in an increasing trend towards reconsideration of the traditional legal perceptions of humanitarian intervention undertaken by the Security Council.\textsuperscript{9}

In the current Post-Cold War era of international relations, several sub-Saharan African countries like Angola, the Democratic Republic of Congo, Liberia, and Sierra Leone have been concurrently plagued by protracted armed conflicts, cross-border raids, and renegade militias, destabilising the political environment. Increasing activities of war-lords and rebel groups and mineral or resource-induced conflicts have also become prevalent. In the words of Paul Orogun, “The overt state sponsorship of a plethora of renegade rebel militias has triggered a wave of cross-border attacks as well as inter-state military interventionism in the ostensibly internal state-society schisms of belligerent neighbouring and contiguous countries. This geostrategic and military predicament constitutes one of the intractable dilemmas of modern sub-Saharan Africa’s post-Cold War era of international politics.”\textsuperscript{10} The cross regional insecurity, gross human rights violations and war atrocities that these armed conflicts present have made it difficult to uphold non-intervention in the
internal affairs of states either by African regional organizations, the UN or other non-Governmental organizations.

Humanitarian interventions may thus be justified on moral grounds on the basis that, it is to protect civilians from genocide and mass killing, which, in actual fact, is the duty of the state. After-all, it is the basic duty of the state to protect and preserve the inalienable and universal human rights of its people. Failure to do this is implies the loss of the state’s rights to sovereignty since, the state derives its rights of sovereignty from its ability to protect its citizens.\textsuperscript{11} According to Wheeler and Bellamy, in contemporary times, the concept of humanitarian intervention has developed alongside the concept of The Responsibility to Protect (R2P) since its adoption in 2005 at the UN World Summit. And, it is premised on the basis of states having the primary responsibility to protect their citizens from atrocities and mass killings. Where states are unwilling or unable to offer such protection to prevent these unfortunate happenings, such responsibility is transferred to the wider international community.\textsuperscript{12} In the same regard, the domestic and cross regional insecurity posed by the armed conflict in Liberia in 1989/1990 made it quite difficult for the regional body ECOWAS to stand aloof.

Despite the moral grounds, upon which humanitarian interventions may be undertaken, Wheeler and Bellamy are of the opinion that, the concept of humanitarian intervention continues to be at odds with the principles of sovereignty, non-intervention, and non-use of force.\textsuperscript{13} Liberal thinkers like Stuart Mill’s critique of humanitarian interventions are said to be based on its supposition to be initiated to protect human rights. To him, “Human rights cannot take root if they are imposed or enforced by outsiders. Interveners will therefore find either that, they become embroiled in an unending commitment or that human rights abuses re-ignite after they depart.”\textsuperscript{14} This fear has become a reality in places like Afghanistan. Also, the absence of an impartial mechanism for deciding when humanitarian
interventions must be initiated and the tendency for states to be selective in the type of situations in which they decide to intervene are some of the reasons why humanitarian interventions have not ceased being a controversial concept even with the end of the Cold War.

2.1 BACKGROUND OF LIBERIA

Liberia is a country that was partly shaped by the transatlantic slave trade to the United States and is endowed with significant natural resources including timber, gold, diamonds and rubber. It is located on the Atlantic coast of West Africa encompassing a territory of 43,000 square miles and borders Sierra Leone to the northwest, Guinea to the northeast, and Cote d’Ivoire to the southeast. Having more than twenty indigenous languages, English is its official language.

From 1822, freeborn black Americans, freed slaves of African descent, and Africans freed from captured slave ships which did not constitute more than five per cent became known as ‘Americo Liberians.’ They were settled by the American Colonization Society on lands which later became Liberia. White American agents of the American Colonization Society
whose activities were largely funded by the US government played a dominant and authoritarian role in governing Liberia for several years until, in 1847, under Americo-Liberian rule, Liberia became a sovereign state.

According to the Consolidated Final Report of the Truth and Reconciliation Commission on Liberia, from the very start, the indigenous inhabitants of the territory had opposed the establishment of the Liberian nation. This opposition by the indigenous inhabitants was reinforced by certain actions of the settlers’ that included an attempt to ‘Civilise’ and ‘Christianise’ the indigenous folk. These differences eventually defined relations between the settlers and the indigenes. Various indigenous groups were thus at war with the American Colonization Society and later, the Liberian government over issues relating to territory and trade routes throughout the 1800s. Consequently, as documented by the Consolidated Final Report of the Truth and Reconciliation Commission on Liberia, this disunity was a major source of over ninety (90) violent conflicts between the settlers and indigenes from 1821-1944.

2.2 THE INDIGENE’S WOES

The strained relation between the indigenes and settlers was reflected not only on political scene but also, other spheres of society. Americo-Liberians and their families dominated economic, social and cultural life. Despite the existence of other political parties, True Whig Party (TWP) which was comprised of Americo Liberians dominated governance in Liberia. This resulted in excessive centralization of power in Monrovia and at the presidency. Soon, corruption spread across society, ministries, the security forces, civil service, judiciary and the entire governance system.

Through force and authority, the ‘settlers’ acquired land and extended their influence and authority from the coast deep into the hinterland while, the indigenous population had
very limited opportunities. The indigenes were also said to have been subject to human rights abuses and segregation as, brute force was employed first by the Liberian Frontier Force (LFF) and later, the Armed Forces of Liberia (AFL) and the imposition of settlers’ rule, set the settlers’ apart from the natives. These were used as tools for controlling the indigenes and territory of Liberia. The segregation faced by the indigenes was also extended into the country’s national and democratic features. The Liberian Flag for example, showed a white star representing the freedom of the ex-slaves. The Liberian seal also portrayed a ship indicating the means of arrival of the settlers and containing the motto: The Love of Liberty Brought Us Here.

2.3 DOMINANCE OF AMERICO LIBERIANS

Soon, Americo-Liberians became a dominant force in the Liberian society as the indigenes were systematically marginalised from all spheres of society. Decades of political and social unrest followed as Americo-Liberians kept a firm grip on the government. According to Joanne Brockman, these monopolies of power was to the detriment of indigenes of the land and eventually lead to an investigation by the League of Nations in 1929, into charges of slavery and forced labour. It concluded that, government officials profited from indigenous peoples forced labour.

2.4 SETTING THE STAGE FOR DOE

Americo Liberian rule reached its peak during the 1971-1980 presidency of William Tolbert (a position he assumed upon the death of President Tubman). Tolbert had been the vice president of President William Tubman. Tolbert’s presidency was characterised by corruption, harassment and a crackdown on political opponents. According to Natalie Brown, the combined over thirty year rule of Tubman and Tolbert brought only marginal
gains to the lives of ordinary Liberians. The precarious domestic situation was further worsened by harsh economic conditions. As a result, the price of rice went up. Many Liberians did not take kindly to the increment on rice, which was a staple for all Liberians. And in protest, riots broke out. “The Rice Riot in 1979 was followed in April 1980 by a coup d’état in which seventeen ‘semi-literate soldiers’ of the Armed Forces of Liberia (AFL) entered the executive mansion in the Liberian capital and murdered William R. Tolbert the President.”

The junta, which was led by Samuel Doe, called itself the Peoples Redemption Council-(PRC). With Doe’s arrival on the political scene, many were hopeful that the lots of the indigenes will improve. This dream was short lived as Doe used his position to further the interest of his kinsmen the-Krahn who represented only five per cent of Liberians. Subsequently, the government and military became dominated by his kinsmen. His PRC is known to have established a large patronage network tied to commercial interests with the Mandingo; a small ethnic group of settlers believed to have originated from Guinea. Doe and his ethnic Krahn monopoly on power continued until eventually, elections were organised by the Doe regime. It was a troubled electoral process which was characterised by events such as the confiscation of ballot boxes, a deliberate attempt to limit media coverage and a host of other challenges that eventually saw Doe retain power. According to Andrew Young, as ethnic alliances became entrenched, elements of the PRC and AFL became alienated as their allegiance to the regime had been premised on the promise of overthrowing the oppressive Americo-Liberian-based TWP of Tolbert.

Around 1983, a couple of people including Prince Johnson (a Gio), Charles Taylor and the commanding general of the AFL, Thomas Quiwonkpa, (a Gio) fled into exile after they had all fallen out of favour with Doe. This resulted in much discontent amongst Quiwonkpa’s supporters in Nimba County. Doe, who had always harboured the fear of a
possible attack by the exiles, invaded Nimba County predominantly populated by the Gio and Mano ethnic groups with his Krahn dominated AFL where; they looted, burned villages to the ground and killed indiscriminately.

2.5 THE ERA OF COUPS

In November 1985, according to Lansana Gberie, General Thomas Quiwonkpa, the said mastermind of the 1980 coup that brought Doe to power, lead a group of ex-soldiers and dissidents into Liberia through Sierra Leone in an attempted military coup in Monrovia which was later foiled. Amongst the reasons advanced as accounting for the failure of the coup of General Thomas Quiwonkpa, is his entering Liberia through Sierra Leone without his logistics officer General Weah, who was reported to have been killed in a cross fire at the border with Liberia. The consequence of Quiwonpa’s attempted coup and its foiling was disastrous: Quiwonkpa was captured and murdered by the Krahn dominated army who were mobilised under General Charles Julu a Krahn, Gio’s and Mano’s were purged from the armed forces and became subject to discrimination in employment, extortion, looting and killing, thousands of defenceless peasants were killed in Quiwonkpa’s ancestral home of Nimba County whiles homes were destroyed, businesses and farms pillaged and women raped.

On December 24th, 1989 Charles Taylor an America-Liberian, former official in the Doe Government and a fugitive from justice in the United States, entered Liberia from his base in Cote d’Ivoire. According to Andrew Young, Taylor and his group of rebels comprising of Prince Johnson and between ninety (90) and hundred and sixty eight (168) men who called themselves the National Patriotic Front of Liberia (NPFL), announced via the British Broadcasting Cooperation (BBC) their intention of ousting the Doe regime. Taylor saw his war as a continuation of the failed Quiwonkpa Coup. And between late
January and June 1990, Nimba County in north-central Liberia and the capital city of Monrovia had been seized by the rebels.

Doe’s attempt at carrying out with the support of the Krahn dominated Armed Forces of Liberia (AFL), a repeat of the brutal acts that befell the inhabitants of Nimba County to curb growing support for Taylor and his rebels backfired. It rather had the effect of pushing more Gio and Mano into the ranks of Charles Taylor’s NPFL with the avowed aim of seeing Doe ousted from power. According to Max Sesay, this resulted in a number of issues: the conflict became drawn more along ethnic lines with the Krahn and Mandingo becoming subject to attacks and killings by the NPFL, within six months of the outbreak of the war, Taylor and other rebel factions had captured ninety per cent of the country while laying siege and carrying out sustained attacks in Monrovia; the prize at stake- the presidential palace-the Executive Mansion.30

Soon, there were atrocities by both the NPFL and the AFL. “In July, the NPFL is said to have moved into Lofa County slaughtering five hundred (500) Mandingos. The NPFL was also noted for testing people for their ability to speak Gio or Mano dialects; failure resulted in death on the spot. During the same period, the AFL is said to have entered St. Peter’s Lutheran Church in Monrovia and killed six hundred (600) displaced citizens of war of mainly Gio and Mano ethnicity.”31 The intense fighting only resulted in an increase in destruction of life and property.

2.6 ECOWAS TO THE RESCUE

While the Liberian conflict raged, the attention of the World along with their news headlines had been captured by the 1990 Iraqi invasion of Kuwait and the subsequent Gulf War. This meant, for the time being, international attention was on the Gulf War and not on the crisis in Liberia. Consequently, “the three best candidates for international involvement
declined to intervene in the conflict in 1989 leaving only a sub-regional group to act. The U.N. Security Council ignored the Liberian representative’s appeal; the United States of America also insisted that, the resolution of this civil war is a Liberian responsibility. Citing the principle of ‘non-intervention’, the Organization of African Unity (OAU) rejected involvement.”

With no one to turn to other than themselves, the mandate of intervention fell on the sub-regional group, the Economic Community of West African States (ECOWAS). ECOWAS soon announced its launching of a humanitarian intervention.

2.7 HUMAN CATASTROPHE AND THE SMC

According to Natalie Brown, in the early days of the conflict, individual states and various African leaders tried without much success, to invoke regional agreements, appeal for but not attaining a cease-fire or negotiated settlement all aimed at the peaceful resolution of the conflict in accordance with the 1963 Organization of African Unity (OAU) Charter. While, some 700,000 Liberians fled the country to Cote d’Ivoire, Guinea and Sierra Leone, many more fled to Ghana and Nigeria. A humanitarian catastrophe was soon unleashed. While on one hand, looting, pillage and plunder intensified, on the other hand, there was also a lack of organization, control and stability amongst the command of the armed bands, “criminal misuse of children, the employment of strategies of confidence artistry, the opportunistic use of a variety of cultural symbols and the orchestration of state anarchy.” These soon became a feature of the civil war.

Desperation set in amongst Liberia’s neighbours as the fighting begun to affect regional trade and tourism, produced several refugees and threatened to spill over into the bordering states. Pressure from Guinea and Sierra Leone is reported to have pushed
ECOWAS Heads of State to form a five-member Standing Mediation Committee (SMC) comprised of Gambia, Ghana, Mali, Nigeria, and Togo where, they sought to find a peaceful solution to the crisis. Initial attempts made by the SMC to get Doe to step down in order to facilitate a negotiated cease-fire agreement failed as he refused to step down. Other attempts at resolving the conflict through imposing travel restrictions, assets freeze on property located outside of Liberia, the restriction of rebel use of sovereign territories for training fighters and for staging bases did not yield much fruit either.

Inspired by these failed attempts at a peaceful resolution of the conflict, at a two-day meeting in July 1990 in Sierra Leone, a plan for a military intervention force was drawn up by the ECOWAS sub-committee on Defence. It led to the adoption by the SMC in August, of the ECOWAS Peace Plan for Liberia. It ordered the formation of the ECOWAS Monitoring Group in Liberia (ECOMOG). Despite the fact that, the regional force was subject to the individual traits of the various force commanders and the politics of the sub-region, for seven years, ECOMOG became a source of stability in Liberia. ECOWAS initially assumed a speedy resolution to the conflict could be achieved. But, as the conflict raged on, this dream seemed more of a distant reality and accordingly, the ECOMOG force number swelled.

According to Brown, as the force numbers swelled, ECOMOG’S mission and role changed: by the mid-nineties, the rebels saw the regional force as part of the conflict and by 1995; ECOMOG had taken on the task of protecting some a hundred and sixty (160) United Nations Observer Mission in Liberia (UNOMIL) observers. ECOMOG was to assist the “ECOWAS Standing Mediation Committee in supervising the implementation and ensuring the strict compliance by the parties, with the provisions of the cease-fire throughout the territory of Liberia.” It was clear that, ECOMOG was a hasty assembly of ECOWAS contingent for intervention based on the urgent need for humanitarian intervention. Protests
from Taylor and the NPFL did not stop ECOWAS/ECOMOG from entering Liberia as they cited humanitarian abuses and regional instability as a basis for ECOMOG forces mid-August 1990 entry into Liberia via Sierra Leone with 2,700 men.\textsuperscript{41}

The Liberian civil war had roots that run very deep and a number of unresolved issues that had been simmering for a long time. The way the civil war evolved and the desperation with which ECOWAS intervened are a perfect shadow of the problems within the sub-region.
Endnotes


3 Ibid., p.431

4 Ibid., p.433


8 Ibid., p.34-35

9 Ibid., p.35


11 Wheeler and Bellamy, op.cit

12 Ibid

13 Ibid

14 Ibid


16 Ibid., p.4 and 78

17 Ibid., p.79-80

18 Ibid., p.4-5-6

19 Ibid., p.77-78, 87 and 93

20 Ibid., p.83


25 Ibid., p.6


28 Brown, op.cit

29 Young, op.cit, p.9


31 Young, op.cit, p.10

32 Brockman, op.cit, p.714

33 Ibid., p.714

34 Brown, op.cit

35 Gberie, op.cit, p.54

36 Brown, op.cit

37 Ibid

38 Ibid

39 Ibid

Brockman, op.cit, p.715
CHAPTER THREE

DIMENSIONS OF THE CIVIL WAR AND MECHANISMS GUIDING ECOWAS

HUMANITARIAN INTERVENTION IN LIBERIA

3.0 ECOMOG’S MANDATE

After ECOWAS decided to intervene in the Liberian civil war, the West African Force ECOMOG was created on August 7th 1990 as an alternative to halt the on-going carnage in Liberia. This was after several attempts at resolving the crisis peacefully had failed. ECOMOG was given a “broad mandate that encompassed both peacekeeping and peace enforcement and to conduct military operations for the purpose of monitoring the ceasefire, restoring law and order to create the necessary conditions for free and fair elections to be held and, to aid the release of all political prisoners and prisoners of war.”

This view shared by Howe on ECOMOG’s mandate containing elements of peacekeeping and peace enforcement is consistent with that of Tuck as he asserts that, “During the period of its deployment, ECOMOG engaged in a variety of missions including protection of humanitarian aid, disarming of factions, cantonment, mediation, and peace enforcement.” It is without doubt that, ECOMOG’s mandate revolved around peacekeeping and peace enforcement. The challenge however was that, ECOMOG served as ‘the accuser, the judge and the prison officer’ in its own trial. The situation at the time made it difficult for a clearly defined mandate to be crafted. Effectively, as Jaye would put it, ECOMOG/ECOWAS created its own mandate, intervened and implemented it. This invariably led to some of the human rights violations by the regional force. Jaye asserts that, because ECOMOG was forced into peace enforcement a situation associated with high ‘collateral damage,’ in certain instances, both civilians and rebels suffered similar fates.

The constantly changing mandate reflected the evolving nature of the conflict. This did little to help the challenges faced at both ends of the conflict. It needs to be noted clearly
however that, politically and legally ECOMOG was shaky. Within Africa, ECOMOG represented the first credible attempt at a regional security initiative since the Organization of African Unity (OAU) tried to establish an Inter African Force to intervene in Chad in 1981. The inexperience of setting up such a multi-national force was a political hindrance. Besides, there was a near divide between English-speaking and French-speaking West African States. Anglophone members of ECOMOG initially acted alone because, several Francophone ECOWAS members strongly opposed the deployment. The leaders of Burkina Faso and Cote d’Ivoire supported Charles Taylor in his attempts to depose Samuel Doe.

The legal challenge has been expressed by many authors. Nigerian scholar, Adekeye Adebajo, wrote in 2002 that “there was merit...in the argument that the establishment of ECOMOG did not conform to the constitutional legal requirements of ECOWAS. The Standing Mediation Committee, the body that established ECOMOG at its meeting in Banjul, Gambia on 6–7 August 1990, was ‘on shaky legal foundations.’” Indeed, the Mediation Committee of ECOWAS had to rely on a 1981 Protocol, Protocol on Mutual Assistance of Defence, adopted in Freetown, Sierra Leone, on 29th May 1981, as the basis for the intervention. Again, ECOMOG’s role was at times controversial when it effectively became a faction itself in the war, stopping warlord Charles Taylor’s forces from entering the capital. ECOMOG initially therefore, had to collaborate with forces opposed to Charles Taylor, but eventually had to accept Taylor as a reality, when it became apparent that he was the dominant force in Liberia and almost already in the capital, Monrovia.

Against the background of the aforesaid, it is understandable why ECOMOG had a seemingly constantly changing mandate.
3.1 REGIONAL REACTIONS TO THE INTERVENTION

3.1.2 SIERRA LEONE

Sierra Leone was to be the assembly point and launching pad for the ECOMOG forces. The forces were dispatched from their base in Freetown into Liberia. This never pleased Taylor, consequent upon which he issued a threat via the BBC African Service on 1st November 1990 to attack and destroy Freetown’s international airport. He argued that, by allowing its territory to be used as an operational base for ECOMOG, Sierra Leone had made itself a legitimate target. Consequently, by March 1991, Taylor’s pronouncements ceased to be a mere threat as serious fighting and bloodshed soon escalated into a civil war in parts of eastern and southern Sierra Leone. The fighting was triggered by an armed group believed to have originated from Liberia, the Revolutionary United Front (RUF), led by Sierra Leonean soldier, Foday Saybanah Sankoh, who had previously fought with Taylor’s NPFL. Their intent was to overthrow Sierra Leone’s government under President Momoh.

3.1.3 NIGERIA

The number of Nigerians living and working in Liberia before the advent of war was estimated to be more than 70,000. In April 1990, the Nigerian government, upon request from the then President of Liberia, Samuel Doe, decided to ship light assault weapons and ammunition to the latter to help stop the advance of the rebels under the command of Charles Taylor. It became essential therefore to protect the Nigerian citizens, especially since the Nigerian government gesture set its citizens up as targets of Charles Taylor’s forces. Indeed, civilians who sought protection at the Nigerian embassy were murdered by NPFL rebels. Nigerian citizens were not the only ones threatened by the growing chaos; other nationals from The Gambia, Sierra Leone, and Guinea, were equally threatened. The situation was compounded by the fact that, several refugee populations and dissidents from
The Gambia, Guinea, and Sierra Leone had joined forces with Taylor in a bid to destabilize the region. In spite of the fact that Nigeria, around the same period, faced growing criticism for domestic human rights abuses and political repression, she had to demonstrate a willingness to stop a worse form of human rights abuses within the sub-region. When ECOWAS decided therefore to intervene militarily, Nigeria was seen as the architect and arrow-head of ECOMOG; it had the largest contingent of troops, it was the major financier of ECOMOG and also paid for the expenses of some smaller West African States.9

It must be noted however that, Nigeria’s leadership role was not without problems. According to Max Sesay, Nigeria’s struggle for regional hegemony with Cote d’Ivoire meant Cote d’Ivoire and other Francophone States in the region, with the exception of Guinea opposed the setting up of the force.10 The Nigerian government, under President Ibrahim Babangida, was known to be supporting the Doe regime, providing the latter with support in such areas as debt relief and some road and educational financing. Such acts may have informed Taylor’s stance of seeing the ECOWAS decision to intervene in Liberia as “an attempt to save Doe and sanction Nigeria’s occupation of Liberia.”11

3.1.4 MALI

Mali like other states, unlike Nigeria, was slow in sending troops to Liberia. This was because, aside the ECOWAS Treaty and the principle of non-intervention being enough justification for its initial stance of not sending troops, other precarious domestic events demanded full military attention. In the early 1990’s, pro-democracy demonstrations by students and opposition politicians in Bamako and other cities, made it difficult for Mali’s dictator Moussa Traore to maintain control of the country’s domestic situation.12 A rebellion by Tuareg nomads demanding autonomy could not be over looked either.
After President Traore had been driven out of office, the democratically elected president Alpha Omar Konare managed to negotiate a peace settlement with Tuareg groups and some ex-combatants who were later integrated into the armed forces. A relatively stable domestic environment meant attention could be turned to regional security issues; six hundred (600) Malian forces were subsequently contributed in 1996 to the regional effort in Liberia. The deployment of troops to peacekeeping efforts in places like Liberia, Haiti and Rwanda was strategically aimed at occupying supporters of the former regime who were still a part of the competent and powerful military, sending a message to ECOWAS members and curbing the Nigerian hegemony.¹³

Relations between Mali and the ‘perceived’ architect of ECOMOG- Nigeria were not so cordial especially after the Malian government action of co-sponsoring a United Nations Resolution that condemned Nigeria for human rights abuses.¹⁴ In retaliation, the then Nigerian President is reported to have ensured that, he was elected as ECOWAS chairman instead of the Malians who had been in line for the ECOWAS chairmanship.

3.1.5 NIGER

Niger is another country whose domestic situation hindered its initial troop contribution to the intervention in Liberia. Around the period of ECOMOG’s deployment, the country had to grapple with inflation, unemployment and a Tuareg rebellion in the north.¹⁵ It is during the rule of Ibrahim Bare, who had come to power through a bloodless coup d’état that Niger begun to contribute troops to the effort in Liberia. His primary motive for contributing troops was to prevent the armed forces in particular from influencing the domestic situation especially because he lacked full military backing for the coup, salaries had not been paid and, as an attempt to boost his image in the international community in the face of human
rights abuse critiques levelled against his regime.\textsuperscript{16} Subsiding rebel incidents in the north and the desire to forge closer ties with Nigeria further ‘inspired’ such efforts.

3.1.6 BURKINA FASO

Burkina Faso played an even more interesting role. The country’s president Blaise Compaore publicly opposed the intervention on the basis of what was spelt out in the OAU Charter and the ECOWAS Treaty on State Sovereignty.\textsuperscript{17} Aside the legal basis of President Compaore opposition to the intervention, he had other personal reasons for opposing the intervention. He was the son-in-law of former Ivorian President Felix Houphouet-Boigny, whose daughter had previously been married to the late son of former Liberian President Tolbert, who had been assassinated by the Doe regime. Thus, he formed an alliance with President Houphouet that saw Burkina Faso facilitate the delivery of arms, have its mercenaries fight alongside the NPFL and open its territory up for the establishment of training camps for Taylor and his NPFL.\textsuperscript{18} Despite President Compaore shift in position in the mid 1990’s and subsequent contribution of troops in 1997, Burkina Faso’s true intent always raised eyebrows.

3.1.7 GHANA

Ghana’s General Arnold Quainoo, served as the first ECOMOG commander. According to Natalie Brown, Ghana unlike other countries that partook in the intervention did not to have any political stake in the outcome of the Liberian civil war and served as an honest broker by, “providing troops to ECOMOG because it considered itself an island of stability in a tumultuous and unpredictable area and believed it could assist in restoring stability… bringing with it political impartiality and extensive peacekeeping experience to the regional endeavour.”\textsuperscript{19} Despite this, according to Byron Tarr, during the 1980’s Doe saw Ghana as
unfriendly and as a country that sought to overthrow his regime through its support of
dissidents. This perception may have been formed in 1987 when, Taylor is reported to have
established contact with Captain Blaise Compaore through the ambassador of Burkina Faso
in Ghana in 1987.

Map of ECOWAS Members as of 2005

3.2 INTERNATIONAL REACTION

3.2.1 UNITED STATES

According to Herbert Howe, Liberia since World War II had been of strategic
importance to United States of America (USA) with the USA having more ties with Liberia
than any other state in Africa. During the Liberian crisis in the 1990’s, the attention of the
USA was drawn more towards the Iraqi invasion of Kuwait hence, its limited role in initial
mediation efforts. It was not until June 1990, that, following attacks on its nationals and
interests, Operation Sharp Edge was launched to evacuate its nationals and other nationals.

The USA was a known supporter of the Doe regime. Hence, it was not surprising that, at a
point in time, US Rangers and Israelis engaged in combat against Taylor’s rebels. However,
US support for the Doe government seemed to have ended as it begun to share intelligence pertaining to troop movement with Taylor’s NPFL.\textsuperscript{23}

The US largely dragged its feet when it could have launched a direct military intervention in Liberia. This was mainly because, with the end of the Cold War, Liberia’s strategic importance to the US had waned. Hence, it was not surprising that, the US insisted that the Liberian civil war was an internal crisis requiring a local solution. According to Wheeler and Bellamy, in October 1993, in pursuit of a warlord who had killed 28 Pakistani peacekeepers, twenty troops of the UN Operation in Somalia (UNOSOM) eighteen of them Americans were killed.\textsuperscript{24} This culmination of events may have further entrenched the US position of not directly intervening.

3.2.2 THE UNITED NATIONS STANCE ON ECOMOG’S INTERVENTION

Following fighting between ECOMOG forces and Taylor’s forces and the latter with government forces in Sierra Leone, Resolution 788 was adopted by the Security Council on 19\textsuperscript{th} November 1992. The resolution condemned the attacks on ECOWAS and imposed a mandatory arms embargo under Chapter VII of the Charter and prohibited all deliveries of weapons and military equipment to Liberia except for the sole use of ECOWAS forces.\textsuperscript{25} The deterioration of the situation in Liberia was also seen as constituting a threat to international peace and security, particularly in West Africa as a whole.

On September 22\textsuperscript{nd}, 1993, the Security Council adopted Resolution 866 that established United Nations Observer Mission in Liberia (UNOMIL) stating that, “this would be the first peacekeeping mission undertaken by the United Nations in cooperation with a peacekeeping mission already set up by another organization, in this case ECOWAS.”\textsuperscript{26}
Despite the lack of a “legal basis for ECOWAS intervention under the UN Charter, it was supported by the United Nations and the whole international community. In fact, between 22nd January 1991 and 27th November 1996, it is reported that, the Security Council adopted fifteen resolutions directly relating to the situation in Liberia. In addition, the President of the Security Council issued nine statements in connection with this.”

One commentary has it that, “The ECOWAS mission in Liberia marks the first time the international community as a whole has supported unilateral humanitarian intervention by a group of states (regional actors) in a purely domestic conflict.” In essence, despite all the odds, ECOWAS intervention was duly acknowledged.

3.3 FACTIONS

As the civil war intensified and became prolonged, the number of warring factions also increased. According to Andrew Young, Prince Johnson originally a part of the National Patriotic Front of Liberia (NPFL) formed a splinter group Independent National Patriotic Front of Liberia (INPFL) made up largely of the Gio. By late in 1991, remnants of Doe’s army believed to be supported by Sierra Leone, Guinea and Nigeria primarily made up of Krahn and Mandingo formed with the name; The United Liberation Movement of Liberia for Democracy (ULIMO).

Soon by 1994, warring factions had spread; ULIMO split into ULIMO-K and ULIMO-J, representing the surnames of its Mandingo and Krahn leaders Alhaji Kromah and Roosevelt Johnson. Liberians United Defence Front (LUDF) made up of Krahn and Mandingo and the Liberian Peace Council (LPC) made up largely of Krahn were also formed around the same period. Confrontations between Lofa Defence Force (LDF) believed to have been funded by Tyalor and ULIMO-K were not uncommon. The year also witnessed the break-away of
NPFL’s Tom Woewiyu to form the NPFL-Central Revolutionary Council (CRC) that aligned with the LPC, ULIMO-J and AFL.

### 3.4 PEACE ACCORDS

After Taylor’s troops had tried to prevent the landing of ECOMOG forces and his declaration of war on them, ECOMOG forces became engaged in the conflict and failed to prevent Doe’s eventual capture, torture and murder in September 1990. In November 1990, a cease-fire was negotiated in Bamako, Mali, which tasked ECOMOG to monitoring cease-fires, draw up buffer zones, establish check points and disarm militias.\(^{31}\)

With the intensification of the conflict and the subsequent spread of warring factions, a call for the factions to disarm and for national elections to be held was made through the signing of The Yamoussoukro IV Accord in October 1991.\(^ {32}\) However, in October 1992, Taylor’s launching of ‘Operation Octopus’ effectively halted all such plans. This breach of faith did not sit well with ECOMOG and the regional force manifested its displeasure by bombarding NPFL positions which resulted in heavy losses to the latter.

In July 1993 in Benin, a comprehensive peace accord; the Cotonou Accord was signed. It contained provisions for disarmament, demobilization and the holding of general elections. Once again, Taylor re-armed and launched attacks. By September 1994, there was the need for another set of agreements. This time, the Akosombo Agreement was signed by NPFL, AFL, and the United Liberation Movement led by Alhaji Kromah (ULIMO-K). It called for an immediate cessation of hostilities and the establishment of a balanced council of state.\(^ {33}\) By December, the Akosombo II Agreement had replaced the Akosombo agreement and it established a ceasefire and obtained a commitment for the conduct elections in 1995. Resumption of fighting in February 1995 meant, scheduled elections in November 1995 had to be cancelled.
By August 1995, the patience of Ghana, Nigeria and the UN had begun to run-out. A call was made on the warring factions to demonstrate a commitment to end the war. The Abuja accord was subsequently signed in Lagos, Nigeria, and it reiterated the ceasefire agreement, scheduled elections for August 1996 and for the deployment of ECOMOG troops throughout Liberia to oversee the disarmament and reintegration process.

Once again, heavy fighting broke out when Taylor announced his intention of sending troops to arrest and detain one of the factional leaders; Roosevelt Johnson. The fighting went on for two months and only resulted in more destruction to life and property and placed scheduled elections on hold. The resulting chaos from the fighting meant another agreement; the Abuja II agreement had to be signed. The agreement reconstituted the council of state and placed it under the chairpersonship of Liberia’s first woman Head of State- Ruth Perry in September 1996 and for elections to be held in May 1997.

3.5 HUMAN RIGHTS ABUSES

It is clear that, both the warring factions and ECOMOG forces were complicit when it came to human rights abuses. Among the factions, Taylors NPFL and the AFL can be singled out for mention. The former was known to single out the Krahn and Mandingo for attack whiles the latter also carried out a massacre on the 29th of July 1990 at the St. Peter’s Lutheran Church. Clearly, there was a deliberate intent by both groups to destroy in whole or in part an ethnic group. According to Howe, by July 1990, thirty per cent (30%) of Taylor’s ten thousand (10,000) fighters were under the age of 17. Taylor’s failure to prevent this was in complete violation of some of the core principles of the Conventions of the Rights of the Child (CRC) adopted in 1989. In particular, the right to life, survival and development and the protection from every form of exploitation. Convention 182 on the Worst Forms of Child
Labour defines the recruitment of children in armed conflicts as one of the worst forms of exploitation.

According to Jaye, the nature of the human rights abuses committed by ECOMOG forces were basically more of a moral nature and not those abuses based on rules of engagement probably because of the lack there-of. These ‘moral’ abuses took the form thousands of ‘ECO babies’ who emanated from the illicit affairs between ECOMOG forces and the Liberian women, the increased risk of transmission of HIV/AIDS either from peacekeepers to society or from the societies to peacekeepers as a result of increased sexual activities brought on by the peacekeepers presence, the phenomena of ‘sex for food’ (soldier’s using food and protection as tools to obtain sexual gratification). Nigerian soldiers in particular were also accused of looting, pillage and stealing.

3.6 ECOWAS/ECOMOG HURDLES

According to General Arnold Quianoo, ECOMOG forces faced quite a number of problems relating to inadequate resources in manpower, equipment, funds, differing military doctrine, rules of engagement (one country’s may be wait till you are fired upon before you respond another may have been to defend ECOWAS resource) and language barriers (which effectively manifested itself as a lack of coordination of action and operation). These difficulties made it even more challenging to convince the rebels who saw violence as the only channel for addressing their grievances, goals and ambitions that, violence was not the most suitable outlet. Such convincing could also only be carried out by ‘credible’ actors. The problem was compounded further by the combative approach adopted by the regional forces. After all, the rebels were of the opinion that, they could not be defeated. A more ‘diplomatic approach’ could have easily calmed tempers and prevented unnecessary losses.
Another area where ECOMOG faced serious challenges was the lack of a clear policy direction. According to General Quianoo, many of the problems that emanated from the field were a direct consequence.\(^{38}\) This was especially challenging because, action on the ground hinges largely on the policies at the strategic level and the mandate given. If there was no clear policy direction, how could the excess of the ECOMOG force be reined in? Ambiguity in ECOWAS policies also made it difficult for clearly defined parameters to be established on issues of democracy, human rights protection and ways of improving the quality of life of the sub-regions nationals. This major policy problem was reflected in the SMC decision in Banjul on August 6\(^{th}\) 1990 which effectively barred members of the warring factions who had taken up arms from taking up positions in the interim government.\(^{39}\) Despite the existence of this policy, Charles Taylor, a factional leader, who had taken up arms stood and won an election and became president of Liberia. One would then ask; what informed such a policy and how cogent was it? What purpose did it seek to serve? Would other factional leaders who had taken up arms yet, did not have the opportunity to stand for elections not feel slighted? Would ECOWAS credibility remain intact after ‘extending’ such largesse to Taylor?

The lack of a separate political and military leadership in Liberia also presented its own set of challenges to the regional action. Because this was lacking, the force commander ended up playing a dual role.\(^{40}\) Ideally, a special representative from ECOWAS should have headed the mission in Liberia with the force commander next in command to the representative. This would have ensured that, the political (civilian) and military components of the action would have been fully exhaustive.

At the strategic level, preparation was also woefully inadequate. ECOMOG had no map showing important landmarks such as the port or landing spaces; all they relied on was a tourist map.\(^{41}\) There was no advance party which understood the terrain of operation. This
was crucial to the success of the operation. According to Sesay, in an attempt to gain ground, ECOMOG made what he describes as “shady deals with other rebel groups, who had a better understanding of the terrain and provided the peace troops with intelligence in exchange for weapons.” These weapons in the hands of the rebel groups only continued to fuel the conflict and increase the casualty numbers amongst the warring factions, civilians and ECOMOG forces.

Lack of accountability on the military and political front. During the period of the intervention, most of the countries in West Africa were ruled by dictators and had little or no public accountability or civil society participation in decision making. Despite some figures that have been stated as the cost of intervening in Liberia, the real cost of the intervention was never made know. As to whether funds that were supposed to have been devoted to the Liberian intervention actually reached their intended target or, were misappropriated or diverted else-where, no one can tell. Army commanders were also accused of misuse, misappropriation and profiting off soldier’s money; reaping dividend before eventually paying them off. This resulted in some undesirable behaviour such as pilfering amongst the soldiers. This eventually earned them the unenviable reputation of ‘every car or moving object gone-ECOMOG.’

According to Peter Arthur, external support for warring factions and the lack of consensus on the way forward in Liberia resulted in intense disagreements among ECOWAS member states. This was the case because, various countries in the sub-region had their own political, economic, social, and in some cases personal motives for supporting or opposing the ECOWAS military intervention. Countries like Cote d’Ivoire and Burkina Faso were known supporters of the NPFL which directly battled ECOMOG. This only prolonged ECOMOG’s stay as the civil war escalated.
3.7 ECOWAS/ECOMOG SUCCESSESS

ECOWAS/ECOMOG action in Liberia was not fraught with only challenges, there were successes as well. According to Peter Arthur, ECOMOG’s creation represented “one of the most remarkable developments and achievements of ECOWAS since its establishment in 1975. Though controversial, it helped restore peace, security, and order in Liberia… not only did ECOMOG’s intervention represent a unique case of post-Westphalian peacekeeping, peace enforcement and conflict resolution in West Africa, but also, ECOMOG became the basis through which ECOWAS sought to establish its collective security mechanism to deal with conflicts in its backyard.”

ECOWAS timely intervention reduced the casualty numbers and ensured that, a safe haven was created in Monrovia for many fleeing the conflict. Consequently, several lives were saved, the scope of damage limited and a number of actors who would have had a free hand to create chaos in the sub-region were prevented from doing so. ECOWAS intervention was also a novelty of its kind painting a picture of the time. No one had an answer to the kind of conflicts in the Post-Cold War era. All such attempts were essentially trial and error. ECOWAS provisions were not sufficient or developed by the time of the intervention. With the intervention; a number of issues, protocols and treaties were reinvented and the role of regional organizations in peace efforts under Chapter VIII of the UN Charter was placed in better perspective. Also, the first regional intervention effort in Liberia subsequently led to the development of a framework for later interventions that have been improved upon and replicated by the African Union (AU), European Union (EU), Arab League amongst others (with human rights protection taking centre stage in such interventions).
3.8 MECHANISMS GUIDING ECOWAS HUMANITARIAN INTERVENTION IN LIBERIA

As previously highlighted, with particular reference to the time of the conflict in Liberia and the intervention, many of the protocols in place today did not exist at the time and those that were, were not formulated in such manner as to address the peculiar situation of Liberia. The only such protocols existing at the time that could be relied on were the Protocol on Non-Aggression (1978) and the Protocol relating to Mutual Assistance of Defence (1981). The Protocol relating to Mutual Assistance of Defence in particular, has a built-in mechanism for dealing with conflicts through the creation of an allied force which, is in charge of the execution of military action. This force did not exist at the time of the intervention making ECOMOG more of an ad-hoc mechanism. Unfortunately, these protocols were also more oriented towards conflict prevention and not towards tackling interventions of such nature as undertaken in Liberia. They also provided no legal backing for interventions. The lack of a clearly defined legal instrument sanctioning the intervention served as a major ground for disagreement among ECOMOG members. While some members were of the opinion that, in the absence of such legal backing the intervention must not be undertaken, others were of the opinion that, in the absence of such legal instruments, the intervention must proceed on humanitarian grounds.

After Liberia, a number of intervention based protocols/mechanisms that have both military and civilian components have been developed to improve upon ECOMOG. They provide for such things as: early warning systems, council of the wise and a special representative of the secretary general, Protocols Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (1999), the creation of the ECOWAS stand by force under the AU architecture and the establishment of the ECOWAS Conflict Prevention Framework (ECPF).
This has ensured that, there isn’t a paucity of policies but rather, a challenge of implementation, resourcing and political will. The effectiveness of many of these Protocols and mechanisms and their capacity to address recent regional developments have been put to the ultimate test in Mali, Guinea Bissau and Cote d’Ivoire where, all the warning signs were yet, the region failed to react on time. What remains clear is that, the effectiveness of such mechanisms is dependent on the region answering a number of questions: do we have the training and capability requisite for fighting, for example in the desert? (As in the case of Mali), can ECOWAS shoulder the responsibility of sustaining such efforts for prolonged periods? Despite this, it must be noted that, no regional organisation can promote peace and security without proper policies, international support and preventive mechanisms that have been contextualised to suit the needs of a specific region. One must also be guided by the fact that, no matter the kind of mechanism available, the primary responsibility for intervention that takes the form of enforcement action rests with the UN Security Council. Yet, the reality of conflict is different and a lot of factors play out including the possibility of waiting forever or non-response from international actors as happened in Liberia.\textsuperscript{50}

The advantage with sub-regional action is that, they can deploy quickly and are more likely to be familiar with situations on the ground. They are also better placed to intervene because of the potential spillage of internal conflicts to other states in the region (indivisibility of security). On the other hand, regionally initiated humanitarian interventions may not be entirely advisable because, the fact that they may be familiar with the dynamics or domestic situations present in a conflicting state makes it possible for them to take positions that are counter-productive.\textsuperscript{51} The challenge to surmount is that, for such actions to be effective, a sense of cohesion must exist among regional actors. This was initially lacking in Liberia as expressed in the Anglophone/Francophone divide. Essentially, this meant there was a crack on the ECOWAS front creating a diplomatic and military problem.
Another challenge with regional efforts is that, they tend to raise questions relating to sovereignty, legality, consent and legitimacy of interventions. This poses challenges of which outweighs the other; legality of the intervention or the politics of it. On a legal basis, ECOWAS action in Liberia was questionable but, the UN later ‘blessed’ their efforts effectively resolving the legal tussle.\(^{52}\)

It follows from the above that, key to making ECOWAS humanitarian interventions effective are first; the strategy-this relates means to an end. On the military side, if the region decides to use humanitarian intervention, appropriate readiness must be manifest in terms of logistics, equipment, command and control, intelligence and the existence of a single command structure to which all are responsible (unlike that witnessed in Liberia where troops were responsible to their individual country’s command structure).\(^{53}\) The strategy must also be mindful of the problems that communication barriers present. Issues of intelligence and an adequate understanding of the terrain of a state must never be overlooked. This inadvertently checks the temptation of relying on local forces and unnecessary compromises being made which only results in dented credibility and being/perceived as partisan. Such interventions must also bear in mind the politics that come along with enforcement action and how heavily dependent such actions are on regional cohesion to be successful.

Second is the economics of intervention. Critical questions need to be raised about the regions preparedness to shoulder the financial implications of such interventions if their stay is prolonged. And, if the region lacks the financial capacity, the international partners on whom the region can rely. Care must however be taken as, it is highly unadvisable to depend solely or heavily on assistance coming from outside the sub-region.
The success of such interventions can then be analysed only in terms of this; short term success based on ‘security outcome’ including such things as elections, cease fire agreements, humanitarian assistance amongst others and how these fit into the long term security outcome. If it cannot, then, there is a problem and such action cannot be deemed truly successful. The legitimacy of such interventions either from the UN or AU is also highly crucial.

3.9 WHAT COULD HAVE BEEN DONE DIFFERENTLY?

The intervention could have gone on with a clearly defined mandate whiles, issues of lack of cohesion in the region could have been dealt with. Ensuring that there was a political leader at the centre of the mission with a military force subject to that political leader and, the use of the police as in any classic case of peace keeping, would have presented a totally different scenario. A longer transitional period would have ensured that, public sector reforms were properly tackled and a total reformation of the entire governance system which was in desperate need of a total overhaul would have been achieved. 54 The short period between comprehensive peace agreements and elections made it difficult to deal with issues of transitional justice. And, with some perpetrators of crimes during the civil war being members of the governance structure made it even more difficult.
Endnotes

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4 Thomas Jaye, Deputy Director for Research at the Kofi Annan International Peacekeeping Training Centre. Personal Interview held on 27th June 2012.
5 Ibid
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12 Brown, op.cit
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14 Ibid
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21 Howe,op.cit, p.148
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23 Ibid., p.40
27 Ibid., p.347
28 Ibid., p.341
30 Ibid., p.14
31 Tuck, op.cit, p2
32 Sesay, op.cit, p.37
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48 Jaye, op.cit
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CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

4.1 INTRODUCTION

The study set out to provide insight into Humanitarian Interventions in Post-Cold War Africa focusing more on the first phase of the Liberian conflict (1989-1997). A major justification, particularly for initiating humanitarian interventions in the Post-Cold War international system, is its linkage to international peace and security. Violations of human rights in whatever form has been identified as posing a threat to security. The Post-Cold War international system in Africa has been quite chaotic with the emergence of civil wars across the continent. Many of these civil wars have been attributed to a number of issues. Notable among the issues is the loss of patronage from Cold War patrons - the US and the Soviet Union. The end of the Cold War signalled the closure of Cold War patronage where dictators on the African continent and elsewhere were supported and propped up. With the loss of such support, dictators with oppressive regimes that had gained notoriety for being atrocious, begun to face growing opposition in their countries with the emergence of groups that had begun to assert themselves by revenging in various ways against years of dictatorship and mis-rule. In an attempt to curb growing discontent and opposition and ensure their continued rule, some leaders became even more oppressive. Liberia clearly fits this description, and, no wonder became one of the many such spots, where rebellion became the culmination point for discontent and opposition.

The central issue of the research sought to investigate whether the humanitarian intervention by ECOWAS served its purpose of being a channel through which human rights in Liberia were protected. In order to do this, the research focused on the intervention by ECOWAS in the Liberian civil war between 1989-1997, the mandate of ECOMOG, the
implications of the intervention on human rights in Liberia (after all, it was crucial to the
initiation of the intervention in the first place), some of the mechanisms guiding ECOWAS
humanitarian intervention in Liberia and whether or not the abuses committed by ECOMOG
could have been averted.

4.2 SUMMARY OF KEY FINDINGS

At the end of the study, the researcher found that, ECOWAS did serve its purpose of
abating human rights abuses and that; humanitarian interventions are a channel by which
human rights may be protected. Incidentally, because the ECOMOG action was the first of
such modes of enforcement action in the sub region, there were human rights abuses even in
the face of human right protection. Despite the description of some of the human rights
abuses by ECOMOG as ‘moral’ by the interviewees, the crux of the matter is that, abuse is
abuse regardless of the shape or form in which it manifests itself. Many of the abuses could
have been avoided even in the 1989-1997 conflict, if some-one had been more responsible.
Despite the numerous challenges at the time and the lack of experience in such matters, all
the ECOMOG forces were service men and each country had its rules of engagement that
define and prohibit action as well as guide relations with society.

Again, ECOMOG forces should have been guided by the dictates of International
Humanitarian Law that regulates the conduct of war and armed conflicts between states as
spelt out in the Four Geneva Conventions of 1949, their 1977 Additional Protocols and The
Hague Conventions. Amongst the key principles of International Humanitarian Law are the
Principles of Proportionality, Military Necessity, and Distinction. The principle of
distinction for instance, spells out in Additional Protocol I, in Articles 50, 51 and 52, the
protection to be accorded civilians, the prohibition of attacks against civilians and
indiscriminate attacks that cause disproportionate civilian injury.
The study established that, the lack of an adequate and proper mechanism for addressing humanitarian interventions of the nature undertaken in Liberia by ECOMOG largely contributed to the challenges and human rights short falls that ECOMOG faced. Thus, the nature of ECOMOG’s mandate, the dimensions the civil war assumed, the problems, and challenges faced by ECOWAS/ECOMOG and the lack of a mechanism guiding the intervention in Liberia, largely contributed to the human rights abuses that ECOMOG became entangled in. Ultimately, there is a lot ECOWAS did not get right but there is a lot it did get right as well.

4.3 CONCLUSION

Despite the fact that, some are of the view that, if ECOWAS/ECOMOG had not intervened, the war would have ended sooner because, with their coming, Taylor became more intransigent and sought a negotiated settlement. It stands to reason that, war is not terminated by an all-out military action or negotiated settlement. Also, no intervention is easy; with time, war fatigue sets in and resources dwindle. People just got tired and a rushed election saw Taylor come to power. Despite this, he failed to provide an enabling environment for peace and security as he chased perceived enemies. This led to a renewal of fighting. It was more for peace than democracy that Taylor was elected. But, in the end, Liberia got neither. If anything should be done differently by ECOWAS, it must be at the policy level. After-all, persons at the operational level only act according to the parameters set for them.

In the end, we all have the benefit of hindsight to analyse what ECOWAS could or should have done otherwise. It took the decision best suited given the circumstances of the time. Regional organisations must learn to incorporate the needs, desires and concerns of ordinary people into their policies and protocols to prevent them from being elitist in nature
and ensure that, serious steps are taken during interventions to tackle human rights abuse claims levelled against interventionists.

4.4 RECOMMENDATIONS

From the interviews conducted and literature available, the research gathered that, essentially, West Africa has learned its lesson and improved on what needs to be done (though challenges continue to persist). The realisation has dawned on all that, when properly trained and resourced, ECOMOG is a capable partner. ECOWAS efforts have been built upon through the initiation of programmes such as RECAMP (Reinforcement of African Peacekeeping Capacities) by France amongst others.

Strategy is critical and the politics of it must be gotten right. Interventions must necessarily have a civilian component and also, transitional policies from war to peace should be correct. And, when establishing interim governments, serious considerations must necessarily go into their composition such that, they are able to provide a basis for lasting reform. Issues such as; what triggered the war in the first case and how this should be addressed during the interim period must be taken into consideration. Where ECOMOG/ECOWAS failed should be improved upon and more preparation even in peace time must be invested in safeguarding the interest of the region and protecting human rights. Maps of all the countries of the region as well as the establishment of a fund that the region can draw on in times of such interventions must be put in place.

Anything that has to do with conflict or peace support operations should necessarily be approached from a principled framework. ECOWAS must take a principled position in peace support operations or conflict situations. Such principles for the conduct of operations
should be clearly spelt out containing an ethical frame work of values in order to attain expected ends. This is essential as, any ‘peace work’ is subject to misunderstanding and misinterpretation. Just the protocols are not adequate. There must be a code of conduct.

Knowledge acquisition and proper conflict analysis must be taken very seriously particularly on West Africa’s history, the people, their mind set, societies, tribes, and cultures. The socio-economic, political histories and the dynamics of conflicts need to be well documented.

Lack of proper planning is another issue that must be looked at carefully. Events in the past suggest that, many of the plans West Africa has exist only on paper. Such plans must be coherent and in phases with realistic objectives. Despite the need to quench conflicts, interventions particularly at the operational level must be air-tight; such interventions must have specific objectives, what the mission is about, its structure, the task of each group, how the action will be executed, each company’s task and location, amongst others.

Partnership is indispensable to the success of any intervention. Such partnership must be based on trust, mutual support, reliability and a common vision. These were obviously lacking in 1989-1997 conflict. Efforts of civil society must be complementary in support of operations that aim at attempting to address conflict situations.

Monitoring and the evaluation of each intervention is a task that must be taken seriously as well. There must be a case by case report. This will help ECOWAS to see the windows of opportunity as well as to make improvements in areas in which a shortfall exists.
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APPENDIX I
UNIVERSITY OF GHANA LEGON
LEGON CENTRE FOR INTERNATIONAL AFFAIRS AND DIPLOMACY
INTERVIEW GUIDE

TOPIC: HUMANITARIAN INTERVENTION IN POST-COLD WAR AFRICA: THE CASE OF LIBERIA

This is for academic purposes only and confidentiality of the information provided is assured.

The eruption of civil war that quickly turned bloody in Liberia in the year 1989 received little attention from the international community. While both the United Nations and Organization of African Unity failed to intervene in the conflict, the onus fell on the sub regional group the Economic Community of West African States which subsequently declared the launching of a humanitarian intervention in 1990.

1) What were the mechanisms guiding ECOWAS intervention in Liberia?

2) How can ECOWAS make the mechanisms that have developed during/after Liberia effective?

3) With specific reference to the ECOWAS intervention in Liberia, what are your views?

4) What was the mandate of ECOWAS/ECOMOG and how was it complied with? What about its effects on human rights in Liberia?

5) Do you think ECOMOG would have been given a different mandate today if similar circumstances had occurred?

6) What are some of the challenges and benefits that emanated from the intervention in Liberia?

7) What could have been done differently by ECOWAS/ECOMOG?
8) What lessons should we learn from the ECOWAS intervention?
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9) Are there any other views you wish to share?
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APPENDIX II

EXTRACT OF THE PROTOCOL ADDITIONAL TO THE GENEVA
CONVENTIONS OF 12TH AUGUST 1949, AND RELATING TO THE PROTECTION
OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I), 8TH
JUNE 1977

Article 50. Definition of civilians and civilian population

1. A civilian is any person who does not belong to one of the categories of persons referred to in Article 4 (A) (1), (2), (3) and (6) of the Third Convention and in Article 43 of this Protocol. In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.

2. The civilian population comprises all persons who are civilians.

3. The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.

Article 51. Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.

2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

3. Civilians shall enjoy the protection afforded by this section, unless and for such time as they take a direct part in hostilities.
4. Indiscriminate attacks are prohibited. Indiscriminate attacks are:

(a) Those which are not directed at a specific military objective;
(b) Those which employ a method or means of combat which cannot be directed at a specific military objective; or
(c) Those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

5. Among others, the following types of attacks are to be considered as indiscriminate:

(a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; And
(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

6. Attacks against the civilian population or civilians by way of reprisals are prohibited.

7. The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.

8. Any violation of these prohibitions shall not release the Parties to the conflict from their legal obligations with respect to the civilian population and civilians, including the obligation to take the precautionary measures provided for in Article 57.
Chapter III. Civilian objects

Article 52. General Protection of civilian objects

1. Civilian objects shall not be the object of attack or of reprisals. Civilian objects are all objects which are not military objectives as defined in paragraph 2.

2. Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective.