Writing the Script? ECOWAS' Military Intervention Mechanism

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Forthcoming in:

Börzel, T. and van Hüllen, V. (2015) Governance Transfer by Regional Organizations: Patching Together a Global Script. Houndmills, Basingstoke: Palgrave Macmillan.

INTRODUCTION

In 1999, the Economic Community of West African States (ECOWAS) adopted an innovative protocol. The ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping, and Security (Protocol-Mechanism) established a nine member state Mediation and Security Council (MSC) deciding with majority rule upon military interventions in member states against the will of target countries in cases of, among others, violation of human rights, the rule of law, or democratic principles. Up until then the United Nations Security Council (UNSC) had been the sole organization to have this right, and so far no other regional organization had followed suit. An additional Protocol on Democracy and Good Governance from 2001 complemented the first protocol by providing a more explicit framework of reference for appropriate governance standards within member states. In a region mostly known for countries with weak statehood and military coup d'états the Protocols of 1999 and 2001 represent a strong commitment to liberal democracy combined with a mandate by the regional organization to defend these principles by force if necessary.

By adopting these protocols, member states have contributed to a global script on how regional organizations can deal with inter and intra-state conflict. The Southern African

Development Community (SADC) and the African Union (AU) has taken up this lead and adopted similar – although not identical – instruments in the years that followed (see Leininger in this volume). From a global perspective, however, the specific formulations find very few imitators. ECOWAS also continues to be the only regional organization that regularly threatens member states with military intervention in cases of norm violation. In recent unconstitutional power accessions in Côte d'Ivoire (2010), Guinea-Bissau (2012), and Mali (2012), ECOWAS military and police forces were deployed to support pro-democratic forces in member states.

From a theoretical perspective, the adoption of the protocol with such strong forms of delegation is surprising. Both the neo-functional approach to regional integration as well as the realist perspective would not have predicted such a development. According to the logic of neo-functionalism, the pooling of sovereignty occurs in an incremental fashion driven by considerations of (economic) utility and efficiency (Haas 1958). Economic actors operating across borders push for cooperation merely in technical areas of cooperation, which leads to processes of spill-over in adjacent policy fields. According to this logic, integration in 'high politics' such as in the field of security policy occurs after a long process of increasing interdependence in other less politicized policy fields. Regional integration in ECOWAS, however, has not progressed successfully in the technical and economic sphere since the organization's creation in 1975. Some advances have been made with regard to trade liberalization since the 1990s; but many obstacles to the successful increase of intra-regional trade have continued to exist on the ground. Economic integration in ECOWAS has certainly not 'spilled over' into the field of security politics. Prior to the adoption of the Protocol-Mechanism, ECOWAS also had no history of involvement with 'high politics', although a Protocol of Non-Aggression was adopted in 1978, and the revised treaty of 1993 had introduced some general ideas about ECOWAS being an organization concerned with

democracy and stability. The puzzle remains why the West African regional organization quite suddenly became such an innovating force in the field of high politics.

Followers of realist approaches to international relations would also have trouble to explain the large extent of delegation that ECOWAS member states have been willing to attribute to an international organization (Kahler 2000, Solingen 2008). Realism particularly struggles to explain the role of the regional hegemon Nigeria, who concedes decision-making power to weaker states while it previously had the prerogative to decide on military interventions alone, as it had done in Liberia and Sierra Leone. Also, realism does not provide a convincing account of why a number of openly autocratic regimes among ECOWAS member states might have signed such a protocol. They were already violating the provisions at the moment of the signing of the protocol and had to fear strong political and even military pressure for political liberalization.

The question – which is at the core of this chapter – therefore remains why ECOWAS member states have established a military intervention mechanism that is activated in the case of a 'serious and massive violation of human rights and the rule of law' and 'in the event of an overthrow or attempted overthrow of a democratically elected government'?

In order to answer this question, we will first outline the exact functioning and content of the 1999 protocol. Then, we will present our main argument: While a *window of opportunity* was opened by a will to curb negative externalities of earlier civil wars, it was Nigeria as a democratizing hegemon and other democratizing states that sought to *lock-in* its domestic democratic development at the regional level. Nigeria pushed for and finally established the Protocol also in order to preserve its intervention capacities. This was possible because autocratic states were seeking international legitimacy through signing the protocol and were at the same time expecting that it would not be enforced. The exact content of the protocol was provided by the ECOWAS Commission and external experts.

THE PROTOCOL-MECHANISM – PRESCRIBING AND PROMOTING STANDARDS FOR LEGITIMATE GOVERNANCE INSTITUTIONS

The Protocol-Mechanism is a far-reaching although incomplete document, establishing primarily a mechanism of collective security (Abass 2000). It is also an interesting document because it starts to define a comprehensive concept of security, which includes instances in which the mechanism is supposed to be initiated, for example a lack of human rights and democratic governance. While the prescriptions and concrete policies to promote said prescriptions remain relatively vague, the innovation of the protocol lies mainly in the various institutions it creates – in conjunction with a strong mandate to enforce these in member states (Hartmann 2014).

ECOWAS had started to deal with governance standards in member countries in the early 1990s. With the Declaration of Political Principles of 1991 the ECOWAS member states committed themselves for the first time to respect human rights and to promote democratic systems of government albeit in a legally non-binding way.

In the Revised ECOWAS Treaty of 1993 the organisation cited among its fundamental principles (new article 4) the 'recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and People's Rights' as well as the 'promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles'. These *principles* seemed, however, to have little relevance for the activities of ECOWAS.

Prescription

The 1999 Protocol starts again with a list of principles (Article 2), including a commitment by member states to promote and consolidate 'democratic government as well as democratic institutions in each Member State' and to protect 'fundamental human rights and freedoms and the rules of international law'. Among the 12 objectives of the mechanism we not only find the prevention, management and resolution of internal and inter-state conflicts, but also

the protection of the environment, and the commitment to safeguard the cultural heritage of member states. We do not find here the explicit objective to use the mechanism to strengthen the democratic process or the rule of law or the respect for human rights. This is quite surprising as the Protocol stipulates explicitly in Article 25 that the Mechanism might be applied 'in the event of serious and massive violation of human rights and the rule of law' or 'in the event of an overthrow or attempted overthrow of a democratically elected government'.

ECOWAS policies

Despite being vague regarding standards, the Protocol contains several policies to promote them. This is due to the fact that the document is mainly concerned with the ways and means available to ECOWAS when intervening in member states to mitigate violent conflicts. Under the heading *Peace-Building* and in order to 'stem social and political upheavals, ECOWAS shall be involved in the preparation, organization and supervision of elections in Member States. ECOWAS shall also monitor and actively support the development of democratic institutions in Member States' (Article 42-1). This is a rather general mandate, however, the article neither specifies which ECOWAS organ should become active nor which democratic institutions in member states should be particularly developed. According to Article 45, which deals with the restoration of political authority 'in cases where the authority of government is absent or has been seriously eroded', ECOWAS shall in the same vein be active in supporting 'electoral processes, with the cooperation of relevant regional and international organizations', and support 'the respect for human rights and the enhancement of the rule of law and the judiciary'. Article 48, finally, asks ECOWAS and its member states in very general terms to 'promote transparency, accountability and good governance' with the aim 'to eradicate corruption within their territories and in the sub-region'.

Institutions

The Mediation and Security Council (MSC) is the core institution of the Protocol. The sixteen (now: fifteen) ECOWAS member states decided that only nine of them should sit on the MSC. It is the only ECOWAS institution where nine member states can take decisions with a two-thirds majority.[1] The MSC is convened at the heads of state and government, the ambassadorial and the ministerial (foreign ministers) levels. These latter two prepare the decisions of the heads of state and government meeting.

This high form of delegation gains relevance when considering the subject matter it deals with and the instruments it can adopt. The MSC can activate the *Mechanism* of intervention, according to Article 25, which states that the newly created Mediation and Security Council might decide on political and military interventions in member states, in the 'event of [a] serious and massive violation of human rights and the rule of law', or if there is 'an overthrow or attempted overthrow of a democratically elected government' as well as 'any other situation as may be decided by the Mediation and Security Council'.[2]

The Mechanism itself consists of several steps. First, the executive secretary informs MSC members and takes 'in consultation with the chairman…all necessary and urgent measures' (Article 27). Then the MSC decides upon the course of action, which may include 'recourse to the Council of Elders, the dispatch of fact-finding missions, political and mediation missions or intervention by ECOMOG [ECOWAS Cease-Fire Monitoring Group]' (Article 27). The executive secretary then draws up a plan according to the mandate given to him by the MSC, informs the Organization of African Unity (OAU, now: AU) and the United Nations (UN), and is responsible for securing funding for the operations.

Beside the MSC, it is thus not only the Executive Secretary (now: President of the Commission) that has a vital role in the concrete implementation of the Mechanism. Other institutions are also being put in place, which are in part largely subject to the influence of the Commission President. The Protocol establishes a Defence and Security Commission, the

Council of Elders, the ECOWAS Cease-Fire Monitoring Group (now: ECOWAS Standby Force), a sub-regional early warning system (ECOWARN) with four observation zones and two monitors in each member state, and ECOWAS special representatives. While ECOWARN is only involved in the run-up to decisions of the MSC by warning the President of the Commission of potentially relevant situations in member states, the other institutions are used in order solve crisis situations. This toolbox is quite comprehensive, with the ultimate threat being a military intervention by the ECOWAS Standby Force.

While in practice member states, and more specifically the heads of state and government as well as the appointed ECOWAS mediators who usually keep strong ties to their home governments, keep a firm hold on the implementation of the protocol, the provisions themselves suggest a very high form of delegation and a strong role by the regional institutions in at least three ways: 1) the institutional design of the MSC (with reduced membership and majority voting); 2) the role of the Commission (in initiating and implementing the *Mechanism* and its decisions); and 3) the relatively supranational character of the other institutions and instruments of the Protocol (cf. Abass 2000).

The Protocol thus marks a significant step in the evolution of governance transfer within ECOWAS and beyond. While the Protocol still lacked a proper conceptualization of core concepts, it provided for the first time instruments to actually promote and enforce standards of governance in member states. This lack of conceptual clarity was subsequently addressed with the 2001 ECOWAS Protocol on Democracy and Good Governance, which is supplementary to the Protocol-Mechanism. Among other things, it clearly defines criteria for what democratic governance should look like in member states. The ECOWAS Conflict Prevention Framework of 2008 then spells out the standards and sets benchmarks in almost all areas of governance transfer.

In the following section, we will first outline the functional pressure – the need to curb negative externalities – that permitted Nigeria to *lock in* its domestic democratic advances at

the regional level. Then, we will turn to the reasons why autocratic governments supported the protocol, although they already violated its provisions at the time of signing. We will thus particularly highlight the demand for such new standards, and discuss possible supply factors in our conclusion.[3]

CURBING NEGATIVE EXTERNALITIES

The signing of the protocol was only possible because of the existence of a conducive environment. The developments prior to 1999 led to a situation in which pressure to *do something* at the regional level was increasing, thereby creating a window of opportunity for ECOWAS' action. While these negative externalities can explain why a regional policy emerged, they cannot explain why a document with such high supranational institutions promoting democratic governance was established.

After the end of the Cold War, the United States and even more so the Soviet Union disengaged from direct military involvement in West Africa (Musah 2011: 154; Sampson 2011: 510–11). Although France continued to play an important role in the Francophone countries, the interest in meddling with potentially high-intensity conflicts in West Africa apparently decreased (Bayart 1995; Chafer 2002; Kroslak 2004; Banégas, Marchal and Meimon 2007). When the civil war in Liberia broke out and brought political instability to neighboring countries Sierra Leone and Guinea, the reaction by traditional big powers was muted and it became obvious that they no longer provided for an international order in the region. At the same time, the adverse effects on neighboring countries started to increase. Hundreds of thousands of refugees fled across borders and a humanitarian disaster was in the making. The formally acting president of Liberia, Samuel Doe, then requested the intervention of ECOWAS, which was eventually based on an ECOWAS decision. The legal base of this decision was, however, unclear (Olonisakin 2000: 101). ECOWAS leaders found a legal basis in the 1978 ECOWAS Protocol on Non-Aggression and the 1981 ECOWAS Protocol on Mutual Assistance in Defence, although these two protocols clearly did not allow

an intervention in the internal affairs of a member state (ECOWAS 1978, 1981). ECOWAS'

Heads of State argued that the Liberian civil war was not purely internal but internationalized

by the fact that rebel leader Charles Taylor had prepared the rebellion from rear-bases in Côte

d'Ivoire and that the stability in neighboring countries was threatened by refugees and rebels

migrating across borders (Gandois 2009). On 28 May 1990, the ECOWAS summit in Banjul

(Gambia) accepted the proposal by Nigerian President Babangida to form an ECOWAS

Standing Mediation Committee (SMC) which was composed initially by the Gambia, Ghana,

Mali, Niger, Nigeria and Togo (Sierra Leone and Guinea joined later). In July the SMC

agreed on a peace plan which included a ceasefire, the establishment and deployment of the

ECOWAS Ceasefire Monitoring Group (ECOMOG) to monitor the ceasefire, and the

establishment of an interim government. This peace plan was formally adopted by the Heads

of State members of the SMC on 7 August 1990. The strongly Nigerian dominated ECOWAS

Cease-Fire Monitoring Group (ECOMOG) stayed in the country for several years and was

supported by UN troops in 1993 (Aning 1999; van Walraven 1999; Olonisakin 2000).

The spread of the conflict to neighboring Sierra Leone led to another Nigerian-led ECOWAS

intervention in 1997. Nigerian troops intervened militarily against the perpetrators of a coup

d'état that ousted democratically elected President Tejan Kabbah. Again, the legal basis for

this intervention was contested and only later endorsed by the relevant ECOWAS bodies

(Striebinger 2012: 187-90). When starting the military intervention in 1998, ECOWAS did

not act on solid legal ground. There was only a bilateral security agreement between Nigeria

and Sierra Leone which authorized Nigeria to intervene as requested by Sierra Leone's

authorities. But it remains doubtful if President Kabbah still had the authority to request such

assistance at the moment of the intervention because he was no longer controlling large parts

of the country. With Resolution 1132 (8 October 1997) the UNSC had decided to enact

sanctions against the military regime in Sierra Leone, and mandated ECOWAS to monitor the

implementation of these measures. The UN Resolution, however, clearly did not authorize a

military intervention to restore democracy. It was only in April 1998, when the UNSC rectified this problem by authorizing the intervention ex post. Whether the Revised Treaty of 1993 really permitted a military intervention to restore democracy is a legal question which we cannot resolve here. Whatever the hidden agendas of the intervening power Nigeria, the re-instatement of the Kabbah regime was used as the official legitimisation and served as a self-reinforcing mechanism and a powerful reminder to all future coup-makers that similar activities could lead to similar reactions (Olonisakin 2000; Francis 2001; Adebajo 2002; Kabia 2009).

The decreasing interest by external powers, the increasing negative consequences of internal conflict to regional stability, and the unilateral actions by the regional hegemon Nigeria all created a situation, in which West African elites acknowledged that 'something had to be done'. In this environment, the negotiations about a new protocol – in line with the treaty revisions of 1993 that called for instruments on regional security – started to begin in late 1997.

LOCKING IN DEMOCRATIC REFORM

One prominent argument to explain the commitment of states to international human rights treaties is advanced by Moravcsik (2000). He argues that newly established democracies have an increased interest in locking in domestic reform at the regional level. Both consolidated democracies and autocracies would have to fear the infringement of regionally established institutions on their domestic affairs. Newly established democracies, however, try to bind not only opposition parties but also the incumbent and future governments to democratic standards by delegating the enforcement of these standards to an independent regional institution (for a similar argument see Pevehouse 2005). This argument obviously implies that the newly established democracies expect the regional institution to work and actually have some leverage on domestic affairs.

There is generally a lack of empirical data on the decision-making processes leading to the

1999 Protocol. On the basis of our preliminary research it seems certain that at least Nigeria,

Benin, Niger, and Mali with its energetic President (and later AU commission chairman)

Alpha Oumar Konaré actually lobbied for the Protocol-Mechanism. The draft version of the

Protocol was submitted by Benin in 1998 (Coleman 2007: 111) and discussed during a

Meeting of the Ministers for Defence, Interior and Security in Banjul, Gambia. It is also

known that the first draft was less innovative and resembled much more the Protocol Relating

to Mutual Assistance on Defence from 1978 according to which Community troops should

not intervene if the conflict is internal (Abass 2000: 212). It is also well established that both

the newly elected Presidents of Senegal, Abdoulaye Wade (since 2000) and Ghana, John

Kuffour (since 2000), were champions of a stronger ECOWAS commitment to democracy

which might explain the subsequent adoption of the 2001 Protocol on Democracy and Good

Governance.[4]

Looking at the regional development in table 4.1, we can see that, after 1989, an increasing

number of ECOWAS member states had become democratic (with an increase in the polity

score from a transition period or a negative value to a positive value). Using the Polity IV-

data, we can identify three early democratizers (Benin, Mali and Cape Verde) which faced a

difficult consolidation period throughout the 1990s plus two states (Ghana and Nigeria) which

achieved democratic transition in the second phase of the 1990s, and the two important

francophone states Senegal and Côte d'Ivoire which did so directly after the Protocol had

been signed. There were also the notable cases of the Gambia, Niger and Sierra Leone where

democratic rule or democratization processes had been halted by military coups in 1994, 1996

and 1997. In 1999, among all ECOWAS member states, five countries were autocracies with

two countries (Guinea-Bissau and Liberia) that had just come out of a civil war.

[Table 4.1 about here]

When looking at these data the democratic lock-in hypothesis seems to be confirmed. Throughout the 1990s the number of democracies incrementally increased including both francophone and anglophone states. Just before the signing of the protocol, the democracies were, for the first time in ECOWAS history, in the majority among all member-states (even more so if, against Polity's ratings, we were to include Senegal and Sierra Leone here). The military coups against the democratically elected governments of Niger in 1996 and Sierra Leone in 1997 dramatically showed to the newly elected Presidents how fragile their democratic institutions remained and where the biggest danger for their newly democratized regimes came from. A regional protection mechanism was thus certainly most welcome.

THE NIGERIAN HEGEMON: BEYOND LOCK-IN

Nigeria's regime dynamics seem of particular relevance in this regard. With President Sani Abacha's death in 1998, the democratization process led by Interim President Abdulsalami Abubakar gained a new momentum. Eventually, former military dictator Olusegun Obasanjo was elected to the Nigerian presidency on 1 March 1999. This peaceful transition to a civilian government explains the shift in Nigeria's Polity score (from -6 in 1997 to +4 in 1999). Obasanjo, who had transformed into a kind of *elder statesman* since his first time at the helm of the Nigerian republic, was not only responsible for the military's acceptance of democratic institutions. At the regional level, the newly elected Nigerian president also urged other member states to adopt 'revolutionary reforms' (Kohnert 2000: 88), including a revision of the ECOWAS security mechanism (Cernicky 2008: 157). The Protocol-Mechanism and Protocol-Democracy were thus not imaginable without Nigeria's involvement and consent (Kabia 2009: 189).

Still, with the MSC it accepted a body where it potentially – at least formally – could be outvoted. This element is surprising and hard to explain. According to a liberal perspective Nigeria's domestic commitment to pluralistic discourse as the preferred process of political

decision-making led its elites to accommodate the interest of the other ECOWAS states in institutionalizing democratic decision-making in the form of the new council (Kabia 2009: 189).

Maybe it was expected that a vote against Nigerian interests would be so unlikely that it simply would not occur. This has been the case ever since and Nigerian security challenges like Boko Haram have not even made it on the agenda of the MSC. Nigeria is too powerful in terms of economic, military, and political power. It pays for about three-quarters of the ECOWAS budget, it has by far the largest army in the region, dominates the ECOWAS institutions with its personnel, and hosts the ECOWAS headquarters.

Another motivation might have been to reduce transaction costs by using the MSC as a permanent institution instead of having to deal on an ad hoc basis with all other member states as it needed to do in the cases of Liberia and Sierra Leone. President Obasanjo was well aware of the material costs of supporting military interventions in neighboring countries, and the transition to democracy with an expected increase in accountability made clear that the legal and political responsibility of avoiding further regional instability should be divided more explicitly among all ECOWAS member states.

Coleman (2007) has advanced the hypothesis that the specific features of the 1999 Protocol and its intervention mechanisms fitted well with Nigeria's ambition of actually maintaining the capacity of military intervention in neighboring states while at the same time imposing very few institutional restrictions on potential actions. She has interpreted the Protocol's innovative decision-making mechanism as a Nigerian device to exclude potential veto-players (because decisions were not taken at the level of the Authority of 15 Heads of State) and thereby bypassing the cumbersome decision-making process at the UNSC (no prior information is foreseen within the 1999 Protocol)[5]. From this perspective, the innovative content of the norms allowing ECOWAS to intervene for the protection of democracy and

human rights was thus less central than the procedural legitimacy created for military interventions pursued at the regional level.

The Protocol had in practice led to an increase in procedural legitimacy compared to the dubious legal grounds of the earlier ECOMOG interventions in Liberia (1990), Sierra Leone (1997), and Guinea-Bissau (1998) and thereby secured international support for negotiated agreements after the Mechanism was activated (cf. Hartmann 2014). In addition, the prescribed norms of democracy promotion, responsibility to protect, and human security resonate very well with the international discourse on state responsibility and tasks of international organizations (see also Coleman 2007 on the importance of seeking international legitimacy through regional interventions). In a context where 'African solutions to African problems' are demanded by both African and Non-African actors, such an intervention mechanism provides the institutions through which African actors can fill the void left by global actors while at the same time legitimately demanding resources for their missions. On the other hand, the Non-African actors can disengage, and fall back into their position of paymaster and critic. ECOWAS was thus able to secure more international support for its activities.

The cooperation between ECOWAS, the UN, and France as a re-engaging former colonial power is, however, incomplete. Although all later interventions have been negotiated on the basis of the two protocols, none of the interventions was authorized by the UNSC before the first troops were on the ground. In fact, two distinct patterns of intervention emerge. First, France was the driving force in interventions in Côte d'Ivoire (2003 and 2010) and in Mali (2012), thus re-engaging in the conflicts on the basis of internationalized negotiations (at least in Côte d'Ivoire 2010 and Mali). On the other hand, the ECOWAS Standby force was mobilized predominantly in Liberia 2003 and in Guinea-Bissau in 2012 without being able to immediately secure material support. The institutionalization of the conflict management capacities thus allowed internationalizing negotiations after the breakdown of democratic

government on a firm legal basis and to secure international support for intervention decisions – but only after the fait accompli of either an ECOWAS or France-led military intervention.

AUTOCRATIC COUNTRIES - IN SEARCH OF INTERNATIONAL LEGITIMACY

Neither the actual interventions nor the introduction of such a legal mandate could have been in the interests of autocratic ECOWAS member states. But they also signed the protocol. How could they support a norm which would, taken seriously, undermine the legitimacy of their autocratic regimes and even raise the threat of military intervention? Our core argument here is that we expect them to be supportive of the protocol as long as they have a relatively open and mobilized opposition, and high dependence on international actors; signing would allow them to gain domestic and international legitimacy. In a similar setting, Vreeland has addressed the puzzle of why dictatorships 'that practice torture are more likely to accede to the UN Convention against Torture (CAT)' (Vreeland 2008: 65). He argues that only those dictatorships that allow some form of multipartisanism and opposition can be pressured into signing the CAT and at the same time profit from a signaling effect. Closed dictatorships – although torture remains one of their tools to stabilize power – have such a repressive regime that there is neither the need for widespread usage of torture because the regime is feared to such a large extent that stifles opposition, nor an apparent gain from signaling since no domestic opposition needs to be accommodated. It is thus the specific character of autocratic rule that determines if a country would accede to international conventions of this sort. Transferring this logic to the signing of the ECOWAS Protocol-Mechanism, it is to be expected that only competitive autocracies with strong leverage with Western states (Levitsky and Way 2010), which have both an opposition at home and a need to signal democratic change at the international level, would do so. As with the identification of newly democratizing countries, we can use the Polity IV index to identify autocratic countries in the region. Contrary to newly established democracies, autocratic governments would in addition

assume that beyond such a signaling effect, the ECOWAS protocol has no independent impact on its polity.

According to the Polity data, all autocracies in the region were of a more moderate character.[6] The Francophone countries such as Burkina Faso, Guinea or Togo had eventually allowed multi-party elections and a free press, but in all three cases the autocratic presidents which had all gained power through military coups a long time ago, had defeated the opposition in mostly unfair elections. Blaise Compaoré, President of Burkina Faso, and Gnassingbé Eyadema, ruler of Togo since 1967, were both major players in West African politics with excellent networks among the political elites in the other countries of the region as well as in France. It is very clear that these rulers did not seriously push for any ECOWAS democracy or governance standards to be introduced. But they were also very experienced actors who knew how to adapt to the new discourse of democratization and human rights. They rightly believed that they would be able to avoid a radical implementation of these Protocols (especially the 2001 one) in their countries in the same way they had been able to eventually manipulate the domestic political democratization process.[7] It is an ironic turn of history that Guinea and Togo became the very objects of the implementation of the Protocols, but only when the deaths of both long-ruling dictators led to turbulent and largely unconstitutional political transitions in Togo (2005) and Guinea (2008-09).

The most authoritarian country among ECOWAS member states, Mauritania, decided to leave the organization in December 1999, a few days after the signing of the Protocol (10 December 1999) in order to join a club of decisively authoritarian states, the Arab Maghreb Union. It would be erroneous to see the introduction of the Protocols as the main reason for this step but it is also clear that the Protocol Mechanism was against the interests of the hardliner regime in Mauritania.

CONCLUSION: SUPPLYING AN INNOVATIVE MECHANISM

The Protocol-Mechanism and subsequent Protocol-Democracy emerged because of a conjunction of several factors. Without the negative externalities created through the civil wars in Liberia and Sierra Leone and the concomitant disengagement of France, the US, and Britain, the pressure for reform would not have been this strong. Against this background, West African states agreed on the two innovative protocols of 1999 and 2001. Interests of newly democratizing countries, the hegemon, and autocratic countries converged around these texts. Newly democratizing countries were aiming at locking-in their democratic advances at the regional level; Nigeria in addition saw its chance to maintain its intervention capacity in a more procedurally legitimate institution, and autocratic countries were hoping to increase their international legitimacy while assuming that the instruments would not be applied in any case.

The background of disengagement of traditional external actors, increasing negative externalities, and a majority of democratizing states are, however, not sufficient to explain why the mechanism took this specific, supranational democracy-promoting form. In fact, confronted with a situation of uncertainty and weakly staffed foreign ministries, decision-makers longed for external knowledge. Our hypothesis is that the specific content of the protocols was mainly supplied by the ECOWAS secretariat in cooperation with a transnational network of professionals with recognized expertise and competence.

From 1997 to 2002, Lansana Kouyaté, a Guinean national, a former UN employee, and a mediator in the Liberian conflict was the Executive Secretary of ECOWAS. He seems to have played a central role in both institutionalizing the Secretariat's capacities by creating a small unit dealing with Peace and Security issues and by convincing the Heads of States and Government of the need to seek a strong ECOWAS mandate as implemented in the mechanism. Kouyaté was also instrumental in initiating a collaboration with Professor Margaret Vogt from Nigeria (who held several high-ranking positions in the UN system and

is currently the Special Representative and Head of the UN Integrated Peacebuilding Office in the Central African Republic) in 1999. She worked as a consultant for the US-based think tank International Peace Academy to discuss the final version of the Protocol with the Secretariat and Heads of State and Government. Being a citizen of Nigeria, having undergone academic training both in Nigeria and at Columbia University, and serving as the Director of the Africa Program at a US Think Tank she was well placed both to bring in innovative ideas and to promote consensus among the ECOWAS policy makers (Interview with former IPA senior fellow Adekeye Adebajo, 30 August 2012).

Building on their institutional support and earlier work in West Africa, and at the UN respectively, Kouyaté and Vogt were able to provide innovative solutions. But to what extent did the UN background also supply the institutional model for the new mechanism? Although we lack more specific knowledge about the in camera decision-making processes, the most important institution of the Protocol-Mechanism seems to be modelled after the UN Security Council. The name (Mediation and Security Council), the restricted membership (voted for two years), and the majority decision-making rule suggest some similarities between the two councils. But they also suggest that a process of innovative adaptation took place. The ineffectiveness of the UNSC is reduced by abolishing the veto possibility, and the additional function of *mediation* points to an effort to amend the strongly coercive mandates by less confrontational instruments.

To what extent this transnational coalition of experts actually shaped the decision-making process and was valued because of its 'authoritative claim to policy-relevant knowledge' (Haas 1992: 3) is difficult to evaluate. Further research and more data are needed in order to conclusively answer this question; but without the convergence of negative externalities, interested member states, and knowledgeable supranational bureaucrats, the ECOWAS' military intervention mechanism would not have been adopted.

NOTES

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[1] In practice, however, all member states sit in the MSC (since 2001) and decide with unanimity.

[2] In addition to the MSC, the Commission President, a member state, the OAU or the UN can activate the Mechanism (Article 26).

[3] Here, we use the terminology of demand and supply factors of regional integration introduced by Mattli (1999).

[4] This evidence was collected through interviews that the authors conducted with various participants to these negotiations in Ghana (2011, Christof Hartmann) and at ECOWAS Headquarters in Nigeria (2013, Kai Striebinger).

[5] The Protocol allows ECOWAS to decide on military intervention without prior mandate by the UNSC. Although most scholars of international law tend to think that this violates the letter and spirit of the UN Charta, ECOWAS defended itself by arguing that humanitarian disasters such as in Rwanda should not be blocked by cumbersome decision-making in the UNSC. Abass (2000) claims the context of NATO's humanitarian intervention in Kosovo (March-June 1999) was strongly influential on ECOWAS taking this position.

[6] We will not discuss here the small state of the Gambia.

[7] It is worth mentioning that Guinea and Togo did sign, but not ratify the protocols (while Burkina Faso did).