Chapter Two

Theoretical Discussion:

ECOWAS's Emerging Security Regime

2.0   Introduction

The nature of West Africa's security dilemmas is causing apprehension[1]. This chapter discusses international regimes and how security regime theory can provide a framework for explaining the challenges, difficulties and questions confronting post-cold war West African security. Implicit in the chapter's heading is an awareness of the 1990s and early twenty-first century West Africa where the reduction of superpower interests and increasing marginalisation of the sub-region has contributed to accelerating endeavors by sub-regional actors, with Nigeria in a leadership role, towards designing a security regime. Furthermore, recent policy changes in terms of the revision of the ECOWAS Treaty[2] and the concurrent interventions in Liberia and Sierra Leone and the implementation of security

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[1]Without going into detail at this stage, some of the major issues creating such anxiety are in fact the West African sub-region's security dilemmas generally characterised by: (a) an increasing fragmentation of political authority across societies - Burkina Faso, Cote d'Ivoire, Guinea, Guinea-Bissau, Liberia and Sierra Leone; (b) mounting political influence of sub-state armed actors - Liberia, Sierra Leone, Guinea, Guinea-Bissau, Cote d'Ivoire, Nigeria, Senegal and Ghana; (c) fragmented loyalties of armed official military/security groups - Cote d'Ivoire, Ghana, Guinea, Liberia, Nigeria and Sierra Leone; and (d) increasing vigilantism as societal response to inability of ΄depleted΄ and often discredited state security agencies to provide credible response (Togo, Burkina Faso, Nigeria and Ghana).

[2]The original Treaty was from 1975 and was subsequently revised in 1993.

strategies in the sub-region demonstrate that the West Africa sub-region has created a new security order.

What will emerge from the arguments in this thesis will tentatively be characterized as the emergence of a West African security regime or order. The argument, though, is that this development is in its formative stages. However, based on the observable outlines now, it can be described as the evolution of a new security regime in the sub-region, which can act as a replacement for Cold War bi-polarism in West Africa.

The purpose of this theoretical chapter is to establish or find theoretical models to analyse the dynamics of the security efforts being led and initiated collectively by Nigeria and ECOWAS. The intention is to examine the extent to which there are theoretical models to comprehend and appreciate this challenging but nevertheless interesting development; that is the collective action of ECOWAS member states to intervene in a member state. Several questions will inform and guide this chapter in interpreting the dynamics of the assumed transformation towards political integration. The argument is that ECOWAS as an emerging security regime is part of a drive towards West African political integration. Critical to the argument that ECOWAS has been transformed — from a purely economic integrative scheme to a security organization — are the significant questions of, *why* and *how* this change from economic to security organization has taken place occurred?[3] What explains this radical developmental changes and processes within ECOWAS will be

[3]For a more detailed analysis, see Adibe, Clement. 1995. ECOWAS in Comparative Perspective. p. 202 ff. In Shaw, Timothy. M. and Julius Emeka Okolo. *The Political Economy of* Foreign *Policy in ECOWAS*. London: St. Martin's Press.

discussed later. Specifically, this chapter seeks:

♦   To find theoretical models to explain ECOWAS's developments since 1990;

♦   Examine the analytical relationship between the rhetoric of the immediate post-independence African discussions on security and ECOWAS's establishment of a security and defense arrangement or mechanism.

Such an analysis will entail the extent to which ECOWAS institutions have been contributory to the mentioned change from an economic to a political/security organization. Finally, the analysis concerning the conjectural developmental changes has given ECOWAS the needed institutional capacity to respond to what the organization and its member states perceive as threats. Furthermore, what I argue as the transformation of ECOWAS has provided the organization with the operational mandate to respond decisively to the most important political test case confronting the organization in the post-Cold war period. These were namely the collapse of Liberia and Sierra Leone as functional states[4], and it's subsequent involvement in the ensuing complex political emergencies[5].

2.1   Sovereignty and Intervention

In the wake of recent humanitarian crises and varying international responses to

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[4]For an analysis of the dynamics of state collapse as a whole, and Liberia in particular, see Zartman, William I. 1995. *Collapsed States: The Disintegration and Restoration of Legitimate Authority*. Boulder: Lynne Reinner Publications. p. 1 ff.

[5]The term complex emergency became standard UN vocabulary at the end of the 1980s and tries to understand the multiple causes of a situation. Se M. Duffield, 1994. 'Complex Political Emergencies with reference to Angola and Bosnia: An Exploratory Report to UNICEF'. Birmingham: mimeo.

such situations, the debate with respect to international intervention on humanitarian grounds has grown dramatically. There are calls for more intervention, while, at the same time, many of those who might be targets of intervention have raised the specter of sovereignty, claiming "domestic jurisdiction" for their acts. While there is increasing international support for interventions to respond to a variety of humanitarian crises, the issue of the legitimacy of such actions by the United Nations or other bodies has not been fully articulated.

This section establishes a legitimate basis for humanitarian intervention in a world of nominally sovereign states. This will be done from two perspectives. First, the thesis examines the legal discussions regarding such intervention, and I argue that a norm of justified intervention can be found in the UN Charter, the Universal Declaration of Human Rights and human rights covenants, as well as developing practice. Second, the thesis examines the moral legitimacy of such actions. Specifically, the thesis posits that beyond whatever reason may be present in international law for human rights and intervention to protect those rights, one can find a foundation for such rights in the very nature of the state system. Further, the thesis argues that sovereignty cannot be a basis to prevent humanitarian intervention because the responsibilities which accrue to states, mean that human rights must be seen as a part of the definition of sovereignty, rather than in opposition to it. In addition, within the concept of sovereignty, there is not only a right for the international community to violate international boundaries on behalf of human rights, but an obligation to do so. This derives from a preconceived notion of the relationship between the individual and the international community, which has begun to evolve in recent

years.[6]

What the thesis attempts to do here is to break free from a "sovereignty discourse," which describes and thinks about the world in which nation-states are the principal actors, the principle centers of power, and the principle objects of interest. It creates the illusion that the current array of power and authority is for discussion of power, rights and legitimacy. The focus of the discussion needs to move from states as objects of intervention and their right not to be intervened in, toward the subjects of humanitarian action — people — and their rights outside any narrow view of state sovereignty as well as their place within the broader international community. The thesis argue that moving away from the sovereignty discussion where states are the final arbiters of rights involves reconceptualizing sovereignty to include human rights such that states or the international community cannot ignore abuses of those rights.

The argument, therefore, is that a legitimate basis for multilateral humanitarian intervention can be found both within international law and recent practice, and a moral geography which transcends international legal norms. The essence of all this argument, which will be discussed in the empirical chapters, will show how ECOWAS as an institution and its member states had to grapple with issues of sovereignty as the decisions to intervene in Liberia and Sierra Leone were taken.

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[6] This argument has been eloquently presented by Olonisakin, F & Emmanuel Kwesi Aning. 1999 Human Rights and Intervention: The Contradictions in ECOMOG, *The International Journal of Human Rights,* vol. 2, no. 4, 1999.

2.2   Entry and Intervention

Intervention in the international order is a multi-faceted phenomena. At its core are trans-border forceful efforts to influence a government or the outcome of an internationally relevant situation, regardless of whether a government is involved. It can include activities such as overthrowing a government or annexing territory by force. However, it can also include more ambiguous forceful action, which may involve government acquiescence or resistance, may include the acquiescence or resistance of a rebel group, and is done by a state or international governmental organization[7]. *Humanitarian* intervention involves a situation where the humanitarian aspects are the primary factors in the decision to intervene and are the main focus of the action, including action within the traditional security realm which may mitigate the humanitarian situation.

Outside of the strict realm of intervention, one can point to the concept of humanitarian access. This includes instances where the UN or aid organizations negotiate with governments to gain access to affected populations in the midst of civil wars or other humanitarian emergencies, or where humanitarian access is obtained without the consent of a government, with no military component in both cases. The distinction between the two is important. First, it is only state or state organizations which have the resources to undertake interventions, while a wide variety of actors can engage in humanitarian access

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[7]This is an important point which will be analysed in the empirical sections. Especially with respect to the way and manner in which the internationally recognised government in Liberia and the faction groups that were fighting to take power presented their arguments. A similar situation was also found in Sierra Leone.

activities. Second, the legal basis for humanitarian access is somewhat different than that for intervention as will be shown in both chapters five and six. Third, the different nature of the two activities has implications for how they may be conceptualized.

One significant question is the extent to which peacekeeping activities might fall under the rubric of intervention. Certainly, traditional peacekeeping operations would not; since the basic premise is that all parties to a conflict have accepted the peacekeepers presence. Further, the military component of traditional peacekeeping has been relatively small[8]. However, there have been instances recently where peacekeepers have found themselves in rather ambiguous situations where not all parties have accepted their presence, where they have come under significant attack by one or more of the parties to a conflict, or where the mandate of the peacekeeping operation has been gradually changed to include increasingly more enforcement (that is military) activities, in this case by ECOWAS. At this point, such as in the cases of Somalia and the former Yugoslavia, the line between peacekeeping and intervention becomes significantly blurred, and the international community is drawn into interventionary activity whether it had intended it or not.

2.3   Intervention: The Juridical Background

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[8]Multilateral Interventions: Lessons from Liberia and Sierra Leone, *Journal of Defence Studies*, Vol. 11, No. 4.

Different parties usually contest the legality of humanitarian intervention in West African conflicts.[9] However, the thesis can posit that, in general, intervention violates most interpretations of customary as well as codified international law. The basis of this prohibition is the recognized status of states as sovereign. That is, states are regarded as the primary unit of organization and political integrity in international affairs. International law is concerned, essentially, with interactions between states. What happens inside a state, including the treatment of nationals within their state, is outside of the purview of international law. As will be discussed below, one may be able to find exceptions to this rule; it is, nonetheless, a commonly accepted rule.

As opposed to earlier times when the use of force in international affairs was regarded as a states' right, there has evolved a general presumption against the use of force. This presumption that the use of force is unacceptable was codified in the Charter of the United Nations, article 2(4) of which states: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." This does not address economic coercion, which, as long as it did not include military activity such as a blockade, would presumably be legal. However, since most conceptions of, and indeed actual actions of, intervention include military activity, article 2(4) would seem to outlaw unilateral or bloc intervention. Article 51 of the Charter codified another principle of international law, which allowed the use of force by a state in

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[9]Ibid.

self-defense. Article 2(7) proscribes most intervention by the United Nations: nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter V11.

Within this paragraph, however, are two phrases, which raise flags regarding the legality of UN action. First, there is the problem of deciding exactly what falls under the domestic jurisdiction of a state. Generally, it has been assumed that just about anything which does not go beyond a state's border is within the exclusive jurisdiction of the state. This includes form of government, economic arrangements, and the way a government treats its people. Falk denies that states have actually exercised the autonomy, which is generally attributed to states: In fact, the domestic order has never enjoyed autonomy in any strict sense. It is now commonplace to accept the interdependence of economic, cultural, and military affairs. In fact, nations have always had a vital concern with what goes on elsewhere, even if elsewhere is a foreign state. Sovereignty only confers a primary competence upon a nation; it is not, and never was, an exclusive competence. This primary competence would, presumably, include whatever is essentially domestic, as opposed to what might affect another state. Falk's essay was written thirty-four years ago, and would have been very hotly contested then (Falk, R.A. 1968). While it may still be contested today, there is a growing awareness that the world is becoming more interdependent and that massive human rights abuses, for example, affect other states by creating refugee situations in other countries.

In addition to being concerned with these direct effects and consequences, there have evolved in the international system certain principles, which are recognized as unchanging. These fall under the term *jus cogens*, or principles from which there can be no derogation. These include, among others, prohibitions against torture, slavery and genocide. They are manifestly illegal under international law, and therefore would not fall under domestic jurisdiction. They have been codified in various treaties and conventions; however, regardless of whether or not a state has ratified these conventions, it is still bound by these principles. Not all governments have ratified these conventions (although all members of the UN have accepted the Universal Declaration of Human Rights (UDHR)), but the fact of their existence further demonstrates the acceptance, as well as the actuality, of the subsequent analysis on interdependence.

The argument here is that a number of rules contained in the Universal Declaration of Human Rights are norms from which derogation, either by legislation or treaty is not permitted. Furthermore, a number of rules laid down in the conventions on genocide and slavery, also, have this character and bind third states by virtue of forming part of the general principles of international law .... the Universal Declaration, which does not itself constitute a binding document, lays down rules which, irrespective of whether they are embodied in a binding document or not, are binding as customary international law.

Having demonstrated that there is a certain class of activities which are recognized as not being within the realm of domestic jurisdiction, or, more properly, that most issues have some sort of international component, what can one then say about how violations of humanitarian principles should be handled? One way of looking at it is by reference to the

last phrase of article 2(7) of the UN Charter, which refers to Chapter VII of the Charter. Chapter VII deals with actions — military as well as nonmilitary — which can be authorized by the Security Council. Article 39 refers to a "threat to the peace, breach of the peace, or act of aggression" which might justify UN military action. It can be argued that certain acts, while violating the principles of *jus cogens* or other principles might, nonetheless, not be a threat to the peace.

The thesis can assert the preliminary legitimacy of United Nations intervention [in such situations as internal wars] merely by suggesting the very obvious threat to international peace that exists whenever nuclear nations invest their prestige and power in the outcome of an internal war. Wherever action is necessary to eliminate such risks, the United Nations seems authorized, if not obliged, to take action.

A threat to the peace might or might not, also, occur when an internal war or other situation, such as a famine, created a situation where there is massive movement of people across state boundaries, as has happened in a number of instances in recent years. Finally, one might include "fundamental preferences of the world community," as expressed in the documents and principles discussed above, without requiring that an insurgency be taking place. Of course, having to resort to a "threat to the peace" as the basis for humanitarian action is inherently statist and is firmly rooted in the sovereignty discourse because it is only states which can be affected by a "threat to the peace."

The thesis can, also, imagine other action taken by the UN, which is not military in nature. Indeed, there already exists a certain amount of human rights machinery in the

UN, including the UN Human Rights Commission. However, past practice has shown that as presently constituted these mechanisms cannot deal effectively with massive human rights abuses. There are essentially no enforcement mechanisms, which work in a timely, efficient and consistent manner. The best that can be done is to attempt to pressure governments through UN diplomatic channels, publicize the abuses, and, possibly, call for an economic boycott of the offending country by member states. These activities, unless an economic boycott became debilitating, would not fall under the above definition of intervention, but rather would be more properly called attempts to interfere; using means, which are generally regarded as legal. In addition, the United Nations (or other bodies) could take part in other activities, which come under the heading of gaining access without there necessarily being a military component. The essence of this argument is to demonstrate the types of controversies that ECOWAS's decision to intervene in Liberia (and later in Sierra Leone) brought forward.

2.4   International Regimes - Concepts and Definitions

This section discusses international regimes to demonstrate how ECOWAS as an institution fits into the characterizations of regimes generally and, to understand how the transformations that have taken place in this organization can be seen as a regime change. The regime concept is a highly discussed topic in international politics. There are problems and controversies bound with its definition, just as efforts at operationalization can be problematic. Diverse views, arguments and attitudes are closely tied up with the discussions

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dealing with regime existence, origin, function and their transformatory processes in international politics.[10] A regime is defined as the determinants of the mechanisms that compel reciprocal relationships to function in a longer period[11]. Oran Young argues that international regimes are social institutions and posits that:

> Regimes are social institutions governing the actions of
> those interested in specifiable activities (or accepted sets
> of activities). Like all social institutions, there are
> recognized patterns of behaviour or practice around which
> expectations converge[12].

To Haas, regimes are "norms, rules, and procedures agreed to in order to regulate an issue-area"[13]. Because of the diverse views on this issue, there was a general desire to arrive at a consensus definition, which was defined as:

> implicit or explicit principles, norms, rules, and decision-
> making procedure around which actors' expectations
> converge in a given area of international relations[14]
> Implicit in this definition is the fact that regimes can be established within every issue

area in international politics. This definition also makes distinctions between regimes and

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[10]Young, O, (1989). The Politics of International Regime Formation: Managing Natural Resources and the Environment, *International Organization*, 43.

[11]This reciprocity in terms of relations can have the characteristics of interdependence, interconnectedness, dependence (symmetrical or asymmetrical) or dominance. Robert O. Keohane & Joseph S. Nye, (1977), *Power and Interdependence: World Politics in Transition*, (Boston) for more detailed explanations of these terminologies.

[12]Young, O.R. (1980), "International Regimes: Problems of Concept Formation", *World Politics*, 32.

[13]Haas, E.B. (1980) 'Why Collaborate? Issue-Linkage and International Regimes' *World Politics*, 32.

[14]Krasner, 1982, "Structural Causes and Regime Consequences: Regimes as Intervening Variables", in Krasner, S.D., ed. 1982, International Regimes, *International Organization*, 36,2, spring 1982.

specific agreements. A regime refers to the generally accepted outline, which creates the possibility for actors to establish specific agreements. To Keohane, "regimes are developed in part because actors in world politics believe that with such agreements they will be able to make mutually beneficial agreements that would otherwise be difficult or impossible to attain"[15]. Regimes therefore establish the framework based on principles and norms that create the possibility for the involved parties to reach mutual understanding[16].

An interesting point here is that the establishment of regimes is initiated by the existence of implicit norms and existing principles. It must be emphasised here that, regimes contain explicit and implicit elements, and it is the relationship between these elements that determine the ability of regimes to survive. As such the more explicit the rules and norms mirror the implicit norms and the standard behavioural patterns of the involved parties, the stronger the regime. There is still some controversy concerning the extent to which regimes are to be perceived on the basis of explicit rules and procedures, or on the basis of observed behaviour from which rules, norms, principles and procedures can be inferred. Keohane is thus wary of defining regimes simply in terms of the explicit rules and procedures, as one risk's slipping into "formalism" and the concomitant danger of including

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[15]"The Demand for International Regimes" in Krasner (ed), 1982.

[16]In Power and Interderpendence, Keohane & Nye defined regimes as, "sets of governing arrangements", which encompass "creating or accepting procedures, rules, or institutions for certain kinds of activity". In a definition from 1989, Keohane, *International Institutions and State Power: Essays in International Relations Theory* (Boulder, Colorado) defined regimes as "institutions with explicit rules, agreed upon by governments, which pertain to particular sets of issues in international relations".

purely nominal agreements[17].

The debates have still been raging as to the extent to which regime definition and application should be based solely on observed behaviour. There are both theoretical and methodological problems with such application. Keohane argues that such an application, theoretically, begs the question of the extent to which state behaviour is, in fact, rule-governed[18]. Methodologically, a substantive delineation of regimes will mean that regimes only exist in so far as actors' expectations actually intersect, and thus some measure of actor convergence is necessary. There are difficulties in providing a suitable definition able to delimit and differentiate regimes. Haggard and Simmons are concerned with "contending definitions ... which range from patterned behaviour, to convergent norms and expectations, to explicit injunctions". Thus, in arguing against a broad definition of regimes, they caution against the possibility of "run(ning) the risk of conflating regularised behaviour with rules, and almost certainly overestimates the level of normative consensus in international relations"[19]. Haggard and Simmons arguments demonstrate a certain level of skepticism in embracing the definition of Krasners, consisting of the interrelated elements of rules, norms, principles and decision-making procedures. A narrower definition, it has

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[17]Keohane, R.O. 1995, The Analysis of International Regimes: Towards An European-american Research Programme in Rittberger, V. & Mayer, P. *Regime Theory and International Relations* (Clarendon Press, London).

[18]Haggard, S. & Simmons, B.A., 1987, Theories of International Regimes, *International Organization*, 41, 3, Summer 1987. They define international regimes as "agreements among states which aim to regulate national actions within issue-area. Regimes define the range of permissible state action by outlining *explicit* injunctions. P. 495 (emphasis mine).

[19]Haggard & Simmons op cit., p. 19.

been argued, will limit some of the pitfalls found in the broader definition. In an attempt to

avoid some of these risks, they define international regimes as agreements among states

which aim to regulate national actions within an issue-area. Regimes define the range of

permissible action by outlining explicit injunctions. Probably their most important

contribution to the discussion on international regimes is their definition which has the

combined advantage of bringing into focus the differences between the concepts of

regimes, co-operation and institutions:

> regimes are examples of co-operative behaviour, and
> facilitate co-operation, but co-operation can take place in
> the absence of established regimes .... Regimes aid the
> institutionalisation of portions of international life by
> regularising expectations, but some international
> institutions such as the balance of power are not bound to
> explicit rights and rules[20]

Irrespective of the divergent discourses on the applicability of international regimes,

they can be perceived as determining such standard institutional limits to international

anarchy as agreed to by states. Rittberger, Efinger & Menger have argued that international

regimes do not only exhaust themselves by determining their role in the organization of

international relations, but rather to "ascertaining the consequences for the processes and

outcomes of international policy-making"[21]. If regimes define the range of permissible state

action, the question then becomes: to what extent do international regimes make a

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[20]Haggard & Simmons, ibid. All the above quotations are from the same volume.

[21]Rittberger, V., et a., (1990) Towards an East-West Security Regime: The Case of Confidence- and Security-building Measures, *Journal of Peace Research*, vol. 27, no. 1.

difference for the collective management of international problems or conflicts?

In continuation of this discussion, it has been argued that regimes can be known by their principled and shared conceptions of desirable and acceptable forms of social behaviour[22]. This raises more questions than can be satisfactorily answered. What dynamics determine what are principled and shared understandings with respect to what? Do all groupings having a shared sense of understanding of such forms of social behaviour qualify as regimes? After going through these concepts and definitions, what determines the characteristics of what can be described as a regime? To bring some sort of order into what can be advanced as a regime; it has been proposed that groupings demonstrate certain levels of effectiveness before qualifying as international regimes.

In spite of the definitional conundrums, principles are the dominant elements in a regime and set the limitations within which the more concrete rules and norms under regimes are formulated. Principles are the results of the development of a common understanding and collective interpretation of reality of individual incidents in international politics. Principles arise over a long period, and would be accepted by all involved parties. Furthermore, the development of collective actors criteria for weighing the causes for and importance of incidents, together with the growth of common values and moral values, promote the development of the dominant principles in international relations. These principles, at a later period, form the basis for the establishment of international regimes.

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[22]Kratochwill, F. & Ruggie, J.G., (1986). International Organization: A State of the Art on the Art of the State, *International Organization,* 40, no. 4, Autumn. See also Agyeman-Duah & Ojo, O.B.J., 1991, Interstate Conflicts in West Africa: The Reference Group Theory Perspective, *Comparative Political Studies*, vol. 24, no. 3.

Principles create predominant collective denominators, coherence and solidarity among actors in the international system.

Sense of common objective, some agreement on the character and value of the subject singled out for resolution, however, must motivate rules and procedures. These are the norms that stimulate regimes. Norms are therefore more concrete, in the sense that they relate to the standardised and more precisely defined behavioural patterns, rights, duties, obligations, and expectations. Establishment and observance of such laid down norms reduces the level of insecurity among actors in international relations. Norms simply inform us as to why states collaborate[23].

Rules, on the other hand, relate to the written rules and guidelines within the specific issue area that the actors more or less have voluntarily accepted to uphold. Therefore, rules also refer to the specifically written regulations, which are expressed in different agreements between the involved parties in a regime[24]. Decision-making processes relate to the formal channels and decision-making mechanisms through which regimes in a legitimate manner can enforce priorities and interests[25]. Based on the above-mentioned characteristics, regimes comprised of two parts. One part deals with principles and norms and a precisely defined section that specifies these principles and norms. Every change in these component

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[23]Haas, op cit., p. 396.

[24]Rules can be seen as well-defined guides to action or standards setting forth actions that members of some specified subject groups are expected to perform under appropriate circumstances. Rules, in short, define what, significantly speaking, the co-operation is about. See Young, 1980. Op cit., p. 334 and Haas, 1980, op cit., p. 396 ff.

[25]Krasner, S1982, ed., International Regimes.

sections entails in the long run a corresponding change in the other components. This fact is not necessarily synonymous with regime dysfunction in situations where one of the components does not function according to expected intentions. A dysfunctional regime is dependent on several other factors. A regime can be weak but survive, and this occurs in situations where members violate regime decisions and rules. Regime collapse similarly demands fundamental changes in the regime's basic factors, such as when the regime's principles and norms are challenged.

This analysis is important because of my argument that the transformational changes in ECOWAS that have been alluded to, earlier, can be understood in the context of regimes.

To enable a detailed analysis of international regime establishment, function, survival and transformation capacity, there is a need for an explanation of the circumstances and factors that are determinative for these processes[26]. Thus, a discussion of some of the changes in the international political structure and processes, which create new scope for actors' actions, are relevant.

2.5   Establishing International Regimes

Given that regimes do not exist in a world where actors act independently of each other, it is important then to situate regimes in an international political perspective. The

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[26]Oran Young, op cit., p. 295 ff.

only theoretical exception and possibility for such independent action is the situation in which a hegemonic power subjugates the system to its interests. A hegemonic power can only achieve such subjugation through its superior economic, political and military power forces. In line with the analysis so far, it will be necessary to discuss the extent to which the world system can be described as coherent and interdependent. The realist perception of international politics implies that international organizations must be seen either as non-existent, or in situations where they exist, only play minimal roles in international society. In a pure realist case, international organizations and the rules to which states have committed themselves, play little role, being swept aside as ephemeral, or as "scraps of paper", when interests so dictate. To realist perception, regimes are only reflections of a realist power structure and function only to the extent that the structure gives it elbow room[27].

In a world of complex interdependence, international organizations have a role to play in improving the relations between states and the rest of the international society. International organizations are the fora where diverse actors — state and non-state — meet to discuss their divergent interests and different coalitions are formed among the actors and the foundation stone for specific regimes laid. Such coalitions are formed with a view to maximise welfare and security in a broader and more long-term manner. These, among other things, are some of the functions of international regimes.

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[27]Waltz, K.N. (1979). *Theory of International Politics* (Reading, Mass.). Keohane, R.O. Nye, J.S. & Hoffmann, S. eds. (1994) *After the Cold War: International Institutions and State Strategies in Europe, 1989-1991* (Harvard Univ. Press, Cambridge).

According to realism, there is only one type of regime, which has the possibility of being established on the international scene. This regime's principles, norms and rules are identical with the interests of the powerful hegemon's interests, principles and norms. The basis for the establishment of this regime, which should guarantee endurance, is hegemonic power. Regime function, thus, consists in ensuring the necessary stability for hegemonic dominance. Regimes which, on the contrary, are not based on hegemonic power and support are doomed to failure[28]. The explanatory basis for this is the lack of adequate power at the disposal of the regime to enable it implement its own decisions and guarantees their observance.

Hegemonic stability theory has its basis in the realist school and locates the discussion of regime conception in a power-related perspective. In the realist perspective, an international regime can only be changed as a consequence of alterations in the fundamental power structure of the system. The end result of this perspective is that regimes are not assigned any self-reliant dynamic under realist views. This view, though, is inconsistent with the definition provided by Krasner in International Regimes in 1982 and Keohane[29] in 1989. Regimes are here defined more in relation to their functions, which are to create possibilities for co-operation concentrating around the convergence of common expectations.

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[28]This does not mean that a complex interdependent situation automatically creates regimes, but that such situations encompass potentials and incitements for the creation of regimes. Establishment of regimes is, among other things, dependent on cognitive factors.

[29]Keohane, op cit.

The realist perception of international politics is based on the philosophical and abstract utilisation of the capabilities of individuals and states. States are considered as egoistic entities, whose primary interests are in maximising their self-interest, which, in several cases, is operationalized on the basis of military security. The rule here is the competition and struggle between states, and co-operation, which is the core essence of regime theory is rarely used.

Earlier, the thesis discussed the informal and formal links and coalition formations, which are important for the formation of regimes. It is the subjective aspect of interdependence, which promotes or frustrates the processes for establishing regimes. Actors preferences must be seen as heterogeneous both among states and diverse actors and within a country's borders. This heterogeneity is not just based on an increasing interdependent relationship among states. This relationship binds different groups, classes and social categories together across national frontiers and is contributory to the formation of new coalitions based on reciprocal interests.

The rational behaviour of states and other actors consists primarily of efforts to augment security and welfare. The thesis can, as a matter of fact and in certain situations, speak of direct contradictions between these factors[30]. To emphasise this point of military security as against state autonomy, a state can be excluded from the world market and as a consequence of this the welfare of its citizens are reduced. This relationship can in the long run threaten state security and autonomy from within. This aspect is grossly under

[30]See Brown, S. (1991). Explaining the Transformation of World Politics *International Journal*, vol.

estimated in the tradition theories about security. Young and Nye & Keohane[31], in sharp contradistinction to others, make this issue a central argument for state interest in the establishment of regimes in international politics.

Processes of regime formation are dependent on the extent to which demands by state and non-state actors are made, and increase in consonance with an increase in the number of interactions among actors in the international system[32]. A strictly functional understanding of the demands made on regimes can be criticized on two decisive points:

! International regimes do not engender equal welfare for all involved parties;
! International regimes neither automatically create the same prosperity, generating means and channels for all parties.

Power relations, after all, are of some importance in regime formation and maintenance under international politics as these two points above demonstrate. Increasing interdependence leads to intensified expectations of regime function and effects. Such relations create new scope and circumstances for actors of both state and non-state nature. Under these new circumstances, it is the behavioural patterns, which guarantee a maximisation of the results considered as corresponding to rational behaviour. In situations of complex interdependence, actors view co-operation as a more beneficial channel than independent action. Such channels are more attuned to regulating increasing complexities and thereby better to maximise their long-term interests. This is synonymous with the fact

[31]Keohane, op cit.

[32]See Keohane, 1982, The Demand for International Regimes, in Krasner, 1982, ed. International Regimes.

that actors interpret rationality in a different manner, in that they accept that their advantages do not necessarily lie in others disadvantage. Actor calculations are also based on their experiences with the fact that unilateral and bilateral agreements are not in a position to fully manage their interests[33].

Even in situations where certain actors are dissatisfied with the status quo, there is general agreement that war is one of the most costly and less productive means of making changes in the status quo. Other instances create similar situations where actors encounter each other on the basis of their joint interest. Such new circumstances may force actors to converge around common issue areas, which increases with interdependence. Regimes devise common rules and decision-making procedures for the maximisation of their advantages and to guard against common dangers.

This co-ordination is not necessarily formalised and institutionalised. A regime occurs when parties are in agreement concerning certain principles and behavioural patterns. The more specific norms and rules occur later, in terms of the establishment of an international organization. Such behaviour can explain the first phase where co-operation is unorganised until a later period when there is the acceptance that more specific regulations concerning behavioural patterns are more appropriate. Secondly, different coalitions are first formed among actors, and it is the pressure exerted for the increase in their advantages and the reciprocal resistance of other actors and coalitions that creates conditions conducive for joint standards.

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[33]Keohane & Nye, (1977), *Power and Interdependence*.

Irrespective of the different theoretical schools, power as a factor in international politics is crucial, making economic, political and military power central to regime formation. Here, it is the relative power of the individual actors that is important. Irrespective of the reduction of power misuse under regimes, it is the more important actors who exercise a certain level of power in terms of their economic position or level of activity. Power manipulation, during the decision-making process and implementation stages, is important.

Regime survival and increasing acceptance of its principles and norms by involved parties creates situations of collective expectations with respect to imbibed experience[34]. Such patterns of behaviour, based on principles and norms, become commonly accepted with actors acceptance that regimes enhance welfare and collective security.

The processes for regime formation in international politics are constantly under the influence of the wishes on the part of actors for order and to simplify the increasing complexity of relations. Some of the factors that have been discussed above influence the sort of regime and the type of order desired by the involved parties. Some of these regimes can be characterized as having arisen "spontaneously"[35] without having any plan or design from the involved parties.

2.6   Regime Performance

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[34]Young, O.R. 1982, Regime Dynamics: the rise and fall of International Regimes in Krasner, 1982.

[35]Young, op cit., in Krasner, 1982.

One of the central functions of regimes in an increasingly complex and interdependent world is to provide some sort of a framework to remedy some of the confusion and complexities in international relations. Thus, regimes help actors to overcome barriers in their efforts towards co-operation in an interdependent world. Regime function, in a more specific sense, is to provide the means and possibilities for actors to meet and design solutions to their common problems. Establishment of these common principles, norms and rules, determines which actions and behavioural patterns are considered legal and acceptable. Such principles contribute to relieve actor insecurity in an increasingly interdependent world.

Regime effectiveness is dependent on the extent to which it enjoys actor support and acceptance, and thus its effectiveness can vary, dependent on which issue area is under discussion, how sensitive the issue is and the interaction with external factors. Yet, another determinant for regime effectiveness is the level of consistency and interdependence between regimes different principles, norms, rules and procedures. In cases where regimes have an inflexible set-up, bureaucracy and structure, these in the long run create constraints within the regime and among actors. Regimes can similarly have a negative function in the sense that they can be misused by powerful actors as an instrument to legitimise their actions. Irrespective of the individual interests of states, if participating actors have a perception that a regime is not fulfilling the role expected, actors can then demand changes "within" and "by" regimes.

Changes within and by regimes have two different meanings and roles. As discussed above, regimes are made up of four correlated elements; principles, norms, rules

and decision-making processes. It is also important that one does not confuse regime weakness with changes within or by regimes. A weakening of a regime can occur when there is a schism within the coherence and consistency between regime components and actors. Situations such as these do not always necessarily induce changes within regimes or towards its disintegration. Transformation[36], on the other hand, can be caused by the contrasts and differences in the formal constitution and inconsistencies in the regimes own structure and organization. In certain cases, there can be conflicts between a regime's central principles and norms. Conversely, a regime that mirrors the actual power relations between actors is considered a distinctly politicised regime, due to the fact that interests among the different powerful groups are in competition with each other. Such a regime is identified more with conflict than with co-operation. Regimes such as this do not enjoy credibility with respect to the smaller states. Subsequently, such a regime loses its legitimacy (which ought to have been based on integrating the different actor interests). Part of the argument in the above is that regimes that ignore power differences are of interest, and even more so to smaller states. In the empirical discussions, the thesis will demonstrate the extent to which Nigeria used its power to bring the smaller states to participate in the intervention schemes.

2.7   Partial Conclusion of the Discussion on Regime Performance

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[36]Transformations, according to Oran Young, are "significant alterations in a regimes's structure of rights and rules, the character of its social choice mechanisms, and the nature of its compliance mechanisms", in Krasner, 1982.

In conclusion, international regimes are generally understood to be characterized by a set of implicit and explicit principles, norms, rules and decision-making processes that guide the actions of specific actors within a specific issue area. With the possible exception of a general agreement on the definition, there are increasingly disparate perceptions as to how to abstain from formalism. Regime function is among other things, to affect actor behaviour and efforts at enhancing collective interests within a specific issue area in an increasingly interdependent world. Regime function and strength is also influenced by other factors and circumstances, among which are changes in the international system which play crucial roles either in the formation, operation, transformation or collapse of a regime. Some regimes operate within a specific issue area, which has a great effect on the functioning of other regimes. This is especially true of regimes whose principles are similar to those applicable in the international system and form the fundamental basis for other regime function. One can, in such situations, speak of a hierarchy of regimes. Analysing regimes and their relationship to interdependence, one is liable, in the words of Keohane and Nye, to a degree of "fuzziness", when as they argue that the concept of "international regimes is extended beyond the institutionalised results of formal interstate agreements"[37]. The thesis, therefore, argues that regimes should be:

!   Analysed within a specific understanding of their environments and in association with these;
!   Analysed to demonstrate their interplay with other competitive or supporting regimes;

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[37]Keohane, R.O. & Nye, J. Jr. "Power and Interdependence Revisited", *International Organization*, Autumn 1987, vol. 41, nr. 4.

!   Situated within a structural conception of the international political system; and

!   Analysed to elaborate on the interaction between individual state foreign policy and the regime in question.

With these analytical approaches, the subsequent section will deal with a theoretical discussion of security regimes, and its applicability to the post-Cold War West African situation. After this analysis, ECOWAS will be situated in a regime theoretical perspective, as having been developed from principles based on the sovereignty of states. The climate under which the West African security regime operates and is being developed is characterized by the post-Cold War international situation.

2.8   Security Regimes

After the discussion on international regimes, the subsequent analysis will deal with a specific issue area; namely security. This is because ECOWAS's interventions in Liberia and Sierra Leone both dealt with the breakdown of security in both states. This will be positioned within a regime theoretical debate, and as indicated in the introductory section, will be used to analyze the extent to which it can be applied to two case studies: ECOWAS's Liberia and Sierra Leone actions in the West African context. A central question that needs to be posed at the beginning of this discussion is, should an analysis of security regimes encompass all sectors of the security debate? Does the thesis obtain a better, more detailed understanding of the security problematic if one uses a broad definition of security? To what extent is a limitation of what constitutes threat — and thus

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coming under the security paradigm — more conducive to an analysis of security regimes? Inhibitions to the empirical applicability of regime theory to international security relations have recently been expressed[38]. The thesis will, however, apply international regime theory as an explanatory paradigm to my discussion of ECOWAS' emerging security regime.

The main thrust of the thesis is that ECOWAS aim of enforcing sub-regional stability comprises a regime with rules, norms and principles which members should adhere to. Non-compliance with regime rules, norms and principles or perceived threats (by members of an international regime) by either member states or other external forces can lead either to coercive or diplomatic response by other regime members[39].

The main intention here is to analyze this assumption of regime dynamics as it relates to regime response to Liberia and Sierra Leone's collapse as functional states, and as members of the regime. It will be emphasised, however, that the inception of a West African development of a sub-regional system started before the establishment of ECOWAS in 1975. Thus, in subsequent politico-military disruptions with potential for either inter or intrastate conflicts, spill-over or domino effects, ensuing regime response must be viewed against the backdrop of attempts by regime members — this does not always have to encompass all member states as will be discussed in the empirical chapters — to maintain the status quo or system stability and balance. There are diverse discussions and positions on the extent to which security regimes should be all embracing. Narrowing

[38]Crawford, Robert M.A. 1996. *Regime Theory in the Post-Cold War World: Rethinking Neoliberal Approaches to International Relations.* Aldershot: Dartmouth Publishers, p. ix.

[39]Sesay, A. (1985), The OAU and Regime Recognition: Politics of Discord and Collaboration in Africa.

the conceptualisation of what constitutes security regimes helps eliminate the specter of fuzziness.

2.9   Discourses and Challenges on Security

Most definitions and attempts to explain the concept of security were, according to Ayoob, based on two major assumptions. One, that threats to a state security principally arise from outside its borders, and two, that these threats are primarily, if not exclusively, military in nature and usually need a military response if the target state is to be preserved. However, Barry Buzan sees post-Cold war definition and application of the concept as being in a relatively new phase. He has, therefore, attempted to sketch what he argues to be the main features of the supposed "new patterns of global security relations" that are now emerging[40]. In sketching these features, Buzan expands the analysis of security from its previous three-level typology of individual, state and international levels. What he does with this expansion is to incorporate yet another two levels: the regional (mainly understood as a security complex) and "societal" levels. Furthermore, Buzan has gone considerably further than most analysts of international security discourses and introduced an innovative expansion of the analytical framework to include new sectors. These are made up of military, economic, political, societal and environmental issues. Applying this

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[40]Buzan, Barry. (1991b), New Patterns of Global Security in the twenty-first Century, *International Affairs*, vol. 67, no. 3.

re-conceptualisation to the West African sub-region demonstrates the fact that West Africa shares many of the security challenges and dilemmas facing other developing areas.

Characteristic of the new or broadened interpretation given to security is the increasing acceptance and realization of the fact that for the vast majority of African states and peoples, security is a far more complex issue. It encompasses a wide array of seemingly innocent variables including economic and infrastructure underdevelopment, unstable political systems, and other hitherto so-called peripheral issues[41]. These peripheral issues are now coming not only to the forefront of an extended security agenda but because they are seen as posing security threats and undermining the sovereignty and durability of the state from within. The resultant combined effects of all these is that they have contributed to creating a crisis of statehood[42]. A resultant effect of the lack of cohesion makes them weak states[43]. The assumptions underlying the need for an expanded security agenda, especially with respect to Africa have an older pedigree, but have consistently been overlooked because of the previous bi-polar overlays.

A critical question that needs to be answered and analysed is *whose security* but also what does security *mean*? These questions, innocuous as they can be, are crucial because on a sub-state level, ethnic groupings, marginalized communities and collectivities,

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[41]Thomas, C. (1987) *In Search of Security: The Third World in International Relations* (Boulder: Lynne Rienner).

[42]Sayigh, op cit., p. 6.

[43]Buzan, Barry. 1991. *People, States and Fear: An Agenda for International Political Security Studies in the Post-Cold War Era*. Hemel Hempsted: Harvester Wheatsheaf, p. 97.

and indeed individuals can be conceived as having security concerns. These might impact on the state at different levels and innovative ways but are not identical with state security. As a result, part of the international discourse has centered on the need for an extended security concept. Ornas and Salih have contributed to this debate and argued that the concept of security should first and foremost include food, physical survival, family and community rather than military security.[44] Implicit in these arguments is the need to extend the discussion of security issues and move it away from its preoccupation with military capabilities, and to include the non-military dimensions of security.

In re-conceptualising the discourses around security and unpacking its constituent parts, there is an increasing convergence of views that the manner in which the African state was formed has been a major contributory factor to the incidents of conflicts. In the literature, these African states are characterized as being "weak": lacking in both social cohesion and state-building capacity. Buzan has attempted to distinguish such states by their high concern:

> with domestically generated threats to the security of the government... Weak states either do have, or have failed to create, a domestic political and social consensus of sufficient strength to eliminate the large-scale use of force as major and continuing element in the domestic political life of the nation[45]

With the removal of superpower overlays, it might be expected that priority would

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[44]Ornäs, H. & M. Salih, eds., (1989) *Ecology and Politics: Envrionmental Stress and Security in Africa* (Uppsala: SIAS).

[45]Buzan, Barry. (1991b), op cit.

be given to the internal threats to state security arising from various combinations of ecological, economic, societal and other factors. Irrespective of the rhetoric of African leaders — who create the impression that external threats are the main cause of security concern — there is broad consensus that:

> the origins of regional conflicts are primarily domestic...
> the de-ideologis-zation of Soviet-US relations has exposed
> the extent to which ideological overlays had temporarily
> (sic) obscured the most important sources of instability,...
> namely ... the fragility of many ... governments[46]

Situating a re-defined African security problematic in a post-Cold war context characterized by the removal of overlays suggests that African regions are arguably now in a better position to deal with security issues without having to consider the interests of superpower in their actions. Comparably, previously marginalised domestic issues that were submerged but are equally threatening to state stability are now being brought to the fore.

As security becomes increasingly redefined to focus on the internal rather than external threats and dynamics to the survival of governments, protective reactions — security regime — will similarly be directed at domestic rather than external challenges. Thus, though militarization *per se* will not decline in magnitude, it will be directed more at solving internal crises. Several questions arise. How does the transformation of ECOWAS

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[46]Weiss, T.G. & A.M. Kessler, eds., (1991), *Third World Security in the post-Cold War Era* (London: Lynne Reinner).

affect the emerging West African security complex or regime?[47] How can the arguments

presented above about security and regimes be merged on the basis of the West African

situation?

To what extent can the analysis of regimes and security be fused to begin discussing

the outlines of security regimes? Müller defines security regimes as "systems of principles,

norms, rules, and procedures regulating certain aspects of security relationships between

states"[48]. Jervis characterized security regimes as:

> those principles, rules, and norms that permit nations to be
> restrained in their behaviour in the belief that others will
> reciprocate ... (it) implies not only norms and expectations
> that facilitate co-operation, but a form of co-operation that
> is more than the following of short-term self-interest[49].

In Steins contribution to this debate, he argues that security regimes typically

portray a situation in which actor interests "are neither wholly compatible nor wholly

competitive"[50]. A security regime thus may evolve within a framework in which the use of

force is constrained by a balance of power or mutual deterrence situation. Informal sections

of international regimes comprise principles and norms which states follow with respect to

each other, not because of some formal external regulation, but because signatories find it

[47]Buzan, Barry 1991b, op cit.

[48]Müller, ibid, p. 361.

[49]Jervis, R. (1982) 'Security Regimes' p. 357, in Krasner, 1982, op cit.

[50]Stein, J.G. Detection and Defection: Security "Regimes" and the Management of International Conflict, *International Journal* 40, (Autumn 1985).

appropriate for their self interest[51]. In furtherance of this discussion, a differentiation is made between regimes and institutions, with the insistence that regimes are more extensive conceptions than international organizations.

In the above discussion, it is clear that the determining factors for identifying the existence of regimes are the presence of all four elements. The incentives inherent in the establishment of security regimes and the obstacles involved in so doing are particularly enhanced in the security discussion. As a result of this, such difficulties and dilemmas have been described as the "security dilemma"[52]. These occur when states, in seeking power and security for themselves, end up either implicitly or explicitly threatening the power and security aspirations of other states and neigbhours. This arises from the fear of war stimulated by the nature of military by military means, and the fear of defeat stimulated by the potential uses of military means in the hands of others.

Security regimes are, thus, worth the effort in establishing, although complex to attain. Their value should, as discussed earlier, be found in their ability to regulate individual state action in terms of limiting the cost of hostilities and the level of suspicion that arises from the pure realist state-centric world in which expansionist states will seek to gain resources through opportunistic behaviour at the expense of their neighbours. The difficulty in achieving a functional security regime can be explained in the context of the in-built fear and suspicions in the state system. That one state can or will violate the common

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[51]Agyeman-Duah & Ojo, op cit., p. 302.

[52]Buzan, Barry. (1991) *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era* (Harvester, Wheatsheaf, London).

understanding is a potent catalyst for each state to undertake individualistic policies even though each would otherwise prefer regime action. Thus, what is critical here is the extent to which **state compliance** with **regime requirements** are possible or feasible. It is important in discussing these issues that one looks for situations in which states would have behaved differently had they not been implicated in regimes. Keohane[53] argues that it is only when compliance is inconvenient — that is when regime rules conflict and are incompatible with governments perceptions of what their self-interest would be if there were no such institutions — that the impact of regimes are tested. During instances of such inconvenient commitments, one should expect that, if regimes were unimportant, their rules would be violated, and that in so far as the rules are complied with, then it is possible to deduce that regimes have had an impact.

It can be deduced that a condition for the formation and maintenance of security regimes is that major actors prefer status quo maintenance. In relating this to my empirical areas of study, it is not very clear the extent to which status quo continuance was the primary reason for the establishment of this regime. Some importance must, however, be placed on the role played by individual state perception of security contra that identified by the regime as being its prevalent security problem. It is the divergent perceptions of regime as against individual state security that created the controversy indicated as being central by Müller.

Broad understandings of some sort of security framework have characterized the

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[53]Keohane, 1995, op cit., p. 27.

West African sub-region for several years that started with the signing of the diverse

protocols earlier mentioned.

2.10   Conclusion

The thrust of the theoretical discourses in this chapter have been characterized by

three major themes which underline my analysis above. This encompassed the immediate

post-independence era of efforts by state leaders to codify a set of norms that would

govern their inter-state relations especially with respect to security issues. Despite the

apparent inability to agree on the form the security co-operation should take, West African

states which among themselves were divided on the issue were eventually drawn together

(a) to discuss and implement integration, and (b) to make their security pre-occupation

central to their economic integrative schemes. The efforts and ability to balance the

apparent incongruities in their own states as a result of the nature of the inherited

nation-state, but not least, the form of governance established in the post-independence

period was to influence their ability to manage the delicate balancing act. These difficulties

comprised: (a) being guided by the norms of their emerging security regime; (b) moving

away from a perception of security as only encompassing an external directedness; and (c)

responding to and using the emerging security regime as a basis for response when one

member-state collapsed.

The discussion in this theoretical chapter has raised several questions that will guide

my empirical analysis. Some of these are: to what extent do institutions affect state

behaviour and collective action in the issue-areas they tackle? Which determinants govern

the stability of international regimes? How do security regimes elicit compliance from non-

state actors? What is effectiveness in terms of regime action?

The importance of this chapter is that it ties-in conceptual discussions of regimes

with security and demonstrates how ECOWAS's developments can be understood and

appreciated in the next and subsequent chapters.