AN APPRAISAL OF THE CONCEPT OF COLLECTIVE SECURITY UNDER INTERNATIONAL LAW

BY

Aisha ABDULLAHI

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DECLARATION

I declare that this work is a product of my research efforts undertaken under the supervision of Dr. Yusuf Dankofa and Dr. I.F Akande and that no part of this thesis has been previously presented for the award of another degree elsewhere. The information derived from other literatures has been duly acknowledged in the text and references provided.

_____ _____

Aisha, ABDULLAHI **Date**

CERTIFICATION

This thesis entitled "An Appraisal of the Concept of Collective Security under International Law" meets the regulations governing the award of the Degree of Master of laws (LL.M) of Ahmadu Bello University, Zaria and is approved for its contribution to knowledge and literary presentation.

_____ _____

Dr. Yusuf Dankofa **Date**
Chairman, Supervisory Committee

_____ _____

Dr. I.F. Akande **Date**
Member, Supervisory Committee

_____ _____

Dr. Yusuf Dankofa **Date**
Head of Public Law Department

_____ _____

Prof. Joshua Adebayo Abiodun **Date**
Dean School of Post graduate Studies

DEDICATION

This work is first dedicated to my beloved parents and secondly to my dear husband. Both have in no small measure contributed to my being what I am today. May Allah reward them abundantly.

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In the name of Allah, the beneficent, the merciful.

My appreciation first goes to my beloved parents Dr. A.T. Abdullahi and Hajia Bilikisu who nurtured me from cradle to adulthood. I thank them for all the love and affection, I cannot afford to pay them back, but I pray that Allah reward you with Aljannah-al-firdausi, amin.

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ABSTRACT

This research examined the concept of collective security under international law and specifically examined the basis of the existence of such arrangements, the challenges and problems facing them and also proffered solutions to identified problems by way of recommendations at the end of the research. The doctrinal method of research was used to analyze the concept of collective security under international law generally with particular reference to the West African region. Some relevant literatures on collective security under international law were relied upon in the appraisal of the concept, starting from its historical evolution with the formation of the League of Nations to the United Nations (UN) and later regional arrangements like the Economic Community of West African States (ECOWAS). Some of the challenges and problems facing the various collective security arrangements locally and globally identified include, lack of funds to facilitate activities like peacekeeping operations and humanitarian aid, fighting environmental challenges like floods and earthquakes. Political military and legal challenges were also identified in the research. On the whole it was found out that the concept of collective security is a vital one to the development of peace and security at all levels. And in view of the challenges and problems identified it was therefore recommended that collective security arrangements should endeavour to intervene promptly in crisis of member states. Considering the slow response of the United Nations Security Council in crises of some member states we recommend the creation of a new organ with no permanent members, but representatives of all continents on rotational basis; and that among other things Economic Community of West African States (ECOWAS) should enhance its border security to reduce illegal migrations and proliferation of arms that contribute immensely to the acts of terrorism.

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LIST OF ABBREVIATIONS

Symbol		Meaning
A.U	-	African Union
ECOWAS	-	Economic Community of West African States
NATO	-	North Atlantic Treaty Organization
UN	-	United Nations
UNSC	-	United Nations Security Council
EU	-	European Union
ECOMOG	-	ECOWAS Monitoring Group
SEATO	-	South East Asian Organization
SADC	-	South African Development Community
IGAD	-	Intergovernmental Authority for Development
DPKRS	-	Department of Peacekeeping and Regional Security
EBID	-	ECOWAS Bank for Investment and Development
ERIB	-	ECOWAS Regional Investment Bank
ERDF	-	ECOWAS Regional Development Fund
NEPAD	-	New Partnership for Africa Development
PNA	-	Protocol Relating to Non-Aggression
AAFC	-	Allied Armed Forces of the Community
PMAD	-	Protocol Relating to Mutual Assistance and Defence
MSC	-	Mediation and Security Council
DSC	-	Defense and Security Commission
SALW	-	Small Arms and Light Weapons
TOC	-	Transnational Organized Crimes

LIST OF STATUTES

Constitutive Act of the African Union, 2000

Economic Community of West African States Revised Treaty 1993

Non-aggression Pact of 1978

Protocol on Mutual Defense Assistance 1989

Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security 1999

United Nations Charter 1945

CHAPTER ONE

GENERAL INTRODUCTION

1.1 BACKGROUND OF STUDY

The issue of security is paramount to all nations. It is one word that attracts the interests of all. Be it security of lives, property, good health, environment etcetera. It is against this backdrop that nations come together to form a body that is saddled with the responsibility of conflict prevention, resolution, management, peace keeping and enforcement in the form of "collective security."

The concept of security has acquired the strength of an ideology. It has multiple interpretations depending on the objective one wants to attain. In the name of security, different kind of persons emerge; liberation fighters, nationalist, terrorists, tyrants, dictators etcetera.

In the affairs of modern nation states, wars are declared and fought, women, children and the aged ones are lost, men are arrested, tortured, fired, sentenced or jailed all in the name of security.

The concept of security can best be defined or understood when qualified. For example, national security is the ability of a nation to protect its interests and values from perceived threats. Wolfers assert that national security "is the protection of all values previously acquired"[1]. This we believe is an objective view of security.

The term collective security can be understood as a security arrangement in which states cooperate collectively to provide security for all, by the actions of all against any state within the group which might challenge the existing order by using force. [2]

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1. Onoja M.G.L. *Peace Keeping and International Security in a changing world*, Mono Expression, Ltd (1998) P. 20
2. Ibid

Apart from being a concept on its own, collective security also serves as an exception to rule of non-intervention in the domestic affairs of a sovereign state. That is, while Collective Security aims at promoting friendly relations and equality of states within the arrangement, it does not forget the sovereignty of a state that makes it independent and free from political or economic exploitation and dominance by any other state or entity. This is the most reason why both the concepts of Collective Security and non-intervention are recognized under the Charter of the United Nations.

The concept, though in existence for long, as will be pointed out in its historical evolution, developed in the 80's after the end of the cold war between United States and Russia when the perception or idea of security changed and was no longer restricted to military issues, but also to socio-economic, political, environmental and gender issues.

The world generally is threatened by conflict spanning from one continent to another. Africa is facing major challenges on the path to sustainable peace and democracy. The dangers and hazards have changed considerably over the last few decades. Instead of wars between countries, it is internal conflicts which have come to the fore, fed by organized crime, terrorism and the privatization of force. Social tension, the growing divide between the rich and the poor and the distressing lack of alternatives for young people offer ideal breeding ground for extremist ideologies. Add the flourishing trade in small arms and one has the perfect recipe for violence [3].

3. Dr. Gernot Erler, Delivering a welcome address at an International Conference; Overstretched and Overrated? Prospects of Regional Security Policy in Africa and its European Support in Berlin-Germany from 9-10 February, 2011

But external dangers have also become more complex, requiring a coordinated approach at the regional, continental and global levels. Cross-border crimes ranging from arms to drug trafficking is challenging the state. Whenever cross-border criminal structures establish themselves, it is virtually impossible for individual national states to deal with these alone, rather it can only be tackled collectively and by cooperating with each other. [4]

Thus, the need for nations to come together to establish an arrangement within themselves to tackle these huge problems of security becomes imperative. In all continents worldwide, there are regional security arrangements which form part of the collective international security arrangement. Collective Security concept therefore, is a strategy adopted by members of the international system to collectively restrain the use of force among its members. The principle stipulates that members would take effective collective measures for the prevention and removal of threats to peace and for the suppression of aggressive acts and breaches of the peace. [5]

Apart from its being instrumental to the establishment of regional security arrangement, the collective security concept has also been adopted in many instances around the world to maintain international peace and security, a responsibility which is generally referred to as peacekeeping, peacemaking, peace support and in some instances peace enforcement operations. [6]

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4. Ibid
5. Adedoyin Omede, "The Nigerian Army and Peace Support Operations Under the ECOWAS: The ECOMOG Years" In: Gbor, J.W.T (ed) *The Nigerian Army in Global Security,* Megavons (West Africa) Ltd, (2004) p. 190
6. Ibid

It is in line with this activity that collective security has an important role to play in the provision of security and promoting peace within member states, the continent and world at large. Apart from the United Nations (UN), North Atlantic Treaty Organization (NATO), Organization for Security and Corporation in Europe (OSCE), South East African Treaty Organization (SEATO), Central Treaty Organization (CENTO), the ANZUS PACT of 1951 and WARSAW PACT of 1955 that were mainly created to provide collective security to member countries, there are other regional organizations like African Union (AU), European Union (EU), South African Development Community (SADC) and Economic Community of West African States (ECOWAS) that provide collective security to members even though not primarily formed for that purpose.

There are five basic assumptions underlying the theory of collective security listed out by Organski. [7]

a. In an armed conflict, Member Nation States will be able to agree on which nation is the aggressor;
b. All Member Nation-States are equally committed to contain and constrain the aggression irrespective of its source or origin;
c. All Member Nation-States have identical freedom of action and ability to join in proceedings against the aggressor;
d. The cumulative power of the cooperating members of the alliances for collective security will be adequate and sufficient to overpower the might of the aggressor; and

7. Organski A.F.K.: *World Politics*, Knopf, New York (1958) p. 98

e. In the light of the threat posed by the collective might of the nations of a Collective Security coalition, the aggressor nation will modify its policies or if unwilling to do so, will be defeated.

Looking at all the foregoing assumptions, the fifth one is more often relied upon today by a collective security body to intervene in political domestic problems of Member States. In the Middle East, we have seen a "democratically elected" government in Afghanistan. In Africa we had the Libyan crisis where the North Atlantic Treaty Organization (NATO) helped the opposition that fought and ousted the government of Late Mu'ammar Gaddafi. The power tussle between the two major contenders of the Cote D'ivoire presidential election that saw two separate governments before later the current president Alassane Quattara was declared winner is also worthy of mention. There was also a coup d'etat in Niger Republic which led to the intervention of the ECOWAS to see democracy restored to the country. The Arab league had also intervened in the crisis in Syria even though without success, because the violent demonstrations calling for the steeping down of President Bashar Al-Assad have continued. [8] The world has been watching with dismay the violent crisis that engulfed the Maghreb countries with Egypt first, then Tunisia, Libya and now Syria. All these calls for intervention by collective security bodies if not for any reason, but on humanitarian grounds.

1.2 STATEMENT OF THE PROBLEM

Recent development of global crisis and tensions of war and war-like activities that threatens the peaceful co-existence and security of lives and property necessitated this research. The African continents have also become a centre of war with

8. *www.bbc.com/news* retrieved 2nd , September 2012

violence erupting in almost all regions despite the various conflict prevention, management and resolution mechanisms in existence.

The African continent has been bedeviled by violent changes of government, country after country has been engaged in internal strife, religious or tribal conflict and or war. Countries like Nigeria, Sudan, Sierra Leone, Congo, Rwanda, Togo, Liberia, Mali, Cote D'ivoire, Tunisia, Libya, Egypt and Syria to mention a few, have undergone, and some are still undergoing crisis. There is also the doctrine of Non-intervention in the domestic affairs of independent states as enshrined in Article 2 (7) of the United Nations Charter of 1945.

All these developments and others prompted the current researcher to embark on a fact finding mission in order to find answers to the questions below:

a. Is the general rule of non intervention in the domestic affairs of a sovereign state being violated with the emergence of the concept of collective security?
b. Was there any legal basis for the emergence of collective security arrangements at regional levels?
c. Are regional collective security arrangements not a duplication of the United Nations Security Council?
d. Who has the right to order intervention in the domestic affairs of a sovereign state under the collective security arrangement?
e. How are funds generated and expended in the arrangement?
f. What are the circumstances that lead to the intervention by a collective security body?
g. Can a country by virtue of being a member of a collective security body intervene in the domestic crisis of a fellow member?

h. Are there sanctions for illegal interference by the collective security body?

i. How can a nation be compensated for an unnecessary interference in its domestic affairs?

j. Is there any time limit that the collective security body set out for any mission?

All these and more are questions that the research seeks to answer.

1.3 AIMS AND OBJECTIVES OF THE RESEARCH

The main objective of the research is to examine the concept of collective security under international law. The specific objectives are:

a. To examine the problems of collective security arrangements. That is how the body is controlled, problems of funding, going ultra vires its powers during a mission, prolonged stay in a mission etcetera.

b. To examine the arguments for or against the existence of collective security bodies.

c. To proffer solutions to identified problems. As the essence of any research of this nature is to suggest or recommend ways that will tackle the problems that necessitated the research.

1.4 JUSTIFICATION OF THE RESEARCH

This research is necessary in the wake of global crisis leading to recent intervention in one form or the other by collective security bodies in the affairs of other sovereign states. The recent intervention by the NATO in the Libyan crisis is one out of the many instances. The attempt by the Arab League to negotiate in the Syrian crisis by sending a peace envoy is also one of such interventions in the domestic affairs of a sovereign nation that needs to be discussed.

The issue whether the right of intervention exercised by these bodies or member countries is legitimate or not has led to frequent debates. Hence, the need to embark on a research of this nature. The findings of the research will add current ideas and also bring to the fore issues of concern that are yet to be covered by the international laws and conventions in respect of collective security.

This research will be of immense benefit to students, lecturers, judges, legal practitioners, legislators and the general public.

1.5 SCOPE AND LIMITATION OF THE RESEARCH

The research work will appraise the concept of collective security generally and with particular reference to West Africa, because of the role ECOWAS has played in providing security for the region.

1.6 RESEARCH METHODOLOGY

The research methodology adopted in this research is the doctrinal method, where the researcher relies heavily on theory rather than practical means. Primary materials like Statutes, Case law, Treaties and Protocols; and secondary materials like textbooks, articles, journals, commentaries and others like the internet materials and newspapers, will be used for the research.

1.7 LITERATURE REVIEW

The world generally is concerned about security, be it on individual basis (states acting alone) or collectively (states coming together to protect each other). The United Nations [9] in maintaining international peace and security, take collective

measures to acts of aggression or other breaches of the peace, and this can be done either by the Security Council of the United Nations or the regional and sub-regional collective security bodies. Chapter VII of the UN Charter in article 39-50 provides for Collective Security and article 51 provide for Collective defence. Furthermore, chapter VIII of the same Charter in articles 52-54 makes provision for the creation of Regional and Sub-regional Collective Security Arrangements. This we can say is the basis upon which any discussion on Collective Security can be based far as this work is concerned.

Professor Ladan, [10] in one of his pioneer works on peace and security in ECOWAS observed that though it was mainly created for the economic integration of member states , the ECOWAS later had to adopt Protocols to extend the scope of its activities to cover collective security and mutual defence of the region adding that this collective security role was to be tasted through the deployment of a West African peace Keeping operation in Liberia and later countries like Sierra Leone, Guinea Bissau and Cote D'ivoire.

This work serves as a reference for the examination and appraisal of the concept of collective security from the West African perspective, in areas of peacekeeping activities which is one of the main areas this research work considers.

According to Dr. F.C Asogwa, [11] the practice of Collective Security requires all nations to join one universal alliance instead of two or more balancing alliances.

When associated in this manner, each nation adjusts its individual interest in favour of the group interest.

9. The United Nations Charter of 1945
10. Ladan M.T. *Introduction to ECOWAS Community Law and Practice: Integration, Migration, Human Rights access to Justice, Peace and Security*, A.B.U, Press Ltd Zaria, 2009.
11. Asogwa, F.C.: *Understanding International Relations*, Voughasen Press Ltd, 1999

The major constraints of these conclusion is that the author only looked at the positive side of a universal collective security system, without addressing issues like the domination of developed nations (like the five permanent members of the United Nation security council) over developing or under developed nations in such bodies. This research seeks to delve into addressing such issues.

Mitikishe Maxwell Khobe, [12] in his own contribution described West Africa as a hot bed for political, economic and social agitation that resulted in the growth of insurgent and revolutionary movements supported largely by the economically marginalized youth and estranged members of the elite. The problem of multi-ethnic nature of member states' struggles for political power and economic privileges and more led to the formation of ECOWAS monitoring group (ECOMOG).

This research admits the position of Khobe and even goes extra mile to consider bad governance in Africa and the constant intrusion of military into democratic governments by way of coup D'tats and the looting of public funds which breads resentment and hatred for governments and with the passage of time gives rise to these insurgents that obstruct the peace and security.

Lawrence Onoja, [13] examined collective security from the point of view of aggression. According to him aggression is the root cause of international conflicts and that it is precisely because of aggression that the idea of collective security came into existence. He was of the opinion that Iraq's attack on Kuwait could be

12. Khobe, M.M.: "The Evolution and conduct of ECOMOG operations in West Africa" : published in monograph No. 44 Boundaries of Peace support operation, February, 2000
13. Onoja, M.G.L: *Peacekeeping and International Security in a Changing World*, Mono Expression Ltd, 1998

regarded as a threat to peace and international security and that the USA and its allies acted lawfully and legally for and on behalf of other states when they attacked Iraq with the ultimate aim of preventing it from committing further acts of aggression. Onoja's work did not take into cognizance the fact that these super power nations just need a nod of the head in support of their use of power to dominate and they will target another independent state as was the case with the war in Afghanistan. This issue of domination is one of the major problems associated with the concept of collective security this work intends to discuss.

Apart from the aforementioned works, there are other articles in edited books touching on different aspects of the subject under study.

Dr. Adedoyin Omede, [14] writing on the role of Nigerian army in global peace argues that the collective security is a strategy adopted to restrain the use of force among its member states. He elaborately discussed how the Nigerian army was instrumental to realization of peace and security in the West Africa region. According to him, this was done through their domination of virtually all peacekeeping activities embarked upon by the ECOWAS. The work was detailed on military activities alone and did not go further to discuss other issues of pressing concern like peace building after restoring law and order to troubled states. This area is covered by this research.

P.K. Inokoba,[15] examined the threats the transnational organized crime poses to national and international security. He stated that cross-border illicit drugs and

14. Omede, A. "The Nigerian Army and the Peace Support Operations under the ECOWAS: The ECOMOG years" In: Gbor, J.W.T (ed): *The Nigerian Army in Global Security*, Megavons (West Africa) Ltd, 2004

15. Inokoba, P.K. "Globalization and Transnational Organized Crime: The Synergy and its implication for National and International Security" In: Isaac O.A. et al (eds), *Peace, Security and Development in Nigeria*, John Archers Ltd Abuja, 2012

arms trade are great threats to national security and are problems not limited to one region alone but spill into a wide geo-political context with increasing consequences for world security as a whole. This research concurs with this view because the sale of small arms and light weapons has made many people armed and causing many lost of lives than expected whenever a conflict starts. This makes it difficult to contain the conflict within a small area; rather it escalates within the shortest time possible. It is due to cross-border activities that violence moves much more rapidly. These indeed cause more problems for collective security and infact as far as the West Africa region is concerned, it has made provision on how to tackle such cases in the mechanism for collective security of 1999. What remains to be seen is how effective these provision will be used to curtail if not fully eliminate these threats.

In addition to the foregoing, there exist other foreign literatures on some aspects relating to collective security.

Alexander Orakhelashvili, [16] writing on collective security stated that multiple regional arrangement have been established to compensate for the insufficiency of the United Nations by providing a regional capability to deal with regional crisis. The process of multiplying institution according to him raised the question on how and in what manner these institutions are supposed to co-habit within the same international legal system.

In as much as we agree with the first part of this statement, the question of how they will co-habit in the international legal system has been taken care of by Article 52 of the United Nation Charter 1945 provides the legal basis for the formation of such

16. Orakhilashivili, A. *Collective Security*, Oxford University Press, London, 2011

regional bodies. This research work shall examine some of these regional arrangements and how they complement the United Nations security system.

Johnson and Niemeyer, [17] looked at the concept of collective security different from the above literatures. To them the idea seems unnatural because a system of independently conceived national security policies implies the expectation of war as a dominant factor. But recent activities of these bodies shows that Nation States are no longer at war with each other, but that internal conflict like in the case of Liberia are mostly the problem.

A similar observation was made by Kolb, [18] wherein he stated that Collective Security seems too rational an abstract construct to fit political realities. That in reality state interest and position do not suit collective security requirements conceptually and that Collective Security is one of those things which are eminently reasonable but cannot be fully realized.

Apparently, this analysis is derived from the activities of the League of Nations and the present United Nations. The work did not examine any regional arrangement before drawing its conclusion. It is the intention of this researcher to discuss Collective Security from the regional perspective too.

Several other literatures exist on the concept of Collective Security and shall be relied upon in the course of writing the thesis.

17. Johnson H.C. and Niemeyer G. "Collective Security: The Validity of an Ideal" 8 International Organization, 1954
18. Kolb, R: "The Eternal Problem of Collective Security: from the League of Nations to the United Nations" 26 Refugees Quarterly, 2007

1.8 ORGANIZATIONAL LAYOUT

For a smooth and orderly presentation of the research work, this thesis is divided into five chapters.

The first chapter contains the general introduction. There is the background of the study, the statement of problems, aims and objectives of the research, the scope and limitations of study. It also contains research methodology and a literature review.

In the second chapter, there is the conceptual clarification of terms, where the concepts of security and Collective Security are defined as perceived by various authors, and also the legal framework. The second part of the chapter will discuss the history and development of Collective Security. Tracing its origin from early times when people defended themselves collectively to the formation of the League of Nations, the subsequent formation of the United Nations Organizations and later regional and sub-regional organization like the ECOWAS and ECOMOG. The types of collective security bodies like the United Nations, African Union, European Union, North Atlantic Treaty Organization and a host of others will also be discussed.

In chapter three, the West African Collective Security Concept will be discussed. The Economic Community of West African States (ECOWAS) is the regional body that is saddled with the responsibility of ensuring peace and security in the region. We will discuss the evolution of the ECOWAS Monitoring Group (ECOMOG) and the mechanism on Collective Security which is the Protocol relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security of 1999.

The mechanism has incorporated aspects like humanitarian intervention by ECOWAS, provision of a zonal early warning system to make the body prepare and respond to crisis before they escalate etcetera.

The first part of chapter four deals with global challenges of collective security, like the use of the veto power by the five permanent members, the problems of armament, environmental hazards and more. The second part will discuss regional challenges with particular reference to West Africa in four broad categories of political, military, technical and legal challenges.

Finally, chapter five concludes the research with the summary, findings and recommendations.

CHAPTER TWO

CONCEPTUAL AND LEGAL FOUNDATIONS FOR COLLECTIVE SECURITY

2.1 INTRODUCTION

The emergence of the concept of collective security means there have been in existence individual security bodies for the different states that come together to form an alliance in the form of collective security to protect all Member States from the aggression of any other State within or outside the organization. The idea of collective security was a dream entertained by the enlightenment of philosophers, who wished to end once and for all, the conflicts and schemes of unscrupulous leaders whose ambition has nothing to do with their subjects well being. The idea of progress, freedom and happiness too, is rooted in the theoretical conception of collective security. It was at the instance of a philosopher-head of state, Woodrow Wilson (a professor of political philosophy at Princeton), that the concept became a reality with the League of Nations, then later with the support of another American, Franklin D. Roosevelt that the United Nations was found. [1]

The nature of the concept is such that it addresses the issues of improper use of armed forces in different states to curb civil disturbances without state going beyond the required measure of force that is to be used to the extent that at the end, a reward of more loss than gain is attained.

The concept of collective security can also go hand in hand with the issues of human rights and international human protection. This chapter discusses the conceptual clarification and legal framework; history and development of the concept and also some of the types of Collective Security arrangements with a view

1. Watson J.B. *Success in 20th Century World Affairs*, John Murray Publication Ltd, London (1984) p. 10

to giving an insight into the concept of collective security under international law.

2.2 CONCEPTUAL CLARIFICATION OF TERMS AND LEGAL FRAMEWORK

The concept of collective security can best be defined when the less complex term 'Security' is understood.

According to the Oxford Advanced Learner's Dictionary [2] security means the activities involved in protecting a country, building or person against attack, danger etc.

A more comprehensive view of the concept of security was given by Milgrac Glob[3] in a Disarmament campaign to mark the international year of peace. According to him:

> …security is the absence of danger to the fundamental values of any nation… the absence of fear and uncertainty in individuals and in nations… the absence of the danger of aggression or domination and the absence of threats to sovereignty, territorial integrity, independence and self determination… the absence of the danger of domination through the direct or implied use of military might as well as through economic, financial and political means of control to dictate and use of human and natural potential of another country. Security is to be free from hunger, disease, ecological catastrophes and foreign exploitation of human and natural resources. Security has national, international and humanitarian dimension – all of them encompassed by freedom – freedom from fear of all the forms of bondage that are widespread in the world and reported daily by the media. [4]

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2. Seventh edition, Oxford University Press, (2005).
3. Milgrac Glob was the head of Yugoslavian delegation at a symposium on global security for the 21st century organized by the United Nations Department for Disarmament Affairs and the forum per problems della pace de a della guerre (forum on the problems of peace and war) and Italian non-governmental organization from 9 – 11 December, 1986.
4. Onoja M.G.L. *Peacekeeping and International Security in a Changing World*, Mono Expression Limited (1998) p. 28

According to Lord Carver, a Field Marshal in the United Kingdom, "security to most people and certainly to establish political regimes of nation states, generally implies preserving things as they are" [5.]

It will be difficult to accept this definition wholly, considering the fact that human society is dynamic and not static in nature. Social development ensures that the society is in constant change as such will be difficult to preserve things as they are.

But in Europe for example, until the disintegration of the Soviet Union, for four decades there was no war, yet security and peace cannot be said to have existed in the continent. It was only in Europe that battlefield ready weapons were already deployed in the field. Though this act posses great threat to Europeans, leaving things as they were guaranteed peace and collective security. [6]

With these few definitions of security, we will try to examine the more complex term of 'collective security'. According to Asogwa F.C, collective security is a system of world order in which aggression by any state will be met by a collective response. He said it is a system which could be global or regional in which all member countries insure each other against every member, no state is singled out in advance as the enemy and each might be an aggressor in the future. [7]

Another simple but all encompassing definition was given by Orakhelashvili as a collective action in response to a collectively identified threat. From the League of Nations period onwards, attempts were undertaken to formulate a definition of collective security, bearing in mind its historical, political and ethical aspects. The 2004 UN High Level Panel Report denoted as a central challenge the fashioning of

5. Ibid p. 29
6. Ibid
7. Asogwa F.C., *Understanding International Relations*, Voughasen Press Ltd (1999) p. 65

a new and broader meaning of collective security – its responsibilities, strategies and institutions – if this system is to be effective and equitable. The Report provides no definition of the concept, whether as a matter of an inadvertent omission or as an implied position that no definition is necessary since collective security institutions exist anyway. Still a definition is required, not to prove that it exists, but to explain what it is. [8] This commentary justifies the author's definition of the concept given above.

Sir Alfred Zimmerrin defines collective security as safety of all by all in a democratic nation. According to him, where there is no freedom (meaning a democratic constitution) there can be no cooperation for collective security [9].

It has been argued that this is a subjective view, because if collective security is a protection against use of force by one subject of the community directed at another subject, and is established by an effective prohibition of this use of force, then historical experience does not support the doctrine that collective security can be guaranteed only by a democratic legal order.

Goodby also attempted to define collective security as "a policy that commits governments to develop and enforce broadly accepted international rules and to seek to do so through collective action legitimized by representative international organizations." [10]

Hans Kelsen of the Naval War College (U.S) said Collective Security is usually distinguished as the security of states in their relation to other states, sometimes

8. Orakhelashvili, A. *Collective Security*, Oxford University Press, London (2011) p. 1
9. Zimmerin A.; "The problem of collective security" in: *Neutrality and Collective Security*, Qunciy Wright, Chicago (ed) (1936) p. 4
10. Goodby J. "Can Collective Security Work?" In : *Managing Global Chaos,* Chesteo Crocker et al (eds) Washington D.C. Institute of Peace Press (1996) p. 240

called ‘international security’, from individual security as the security of individual human beings in their mutual, inter-individual relations. [11]

Ernest B. Hass described collective security as the strategy used by the inter-governmental organizations to restrain the use of force among the members. It provides the functions and the *modus operandi* for dealing with acts of aggression. It also includes the norms and procedures for inducing members to delay hostilities, summed up under the label “pacific settlement of disputes”. [12]

Collective security can also be understood as a security arrangement regional or global in which each state in the system accepts that the security of one is the concern of all and agrees to join in a collective response to threats to and breaches of the peace. Collective security is more ambitious than systems of alliance security or collective defence in that it seeks to encompass the totality of states within a region or indeed globally and to address a wide range of possible threats. [13]

In another definition it is seen as one type of coalition building strategy in which a group of nations agree not to attack each other against an attack from one of the others, if such an attack is made. The principle here is that “an attack against one, is an attack against all”. It differs from “collective defence” which is a coalition of nations which agree to defend its own group against outside attacks. Thus, North Atlantic Treaty Organization (NATO) and the Warsaw Pact are example of collective defence while the United Nations is an example of collective security.

Proponents of collective security say it is a much more effective approach to security than individual countries trying to act alone, as weaker countries cannot

11. Kelsen H. *Collective Security Under International Law*. The lawbook exchange Ltd, New Jersey (2001) P. 1
12. Onoja M.G.L. Op cit
13. Ibid p. 24

possibly defend themselves and countries that try often become involved in never-ending arms races which actually detract from, rather than enhance their security over the long term. [14]

From the above definitions, it can be deduced that collective security is an arrangement whereby states come together to form an alliance between themselves to support any member in cases of internal or external threats. It is abundantly clear that the concept of collective security is difficult to exhaust.

It is imperative to note that unilateral use of force is an action that is not authorized by a competent representative of the international community, where as collective security is an action that is authorized by a competent organ of the international community and used on behalf of the latter. [15]

The legal framework of Collective Security starts with the provisions of the Charter of the United Nations especially the Preamble and Articles one and two which uses the terminology "international peace and security". The Preamble to the UN Charter among other things stated that international peace and security could be guaranteed only through collective measures by all the Member States of the Organization. Articles 1 (1) of the Charter gave a clearer insight into the concept by stating that maintenance of international peace and security is to be achieved through effective

Collective measures for the prevention and removal of threats to bring about adjustment or settlement of international disputes or situations by peaceful means. To achieve this objective therefore, states are required to act in conformity with the principles of justice and international law. [16]

14. International online trading programme on intractable conflict: collective security (1998) referencing, not plagiarism. Retrieved September, 20, 2011 from *http://www.colorado.edu/conflicts/peace/treatment/collsec.htm*
15. Abass, A. *International Law: Text, Cases and Materials,* Oxford University Press (2012) pp. 387-388
16. Article 1 United Nations Charter 1945

Chapter VII of UN Charter deals with Collective Security powers and sets out the various steps that the Security Council will take, from the moment International Peace and Security is threatened or breached to when the Security Council restores the peace. Once the International Peace is breached, the measures available to the Security Council do not start with the use of force against the party in breach of the peace; rather, collective security starts with Security Council taking a series of steps aimed at calming the tension between the states involved in conflict. [17]

Articles 39-42 states the detailed measures to be taken in situations of breach of international Peace, Article 39 provides that the Security Council will make a determination regarding the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations or decide what measures shall be taken in accordance with Article 41 and 42, to maintain or restore International Peace and Security.

The need for making the formal determination under Article 39 is in line with the provision of Article 2 (7) which prohibits the UN to intervene in domestic affairs of a member state except in situations that relate to application of enforcement measures under chapter VII which Article 39 falls under. The term 'enforcement action' is another name for Collective Security as per the above provisions. However, before the UN can take an enforcement action, it must satisfy itself that the crisis occurring inside a state threatens International Peace and Security. Therefore, by making a formal determination under Article 39, the Security Council fulfills a legal requirement that a crisis is an international one and assures the entire world that it is not meddling in the internal affairs of a UN member state. [18]

17. Abass, A. Opcit p. 389
18. Ibid p. 390

Article 40 provides for provisional measures before making recommendations or deciding upon the measures provided in Article 39. Such provisional measures shall be without prejudice to the rights, claims or position of the parties concerned.

In practice however, the Security Council often combine the provisions of Articles 39 and 40 in one resolution. For example in Resolution 660 adopted in 1990, the Security Council condemned the action of Iraq, on the one hand and called on that country and Kuwait to take steps to resolve the situation and their differences on the other hand. Some of the reasons why the Security Council may combine the two provisions are; the Security Council does not meet everyday, so organizing emergency meetings between the five permanent members of the Security Council can prove to be quite challenging. Two, the Security Council does not and cannot function as quickly as conflicts can escalate. The Rwandan genocide of 1994 is an example; while states debated what to do at the UN Headquarters in New York, nearly a million people were killed in cold blood within 100days in Rwanda.[19]

Article 41 states "The Security Council may decide what measure not involving the use of armed forces are to be employed to give effect to its decisions and it may call… complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication and the severance of diplomatic relations." As we recall, most aggressor States fall victims of imposition of the economic sanctions as envisaged by Article 41, for example United Nations Security Council Resolution 661 imposing Article 41 sanctions on Iraq in 1990. This is done to weaken the economy of a state in order to make it comply with the provisional measures in Article 40.

19. Ibid pp. 394 - 395

Articles 42 – 50 legally endorse the use of force and bind Member States to provide military power and act collectively in this respect epitomizing the collective security aspect of the United Nations function.

Article 51 provides for collective self defence if an armed attack occurs against a member of the United Nations.

Chapter VIII of the UN Charter provides for Regional Collective Security systems. Article 52-54 covers this aspect. Article 52 states:

1. The formation of such regional arrangements to deal with matters relating to maintenance of international peace and security. The arrangements must also act according to the purposes and principles of the United Nations.
2. That members of the UN forming this kind of arrangements shall make every effort to achieve pacific settlement of local dispute before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or their agencies either on the initiative of the States concerned or by reference from the Security Council.
4. This Article in no way impairs the application of Articles 34 and 35.

   Article 53 provides as follows:

1. The Security Council shall, where appropriate utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this article…

2. The term enemy states as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

This provision is the backbone of the regional and sub-regional organizations that were formed and are complementing the activities of the UN Security Council. The UN cannot deal with all the conflicts that come up both minor and major conflicts, especially where there is a competent regional organization that can take care of it. For example, it will seem inappropriate for the UN Security Council to authorize a UN mission to stop a minor border dispute between Nigeria and Niger Republic. It will be more simple and expedient to ask the ECOWAS which is a regional organization that both countries belong, to go in and settle the dispute. It is only where the crises go beyond the capabilities of such a regional organization that the UN may authorize a UN mission to take over.

Article 54 of the UN charter requires regional organizations when taking measures to settle disputes among their members, to keep the Security Council informed. They must inform the Security Council of all measures taken and even those contemplated.

It is in line with these provisions of Chapter VIII of the UN Charter that regional organizations like African Union and sub-regional organizations like Economic Community of West African States come up with the idea of providing Security for the Member States.

With reference to the African Unions provision on Collective Security, Article 3 and 4 [20]of the African Union Constitutive Act state that the Union shall promote

Peace and Security; and also gives the Union the right to intervene as a Collective Security body in Member States intra or inter states conflicts.[20]

On the part of the ECOWAS, Article 58 of the Revised Treaty [21] deals with the issue of regional security. The Member States undertake to maintain peace, stability and security within the region. It is pursuant to the foregoing that the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security was adopted in December, 1999. The protocol which is referred to as the Mechanism embodies detailed and comprehensive provisions and structure for the West African Collective Security System.

2.3 HISTORY AND DEVELOPMENT OF COLLECTIVE SECURITY

The concept of Collective Security can be traced back to early times. During the period when people lived, hunted and defended themselves collectively. They used sticks, stones and later metals/iron. These were all seen as strategic collective survival mechanisms. For example, walls and ridges were constructed to stall the advance of invading horses in some parts of Nigeria. All these were to change with the advent of modern technology of warfare.

The idea of Collective Security as suggested by many is one of the most promising approaches for peace. Cardinal Richelieu proposed a scheme for Collective Security in 1629, which was partially reflected in the 1648 Peace of Westphalia. In the 18th Century, many proposals were made for Collective Security arrangements, especially in Europe. In 1795, Immanuel Kant had outlined the idea of a League of Nations that would control conflict and promote peace between states. [22]

20. Article 3 and 4 Constitutive Act of the African Union, 2000
21. Article 58 ECOWAS (Revised) Treaty of 1993
22. Immanuel Kant, perpetual peace: A philosophical sketch (1795). Referencing, not plagiarism. Retrieved September 20, 2011 from *http://www.mtholyoke.edu/acad/intrel*

However, he argued for the establishment of a peaceful world community not in a sense that there would be a global government, but in the hope that each state would declare itself as a free state that respects its citizens and welcomed foreign visitors as fellow rational beings.

In the 19th Century, after the Napoleonic wars the concert of Europe emerged to promote collective security and in an attempt to maintain the status quo between European States and, therefore, avoid war. This period also saw the development of international law with the first Geneva Conventions establishing laws about humanitarian relief during war and the International Hague Conventions of 1899 and 1907, which governed rules of war and peaceful settlement of international disputes.

In 1889, the Inter-Parliamentary Union (IPU) was formed to encourage governments to solve international disputes by peaceful means and arbitrations.

At the start of the 20th Century, with the First World War in 1914, the result of this industrial warfare was an unprecedented casualty level of eight and a half million members of armed services dead, an estimated 21 million wounded and approximately 10 million civilian deaths. [23]

By the time the fighting ended in 1918, its impact was enormous on the social, political and economic systems of Europe. When the possible causes were vigorously investigated; arms races, alliances, secret diplomacy and freedom of foreign states to enter into war for their own benefit were identified amongst others. The perceived remedies of these causes led to the creation of an international organization whose aim was to prevent future war through disarmament, open diplomacy, international cooperation, restrictions on the right to wage wars and penalties that made war unattractive to nations. This was the first large scale

23. Coke J. et al ; *World of History* London publications Co. Ltd (1960) p. 4

attempt to provide Collective Security in modern times; the establishment of the League of Nations in 1919-1920. [24]

In January 1919, a Peace Conference began in Paris which eventually led to the founding of the League of Nations. By June of the same year, five separate Peace Treaties collectively known as the Peace of Paris were signed with the central powers (Germany and its allies). The Treaty of Versailles particularly penalized Germany which lost one seventh ($^1/_7$) of its land and its overseas territories. It was also made to pay huge sums of money as reparation.[25]

After the settlement of Paris, dissatisfied States began to amend it with alterations made to the Treaties throughout Europe and outside it. Inspite of the creation of the League of Nations, States still felt in secured by the end of 1920. The provisions of the League of Nations Covenant represented a weak system for decision making and for collective actions, thereby making the world less safe for human co-existence. We had, for example, the Japanese aggression against China in 1932 over Manchuria, Italian aggression on Ethiopia in 1935, the German threat/aggression of 1936-1939 among others, all helped in no small way in killing the balance of power system, thereby exposing the futility of collective security system. In an attempt to achieving the objectives of collective security system, most nations in the world did agree to come together through community of all nations- United Nations Organization (UNO) Charter of 1945. The UN took over from the League of Nations with the aim of bringing to an end case of insecurity, war and acts of aggression by stronger nations over weaker nations. [26] It is believed that trying to reconcile this last statement with the current trend of events will display a totally different United Nations, which is seen by many of those weak nations as a department in the United States'

24. Ibid p. 10
25. Ibid p. 12
26. Kegley C.W. and Wihkopt E.R. *World: Politics, Trends and Transformations,* St. Martin's Press (1993) p. 507

Government that more or less controls the body than making it an independent organization.

The world has become unipolar, the veto power conferred on the "Great Powers" is now being manipulated by the United States to achieve its international security objectives and not for Collective Security of both strong and weak nations. The U.S achieved this great power position through subtle and behind the scene diplomacy and at times using coercive means including threats to cut off economic ties and promises of loan facilities. [27]

The developed nations have succeeded in constituting themselves into an informal global directorate, and dictate the new global agenda in consonant with the broader aspirations of Liberal philosophy through their dominance in the United Nations and international financial agencies. These global agenda values are vigorously pursued by the developed countries and imposed on the weak and less developed nations without respect for their sovereignty, independence, territorial integrity and international equality enshrined in the United Nations Charter.[28]

The birth of the United Nations organization marked the beginning of the modern world system of Collective Security. Afterwards, due to its weakness and the fact that the United States controls most of its decisions, regional systems started emerging. So the development continued. The development concept of Collective Security could be traced to three historical trends. The first is the evolving sense of practical morality. According to which neither poverty nor war is any longer acceptable as inevitable or fore-ordained. A succession of peace plans originating from the philosophical concept of the enlightenment which led to the formation of the League of Nations and later the United Nations. This was

27. Onoja, M.G.L Opcit
28. Adedoyin, A. "Global Unrests, Regime Change, Terrorism and Developed Nation Agenda" In: Isaac, O.A. et al (eds) *Peace, Security and Development in Nigeria,* John Achers Ltd Abuja (2012) pp. 341-362

a vindication of Kellong-Briand pact of 1928, which provided for the renunciation of war as an instrument of national policy. [29]

The second development trend could be traced to everyday technological improvement and the increasing world economic inter-dependence. The activities and production of one region are increasingly required by other regions. Industrialism and technology have gradually reduced the world into a global village. So that most of the time what affects one part of the world affects the other. The revolution in technology and transformation in the world have also resulted in a more rational and extensive international institution.

The third is as a result of the global problem of environmental pollution; which has accentuated the need for more rational and extensive international institution with worldwide control in order to effectively manage states' relations and problems. [30] Such problems today include airborne poisons released by nuclear and chemical accidents that produce widespread death and sickness as was the case in the Chernobyl Gas Disaster of 1984 in Russia. There is also the global environmental hazard such as the greenhouse effect which is jeopardizing the well being of the planet. The global economic crisis engulfing the world also adds to the need for a more redefined collective security that will if not for anything take care of the humanitarian needs of the society.

The idea of Collective Security is basically a mutual insurance plan in which membership would either be universal or as nearly universal as possible. According to Hatman, all members of the security organization would assist any member attacked (either by another

29. Burdy M. et al; *The UN in International Politics*. Princeton Universal Press, New Jersey (1971) pp. 259-261
30. Mike T.W. and Thomas D.C. *World Security: Trends and Challenges at Century's End*, St. Martin Publication, New York (1991) p. 3

member or members or from outside the organization). The idea rested upon certain assumptions; first it was rooted in the hope that at the time of crisis, members would honour such obligations. Second, and even more fundamental, it is assumed that the security interests of most states were fundamentally compatible. Thirdly, it assumed that the power of revisionist (have-not) states desiring the overthrow of the existing status quo, would be so small in comparison to the power of the "law abiding" states that none would dare start war or if they did, that they would be defeated in short order or with relatively small effort. Similarly, it is also argued that global security cannot be guaranteed in a world where intensity of regional conflicts continues to increase daily. Hence, the identification of the following points as being associated with the concept:

1. All international disputes are subject to peaceable, just and satisfactory settlement.
2. Nations are for the most part inclined to peace not war.
3. The inclination to war is everything, war resort only when at least one side is guilty of deliberate aggressive action.
4. Since wars are always caused by deliberate aggressive action, this must be checked in its first stages if it will lead to a greater aggression, the incipient criminal will certainly become a hardened one if not caught in time. [31]

The concept as it grows saw the formation of regional arrangements which have the capacity of allowing smaller and weaker states to bind their strength into one strong alliance for better results. Regional security mechanisms provided by the United Nation (UN) have made it possible for nations to share the responsibility of maintaining global

31. Onoja M.G.L. Opcit now at p. 27

Peace and security. The United Nations Charter provides the framework for the existence of a regional security organization. It approves their formation provided their actions and activities are consistent with the purposes and principles of the United Nations. It further states it can use the arrangement or agencies for enforcement activities where necessary; and the Security Council shall be informed at all times of activities undertaken or in contemplation under the regional arrangement or agencies for the maintenance of international peace and security.[32]

This point could also be reiterated that the concern and interest of the United Nation regional action for peace and security was considerably heightened by the incessant intra-state conflict which in most cases were limited in geographical scope. It is in accordance with the global purposes and the principles of the United Nation that the Security Council had over the years encouraged the formation and also supported the activities of such regional organizations like the North Atlantic Treaty Organization (NATO), the Arab League, the Gulf Cooperation Council and the Economic Community of West African States (ECOWAS). The priority accorded these regional Organizations was the task of preventing, containing and reconciling conflicts within their respective regions. [33]

The United Nations overtly convinced that the new threats to security are mainly from domestic or regional dynamics, agreed to shift the burden of safeguarding security to designated regional Organizations. They are now expected to promote Cooperative Security arrangement based on mutual reassurance, rather than deterrence, and promote economic and political cooperation. According to the new thinking, the role of regional

32. Articles 52-54 United Nations Charter, 1945
33. Adedoyin Omede, "The Nigerian Army and Peace Support under the ECOWAS: The ECOMOG years" In: Gbor J.W.T (ed) *The Nigerian Army in Global Security*, Megavons (West Africa) Ltd (2004) p. 192

bodies could help mitigate ethnic and communal conflict.

However with recent developments in the Maghreb countries, the regional organizations appear to be too weak to contain the challenges of security. Basically, what this means is that there are exceptional challenges that are beyond regional arrangements. These include Terrorism, insurgency, narcotics and traffic in persons. Other transnational crimes requiring wide collaboration beyond regions are financial crimes and dealing in small arms and light weapons. [34]

Generally, the only two exceptions expressly allowed under the UN Charter for the use of force are; in self-defence when an armed attack occurs under Article 51 and action authorized by the UN Security Council. Apart from these two, collective security serves as an exception in the following instances [35.]

First, intervention for the protection of lives and property of the citizens. Many countries have intervened in the domestic affairs of other states hiding under the cover of this exception. Examples are the British intervention in Iran in 1957, the Belgian intervention in the Congo in 1960, the US intervention in Iran in late 80s and Panama in 1989 etc.

The second exception is on humanitarian grounds. This is done to assist victims of humanitarian crisis arising from armed conflict or natural disasters, which has rendered them vulnerable and beyond the capacity of the state alone to handle.

Examples of such interventions are the United Nations assistance to the Somali people, United States' government assistance given to Pakistan in August 2010 to the tune of 55 million dollars after a flood that displaced about 15 million people in two weeks. In

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34. Willie A.E "Deconstructing Security in Nation-States without Border" In Isaac. O.A. et al (eds) *Peace, Security and Development in Nigeria, John Archers Ltd, Abuja (2012) pp. 297-315.*

35. Ladan M.T. *Cases and Materials on Public International Law,* A.B.U Press Ltd Zaria (2007) p. 84-85

such instances, humanitarian relief such as food, water, medicine, shelter, materials and security for lives and property are provided. The third instance is intervention to enforce provisions of a treaty. It could be a bilateral or multilateral treaty. The latest exception refers to intervention in the fight against terrorism. The most recent being the United States' intervention in Afghanistan and later Iraq.

Other instances of intervention are, [36] where a regional or ethnic or political conflict or conflict over scarce natural resources are deemed potentially of a particular nation or of a particular region or sub-region of the world or where such a conflict is dangerous because it threatens global peace and security.

Another situation is where violent conflict have resulted into massive displacement of civilian population, who become refugees and internally displaced persons (IDPs) where a country's government is universally recognized under international law to have collapsed arising from lawlessness as the order of the day and insecurity of all forms resulting into widespread lost of lives and properties of innocent civilians to the extent that such a state lacks a particular functional government in charge at the centre. The state is said to be a failed state. For example, the political instability in Somalia before August, 2001 and the more recent situation of Libya which is still yet to have a stabilized government.

2.4 TYPES OF COLLECTIVE SECURITY ARRANGEMENTS

There are various collective security arrangements in existence today. Since the advent of the League of Nations to the emergence of the United Nations in 1945, the concept of collective security have been widely gaining acceptance with the formation of different bodies in various parts of the world in the form of regional

36. Ibid

alliances. This research intends to discuss some of these Collective Security arrangements at this stage of the work.

2.4.1 The United Nations

The United Nations is an international organization formed in October, 1945 after the Second World War by 51 countries whose main purpose was to maintain global peace and security, develop friendly relations among nations and promoting social progress, better living standards and human rights. The organization has 193 members today, with the South Sudan being the newest member-it joined in July, 2011. The United Nations by the powers vested in its founding Charter, can take action on a wide range of issues and provide a forum for its 193 Member States to express views through the General Assembly, the Security Council, the Economic and Social Council and other Bodies and Committees. [37] In its Charter, elaborate provisions are made for peaceful co-existence of its Member States and also provided for total prohibitions of wars. [38]

The United Nations Security Council according to the provisions of Article 24 of the UN Charter is the body that is primarily responsible under the Charter for the maintenance of international peace and security. It has five Permanent Members namely; United States of America, United Kingdom, China, France and Russia. There are ten other non-permanent members drawn from the members of the United Nation for a period of two years. The Security Council usually upon receipt of a complaint concerning threat to peace recommend to parties to reconcile through peaceful agreement. In some cases it undertakes investigation and mediation. It may

37. UN at a Glance retrieved from *http://www.un.org* October 15, 2011
38. Chapter 1, Article 1 and 2 of the United Nations Charter, 1945

appoint special representative or request the Secretary-General to do so. Where a dispute leads to fighting, the Council issues cease fire directives in order to reduce wider hostilities. It also sends United Nations peacekeeping forces to help reduce tension in such areas and bring about peaceful settlements. A Member State against which such actions had been taken by the Council may be suspended and where it continues to violate the provision of the Charter may be expelled from the United Nations by General Assembly on the recommendation of the Security Council.

The presidency of the Council rotates monthly according to the English alphabetical listing of its Member States. In the month of October, 2011, Nigeria occupied the seat by virtue of being one of the ten non-permanent members at that time. [39] The Security Council is the only United Nations Institution that can authorize military action and maintain a military trained peacekeeping force. In violent international dispute the Security Council can send intervening peacekeeping troops to secure areas in hostilities. [40]

Peacekeeping forces are supplied by UN Member States and do not participate in military agenda of any Member State, but act as neutral parties in all disputes. The Council also oversees compliance with international agreements involving weapons, rules of engagement (conduct during war), the illegal spread of nuclear technology and other threats to international peace. Actions taken by the Council had a significant impact on the international community ranging from the sanctions against South Africa that helped end apartheid to resolutions and mandates regarding the Palestine-Israeli conflict that have been frequently breached and

39. U.N. Security Council: Background retrieved from *http://www.un.org* October 16, 2011
40. United Nations Security Council, Encyclopedia of Espionage, intelligence and security, retrieved from *http://www.faqs.org/espionage/ui-vo/united-nations-security-council.html October 16*, 2011

those enforced failed to abate violence in the region. The Security Council had also intervened in the conflicts in Bosnia and western Africa. [41]

In 2002 and 2003 the UN Security Council was at logger heads with the General Assembly of the UN on the question of Iraq. The military intervention after the weapons inspection was a contentious one. The decision of the United States of America and the Great Britain as well as other UN member states to invade Iraq and overthrow the regime of Saddam Hussein did not get the express consent of the UN Security Council new resolution, but that of an old resolution 1441. The voices of the five super powers of the Security Council are always heard. They use their veto power over some decisions, while other nations' opinions do not receive a significant audience, partly because of their weak political and economic strength. These super powers most of the time gain prominence through their proxy wars caused by their imperialistic motives. [42]

The invasion of Iraq was part of the United States' policy of unilateral worldwide military conquest of attacking and destabilizing the weak nations in the name of democracy. When the United States saw United Nations approval for force projection as unlikely, it went with lesser approval like NATO. When NATO approval was not forthcoming, it attached with a "coalition" of allies and even declared publicly that the US does not need anyone's permission to do what it thinks necessary, even if that means war on a large scale. According to a CIA Director Robert Gates (1998) "a more militant approach towards terrorism would in all cases require us to act violently alone. No other power will join us on a crusade against terrorism". This arrogant disregard for consensual international

41. Ibid
42. Adedoyin, A. Op.cit now at p. 342

peace was not a Republican monopoly, the liberal president Clinton also led an attack on Yugoslavia without the United Nations approval . [43]

In its over sixty years of existence, the Security Council had authorized 55 separate peacekeeping operations. Some of these operations undertaken in the past include United Nations Angola verification missions I, II and III (UNAVEM) 1988-1997. United Nations Mission in Haiti (UNMI H) 1993-1996 United Nations Transitional Authority in Cambodia (UNTAC)1992-1993, United Nations Mission in Bosnia and Herzegovina (UNMIBH) 1995-2002 and United Nations Iraq – Kuwait Observation Mission (UNIKOM) 1991-2003. Some of the current operations include United Nations Support Missions in Libya (UNSMIL) 2011, United Nations Assistance Mission in Afghanistan (UNAMA) 2003, United Nations Mission in the Republic of South Sudan (UNMISS) established in July, 2011, The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) established in April, 2013,. [44]

The 2010 United Nations mission to Cote d'ivoire during the election crisis that erupted in the country is also worthy of mention. United Nations Secretary General Ban Ki-moon recognized and endorsed the Electoral Commission announcement of Quattara's victory. And so did most member countries. The situation was not allowed to generate into the all out violence that wracked neighbouring Sierra Leone or Liberia. It was instead frozen in a situation of "neither peace nor war" by the UN peacekeeping operation (UNOCI) and another deployment of French

43. Ibid p. 356
44. United Nations Peacekeeping. Retrieved April 1, 2014 from http://www.un.org/en/peacekeeping/operations

soldiers under "Operation Lincom". [45] While the decisions on how to establish, maintain or expand a peacekeeping operation is taken by the Security Council, the financing of missions is the collective responsibility of all the UN Member States (this is in accordance with article 17 of the charter of the United Nations), with the United States of America being the highest contributor of 27.14%, of the total funding but generally, peacekeeping expenses are based on the relative economic wealth of a member state. Hence, underdeveloped countries and the "so called" developing countries contribute less than 30% of the funds, when you take away the assessed contributions of the top 10 providers - United States of America (27.14%), Japan (12.53%), United Kingdom (8.15%), Germany (8.02%), France (7.55%), Italy (5.00%), China (3.93%), Canada (3.21%), Spain (3.18%) and Republic of Korea (2.26%). [46]

On the issue of time frame for any peacekeeping mission, it varies from one mission to another. As it stands today of the 55 missions, 16 are ongoing and at least 10 have been going on for over 10-20 years. [47] It is the writer's opinion that this evaluation suggest the failure of such missions and by extension waste of valuable resources.

Chapter eight of the United Nations Charter deals with the existence of other regional arrangements or agencies for dealing with such matters relating to maintenance of international peace and security, provided the activities of such arrangements are in conformity with the purpose and principles of the United

45. Ibid
46. Ibid
47. Conflict management program at SAIS and Julian Quellet, "Peacekeeping Beyond Intractability" Guy Burgess and Heidi Burgers (eds) Conflict Research Consortium, University of Colorado Boulder (2003), Referencing not plagiarism retrieved October 16, 2011 from http://www.beyond intractability.org.essay/peacekeeping

Nations. Therefore, we shall now discuss some of these regional Collective Security arrangements.

2.4.2 The African Union

In September 1999, the Heads of State and Governments of the organization of Africa Unity issued a declaration (the Sirte Declaration) calling for the establishment of an African union, with a view to accelerating the progress of integration in the continent among other things. After the 1999 summit, there were the Lome summit (2000) which adopted the Constitutive Act of the Union; the Lusaka Summit (2001) which drew the map for implementation of the AU and finally the Durban Summit (2002) launched the AU and convened its first Assembly of the Heads of States of the African Union. It consists of 54 African States, South Sudan being its newest member. The AU has a vision of "an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in global arena." Amongst the objectives of AU are to achieve greater unity and solidarity between the African countries and the people of Africa; to defend the sovereignty, territorial integrity and independence of its Member States; to promote peace, security and stability on the continent etc. [48]

The AU's first military intervention in a Member State was the May 2003 deployment of a peacekeeping force to Burundi to oversee the implementation of various agreements. AU troops were also deployed to Sudan for peacekeeping in the Darfur conflict, before the mission was handed over to the United Nations in January, 2008. AU peacekeeping missions were also sent to Somalia. [49]

48. African Union. Retrieved October 19, 2011 from *http://www.au.int/en/about/nutshell*
49. Ibid

The African Union Constitutive Act provisions on Collective Security are more elaborate than that of the Organization of African Unity Charter which provides in Article 3 (2) that there shall be total non-interference in the internal affairs of Member States. With the Constitutive Act now in place, the right of intervention is contained in the objectives and principle of the union. These are expressed in Article 3 and 4 of the Constitutive Act of the African Union. Article 3(f) and (g) stated that the Union shall promote peace security and stability in the continent, promote democratic principles and institution, popular participation and good governance. Article 4 enshrines the fundamental security powers of the new Union. It states the Union shall inter alia, function in accordance with the principles of the establishment of a common defense policy for the African Continent, 'peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided by the assembly', 'prohibition of the use of force or threat to use force among Member States of The union, 'the right of Member States to request intervention from the Union in order to restore peace and security'. Another significant provision is that of the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in request of grave circumstances, namely war crimes, genocide and crimes against humanity. [50]

Article 4 (h) gives AU the right to intervene as a Collective Security body in Member States intra or inter States conflict. However, there is no duty to intervene because this entirely depends on the discretion of the Assembly of Heads of State and Government to act on the recommendation of the Peace and Security Council of the AU. The Protocol relating to the Peace and Security Council (PSC) of the African Union that entered into force in 2003 is the legislation that establish the PSC and make it responsible of promotion,

50. Article 3 and 4 Constitutive Act of the African Union, 2000

of peace, security and stability in Africa amongst other functions. [51]

It is significant that the Protocol conceived the Peace and Security Council (PSC) as a Collective Security and early warning arrangement to facilitate timely and efficient response to the conflict and crisis in Africa since the PSC would not be able to discharge its peace and security responsibility without an established system of information gathering that would inform the decision-making process, the African leaders created the Continental Early Warning System (CEWS) which will gather and provide early information on potential conflicts even before they occur. [52]

It is one thing to be able to anticipate conflict and another thing to intervene especially when they call for the use of force. To this end, the African leaders again established an African Standby Force (ASF) and a Military Staff Committee (MSC)with specific task of advising and assisting in all issues related to military deployment. The Panel of the Wise and the Peace Fund were also established as part of the peace and security structure. This shows the African leaders commitment and impressive progress towards creating an African security regime as part of the Collective Security that is predicated upon the imperatives of African unity, responsibility to protect and try-Africa-first. [53]

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51. *Peace and Security Council of the African Union. Retrieved October 20, 2011 from http://au.int/en/organs/psc*
52. Chissano J.A. "African Problems and Their African Solutions – Is the African Peace and Security Architecture Suited to Address Current Security threats in Africa?" In: a Report of an International Conference with the theme Overstretched and overrated? Prospects of Regional Security Policy in Africa and its European Support, held at Berlin Germany from 9-10 February 2011, p. 10 published by Freidrich-Ebert-Stifung, Berlin (2011)
53. Ibid

In the recent, 2011 Libyan civil war, the AU had attempted to mediate at the early stages with the formation of an ad hoc committee of five Presidents (Congo, Mali, Mauritania, South Africa and Uganda) to negotiate a truce between the two factions.[54] But as it is today, we can say no truce was reached since up to now Libya is in crisis. The AU sharply dissented from the UN Security Council's decision to create a no fly zone over Libya, though countries like Botswana and Gabon supported the resolution. The PSC of the African Union also voted not to recognize the anti-Ghadaffi National Transitional Council, insisting on a cease fire and a national unity government be formed by both sides. But on September 20, 2011, the African Union officially recognized the National Transitional Council as the legitimate representative of Libya. [55]

As a matter of fact, the African Union has intervened in order to restore constitutionality in countries like Togo after the death of Gnassingbe Enyadema in 2005 and the suspension of Mauritania from the Union after a coup in 2005.

The whole membership of the African Union contributes to the funding of peacekeeping mission. However, the efforts to raise such funds continue to hinder the smooth running of such mission and it is in this light that the UN Secretary-General Ban Ki-moon said, "we need to find a solution that will provide predictable, sustainable and flexible resources to the African Union when it undertakes peacekeeping operations authorized by this Council." This was at the UN Security Council's debate on peace and security in Africa. [56]

54. African Union Urges Restraint on Both Sides. The Star March 21, 2011 retrieved October 20, 2011 from *http://thestar.com.my.news*
55. African Union Officially Recognizes Libya's New Leadership (20 September, 2011) retrieved October 20, 2011 from *http://www.google.com*
56. Ban Calls For Predictable Funding for African Union Peace Initiatives Retrieved October 20, 2011, from *http:www.un.org/apps/news*

2.4.3 North Atlantic Treaty Organization (NATO)

NATO is a political and military alliance whose primary goals are the collective defence of its members and maintenance of democratic peace in the North Atlantic area. NATO came into being after the signing of the North Atlantic Treaty in 1949 by 13 countries * as it stands today the organization has 28 Member Countries.[57]

It was formed to counter the threat of post-war communist expansion as the Soviet Union sought to extend its influence in Europe. It has three core tasks, collective defence, crisis management and cooperative security through partnerships. This is to ensure the stability, well being and freedom of its members through a system of collective security. The alliance ensures the defence of one another from attack by other nations. And over the years the treaty has provided a model for other collective security agreements [58].

Article V of the North Atlantic Treaty deals with "collective self defense". The operation of this provision goes hand in hand with Article 42 of the UN charter which states the Security Council "may take such action by air, sea or land as may be necessary to maintain or restore international peace and security".

Thus, Article V of the North Atlantic Treaty which talks of an attack to one member means an attack to all members will also have its place in chapter VII, Article 51 of the UN charter permits the use of force in individual or collective self-defence. This is the legal basis for the formation of NATO. The decision of the International Court

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57. About the North Atlantic Treaty Organization (NATO). Retrieved on October 22, 2011 from *http://www.nato.int/nato-welcome/pdf*
    *USA, UK, Belgium, Canada, France, Italy, Norway, Portugal, Denmark, Luxembourg, Netherlands and Ireland.
58. O'Connell M.E. "The UN, NATO and International Law After Kosovo," Human Rights Quarterly, the John's Hopkins University Press, Vol, 22 No. 1, February 2000 p. 60

of Justice in the Nicaraguan case clarifies other parameters of collective self-defense. It held it may only be exercised when an actual armed attack is made on a victim state. The victim must explicitly request the collective defense and the defense must be exercised in a manner that is proportional to the attack and necessary in the circumstance. [59]

Some of the activities of NATO were the launching of an 11 week campaign of air strikes against Yugoslavia to push serb forces out of Kosovo. This was the first time it used force against a sovereign State without the approval of the United Nations and the strikes were its largest military operation ever taken before 1999. In 2003 NATO took its operations outside Europe for the first time when it assumed strategic command of the UN mandated peacekeeping force in and immediately around the Afghan capital, Kabul. The invasion of Iraq in 2003 caused disputes between Germany, France and United States. The worst ever internal crisis of NATO. [60]

The alliance itself played no part in the invasion although most Member Countries did. The alliance had since agreed to assist in the training of Iraq security forces.[61] As the world becomes increasingly aware of the global terrorist threat, NATO officials now say the alliance must act to counter that threat. [62]

The imposition of a no-fly zone over Libya in March, 2011 posed a tricky problem for the alliance. Though countries such as Britain and the United States of America were keen for NATO to play a major role in heading the operation, many Arab governments were uneasy at the prospects of NATO command. [63]

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59. (1986) ICJ Reports p. 44
60. Profile; NATO (9th August, 2011). Retrieved October 22, 2011 from *http://news.bbc.co.uk*
61. Ibid
62. Ibid
63. Ibid

However, it is worthy of mention here that NATO did participate actively in Libyan civil war we have seen and read in both electronic and print media on daily basis up to the capture and killing of Muammar Ghaddaffi, the former Libyan leader on October 21, 2011. The writer and indeed the world are waiting to see how this Organization and its Member Countries that financed its activities for the past seven months in Libya will help re-build the country and also reconcile the pro-Ghaddaffi group with the Rebel group.

2.4.4 Economic Community of West African States (ECOWAS)

This is a regional group of fifteen West African States [64] that was founded in 1975 with the signing of the treaty of Lagos, to promote economic integration in the region. The concept of Collective Security under ECOWAS can best be discussed under the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security which was adopted by the Member States of ECOWAS in December, 1999.

The Mechanism which has been referred to as the Organization's constitution on Collective Security, embodies detailed and comprehensive provision and structure with new innovative ideas into the Collective Security of West Africa. It is perhaps the first time that an international organization has formally codified the doctrine of humanitarian intervention as well as legalizing the use of force to restore or prevent an overthrow of a democratically elected government. With the adoption of this Protocol, ECOWAS can now intervene in internal conflicts of Member States and such action can be triggered not only by massive violation of human rights but also

64. Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo

by the breakdown of the rule of law. This Mechanism came into being after the ECOWAS interventions in Liberia and Sierra Leone and the highly controversial intervention by the members of North Atlantic Treaty Organization (NATO) in the Kosovo Crisis. It can thus be said to have approved the actions of ECOWAS in these two crises as well as catering for future scenarios that resemble NATO's role in the Kosovo Crisis. Hence its incorporation of the doctrine of humanitarian intervention and extensively providing an early warning system. [65]

As it stands today, it is this Mechanism that controls the activities of the ECOWAS Cease-Fire Monitoring Group (ECOMOG). Article 17 of the Mechanism establishes it as one of the supporting organs to assist the Mediation and Security Council (MSC) which has been designated with great powers to act on behalf of the Authority of Heads of State and Government. [66] The funding of any mission is done by its member states, with the mechanism providing for such funds to be part of the organization's annual budget. [67]

2.4.5 The South African Development Community (SADC)

The South African Development Community (SADC) came into being in August 1992 when the 10 member countries of the South African region signed a Treaty. By 1993 all the Member States have ratified the Treaty. In 1996 the SADC Heads of State and Government met in Arusha, Tanzania and approved the establishment of a regional rapid deployment peace keeping force which will be used to contain giant conflicts or civil unrest in member countries.

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65. Abass A. "The New Collective Security Mechanism of ECOWAS: Innovation and Problems" , Journal of Conflict and Security Law, Oxford University Press, London (2000) p. 211
66. Ladan M.T. *Introduction to ECOWAS community law and Practice: Integration, Migration, Human Rights, Access to Justice, Peace and Security*, A.B.U Press Ltd, Zaria (2009) p. 329
67. Ibid p. 333

In 1996, SADC Heads of State and Government incorporated a new organ on politics, defence and security with the objectives of safe-guarding the people and development in the region arising from civil disorder, inter-state conflict and external aggression; to undertake conflict prevention, management and resolution activities by mediation between parties and pre-empting any conflict through its early warning system. It is also suppose to use diplomacy and peacekeeping to achieve sustainable peace in the region. [68] Currently, the SADC has a membership of 15 countries; Angola, Botswana, Democratic Republic of Congo (DRC), Gabon, Lesotho, Madagascar, Malawi, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe. [69]

The organ on politics, defence and Security Cooperation plays a vanguard role as part of the constitutional mechanisms for promoting and maintaining peace and stability in the region. The strategic indicative plan for the organ (SIPO) alongside the SADC mutual defence pact of 2004 guides the implementation of the protocol on Politics, Defence and Security Cooperation. The SIPO is divided into four main sectors of political, defence, state security and public security. [70]

2.4.6 Intergovernmental Authority for Development (IGAD)

The Intergovernmental Authority on Development (IGAD) in Eastern Africa was created in 1996 to supersede the Intergovernmental Authority on Drought and Development (IGADD) which was founded in 1986.

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68. Ladan M.T, *Materials and Cases on Public International Law* Op cit now at p. 112
69. About the SADC retrieved October 24, 2011 from *http://www.sadc.int*
70. Ibid

In April 1995 in Addis Ababa, the Assembly of Heads of State and Government made a declaration to revitalize IGADD and expand corporation among member states. In March 1996 in Nairobi, the Assembly of Heads of State and Government signed a "letter of instrument to amend the IGADD charter/agreement" establishing the revitalized IGAD with a new name "the intergovernmental authority on development". This revitalized body was launched by the IGAD Assembly of Heads of State and Government on November 25, 1996 in Djibouti, the Republic of Djibouti. [71] The body comprises of seven countries; Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda and Eritrea. The vision of IGAD will be the premier regional organization for achieving peace, prosperity and regional integration in the region. Its mission is to assist and complement the efforts of the member states to achieve through increased cooperation; food security and environmental protection; promotion and maintenance of peace and security and humanitarian affairs and economic corporation and integration. One of IGAD's main objective is to promote peace and stability in the region and create mechanism within the region for the prevention, management and resolution of inter-state and intra-state conflicts through dialogue. [72]

IGAD has in the past been mandated to resolve the civil war in Sudan where the government and John Garang's rebels have been at war since 1983; IGAD was also entrusted with the task of peacekeeping in respect of the civil strife in Somalia and on both occasion it has been without any tangible measure of success. This can justify its being referred to as "the sleeping midget" [73].

71. History of IGAD, retrieved October 24, 2011 from *http://.www*. Africa-Union.org/roof/AU/RECs/Ligad.htm
72. Ibid
73. Ladan M.T.; *Materials and Cases on Public International Law,* OP Cit p. 112

2.4.7 ANZUS Pact

This formally known as Pacific Security Treaty is an agreement for joint defence between Australia, New Zealand and the United states. It was signed in San Francisco California in September 1951 for the purpose of providing mutual aid in the event of aggression and for settling disputes by peaceful means. The three countries' initials provided the acronyms for the Treaty and the Organization that grew out of it. The three countries maintained a consultative relationship with each other and strove to ensure their collective security in the pacific region. [74]

2.4.8 South East Asian Treaty Organization (SEATO)

This is an organization formed by the United States, Britain, France, Australia, New Zealand, the Philippines, Thailand and Pakistan. On the 8th September, 1954 they signed the Southeast Asian Collective Defence Treaty in Manila. It is sometimes referred to as the Manila Pact, this agreement created the Southeast Asian Treaty Organization (SEATO). Unlike NATO in Europe, SEATO did not create its own military structure, nor did it obligate its members to respond if one was attacked. Pakistan withdrew from the alliance in 1992 and after the democratic Republic of Vietnam prevailed in the Vietnam War, SEATO dissolved completely in 1977. [75]

2.4.9 Central Treaty Organization (CENTO)

This was a mutual security organization, originally composed of Turkey, Iran, Iraq, Pakistan and Britain. It was formed in 1955, at the urging of the U.S and Britain to counter the threat of soviet expansion into the Middle East. CENTO was never very

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74. Anzus Pact. Retrieved October 24, 2011 from *http://www.britannica.com*

75. Oxford Companion to US Military History: SEATO. Retrieved October 24, 2011 from *http://www.answers.com*

effective, Iraq withdrew after its anti-soviet monarchy was overthrown in 1959. In that same year U.S became an associate member and CENTO's headquarters moved to Ankara, in 1979 CENTO was dissolved. [76]

2.4.10 Warsaw Pact

The Warsaw Pact or Warsaw Treaty Organization, officially named the Treaty of Friendship, Cooperation and Mutual Assistance was an Organization of central and eastern European communist states. It was established in 1955 in Warsaw, Poland to counter the perceived threat from the creation of the North Atlantic Treaty Organization (NATO), specifically the prospect of the integration of a "remilitarized" West Germany into NATO via ratification of Paris Peace Treaties. The Pact lasted throughout the cold war. It began to fall apart in 1989, following the collapse of the Eastern bloc and political changes in the Soviet Union. In January 1991, Czechoslovakia, Hungary and Poland announced that they would withdraw all support by July 1st, 1991. In February 1991, Bulgaria followed suit and when it became clear the Pact was effectively dead, it was officially dissolved at a meeting in Prague on July 1, 1991. [77] The Warsaw Pact had during its existence eight members, Soviet Union, Poland, East Germany, Czechoslovakia, Bulgaria, Hungary, Romania and Albania. The members pledged to defend each other if one or more of the members were attacked. The Treaty also stated that relations among the signatories were based on mutual non interference in the internal affairs of a member and respect for the national sovereignty and independence. But this rule of non-interference was violated by the Soviet Union intervention in Hungary 1965 and Czechoslovakia 1968. [78]

76. Britannica Concise Encyclopedia: Central Treaty Organization. Retrieved October 24, 2011 from *http://www.answers.com*
77. Warsaw Pact. New World Encyclopedia. Retrieved October 24, 2011 from *http://www.newworld* encyclopedia.org
78. Ibid

Like NATO, the pact had a united military force under the command of Marchal Konev of the soviet union. It also allowed Russia to continue to keep troops in the satellite states and the treaty spoke only of peaceful intentions and collective defence. [79]

2.4.11 The Arab League

The Arab League is an organization of countries whose peoples are mainly Arabic speaking or Arabic is the official language. It has 22 members including Palestine which the League regards as an independent state.

The idea of the Arab League came up in 1942 by the British, who wanted to rally Arab countries against the Axis powers. However, the League did not take off until March 1945 just before the end of the World War II. [80]

The highest body of the League is the council composed of representatives of member states. The headquarters is in Cairo, Egypt. The Arab League effectiveness has been severely hampered by divisions among member states. For example, during the cold war some members were Soviet oriented while others fell within the Western camp. There have been hostilities between traditional monarchies such as Saudi Arabia, Jordan and Morocco and the Republics states such as Egypt, Syria and Iraq.

The League was severely tested by the US led attack on Saddam Hussein's Iraq with some states backing it and some opposing. Since decisions taken by the Arab League binds only members who voted for it, this have in effect crippled the League, it has failed to coordinate foreign defence or economic policies rendering

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79. Ibid

80. Profile: Arab League retrieved October 24, 2011 from *http://news.bbc.co.uk*

documents such as the Treaty of Joint Defence and Economic Cooperation and key bodies such as the Joint Defence Council completely inefficient [81].

Recently, the league has shown greater sense of purpose since the "Arab spring" uprisings in early 2011. It has backed the UN action against Muammar Ghaddaffi's forces in Libya and condemned Syria and Yemen's repressions of nationwide protest with threats of suspending the countries. [82]

In conclusion, it can be stated that the concept of collective security cannot be exhausted that easily, because the global trend today are crisis of different origins, ranging from political, economic to ecological crisis that makes it necessary for nations to come together and form such arrangements, with the sole aim of fostering unity amongst member states and helping one another especially the economically less privileged states. In this chapter we have tried discussing the formation, objectives and missions undertaken by some of these collective security arrangements. And it is the writer's view that most of these arrangements that exist today are dominated by the highest financial contributor state which makes decisions more or less unilateral as against the collective aim it was built upon. This and more challenges will be discussed later in the work.

81. Ibid
82. Ibid

CHAPTER THREE

3.0 COLLECTIVE SECURITY IN WEST AFRICA

3.1 INTRODUCTION

The concept of Collective Security as has been discussed in the preceding chapters is paramount to the growth and development of all nations. The global trend today is that a state cannot live in isolation, because of the challenges facing the world. Apart from internal disputes or break out of wars, there is the issue of economic recession (affecting most European countries), environmental challenges are also very tasking today with earth quakes and floods becoming the order of the day, leading to widespread lost of lives and property globally.

The African continent as a whole is not left out of these challenges and in particular the West African Region. These challenges and more led to the formation of the Economic Community of West African States (ECOWAS) with a view to bring about a rapid integration in the region. It also intervenes and maintains peace in cases of war or war like activities with the help of its ECOWAS monitoring group (ECOMOG) in Member States. On the whole the security of the region is now a major concern of the ECOWAS. It is based on the above that the writer intends to discuss how the ECOWAS has feared so far as a Collective Security body in the West African Region.

3.2 THE ECONOMIC COMMUNITY OF WEST AFRICA STATES (ECOWAS)

The Economic Community of West African States (ECOWAS) is a regional group of fifteen countries * founded on 28th May 1975 with the signing of the treaty of

*Benin, Burkina Faso, Cape Verde, Cote D'ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

Lagos. The ECOWAS was formed mainly to promote economic integration in the region, but as time goes on it had to expand its activities to include peace keeping. Chapter three of the ECOWAS (Revised) Treaty provides for the institutions of the Community; their establishment, composition and functions. Article 6 list out the following institutions:

a. The Authority of Heads of States and Government;
b. The Council of Ministers;
c. The Community Parliament ;
d. The Economic and Social Council;
e. The Community Court
f. The Executive Secretariat (now the Commission);
g. The Fund for Co-operation, Compensation and Development (now the ECO BANK)
h. Specialized Technical Commission; and
i. Any other institution that may be established by the Authority.

Article 7-34 provides for the establishment, composition and duties of some of these institutions, while the treaty refers to other protocols as regard the information of other institution. [1] Some of these institutions will be discussed briefly, so as to have an insight into the activities of the ECOWAS before we look into its collective security activities through ECOWAS monitoring group (ECOMOG).

3.2.1 The Authority of Heads of State and Government

The Authority of Heads of State and Government of member states were established by article 7 of the Treaty. It is the supreme institution of the community

1. ECOWAS (Revised) Treaty of 1993

and has all the heads of state and government as members. The Authority is responsible for the general direction and control of the community and shall take all measures to ensure its progressive development and realization of objectives. The Authority meets at least twice a year in ordinary session, one of the session shall be at the headquarters while the other session in any member state. An extra-ordinary session may be convened by chairman of the Authority (who is elected every year by members) or at the request of any member state provided such request is supported by a simple majority of member states. [2]

3.2.2 The Commission

The Heads of states and Government transformed the secretariat of the ECOWAS into a commission for greater efficiency. The commission is restructured to among other things: better adapt to the international environment; play more effective role in the integration and development process; it has a president, vice president and seven commissioners that man the day to day affairs of the commission. The present president is Ambassador Kadre Desire Quedrago appointed on 1st March 2012. Before the restructuring it used to be executive secretary. The current chairman of ECOWAS is President Alassane Quattarra of Cote D'ivoire. The restructuring process brought about consolidation of the community spirit, enhancement of the power of the commission, strengthening of nationality and the adoptions of new legal regime (decisions directly applicable in member states and by the institutions). By becoming a commission with enhanced powers and commissioners in charge of

2. Ibid

smaller and clearly defined sectors, the ECOWAS secretariat will have more impact and become more visible in member states. The office of the Commissioner Political Affairs, Peace and Security (PAPS) has under it the Department of Peace Keeping and Regional Security (DPKRS) which is established in accordance with Article 16 of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace Keeping and Security. The director of the department assists the commissioner in all matters relating to peace and security within the sub region.[3]

While it was still a secretariat, it was suggested that the Deputy Executive Secretary be made a full executive secretary with his own separate organization which can be physically close to, but bureaucratically separate from ECOWAS. This is to allow ECOWAS concentrate on its main purpose of regional integration while recognizing the crucial link between security and economic integration.[4]

The writer agrees with the above position, considering the fact that security matters are very challenging and can even prevent the achievement of economic goal in the region. This will also divert the attention of the president from economic matters that are its primary purpose to secondary matters of security.

3.2.3 The Parliament

The ECOWAS parliament is a forum for dialogue, consultations and consensus for representatives of the people of West Africa in order to promote integration. It was established in accordance with Article 6 and 13 of the ECOWAS Treaty. The protocol establishing the parliament was signed in Abuja in 1994 and it entered into

3. The ECOWAS commission. Retrieved January 25, 2012 from *http:www.comm.ECOWAS.int/dept/index.php*
4. Adekeye, A. "Pax West Africana? Regional Security Mechanism" In: Adekeye A. and Ismail R. (eds) *West Africas Security Challenges: Building Peace in a Troubled Region*, Boulder and London- Lynne Rienner (2004) pp. 291-318

force in March 2002.[5] The parliament has 115 seats which are shared amongst Member States with each state having five seats at least and the remaining seats shared in proportion to population.

Thus, Nigeria has 35 seats, Ghana 8, Cote D'ivoire, Burkina Faso, Guinea, Mali, Niger and Senegal have 6 seats each Gambia, Guinea Bissau, Liberia, Sierra Leone and Togo have 5 seats each.[6]

The third legislature of the ECOWAS parliament was inaugurated on the 11th August, 2011 by the then chairman of the ECOWAS Authority of Heads of states and Government President Goodluck Ebele Jonathan of Nigeria. The new speaker of the parliament is Senator Ike Ekweremadu of Nigeria.[7] And like other parliaments it has its committees that oversees affairs of the region, a bureau and an administrative secretariat, headed by a secretary general.[8]

3.2.4 The Community Court of Justice

The Economic Community of West Africa States (ECOWAS) decided to establish a Court of Justice after a meeting held by the Justice Ministers of member states in October, 1999.[9]

This decision is pursuant to the provisions of Article 6 and 15 of the revised Treaty of the Economic Community of West Africa States (ECOWAS). All other organizational framework, functioning mechanisms, powers and applicable procedures are contained in subsequent protocols and regulations. [10]

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5. The ECOWAS parliament retrieved January 25, 2012 from *http://www.parl.ecowas.int/*
6. Ibid
7. Ibid
8. Ibid
9. Profile: ECOWAS retrieved January 26, 2012 from*http://www.africaunion.org/recs/ECOWASprofile.pdf*
10. Community Court of Justice – ECOWAS. Retrieved January 26, 2012 from http://www.courtecowas.org/site/index

The court has seven independent judges who are of sound character and appointed by the authority of heads of state and government of member states. They have tenure of four years.

The mandate of the court is to ensure observance of law and principles of equity in interpretation and application of the provisions of the Revised Treaty and all other subsidiary legal instruments adopted by the community. [11]

The court has an advisory and contentious jurisdiction on matters relating to the community.[12]

The court is open to all member states and the commission; individuals and corporate bodies for any act of the community which violates their right; persons who are victims of human rights violation occurring in any member states; National Courts can also access and the authority of Heads of state and Government can go before the court on other issues. These cases are filed by submitting written application to the court's registry indicating parties, stating briefly the fact of the case and the orders being sought by the applicant.[13] In deciding any case the court applies Treaties, Conventions, Protocols and Regulations adopted by the community and general principles of law as provided by Article 38 of the Statute of the International Court of Justice. In cases of human rights violation, other international instruments that bothers on such issues and have been ratified by the state(s) party to case can be applied.

The decisions of the Court are binding and each member state shall indicate the competent national authority responsible for enforcement of such decision. [14]

11. Ibid
12. Ibid
13. Ibid
14. ibid

3.2.5 ECOWAS Bank for Investment and Development (ECOBANK)

The treaty establishing ECOWAS as a body, also established the ECOWAS fund for corporation, compensation and development (ECOWAS fund) as a financial instrument of the community.

This fund which became operational in 1979, was transformed into a regional holding company called ECOWAS bank for investment and development (EBID) after a meeting of the Authority of Heads of State and Government in December 1999. [15]

The transformation led to creation of two specialized subsidiaries; ECOWAS Regional Development Fund (ERDF) and ECOWAS Regional Investment Bank (ERIB). This is to enhance the financial resources of the fund through the opening of its capital to non-regional partners. However, this restructuring that came into effect in 2003, still had to be transformed into a single structure in June 2006 in order to ensure that activities are carried out under a unified command structure so as to streamline overhead costs. This will also enable it achieve its objectives and properly accomplish the mission assigned to it by the ECOWAS authorities. [16]

The EBID has its main objective as economic development of West Africa through financing of ECOWAS and NEPAD (New Partnership for Africa's Development) projects and programmes.

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15. ECOWAS bank for investment and development. Retrieved January 27, 2012 from *http://www.bidc.org*

16. Ibid

Its vision and mission is to become a leading regional investment and development finance bank in West Africa; and contribute towards the creation of the conditions which would enhance the emergence of an economically strong, industrialized and prosperous West Africa respectively. [17]

With all these institutional structures existing within the ECOWAS, something was still missing and that was a specialized agency or group to manage and control distressing events or political crisis that were engulfing the region day after day and making economic development non-feasible, thus undermining the existence of ECOWAS.

The desire by the member states to have an environment that is devoid of crisis whether internal or external and to have a peaceful and stable environment, led to the signing of a protocol relating to non-aggression (PNA) and a host of other protocols which finally resulted in the formation of the ECOWAS Monitoring Group (ECOMOG).[18]

The writer will now look into the advent of ECOMOG, its activities and the journey so far as a collective security body in the West African region. How has the group feared so far as a collective security body in the sub-region. Is it a blessing or a disaster to West Africa?

3.3 THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES MONITORING GROUP (ECOMOG)

The Economic Community of West African States Monitoring Group (ECOMOG) is a cease-fire monitoring group that was formed by members of the Economic Community of West African States (ECOWAS) to deal with the security problems

17. Ibid
18. Profile: ECOWAS. Retrieved January 26, 2012 from *http://www.africa union.org/recs/ECOWASprofile.pdf*

that threatened the existence of the Republic of Liberia as a state in 1990.The decision to set-up ECOMOG was informed by the principles that regional stability, unity, mutual trust and good neighborliness was necessary for achieving the ultimate ECOWAS goal of a harmonious and united West Africa.[19]

This single operation gave rise to many questions about the legal foundation upon which the formal arrangement of this different armies stand and the question whether ECOWAS was usurping the powers of the United Nations (UN) security council on matters of deployment of troops to troubled areas in the world in order to restore peace. Before the researcher discuss the legal framework of the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security adopted in Lome, Togo in 1999, there is a need to trace the evolution of other conflict resolution mechanisms prior to the current 1999 protocol.

3.3.1 ECOWAS before the Creation of ECOMOG

As has been mentioned earlier, the Economic Community of West Africa States (ECOWAS) was primarily to improve economic integration within the region. It was later that the West African leaders recognized the fact that economic integration is not enough to move the region forward, but that addressing security problems that threatened the economic growth itself was paramount. This is because security problems of various member states start as internal struggle that escalate across the state to neighboring states.

19. Adedoyin O. "The Nigerian Army and Peace Support Operations under the ECOWAS: The ECOMOG Years" in Isaac, O.A. et al (eds) *Peace, Security and Development in Nigeria* John Achers Ltd, Abuja (2012) p. 198

This early recognition that the success of an insurgent or revolutionary movement in one country is bound to spread to other states led to the signing of a Non-aggression pact in Lagos, Nigeria in 1978. This is the first step towards collective security in West Africa. The protocol on Non-aggression only addressed the issue of giving open support to the various rulers in power by other rulers against their opponents. The treaty failed to address the issue of various insurgent movements that were threatening most of the regimes internally.[20]

The fact that the Non-aggression Treaty did not provide mutual security against the threats of internal insurrection, led the Member States of ECOWAS, prodded by Nigeria and Ghana to negotiate and sign the Protocol on Mutual Assistance in Defence (PMAD) in Freetown, Sierra Leone on 29, May 1981. [21]

This is the second Mechanism aiming at Collective Security in the West Africa region. The Protocol provided for a non-standing military force to be used to render mutual military aid and assistance to a Member State that falls victim of external aggression. Article 4 (b) of this Protocol provides the actual purpose of its creation. That is for a collective response where a Member State falls a victim of internal armed conflict engineered and supported actively by external forces and which is likely to endanger the peace and security of other Member States. [22]

In the same Protocol, article 18(2) states that Member States are not entitled to military intervention in internal armed conflict that poses no danger to other states and does not have external support. That in order to secure military assistance from

20. Khobe, M.M. The evolution and conduct of ECOMOG operations in West Africa, published in Monograph No. 44 boundaries of peace and support operations February, (2000)
21. Ibid
22. Protocol on Mutual Assistance in Defence, 1989

ECOWAS, the president of affected state must write to chairperson of ECOWAS requesting formally for its assistance. Once received, such a letter serves as signal for the military force of the community to be placed on an emergency footing.[23] In chapter V, Articles 13 and 14 of the protocol states how the nature and composition of the military force should be. [24]

The military force was known as the Allied Armed Forces of the Community (AAFC). Each state was required to earmark units from its national armed forces that in an emergency will be placed at the services of the community. The AAFC was to be under the command of a force commander who is appointed by the Chairman of the Community on recommendations of the Defence Council of the Community, which consist of the Ministers of Defence and foreign affairs of member states.[25]

According to the Protocol, the AAFC would be used in two situations; first where two member states are in conflict, the community will interpose the AAFC between them as a peacekeeping force. second where a member state is the victim, of internal armed conflict supported from outside and its Head of State has requested military assistance from the community in writing, then the AAFC will be sent as an intervention force. [26] Although the protocol was invoked with respect to the Liberian crisis of 1989/90, the AAFC never came into being as the protocol envisaged. Rather a smaller group of ECOWAS states put together an intervention force known as ECOMOG. [27]

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23. Ibid
24. Ibid
25. Khobe, M.M. Op Cit
26. Ibid
27. Ibid

3.3.2 ECOWAS after the Creation of ECOMOG

The operations of ECOMOG started in Liberia in 1990, with the then president Samuel Kanyon Doe writing to the Community to seek for assistance. This request was to be the litmus test needed for the provisions of the Protocol on Mutual Defense Assistance of 1989. At that time, the government of President Doe was becoming clearly unpopular, he was not in good terms with his neighbours particularly Cote D'ivoire, an influential country within the francophone members of the Community, but on the other hand President Doe was in good terms with the then President Ibrahim Babangida of Nigeria and the most powerful country in the Community. The request by Liberia for assistance though a legal one as far as the provisions of the protocol are concerned, split the Community with the Anglophone countries led by Nigeria waiting to assist, while the francophone countries opposed any kind of military intervention and instead suggested dialogue and negotiations, this suggestion suited Cote d'Ivoire more than any other country, because it was supporting Charles Taylor. [28]

It was amidst this disagreement between the Anglophone and Francophone countries that the semblance of government disappeared in Liberia and the situation which necessitated the Anglophone countries under the auspices of the ECOWAS Standing Committee (which they dominated) to take the decision to send a military force to intervene in the conflict in Liberia. The intervention force was designated Economic Community of West African States Monitoring Group (ECOMOG).The

28. Ibid

force was given the mandate to restore law and order in Liberia, to create an environment that will allow humanitarian operations and to secure a peaceful atmosphere that will facilitate cease-fire negotiations. On August 24, 1990 ECOMOG Troops landed in Liberia under the command of General Quinoo, a Ghanaian. [29]

ECOMOG was formed in compliance with the United Nations (UN) policy of maintaining collective security through a regional frame work. In discharging the functions, member countries had to send troops, materials and other logistic support. The Onus of the mission was however on Nigeria, who initiated the peacekeeping force and deployed the Nigerian military along with armed forces of other member states (Ghana, Sierra Leone, Gambia and Guinea) to maintain and later to enforce the peace in Liberia. [30]

This singular effort of ECOWAS in establishing a security mechanism to manage its own conflict is commendable. The ECOMOG intervention in Liberia and Sierra Leone was the first of such action by a sub regional organization in Africa, relying principally on its own men, money and military material. It was also the first time that the United Nations (UN) had sent military observers to support an already established sub regional force. [31]

Operations of the ECOMOG, is usually under the directives of the Authority of the Heads of State and Government of ECOWAS Member States. These directives usually are given by the serving Chairperson of the Community, on behalf of other member states. Day-to-Day issues and political directives are handled by the ECOWAS secretariat headed by an executive secretary. While the military

29. Ibid
30. Adedoyin O. OP Cit
31. Adekeye, A. OP Cit

operations are entrusted to the force commander. There existed within the ECOMOG structure also the Defence Council and Defence Commission. [32]

The concept of ECOMOG operation in the various missions it undertook since it came into existence in 1990 may be categorized into three namely; intervention, peace enforcement and peacekeeping.

In its intervention missions, the ECOMOG troops are usually are deployed at the request of a legal government to stop a situation from degenerating into anarchy and spreading to neighboring states. In all the three missions carried out by ECOMOG in Liberia, Sierra Leone and Guinea Bissau, the requesting state had its state structures collapsed except for Guinea Bissau where the request came from the then President Vierra when it became apparent to him that his political enemies at home had over powered him and were close to overthrowing him from power. In that mission Nigeria refused to participate and the entire operation failed. But in Liberia and Sierra Leone there were genuine cases that led to the intervention, under public international law. [33]

Such intervention missions are aimed at securing a cease-fire, creating a conducive atmosphere for negotiations and the protection by non-combatants directly under ECOMOG.

The peace enforcement operations of ECOMOG have always led to widening of the initial safe havens established for non-combatants. Securing a general settlement which includes disarmament, the formation of an interim or transitional government, return of refugees, military reform and staging of general elections. At this stage, ECOMOG missions change from peace enforcement to peace keeping. [34]

32. Khobe, M.M. Op Cit
33. Ibid
34. ibid

ECOMOG peacekeeping activities usually starts from rapidly transforming itself from a fighting force to that which enjoys the confidence and respect of the very insurgents it was fighting. This is very easy because it already had the support, trust and confidence of the civil population. The concept of peacekeeping over the years, has come to be associated with the maintenance of international peace and security, with the aim of reducing tension, conflict , risk of direct involvement of many countries, saving materials resources and human lives. Peacekeeping operations like those embarked upon by UNO and ECOWAS, through ECOMOG forces entailed the dispatch of military or civilian officials to conflict area to intercede between warring parties, to monitor a ceasefire and to ensure compliance with ceasefire modalities. It is also aimed at providing a mechanism for regulating and setting conflicts that are regional or international in nature. This makes its useful and highly visible. For receiving people of unnecessary conflict, excessive armaments and the constant threat to war. [35]

However, with all these activities of the ECOMOG, the question that lingers on the minds of many legal practitioners is the legality of the intervention in Liberia and whether it has met the basic criteria for peacekeeping. [36]

In his book Ladan has stated the arguments of Dr. Sesay of the Stafford Shire University, Stoke-on-trent, United Kingdom on the issue of the legality of the intervention without any law in place at that time.

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35. Adedoyin, O. Opcit
36. Ladan, M.T. *Introduction to ECOWAS Community Law and Practice: Integration, Migration, Human Rights, Access to Justice, Peace and Security*. A.B.U Press Limited, Zaria (2009) p. 354

According to Dr. Sesay,

> "The decision by a few ECOWAS countries to intervene in Liberia received a broad support and applause from many quarters. Indeed, it is the only example in the world of a regionally based peace-keeping force sent to a country within that region to oversee the resolution of a conflict." [37]

He however went further to state some shortcomings that affects the operations. The first according to him was the lack of legal basis for the operation *ab initio*. This is because the treaty establishing ECOWAS did not provide for a collective security or peacekeeping role, it was merely for economic integration.

There was also the question of neutrality, because the peacekeeping force was seen as a "mercenary" and an "invasion", thus denting a cardinal principle of peacekeeping under international law. [38]

The dominance of Nigeria which had about 11, 000 out of the 15, 000 troops sent to Liberia and the fact that the then Heads of State General Ibrahim Babangida was a friend of Samuel Doe made the mission looked one sided.

According to Dr. Sesay the very composition of the nations spare heading the peace-keeping was quite telling. In his words:

> Another crucial matter that throws the neutrality of the ECOMOG into question is the nature and composition of the alliance. The leaders of all five ECOMOG countries either had a palpable orientation towards self-perpetuation in office and/or were basically dictatorial and authoritarian in nature. The tendency of such regimes is thus to resist the forces of change which in sub-regional terms, appeared to be represented by Charles Taylors' movements. [39]

37. Ibid
38. Ibid
39. Ibid p. 355

It is worthy of mention that, despite all the shortcomings of the mission, the intervention helped in turning around the future of Liberia. It ended the violence and mayhem that crippled the country and turned many of its citizens into refugees. It was in July 1993 at the ECOWAS summit in Cotonou, Benin that a revised Treaty for the Community was signed. The Treaty extended economic and political corporation among member states, stating the achievement of a common market and a single currency as part of its economic objectives, in the political sphere it provided for the establishment of a West African Parliament, an Economic and Social Council and a Community Court. The provision for regional security was enshrined and member states mandated to work toward consolidation and maintenance of peace and security within the region. [40]

It was pursuant to this responsibility given to the community by its revised Treaty in 1999 that the West African leaders agreed in principle to set-up an autonomous and transparent mechanism for conflict resolution, free from being dominated by any member state or group member states as was the case of the Liberian intervention where there was division in the member states based on being Anglophone or francophone countries.

3.4 THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) MECHANISM ON COLLECTIVE SECURITY

The ECOWAS collective security mechanism came into being with the adoption by the member states of the Protocol Relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security on December 10 1999, in Lome

40. Article 58 of ECOWAS (Revised) Treaty, 1993

Togo (herein after referred to as the mechanism). The mechanism can be regarded as the organization's constitution on collective security in the West African sub-region .[41]

As the main legal framework of the sub-regional organization's involvement in collective security, it embodies detailed comprehensive provision and structures. It has legalized the use of force to restore or prevent an over throw of a democratically elected government and also empowers ECOWAS to intervene in internal conflicts of member states, an action that can be triggered not only by massive violation of human rights but also by the breakdown of the rule of law .[42] The mechanism also anchored the need to define, build, organize and maintain an ECOWAS standby regional force in peace keeping and humanitarian assistance to a level of self sustenance in the areas of troops and logistics support in order to respond to internal and external regional crisis or threats to peace and security, including terrorist and/or environmental threats. [43]

This mechanism in the words of Professor Ladan "…in a science, it can be described as ground-breaking legislation on collective security within the West Africa sub-region".[44]

The substantive regulation of peace and security of the region by ECOWAS is to be found in the various articles of the mechanism.

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41. Ibrahim, O.M. Challenges of Regional Collective Security: Economic Community of West Africa States (ECOWAS) Standby Force: A Case Study, Master of Military Arts and Science (MMAS) thesis (unpublished) Faculty of the U.S Army Command and General Staff College, Fort Leavenworth, Kansas (2008) p17
42. Ibid
43. Ibid p. p28
44. Ladan, M.T Op cit

Chapter 1 provides for the establishment of the mechanism and introduce the Protocol thus: "there is hereby Established within the Economic community of West African states (ECOWAS) a mechanism for conflict prevention Management, Resolution, Peace Keeping and Security".[45]

The term collective security has been defined elsewhere as the combined usage of the coercive capacity of the international community to combat illegal uses of armed force and situations that threaten international peace. In future therefore, the ECOMOG will not only restrict itself to peacekeeping, but will use force to guarantee peace and security in the region. This could be seen where the provisions of the mechanism are compared with that of the Protocol Relating to Mutual Assistance in Defense (PMAD), which was the enactment on security before the 1999 mechanism. Article 16 of PMAD provides for intervention by ECOWAS in situation of "armed threat or aggression" directed against a member state. This however must be requested by the transgressed state, hence limiting the intervention capacity of ECOWAS.[46] But with the new mechanism ECOWAS can now intervene even without a formal request by any member state. This can be seen from the wide range of objectives set out in the mechanism.

Aside from the collective self-defense of its member states against aggression or armed threats, ECOWAS prior to the 1999 mechanism, could only undertake peace keeping missions, which it is generally acknowledged not explicitly recognized by the United Nation (UN) Charter but have been accepted by necessary implication. This is because the PMAD only allows deployment of interpository

45. Article 1 of the Mechanism
46. Abass, A. "The New Collective Security Mechanism of ECOWAS: Innovation and Problems", Journal of Conflict and Security Law, Oxford University Press, London (2000) P. 214

troops by ECOWAS where there is a conflict between two or more of its member states.[47] Thus, the textual difference between the provisions of the PMAD and the mechanism is aimed at recasting the role of ECOWAS in the security of its region from one previously based on collective self-defense mode and classical peacekeeping (though it never undertook either) to chapter VIII of the United Nation, Charter. It will be recalled that one of the main criticism against the application of PMAD to the Liberia and Sierra Leone crises was that the Protocol did not give ECOWAS the power to use force against its own members. It only allowed force against external aggression or an internal crisis that was according to article 18(1) PMAD externally maintained and sustained. [48]

Furthermore, Article 3 states the various objectives, as envisaged by the ECOWAS Member States ranging from its powers to prevent, manage and resolve internal and interstate conflicts, to the implementation of relevant provisions of the Protocol on Non-aggression, Mutual Assistance in Defense, Free Movement of Persons, the Right of Residence and Establishment.[49] These incorporation of other related Protocols allows the mechanism to take precedence over them and further cover new areas.

Chapter II (Institution of the mechanism) deals with the various organs of the mechanism that have authority to implement the mechanism. Article 4 states the organs of the mechanism. The Authority comprising of Head of States and

47. Ibid
48. Ibid
49. Article 3 of the Mechanism

Government of member states is the highest decision making body as per provision of article 6(1) of the mechanism, but in reality the Mediation and Security Council (MSC) exercise greater powers than the authority, this is so because the authority has delegated all its powers to the MSC.

Article 7 states without prejudice to its wide-ranging powers as provided under Article 9 of the Treaty and Article 6 above, the Authority hereby mandates the Mediation and Security Council to take on its behalf appropriate decisions for the implementation of the provision of this mechanism. [50]

It is doubtful whether there was any need for such delegation at all. Apart from its collective security role under the mechanism as per the provision of Article 6 where the MSC is also responsible for deciding and implementing all policies for conflict prevention, management, and resolution, peace-keeping, security, humanitarian support, peace building, control of cross border crime, proliferation of small arms as well as all other matters covered by the provision of this mechanism, Article 26 also empowers the MSC to initiate any action under it. [51] Thus, unlike the relationship between the Security Council and the General Assembly of the United Nation, under the UN Charter, there is no distinction between actions the authority may take and those that the MSC could ordinarily do under the mechanism. In the absence of such distinction therefore, the purported delegation of power is at best a redundancy as the MSC needs no such delegated authority to initiate any action under the mechanism. [52]

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50. Article 7 of the Mechanism
51. Abass A. Op Cit now at p. 215
52. Ibid

The functions of the MSC include: authorization of all forms of intervention and deciding particularly on the deployment of political and military solutions; [53] Approving all mandates and terms of reference periodically on the basis of evolving solution,[54] Reviewing the mandates and terms of reference periodically, on evaluating situations;[55] Appointing the special representative of the executive secretary and the force commander. [56]

The MSC whose members are Heads of State and Governments of 9 member states at any given period can only inform the Authority of all actions taken in pursuance of mandate given to them by the Authority. But there is no provision on whether the Authority can overrule any action taken by the MSC. [57]

Hence with only six members being left out of the MSC and the quorum of the session of the authority being two thirds of members, then it can be said that any decision taken by the MSC will be upheld in the session.[58]

This over lap of powers between the primary function of the Authority under the Treaty and its secondary collective security role under the mechanism could lead to misuse of authority in the exercise of the power delegated to the MSC, as opposed to the provision of article 54 of the UN charter which provides for monitoring of such exercise.

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53. Article 10 (c) of the Mechanism.
54. Article 10(d)
55. Article 10 (e)
56. Article 10 (f)
57. Article 8
58. Article 12

Under the mechanism there are also supporting organs. Article17 therefore establishes the following arrangement to assist the MSC: (a) the Defence and Security Commission (DSC), (b) the Council of Elders and (c) the ECOWAS cease-fire monitoring group (ECOMOG).

Under the PMAD there was the Defense Commission (DC) which the Defense Security Commission (DSC) of the new mechanism now substitute and one of the major difference between the two is that under the DC the members are only chiefs of staff of member states but with the widening of security matters scope by the new mechanism, the DSC membership, now comprises of chiefs of staff or their equivalent, officers responsible for internal affairs and security experts of the ministry of foreign affairs, and depending on the preferences of individual member state, heads of immigration, customs, drugs and narcotic agencies, border guard, and civil protection. Thus it can be said the DSC under the mechanism posses more powers than the DC under the PMAD. [59]

By article 19, the DSC shall examine all technical and administrative issues and asses logistical requirements for peace keeping forces. It also formulates mandate for peacekeeping forces, defines terms of reference for the force, appoints the force commander and determines the composition of the contingents.

Chapter VI of the mechanism states clearly that "member states… agree to make available to ECOMOG units adequate resources for the army, navy, gendarme,

59. Abass A. Op Cit now p. 217

police and all other military, paramilitary, or civil formation necessary for the accomplishment of the mission".

This provision is the most significant in the mechanism, not because it establishes the standing force, but because it placed the force under the direct control of the MSC. Prior to the mechanism, contribution of troops and materials to any mission had always been on, 'an able and willing' basis. This led to criticisms and suspicions by non-contributing states and outside observers.[60]

The new protocol after establishing ECOMOG further states its roles; it is charged among other things with the task of observing and monitoring peacekeeping and restoration of peace, enforcement of sanctions, including embargo, preventive deployment, peace-building, disarmament and democratization, policing activities including the control of organized fraud and crime, and any other operations as may be mandated by the mediation and security council. It is also note worthy that the ECOMOG can under the new mechanism undertake humanitarian intervention in support of humanitarian disaster.[61]

One further unique provision of the mechanism regards the funding of a mission decided upon by the organization. Previously the cost was borne by contributing states alone, but now the present mechanism states the executive secretariat of the ECOWAS "shall make provision in its annual budget for funds to finance activities of the mechanism".[62]

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60. Ibid
61. Ibid
62. Article 34 (1)

And there is in the pipeline a protocol establishing a community levy and that a certain percentage (0.5%) will be earmarked for the purpose of funding the mechanism. [63]

The prevention and early warning system is another unique feature of the mechanism worth mentioning. Chapter IV of the mechanism is to the effect that the early warning provision is aimed at stemming the spate of crisis in West Africa by forestalling their explosion through preventive devices. The system consists of:

(a) An observation and monitoring centre located at the secretariat (now the commission). Some functions of the observation centers include: collection and analyses of data and preparation of reports for the use of the executive secretariat, collaborating with the United Nations (UN), Africa Union (AU), research centre and all other relevant international and sub-regional organizations.[64]

(b) Observation and monitoring zones with each zone having three to five member states with zonal capitals in Banjul (zone 1) Cape Verde, Gambia, Guinea Bissau, Senegal; Ouagadougor (zone 2) Benin, Nigeria and Togo; Monrovia (zone 3) Ghana, Guinea, Liberia and Sierra Leone; and Cotonou (zone 4) Burkina Faso, Cote D'Ivoire, Mali and Niger. From these four Zonal Head Quarters, officials are expected to asses political (Human right and democracy), economic (food shortages), social (unemployment), security (arms flow civil-military relations) and environment (drought and flooding) indicators on a daily basis. [65]

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63. Article 34 (2) and (3)
64. Adekeye A. Op Cit
65. Ibid

By April 2002, these Bureaus had been established. Programmers and analysts have been recruited, equipment purchased and the US European command in Germany had assisted the ECOWAS to establish an effective communications system. [66]

The final provisions of the mechanism worthy of commentary are in relation to peace building in the after math of a conflict. These are contained in chapter IX of the mechanism. Article 42 in particular provides that in other to stem social and political upheavals, ECOWAS shall be involved in the preparation, organization and supervision of election in member states and also monitor and actively support the development of democratic institution of member states.

While the above provision does not categorically state at what point ECOWAS will be involved in the electoral procedures of a member state, it seems reasonable to expect it to apply to a member state emerging from a conflict. In the same vein it is expected that the peace building capacity of ECOWAS, as per provision of Article 43 will not only apply after a country has fully experienced a conflict but Peace building activities should start during constipation of hostilities, so as to reduce degradation of social and economic conditions arising there from.[67]

Once hostilities have ended, Article 44 is the effect that efforts will be to bring back peace, establishment of political conditions, implementation of disarmament, resettlement and re-integration of refugees and internally displaced persons (IDP's) and giving assistance to vulnerable persons.[68]

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66. Ibid
67. Abass A. Op Cit now at p. 228
68. Ibid

Article 46 makes it imperative for member states to cooperate in the area of control of trans-border crimes, apprehension of criminals, a coherent criminal system and restitution procedures for stolen items which are being relocated to other member states and so on. Article 51 deals with circulation of illegal arms within the ECOWAS sub-region. Article 52 obligates the organization to co-operate with the African Union, United Nations and other international organizations in the pursuit of its objectives. [69] The combined effect of the above provision will help in minimizing the various crises plaguing the West Africa region and help strengthen the collective security arrangement, thus justifying the need for such an arrangement from the onset even with the existence of the United Nations.

In conclusion, it can be said that the ECOWAS have taken a bold step and had broken new grounds with the adoption of the mechanism and subsequent creation of the ECOMOG to be on stand-by in cases of humanitarian intervention, tackling trans-border crimes and intervention in cases of political crisis in any member state. As it is now, the African Union and ECOWAS have sent a monitoring team to Senegal, ahead of its upcoming presidential elections.

The mechanism has now legalized the use of force to restore or prevent the overthrow of a democratically elected government. But the question here is whether our African leaders are democratically elected? ECOWAS has with the adoption of this mechanism, reiterated the need for collective security at regional level and the need for the United Nation (UN) to enhance the maintenance of international peace and security by the UN Security Council that is dominated by the western super powers especially in cases of hostilities within the improvised African countries.

69. Chapter 10 and 11 of the Mechanism

CHAPTER FOUR

4.0 THE CHALLENGES AND PROBLEMS OF THE CONCEPT OF COLLECTIVE SECURITY

4.1 INTRODUCTION

The general concept of security as discussed in the previous chapters, include all major threats to human survival and well being. It is in order to enhance this survival and well being that nations came together and formed collective security arrangements. First in the form of a universal alliance with the United Nations and subsequently regional alliances or arrangements like the European Union (EU), Africa Union (AU), the Arab league, South Africa Development Community (SADC), the Economic Community of West African States (ECOWAS), North Atlantic Treaty Organization (NATO) and a lot of other collective security bodies that have existed or are still in existence.

All these arrangements have faced challenges or are facing challenges in one way or the other in today's world. Even though some missions undertaken by these collective security arrangements were successful, there are also failed missions, which are largely attributed to the problems and challenges, faced by the various arrangements. While some problems like lack of funds to finance missions are universal; problems of inadequate or insufficient training of troops sent out on missions and inadequate equipments like maps, intelligence and communication gadgets are with particular reference to West Africa.

It is in light of the above that the researcher sets out to discuss the challenges facing the concept of collective security under international law with more emphasis on the

challenges facing the Economic Community of West African States (ECOWAS) collective security arrangement.

4.2 GLOBAL CHALLENGES OF COLLECTIVE SECURITY

From the formation of the League of Nations down to the United Nation in 1945, the problems and challenges of Collective Security have been numerous. The United Nations as was established had a narrow and restrictive understanding of security, so much that in the past years it has expanded the concept of security to a concept of "human security" that involves not only physical security but also includes security against hunger and cold weather, diseases and poverty. Hence with the expansion to meet up to its challenges, the United Nations in terms of implementation, its resources simply do not match its ambition. [1]

Below are some of the challenges bothering Collective Security from the global perspective:

1. The United Nations which was constructed mainly as a geopolitical building, today faces the challenges of tackling various economic, environmental and other crises that have begun to shake the planet demonstrate that the United Nation in these field is very poorly equipped to intervene in any way whatsoever to settle crises, not to mention prevent them. [2]
2. The issue of sovereignty of states poses as a challenge to global security. In the past years, incompetence of certain governments and their abuse of power, weakness and negligence of political machinery here and there, power

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1. The United Nation and World Governance. Referencing not plagiarism. Retrieved March 24, 2012 from *www.worldgoverance .org/spip.php.*
2. Ibid

struggles, old resentment among populations have provoked major humanitarian disasters that resentments among populations have provoked major humanitarian disasters that could have been avoided if the International Community had been able to weigh intelligently on the affairs of certain countries whose ruling classes were incapable of managing extremely serious problems or even worse, have themselves been directly responsible for causing such disasters. [3] Even now, whenever there is an intervention in the internal crisis of a Country that if left unchecked could lead to other neighboring countries being affected, the first thing that comes to mind is how could such a thing happen to a sovereign nation?

3. Another great challenge that United Nations is facing in terms of carrying out its Collective Security duties is the veto power given to the five super power founders (U.S.A, Britain, France, China, Russia) who have the most far-reaching personal interest as permanent members of the Security Council, over any resolution to intervene/punish any act of aggression. For a true Collective Security institution to function in a fair and unbiased manner it is necessary for all states to be represented equally and their grievances heard fairly and have the complete equality in the decision making processes when taking action against an aggressor and it is intrinsic that no state can block that decision making problem. It is also of great concern when most powerful states step outside the frame work of the notion of collective security. This happened in 2003 with the unilateral invasion of Iraq by U.S.A. and Britain. [4]

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3. Ibid
4. Collective security, referencing not plagiarism, retrieved March 25, 2012 from *www.lewisdean.com/post /5186870955/collective security.*

Similarly, the United Nation is too big and too slow for any decision making that will invoke a rapid military action or intervention to protect a member state in jeopardy.[5] Its democracy is constantly being challenged and often seen as lopsided. This is one of the reasons why the Economic Community of West Africa States Monitoring Group (ECOMOG) was created during the Liberian crises.

According to Robert Kolb [6] three aspects frustrate the issue of Collective Security; one is the Veto power enshrined in Article 29 of the charter. It has resulted in the freezing of the system of Collective Security, because it is used not only as shield to the five permanent members from enforcement action, but also by sort of proxy to protect all the ideological clients of the super powers throughout the world. These five super powers make the UN looks like a world government.

The second aspect is in the provision of the UN-led military operation against a sanctioned state. Member countries do not honor the undertaking of making available to the security council armed forces which are supposed to be under the control of the organization. Nation states perceive it as too dangerous to national sovereignty and that it will make the UN a super power.

The third aspect has to do with armed action in circumvention of the Charter. In recent years we have seen a particular western policy that if the security council does not give free reign to use force in a given context to requesting state, namely the U.S and its allied, self-proclaimed coalition of states, then they can act

5. Collective Security. Referencing not plagiarism, retrieved March 25, 2012 from *www.lewisdean.com/post /5186870955/collective* security.
6. Robert, K "The Eternal Problem of Collective Security: From the League of Nations to the United Nations" Refugee Survey Quarterly vol. 26, Issue 4 (2007) pp. 220-225

unilaterally as they deem fit. This policy has led to further erosion of the system of collective security and has increased insecurity. And this has led to the acquisition of weapon of man destruction to deter potential aggressors.

In addition to the above three aspects are also the fact that the activities of the UN have been stretched to cover series of new situations, ranging from civil wars (Liberia) to failed state (Somalia) and to dictatorial and oppressive regimes (Haiti). In the last decade the emerging concept of "human security" has enlarged the concept of peace and peacekeeping and by extension Collective Security. The questions of poverty, human rights, condition of living, environmental matters are now perceived as part of any effort to keep the peace. [7]

4. The 21st Century global threats to Collective Security are dramatically different than those of the 20th Century, said the United Nations Robert Orr, [8] "it is almost a mutually exclusive list," he noted. He began with financial crises that have cut across borders to affect everyone globally. The world also faces threats from climate change that not only affects global economies but also society and security, Orr observed. "We are in the middle of the world's most complex negotiations ever, to try to address the climate problems", he said.[9] Global public health is another major challenge to global security, as globalization makes it easier to spread disease worldwide. Similarly, the depletion of global natural resources and problem of natural disasters poses as a challenge to the smooth existence of Collective Security. The world is now faced with more earthquakes than ever,

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7. Ibid
8. WWS NY conference: 21st Century Threats and The Future of Collective Security. Referencing not plagiarism retrieved 26 March, 2012 from *wws.princeton.edu.coverstories/unconf-collsec/*
9. Ibid

floods washing away farmlands, erosion gradually making our lands infertile, famine leading to the death of people and animals especially in Africa. Desert encroachment due to mass cutting down of trees without replacing etc. The depletion of the ozone layer by the various gaseous emissions of mankind also adds to these problems.

5. Another huge worldwide threat to security that remains a challenge to United Nations in maintaining global peace is terrorism; Orr explained that the response to global terrorism must be multilateral whilst noting that most of those threats come from non-state actors. It was also noted that another main problem in tackling global Collective Security, threats is that different regions of the world perceive those threats differently, and that when it comes to issues of terrorism or weapons of mass destruction (WMD'S) there are quite divergent perceptions between the United States of America and other Western Nations and Non-Western Nations. [10]
6. Peacekeeping operations have remained a very big challenge to the maintenance of global peace and security by the United Nations. Corruption in carrying out such activities and sexual assault of women and children are some of the major problems such operations face. Despite success in some missions, operations in Bosnia, Rwanda and Somalia were flawed with massacres and genocide. [11]
7. In periods of peace building, to restore lasting peace in war torn societies is among the most daunting of challenges for global peace and security. This is because peacemaking requires sustained international support of national efforts across the broadest range of activities- monitoring cease fires; demobilizing and

10. Ibid
11. Ibid

reintegrating combatants; assisting the return of refugees and displaced persons; helping organization and monitoring of elections; supporting public and security sector reform, enhancing human right protections and fostering reconciliations after past atrocities. [12]

The United Nations as a Collective Security body has up to now, not found a solution to the mass killing of non-combatant civilians especially women and children. While women remain a minority of combatants and perpetrators of war, they increasingly suffer the greatest harm. In contemporary conflicts, as much as 90 percent of casualties are among civilians, most of whom are women and children.

Women in war-torn societies can face specific and devastating forms of sexual violence, which are sometimes deployed systematically to achieve military or political objectives. Moreover, women continue to be poorly represented in formal peace process although they contribute in many informal ways to conflict resolution.

8. The issue of armament and disarmament is also daunting to global peace and security which in turn hampers on the actualization of an ideal global collective security arrangement in the form of the United Nations. The mass acquisition of nuclear weapons by technologically advanced and economically buoyant nations calls for great concern in maintaining global security. A study group set up by the United Nations on the effect of nuclear weapons took a hypothesis of a city of 250 sq.km and a population of over one million. If one megaton nuclear bomb is detonated, say in the city centre, the casualties according to the reports will be;

12. Ibid

270, 000 might be killed by the blast and fire 50, 000 might be killed by radioactive fall-outs, 90, 000 might be injured. The destruction of physical structures according to them will be of unimaginable magnitude. The development of more and even deadlier accurate and mass destructive weapons that are today stock-piled by nations is enough to destroy the planet. Its effect on the ecology and human environment is very frightening should any of these countries choose to use them against each other or in the event of a war. [13]

This arsenal of weapons that member countries are acquiring poses a great threat to the collective security the United Nations seeks to enhance. And it does not give smaller nations that do not have these weapons any hope in the role of the United Nations (UN) on arms limitation and disarmament in today's world. The UN needs to do more and more in these area to save succeeding generations first as it proposes to do on its establishment. It is disturbing to note that while some luster's power talk peace, they practice war by selling arms to developing countries. In fact, since the end of the Gulf war, the United States (US) alone has sold over $13billion worth of arms to the Middle East, making her the biggest arms merchant in that region. Russia, on her part sells arms worth $1billion to Iran annually. [14] This we can rightly say has contributed immensely to the crisis in the Middle East for the past two decades or more.

9. Another great challenge to International Security generally and Collective Security in particular is the Transnational Organized Crime (TOC). This activity can be traced to the disintegration of the Soviet Union in the early 1990s and has been

13. Onoja M.G.L. Op.cit now at p. 79
14. Momoh, S.B. *Global Disorders and the New World Order*, Vista Books Ltd (1994) p. 38

growing in magnitude as they penetrate more and more national boundaries that have become more permeable. The problems are not limited to one country or one region alone, but spill over into an even-wider geo-political context, with increasing consequences for World Security as a whole and collective security in particular. [15] Some of these TOC activities include illicit drug trafficking which is the most pernicious, not only because of its profits gain, but also for its illegal activity resulting in significant collateral violence and destruction of human health, lives and the society. The UN has revealed that the heroin drug trade alone accounts for about USD 200 billion of the total illicit trafficking profits per year. [16]

Another TOC activity that is of grave risk to states regional and global security is the illegal trafficking of arms especially Small Arms and Light Weapons (SALW). This is a business destabilizing societies and governments, arming conflicts in Africa, Latin America and Eastern Europe. The illicit flow of these weapons has enabled armed separatists and insurgent groups to challenge the authority of the legitimate and thereby disrupt law and order in states like Somalia, Rwanda, Congo DR, Sudan (Darfur), Nigeria, Niger Delta and North Eastern States etc. The easy access to SALWs link this security challenge to money laundering, international terrorism and illicit drug and human trafficking are universally recognized as destabilizing factors that prolongs conflicts, undermine peace agreement, complicate peace-building efforts and impedes socio-economic development. [17]

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15. Inokoba, P.K. "Globalization and Transnational Organized Crime: The Synergy and its implication for National andj International Security", In: Isaac O.A. et al (eds) *Peace, Security and Development in Nigeria*. John Archers Ltd, Abuja (2012) pp. 316-336
16. Ibid
17. Ibid

10. The economic inequality in the world with a clear demarcation of developed and under developed nations also adds to the problems of collective security. This in turn make the concept more favourable to the developed nations and create a fear of domination in the under developed nations. That even with their sovereignty and independence they don't feel safe under such arrangements.

The global challenges are numerous and therefore cannot be exhaustively discussed in this write-up but suffice it to say some relevant areas have been touched on global collective security. The regional challenges will now be discussed accordingly.

4.3 REGIONAL CHALLENGES OF COLLECTIVE SECURITY WITH PARTICULAR REFERENCE TO WEST AFRICA

The challenges bothering the collective security arrangement in West Africa, just like the United Nation is enormous. For the purpose of clarity, the writer intends to discuss them in four broad categories. The political, military, technical and legal challenges.

4.3.1 Political Challenges

In December 1989, a civil war erupted in Liberia, which necessitated the creation of Economic Community of West Africa State Monitoring Group (ECOMOG) with an initial one year mandate that lasted up to seven years. The effectiveness of ECOMOG depends directly on the level of political consequence existing within the community and how the mission it is engaged in would be handled.

Achieving this consensus has been (and is still) one of the biggest problems of the ECOMOG operations. In the case of Liberia, there was a clear division between the five members of the Standing Mediation Committee and the other eleven ECOWAS

members. So also was the deep disagreement on when force should be used and to what extent in Sierra Leone. In such situations, some member states extensively supported the insurgent movement against which ECOMOG is conducting military operations. This action of member states is not in line with the basic theory or principle of collective security under international law. [18]

The rivalry and deep suspicion between member states further complicate the political environment. Members refuse to participate actively in or oppose ECOMOG operations because a rival member State played a prominent role in the decision to send troops or is seen to be taking the credit for the initial start-up of the operations. In other cases, a statement giving prominence to the role of a particular country can trigger resistance and refusal to send troops from others.[19]

The ECOMOG operations are also considerably influenced by extra regional interest. [20] Sometimes conflict of interest between countries outside the sub-region directly hamper deployment, reinforcement and logistic support of troops engaged in its operations. The role of external actors in Liberia and Sierra Leone cannot go unnoticed. The United States of America, the major external cold war ally of Liberia's autocrat, Samuel Doe left him to his fate when the civil war erupted, but later contributed $500 million in humanitarian assistance, but did not support ECOMOG substantially until near the end of its mission, when it provided crucial logistical support for disarmament. This was partly due to strained bilateral relations between Washington and Abuja, but also Americans aversion to becoming embroiled in African conflicts following a botched mission in Somalia in 1993.

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18. Khobe, M.M. The Evolution and Conduct of ECOMOG Operations in West Africa, Published in Monograph 44 Boundaries of Peace and Support Operations, February (2000)
19. Ibid
20. Adekeye, A. "Pax West Africana? Regional security mechanism" In: Adekeye A, and Ismail, R. (eds) *West Africa Security Challenges: Building Peace in a Troubled Region*, Boulder and London; Lynne Reinner (2004)

In Sierra Leone, the country's former colonial power Britain, was the most influential external actor in conflict management efforts, using its position as a permanent member in the UN security council to mobilize support for a 20, 000 strong UN peacekeeping force to the country. And also are diplomatic and humanitarian assistance to ECOMOG's peacekeeping efforts but desisted from playing direct military role.

The ECOMOG force in Guinea-Bissau was able to be deployed only because France provided it with logistic and financial support. Despite this assistance, the force remained weak and underfunded as with the case of Guinea-Bissau, the ECOWAS mission in Cote D'ivoire was largely financed and equipped by France. France also used its permanent seat in the UN Security Council like Britain in the case of Sierra Leone to secure a substantial UN peace keeping mission to Cote D'ivoire to work alongside 4,000 French troops already in the country.

This also is daunting to the development of the concept of collective security especially in the ECOWAS sub region that has cooperation and integration as part of its main purpose of existence. There is also the fear of regional domination by Nigeria's influential role in ECOWAS and by extension ECOMOG. Smaller countries fear that the ECOMOG is a kind of imperial excuse used by Nigeria to interfere in the internal politics of smaller countries.

This fear of domination is what was recently shown in the cases of Mali and Guinea Bissau after the March and April 2012 coup detat respectively. The ECOWAS had in the spirit of collective security sent an envoy to Mali for dialogue and negotiations, but the rebel fighters did not even allow them enter the country as they refused to clear the plane carrying these peace ambassadors to land in Bamako, the

state capital. They argued they do not want interference by the ECOWAS or any other country in their internal affairs and that they can take care of their problems.[21] This is a major setback to Mali and the idea of collective security under international law.

As the sovereignty of a state is not a barrier to collective security once a state is a member of that arrangement. And moreover, with the mechanism on collective security in existence the ECOWAS can without any invitation by Mali, intervene in its domestic affairs to reinstate a legitimate government. This is the clear provision of Article 3 and 4 of the mechanism.

Colonialism and neo-colonialism also stand out as a big challenge politically to the existence of a hitch free collective security arrangement in West Africa. Francophone countries see the security goal of the sub region differently from the Anglophone countries, for example in the Liberian case, all countries that supported intervention were English speaking countries, while the French speaking countries opposed it and recommended dialogue and negotiation. They see ECOMOG more as a military force designed to solve the security problem of the Anglophone member states, using the collective economic resources of the entire community. This attitude together with the close political, economic and security relationship with the former colonial master makes them adopt a lukewarm attitude to all ECOMOG operations.

On neo-colonialism, the foremost amongst them is United States of America (USA). It gave independence and then agreed to give 'aid' to those countries for development. The general objective here is to achieve colonialism in a disguise

21. *http://news.bbc.co.uk* retrieved March 28, 2012

Another technique of neo-colonialism is the use of high rates of interest and service charges with burdensomely short call-in periods on loans given to these countries by the former colonial masters or their agencies. Thus, the 'aid' turns out to be another means of exploitation, a modern method of capital export under a cosmetic name. [22]

All these affect the adequacy of the required resources for the enhancement of collective security for the region, since a big portion of it is used in the area of debt servicing and payment.

4.3.2 Military Challenges

The military form the backbone of every peacekeeping operation undertaken by any collective security arrangement. But like the political challenges facing the ECOMOG activities, its military challenges are equally enormous. ECOMOG peacekeepers embarked on the journey with unclear mandate and uncertain of the reception they could get from the warlords. The contingents were dominated by Nigeria, resulting in a lack of sub-regional unity and depriving the force of important legitimacy in fulfilling its tasks. The missions in Liberia and Sierra Leone where under the operational control of ECOMOG commanders in the field, rather than the ECOWAS secretariat (now commission) in Abuja, since all the commanders were Nigerians as were bulk of the troops. Nigeria military leaders were kept closely informed and the information was slow in reaching other ECOWAS states and the secretariat. [23]

22. Kwame Nkurumah, Neo-colonialism, the Last Stage of Imperialism, 1965. Referencing not plagiarism, retrieved August 11, 2012 from *http://www.marxist.org/subject/africa/nkrumah/neo-colonialism*
23. Adekeye, A. Opcit

The area of training, planning and preparations for the peacekeeping mission was found to be very deficient. Troops drawn from the various units were not given enough opportunity to train and interact together physical training; battle drills and medical fitness training were not undertaken by the troops. [24]

The inadequate planning led to poor feeding of troops, inadequate medical support and shortage of uniforms for soldiers. In fact, soldiers were fed with food once a day at times with food that the quantity and quality fall below acceptable world standard. There was also no clear-cur burial policy as dead Nigerian soldiers were brought back home and hurriedly buried en-masse. [25]

In both operation liberty (1990) and operation sandstorm (1997) in Liberia and Sierra Leone respectively, the military had faced great challenges, some of which up to today could be faced if not properly addressed. There had been a high number of casualties out of which about 500 soldiers died in Liberia alone. In Sierra Leone during the 1999 Freetown rebel invasion, about 100 Nigerian soldiers died, another 100 were declared missing in action, about 170 died in road accidents and other non-combatant related accident (e.g. illness). Another 200 were reported injured due to land mines. The then British foreign secretary Robin Cook also confirmed the high number of casualty when he said "about 700 Nigerian soldiers were killed in the 1999 rebel invasion in Sierra Leone alone while trying to maintain a legitimate government". [26] The troops were exposed to many health hazards. They lacked

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24. Adedoyin, O. "The Nigerian Army and Peace Support Operations under the ECOWAS: the ECOMOG years", In: Gbor, J.W.T (ed) *The Nigerian Army in Global Security,* Megavons (West Africa) Ltd (2004)p. 206
25. Ibid p. 207
26. Audu, N.B.." Cote D'ivoire, Nigeria and the ECOMOG experience." In: Vanguard online, January 15, 2011. Retrieved from *http://community.vanguardngr.com/profile/blogs*

maimed and incapacitated ones, left with no adequate compensation or any kind of insurance for them or their families. [27]

Another problem linked to the military is in the area of arms supply. These hitches include the supply of obsolete weapons which were no match for the AK-47 rifles used by the rebels; high record of weapon failure and breakdown. All these we can say added to the number of casualties in both dead and wounded. [28]

But it is not only the military personnel that became casualties, the non-combatant civilians most often than not find themselves victims of circumstance at the hands of the soldiers on such missions. We have had several cases of wanton killings by soldiers, cases of rape and the torture of prisoners of war. All these are crimes against humanity under public international law. In March, 2012 the local and international media reported the case of an American soldier on a peace mission in Afghanistan who killed sixteen unarmed persons.[29] It must be mentioned here, that all the above mentioned negative acts of soldiers on peacekeeping mission, makes states that are faced with crisis that needs a collective action refuse or resist such interference. These are challenges that need to be addressed in order to boost the usefulness of such arrangements not only in West Africa, but globally.

It is worthy of mention here, that such acts perpetrated by soldiers contravenes one of the primary objectives of international humanitarian law which seeks to in addition to respect for the rule of law and human rights; protects victims of war and civilian population in general because they are always vulnerable in periods of armed conflicts. This aspect of public international law also provides the methods

27. Ibid
28. Ibid
29. *http://news.bbc.co.uk*. Retrieved March 13, 2012

and means of warfare that should be adopted and any digression amounts to committing war crimes.

4.3.3 Technical Challenges

In addition to the political and military challenges of collective security are the technical challenges. Core amongst these technical challenges are the crises of fund and logistics.

The funding of missions is a problem inherent in all collective security arrangements starting from the United Nations down to the ECOWAS. Since the collective security arrangement is a combination of several states, it is expected that all states will contribute fairly if not equally to the funds of such body. But usually this is not the case, for example cost of funding ECOMOG in Liberia and Sierra Leone was more or less financed by Nigeria, because it provided over 70% of it. Approximately it had been reported that 12 billion dollars was spent in both missions. (8 billion dollars for Liberia and 4 billion dollars for Sierra Leone). [30]

It has been reported that Nigeria spent a lot in medical and other essential needs, and that the West international sanctions and arms embargo on Nigeria during the military regimes of 1993-1999 made things more complicated. The West did not give any financial support to ECOMOG because according to them, it will amount to legitimizing the then military rule in Nigeria.

And even after democracy was restored the United States of America (USA) pledged 10 million dollars only in 2003 while 110 million dollars was needed to cover troop transport cost to Liberia. Thus the financial burden was on Nigeria as it

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30. Audu, N.B. Op cit

had to pay salaries and allowances to troops of other countries (Niger and Sierra Leone in particular).[31]

In past mission Nigeria shouldered much of the financial burden as other member states were unwilling to contribute to missions they did not support. This lack of funding by members was equally shown in later cases of Guinea-Bissau where France underwrote the financial costs of the peacekeepers, providing stipends, transportation and some communication equipment. And also in Cote D'ivoire countries like France, Belgium, Britain, Netherlands and the US financed the ECOWAS force.

But it is hoped with the new mechanism funds will be readily available for any mission. Since it has provided, that funds to be used for security were to be raised from the annual budget until a community levy come into existence which occurred in 2004. Funding is also expected from the UN, AU, other international agencies and voluntary contributions and grants from bilateral and multilateral sources. This implementation of ECOWAS levy in 2004 yielded some positive results to the crisis of fund as Nigeria alone provided $20 million from this levy that year. [32]

In the area of transportation, not just funding was a problem, so also are the means of transporting troops to a peacekeeping mission. The sea lift operation of troops was also not hitch free, as war ships are old; the air force also had imbalance in its tactical air power structure. It also lacked both attack and transport/evacuation helicopters.

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31. Ibid
32. Adekeye A. Op cit

There was also no sufficient C-130 aircrafts to be used for purposes of medical evacuation, re-supply and conveying of troops to critical areas. Still on transportation, the army's armour and artillery units on ground also lacked sufficient rocket propelled grenades , as well as adequate trailers and cranes for movement of heavy guns and armament to operation areas. [33]

In the area of airspace use, there was no conclusive and proper arrangement with countries along the Nigerian-Liberian route, to secure clearance for the use of their airspace. The contingents of the Nigeria Air force had to violate the airspace of Cote D'ivoire throughout the period of the ECOMOG operations. There was also problem of inter-service communication, occasioned by incompatibility of communication equipment between ground forces that were supported by the ECOMOG naval and air assets above. [34]

Another technical hitch to most peacekeeping activities is command and control problems. Language was one of the major problems, as the peacekeeping mission force is a combination of English and French speaking countries. Likewise in the area of giving out instruction, there are conflicting commands because of high level of distrust among contingents. Each command takes instruction from its commandant.[35] There is also no central logistic unit. Each contingent oversees their arms, ammunition, foods supply, other health facilities and transportation.[36]

There was also the problem of third party interpenetration. Where they stand to benefit, they sabotage the activities of ECOMOG. [37]

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33. Ibid
34. Adedoyin O. Op cit now at p. 210
35. Roy Chikwem, Why ECOMOG is still the best? The success and failure of ECOMOG peacekeeping operations October 3, 2007. Retrieved January 26, 2012 *http://www.dawodu.com/chikwem2.htm*
36. Ibid
37. Ibid

The issue of refugees and the internally displaced persons (IDP's) is another area of concern. The peacekeeping troops had to share its little supplies with these people.[38] This is because the international relief agencies were reluctant to go to camps for fear of insecurity. And they also do not give the relief materials to ECOMOG for onward transmission to these people.

4.3.4 Legal Challenges

Since Chapter VIII of the United Nations (UN) charter is what provides for the establishment of regional collective security arrangements, then strict adherence to the provision of the Charter is expected. The current effort in developing a peace enforcement capability is a departure from the earlier provision of Chapter VIII that encourages regional organizations to specifically settle disputes amongst their members, and delegates such enforcement powers of the United Nations Security Council to regional organizations. It stated that, "the Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority". [39] It however went ahead to provide that "no enforcement action shall be taken under regional arrangement or by regional agencies without the authorization of the Security Council".[40] The United Nations had also insisted it should be fully informed of all activities undertaken or in contemplation of under such arrangements for maintenance of international peace and security. But both cases of Liberia and Sierra Leone peace enforcement operations were carried out in disregard to these provisions.[41] The ECOMOG in the guise of pacific settlement,

38. Ibid
39. Chapter 8 of the UN charter
40. Ibid
41. Ibrahim, O.M. Challenges of Regional Collective Security: Economic Community of West Africa States (ECOWAS) Standby Force: A Case Study, Master of Military Arts and Science (MMAS) thesis (unpublished) Faculty of the U.S Army Command and General Staff College, Fort Leavenworth, Kansas (2008) p. 45

allegedly conducted peace enforcement operations against rebel factions, without the United Nation Security council authorization.[42]

While ECOWAS efforts to exercise firm control over security in the sub region is commendable, the protocol contains loop holes, which would enable ECOWAS to operate without the United Nation Security council supervision and control, thus not only creating potential areas of conflict with the United Nation, but casting doubt on the legality of certain ECOWAS operations.[43]

There are also institutional defects in the new mechanism. In the revised ECOWAS Treaty, the Authority has overall responsibility for the general direction and control of the community, however under article 7 of the Mechanism, the authority mandated the Mediation and Security Council (MSC) to take on its behalf, appropriate decisions for the implementation of the provisions of the mechanism.[44] The MSC can initiate and take actions on all policies for conflict prevention, management, resolution, peacekeeping and security. The MSC is also empowered to authorize all forms of intervention and decision on employment of political and military solutions to threats to peace and security, approve mandates for peacekeeping operation and appoint the principal mission leadership (the special representative of the executive secretary and the force commander).

In all these activities of the MSC, the mechanism only requires it to inform the Authority of its actions and decision; it made no provision for the Authority to override any action of the MSC, would there be any disagreement between the two.

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42. Ibid
43. Ibid
44. Ibid p. 46

This makes the MSC more powerful than the highest decision making body of the ECOWAS. And of course a major short coming of the ECOWAS mechanism. The beneficiary of a delegated power should be accountable to the benefactor.[45]

Still on the legal challenges of the concept, professor Ladan [46] was also of the opinion that in practice, there appears to be little or no significant value in the delegation of powers by the Authority, because already the MSC could on its own initiate actions under the mechanism without restraints. It is doubtful whether there was any need for such delegation at all. Thus, unlike the relationship between the Security Council and the general assembly of the United Nation under the UN charter, there is no distinction between actions, which the Authority may take and those that the MSC could ordinarily take under the mechanism. In the absence of such distinction, the purported delegation is a redundancy, as the MSC needs no such delegated power for it to initiate any actions whatsoever under the mechanism.[47]

In reality the MSC possesses greater power under the mechanism than the Authority. This is so when you look at the (earlier stated) wide functions that weigh heavier than the two powers of the Authority under article 6, one of which has been permanently delegated.[48]

In the light of these provisions, it is very unlikely that in a situation warranting the authorization of an action, the authority will over rule the decision of the MSC. The prospect of such power is indeed bleak. The MSC comprise of nine (9) member states at any given time out of the 15 ECOWAS member states at any given time.

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45. Ibid
46. Ladan, M.T. *Introduction to ECOWAS Community Law and Practice: Integration, Migration, Human Rights, Access to Justice, Peace and Security*, ABU Press Ltd, Zaria (2009) p. 328
47. Ibid

The quorum under the ECOWAS is two thirds. Therefore a decision favored by the MSC may indeed become a faith accomplished before the Session of the authority.[49] Finally, there is no provision under the mechanism that corresponds to article 54 of the United Nation Charter by means of which the Authority could monitor the exercise of the power delegated to the MSC. Thus, it is contented that the delegated power to the MSC is an open one, which without effective constitutional mechanism to subject it to periodic control, is capable of being misused.[50] It is posited here that, the curious relationship between the authority and the MSC regarding the implementation of the provision of the mechanism is caused by the overlap between the primary function of the Authority under the Treaty and its secondary collective security roles under the mechanism.[51]

In conclusion, it can be said that, the challenges facing collective security at both global and regional levels are enormous. It is the ability of such bodies to tackle them and make amends where necessary as has been brought forth by the writer in this chapter that will make achieving their main objective of providing the much needed security feasible.

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49. Ibid
50. Ibid p. 329
51. Ibid

CHAPTER FIVE

SUMMARY AND CONCLUSION

5.1 SUMMARY

The topic of the research namely, "An Appraisal of the Concept of Collective Security under the International Law," was necessitated by the recent uprisings in the African continent in particular and the violent crisis that had been in existence worldwide.

Chapter one contains the general introduction. There was the background of study, statement of problems, scope and limitation, the research methodology, literature review, justification of the research and the organizational layout of the thesis.

Chapter two of the research discussed: the conceptual and legal foundations of Collective Security. It started with a conceptual clarification of terms, then the legal framework established. There was also the historical evolution of Collective Security, tracing the origin to a time when men defended themselves collectively to the formation of the League of Nations and the United Nations, up to the development of regional and sub-regional arrangements, like the African Union (AU) and Economic Community of West African States (ECOWAS).

Chapter three considered: The West African Collective Security Arrangement. Some of the organs of the ECOWAS were discussed, the role of the ECOWAS Monitoring Group (ECOMOG) and also the Mechanism for Collective Security which is the protocol relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security of 1999. And on the whole it was concluded that the West African Collective Security under ECOWAS has achieved greater success.

Chapter four considered: the challenges and problems of Collective Security. The first part examined global challenges from the United Nations angle, where issues like the exercise of Veto Power by the five permanent members, environmental challenges, terrorism and others were discussed. The second part of the chapter considered regional challenges with particular reference to West Africa, in four broad categories of political, military, technical and legal challenges. After a discussion of all these challenges, it appears that commendable efforts had been demonstrated by the ECOWAS in the area of Peace and Security in the region.

5.2 FINDINGS

1. It is evident from the appraisal in the previous chapters that the concept of Collective Security was necessary in order to meet up with the global challenges of threat to peace and security, environment, economy etcetera. The research found out that from its inception, the United Nations was found on the ideals of developing a world that is free from war and any warlike activity through the enhancement of security collectively rather than individual countries trying to act alone, as weaker countries cannot possibly defend themselves. But this ideal is being threatened with the use of the veto power given to the five permanent members of the Security Council. They most often take unilateral actions as opposed to collective measures as envisaged in the United Nations Charter, 1945.
2. It was further revealed that the United Nations is too large and too slow to take decisions aptly in cases of emergency situations, thus making way for the establishment of regional arrangements that can respond promptly to crisis of Member States with due regards given to their sovereignty and territorial integrity.

Also, the United Nations and the regional collective security arrangements exist and relate inter-dependently to provide peace and security to the world.

3. The research also revealed the series of attempts made by the Economic Community of West African States (ECOWAS) on the provision of peace and security for the region since the Liberian crisis that erupted and led to the formation of the ECOMOG to the adoption of the new Collective Security Mechanism, in the form of the Protocol relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security of 1999. This mechanism has provided a good Collective Security arrangement for the West Africa, notwithstanding the few identified shortcomings.
4. Furthermore, the research revealed that the Concept of Collective Security from whichever perspective it is looked at, globally or at regional levels, there are challenges to Peacekeeping activities especially the Military angle which is a vital aspect of Collective Security.
5. The research also identified the issue of funding as one of the major challenges to the existence of Collective Security arrangements. In most cases, Peacekeeping activities undertaken suffer greatly due to crises of funding, as the funds needed are either approved and issued late or they are not contributed by all Member States. For example, the ECOMOG during the Liberia and Sierra Leone crisis was largely funded by Nigeria alone.
6. Finally, the global threats of armament, terrorism and other trans-organized crimes that cut across Member States and pose as great problems to Collective Security arrangements were identified and on the whole found to be serious challenges that

need to be addressed in order to reduce conflicts and insurgent movements that threaten global peace and security.

5.3 RECOMMENDATIONS

In the light of the issues raised and discussed in the course of this research, the following recommendations will be made in order to help build a better and more accepted Collective Security arrangement or body that will be devoid of misgivings by member countries or the world in general.

1. On the part of the United Nation, there is the assertion that the Security Council has not been responding promptly and effectively to some conflicts particularly those in the African region. It is seen not to have fulfilled its own part of the obligation regarding the maintenance of international peace and security. It is therefore recommended that the Security Council be dissolved and a new organ be formed which will have no permanent members, but representatives of all continents appointed on rotational basis. This will stem the pervasive abuse of the veto power exercised by the present five permanent members.
2. It is recommended that the Collective Security arrangements should endeavour to intervene promptly in the crisis of a member states. This is because all member states are taken to have conceded a quantum of its legal and political sovereignty to the various arrangements as such cannot be heard to complain of illegal intervention. Also, regional arrangements like the Economic Community of West African States (ECOWAS) should at all time keep the United Nations Security Council informed of its activities and future plans in order to comply with the provisions of Article 54 of the United Nations Charter of 1945.

3. In view of the institutional challenges facing the arrangement, the Economic Community of West African States (ECOWAS) should try and make some amendments to the Mechanism on Collective Security to include clearly spelt out powers and limitations for its institutions to avoid any disagreement between them. It is further recommended that the ECOWAS under the new mechanism should also ensure the effective guarantee of human rights within its region and effective monitoring of compliance by the members through its zonal monitoring units.
4. In cases of peacekeeping missions embarked upon by any Collective Security arrangement, the welfare of the troops should be adequately enhanced in order to reduce cases of divided attention while on a mission. There should also be frequent rotation of troops on a peace keeping mission especially where it is for a long term. This is to give way to more productivity and efficiency.
5. The issue of funding collective security arrangements is very important. Hence the need for all member countries to fulfill their financial obligations. In the case of the ECOWAS, as it is now the financial capabilities fall for short of what it requires to discharge its duties accordingly. There is need for member countries to take the funding of its activities seriously, and this includes the control of corruption and mismanagement of resources.
6. The issue of disarmament has to be seriously looked into, in order to reduce cases of acquisition of weapons of mass destruction and their likes. Also, an effective means of preempting and reducing conflicts and other insurgent movements is through good, responsive and effective governance especially in Africa, where a much more egalitarian global community that is premised on justice and equity, is needed, in addition to the provision of the basic necessities of life such as food, health,

education and shelter that must be provided by the governments of all states. This will help in meeting the needs of those persons living in extreme conditions of poverty and other forms of deprivations that with the passing of time become rebels and by extension terrorists.

5.4 CONCLUSION

In conclusion, it is worth noting the following:

First, the general rule of non-intervention in the domestic affairs of a Sovereign State is not violated with the existence of Collective Security arrangements where intervention is based on the provision of Article 2(4) of the United Nations Charter of 1945. That is where it is in self defence against the aggression of other state(s); and when intervention is authorized by the United Nations Security Council. While aiming to promote sovereignty and equality of Nations as well as building friendly relations amongst them, state practices have developed other exceptions to the general rule of non-intervention namely; in order to enforce a treaty, on humanitarian grounds, in defence of democracy and to fight terrorism.

Secondly, the regional collective security arrangements are not a duplication of the United Nations Security Council, but organizations that exist legally and even enjoy the support of the United Nations. This is as enshrined in chapter VIII of the United Nations Charter.

While Article 52 approves the formation of such regional arrangements or agencies, Article 53 further states the United Nations Security Council can even use these arrangements or agencies for enforcement action under its authority where it is necessary. So in essence both arrangements complement each other.

Thirdly, the interference of any member of a collective security arrangement individually in the domestic affairs of another member especially when looked at from the United Nations membership, has no any legal sanctions so far as the research has shown. This is because the primary responsibility of the United Nations Security Council is the maintenance of international peace and security globally. Thus it can as a body intervene or allow its members especially the five permanent members who are equally the major financial contributors. Moreover, most times especially in cases of humanitarian crisis it is the affected countries that call for external assistance and it is of course the most financially able nations like the United States of America and Britain that could offer assistance. So also are in cases of fighting terrorism which requires excessive technical and financial commitment. The problem with this kind of individual assistance is mostly associated with selfish interest placed over and above the collective interest of all member countries.

Fourthly, on the issue of the intervention of Economic Community of West African States (ECOWAS) intervention in the 1990 crisis of Liberia and later Sierra Leone, the researcher is of the opinion that the creation and subsequent deployment of ECOWAS Monitoring Group (ECOMOG) troops to the troubled nations was legal because even though the main Treaty Creating ECOWAS has not clearly provided for security situations, it can be deduced that from coming together of the 15 member countries to foster economic integration and development within the region, then by extension it has to also secure the region for such development. Furthermore, the existence at that time of the Protocol on Mutual Defence Assistance signed in Freetown, Sierra Leone on May 29, 1989 suggest an

inclination of member states to the issue of peace and security. The only fault however is on the issue of not seeking the permission of the United Nations Security Council before embarking on the mission as provided by Article 53 of the United Nations Charter.

On the whole, it can be said that the concept of collective security under public international law is a vital one. In view of the fact that today most sources of conflict come from within a country and escalates to neighboring states, makes it necessary for Nation states to come together and form a collective security arrangement that will ease conflicts between members of that arrangement. The issues of humanitarian crisis that follow such conflicts and lead to lost of many lives adds to the need for such arrangements. The only need is for the shortcomings of such arrangements to be addressed in order to add merit to the concept and justify the need for such bodies to continue existing.

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