UNDP

REGIONAL CRISIS PREVENTION AND RECOVERY MECHANISMS

IN WEST AFRICA:

REGIONAL AND NATIONAL PARLIAMENTS EMPLOYING CRISIS PREVENTION AND CONFLICT MANAGEMENT TECHNIQUES

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TABLE OF CONTENTS

EXECUTIVE SUMMARY

The prevailing debate is no longer whether parliaments have a role to play in conflict prevention; rather what role can parliaments play in the complex process aimed at preventing the escalation of conflict and promoting sustainable peace and security. In order to address these issues the UNDP hosted a **regional seminar in *Accra*, Ghana** on the topic '*Towards Strengthening the Role of Parliaments in Crisis Prevention and Recovery in West Africa*' from **28-29 June 2010**. As part of the preparation for this regional seminar a series of papers were commissioned, including this report. This paper examines existing regional crisis prevention mechanisms and the ability of national parliaments in **West Africa** to engage such mechanisms, including, but not limited to, regional deliberative bodies.

Whole-of-Parliament Approach

When examining ways in which regional and national parliaments are able to prevent crises and manage conflict it is important to consider mechanisms or techniques that not only deal with immediate crises as they flare, but also reduce those structural conditions that allowed conflicts to flare in the first place. Therefore, it is necessary to examine a multitude of approaches/ mechanisms to: **(a)** manage crises when they arise; and **(b)** as a medium-term conflict prevention strategy, address the structural conditions that make a nation more prone to conflict. Acknowledging that the seeds of conflict are often rooted in poverty, it is important to consider how national and regional parliaments engage on an array of poverty reduction and sustainable development issues, in addition to managing emerging crises, as it all has implications for conflict prevention in the region. Accordingly, parliaments should adopt a **conflict prevention lens** when dealing with any issue and the legislative strengthening community needs to adopt a **whole-of-parliament approach** (both with national and regional parliaments) when seeking to help build capacity so that these institutions can reach their true conflict prevention potential.

The following **action points** would assist in: **(i)** enhancing parliamentary independence and capacity to engage in regional conflict prevention mechanisms; and **(ii)** strengthening regional mechanisms:

- Initiate a regional benchmarking effort by defining what an *"independent, empowered and strong national parliament"* means for the purposes of the **2001 Supplementary Protocol on Democracy and Good Governance** in 2001;

- Consistent with **Supplementary Protocol on Democracy and Good Governance**, regional and international actors and the parliamentary strengthening community should work with national parliaments to build their capacity and empower them to be an **independent counterbalance to strong executives**. This would assist in opening up politics and facilitating parliamentary engagement with regional mechanisms. The focus of such efforts should be demand-driven;

- Amend the **1999 Protocol** relating to the **Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security** to include the *Economic Community of West African States* (**ECOWAS**) Parliament as a primary organ of the community, thereby ensuring the efforts of all the main ECOWAS bodies are included under the **one umbrella Mechanism**. This will assist in harmonization of efforts, ensure more alignment in the conflict prevention objectives of the main bodies, and empower the ECOWAS Parliament;

- The *ECOWAS Warning and Response Network* (**ECOWARN**) initiative is an example of good practice and should be developed through enhanced technical and human capacity. However, external funding should be sustainable and not tied to donor-driven priorities;

- In an effort to enhance national parliaments' involvement in regional conflict prevention mechanisms, ECOWARN should continue to focus on: **(a)** ensuring early warning information/ briefings are open source so that the information can be used by an array of actors; and **(b)** through the *West Africa Network for Peace-building* (**WANEP**), foster closer relations with national institutions, such as parliaments, that could contribute to addressing crises as they arise, thereby mitigating the potential for conflict escalation;

- ECOWAS, as a regional economic community, should pursue its objective of building **sustainable growth** through a unified economic community in order to ameliorate the structural conditions conducive to conflict. ECOWAS should do this simultaneously with efforts aimed at strengthening mechanisms to manage crises as they emerge;

- The internal capacity of the ECOWAS Parliament should be strengthened so that it can play a constructive role in crisis management and conflict prevention, including training key staff in the area of conflict analysis. Particular attention should be paid to strengthening the *Department of Political Affairs*;

- Although the ECOWAS Parliament's *Department of Political Affairs* should focus on providing support to the *Committee on Political Affairs, Peace and Security,* those professional parliamentary staff that have been trained in conflict analysis should, in due course, provide support to the other standing committees so that those committee can better understand the interrelationship between their portfolios, mandates and conflict prevention;

- Despite the weakness of the crisis prevention mechanisms affiliated with the **African Union** (*Peace and Security Council* and *Pan-African Parliament*), these mechanisms should be considered in circumstances where ECOWAS action could be construed by member countries as not being neutral or driven by an overriding concern by the participating countries in the peace and stability of the region.

1. INTRODUCTION

The **West Africa region** has experienced an **unparalleled level of intra-state and inter-state conflict** over the preceding decades. Considering this historical context it is even more important to try and understand not just how these conflicts originated, but what we can do in order to avoid conflict escalating to the point that the parties involved believe violence or the abrogation of the rights of other groups presents the only viable solution. Parliaments are coming to the fore as democratic institutions that have a role to play in conflict prevention and peace-building. However, the prevailing debate is no longer whether parliaments have a role to play; rather what role can parliaments play in the complex process aimed at preventing the escalation of conflict and promoting sustainable peace and security.

In order to address these issues, UNDP hosted a **regional seminar in *Accra*, Ghana** on the topic '*Towards Strengthening the Role of Parliaments in Crisis Prevention and Recovery in West Africa*' from **28-29 June 2010**. As part of the preparation for this regional seminar a series of discussion papers were commissioned, including this paper. The aim of this paper is to examine existing regional crisis prevention mechanisms, how such mechanisms impact parliamentary performance, and the usefulness and challenges in the implementation of such mechanisms from the perspective of national parliaments. The content of the paper benefited from and drew upon the discussions undertaken during the regional workshop.

Consistent with this objective, this paper proceeds in five parts. **First,** recent global and regional trends related to the prevalence and types of conflict are identified. **Second,** the enabling environment that promotes the reversion to conflict is examined and applied to West Africa to determine whether this continues to be a pressing policy issue for the region. **Third,** the paper analyzes existing regional crisis prevention and recovery mechanisms, ranging from formal intergovernmental measures, civil society engagement, and regional parliamentary mechanisms that have the potential to contribute to conflict prevention. **Fourth,** an analysis of national parliaments in West Africa and the challenges they face engaging with regional crisis prevention mechanisms is undertaken. **Finally,** recommendations and conclusions are drawn.

2. Trends in Conflict

Over the past few decades the world has witnessed a transformation in the nature of conflict, with the type and rate of conflict changing along with the number of fatalities attributable to armed conflict (*Human Security Centre* 2005 and 2009). Traditional inter-state conflicts and ethno-national conflicts have become rarer, aside from a few examples of escalating international conflicts such as in Afghanistan. However, **nontraditional intrastate conflicts** continue to wage, with the potential for spillover into neighboring countries (O'Brien 2008). Recent international trends suggest that there is a diffusion and fragmentation of violence perpetuated by a growing number of actors targeting non-combatants/ citizens, making it more difficult for global security

institutions to engage and placing greater emphasis on regional and local mechanisms to manage different crises when they arise (SIPRI 2009).

These international trends mirror the experience in West Africa. According to the *Stockholm International Peace Research Institute*, **from 1999-2008 thirteen major armed conflicts were recorded in Africa**, which was the highest regional total globally.[1] The trend, however, has been for a gradual decline in major armed conflict on the continent over the last decade from **10 in 1999 to one in 2007**. The number did rise again to **three in 2008** (SIPRI 2009). Only one major armed conflict in Africa over the last decade was interstate, while the remainder were intrastate and involved state and non-state actors. **West African conflicts** are "*intricate, multifaceted and multi-party, and as a result it is impossible for state actors to prevent, manage or resolve them without the assistance and involvement of non-state actors*" (Ekiyor 2008 at 1). Therefore, **regional responses need to consider the involvement of non-governmental actors, including parliaments**.

The increasing presence of actors who are not part of the State security apparatus, such as **militia groups** or breakaway **rebel factions**, which operate with relative autonomy and are often motivated by their own socio-political interests, has had a negative impact on the rates of one-sided violence. This has been witnessed in the three major armed conflicts in West Africa over the last two decades, namely **Guinea-Bissau, Sierra Leone**, and **Liberia.** An outcome of one-sided violence is often **population displacement**, both internally and across national borders. Across the last decade "*mass population displacement has increasingly become a central and direct goal of armed violence, rather than a side effect*" (SIPRI 2009 at 42). Such an outcome places further stress on communities and resources, heightening tensions and increasing the threat of a **spillover of conflict**.

A feature of conflicts in Africa that is not as prevalent in the rest of the world has been the **propensity for intrastate conflicts to become internationalized**. Much of the drive to internationalize major armed conflicts in West Africa was to stem the deleterious impact intrastate conflicts were having or could potentially have on neighboring states and the region as a whole. Therefore, considering the trend in West Africa towards conflict that involves multiple parties, including multiple non-state actors, the spillover threat posed by escalating conflicts, and the history of embracing international responses to the major conflicts in the region, it seems only natural to consider how to strengthen regional crisis prevention mechanisms that engage multiple actors.

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[1] The 13 major armed conflicts recorded for **Africa** are **Algeria, Angola, Burundi, the Democratic Republic of the Congo, the Republic of the Congo, Eritrea-Ethiopia, Guinea-Bissau, Liberia, Rwanda, Sierra Leone, Somalia, Sudan** and **Uganda.**

3. Structural Conditions Conducive to Conflict

There is expansive literature highlighting the **correlative relationship between poverty and conflict** (For example: Collier and Hoeffler 1998, 2001, 2002, and 2004; Halperin et al. 2005). The quantitative analysis has shown that nations with a high level of dependence on commodity exports are at higher risk of experiencing conflict, whereas countries with higher levels of secondary schooling and economic growth have a reduced risk of conflict (Collier and Hoeffler 2001; Collier 2007). From 1980 to 2002, low-income countries with a per capita income less than US$ 2,000 experienced conflict approximately one out of every five years.[2] This figure drops to one in every eight years when a country's per capita income grew between US$ 2,000 and US$ 4,000 and to one in every 33 years in countries with per capita income in excess of US$ 4,000 (Halperin, Siegle, and Weinstein 2005). In another assessment Collier notes that if you halve the starting income of a country, you double the risk of civil war (Collier 2007). However, it should be noted that this is a correlative relationship, rather than a causal relationship; however, quantitative analysis and anecdotal evidence suggests both relationships hold simultaneously (Collier 2007; Stewart and Fitzgerald 2000; and Andrews and Flores 2008). These relationships have been tested against the least developed countries, the bulk of which can be found in Africa and continue to hold true (Collier 2007). In other words, an enabling environment with these characteristics is more prone to conflict than those nations where these structural factors are not present. Moreover, the impact of conflict on an economy lingers well beyond the cessation of conflict, making the country more vulnerable to a return to violent conflict - a phenomenon commonly referred to as the *conflict trap* (Collier et al. 2003).

Based on the outcomes of this earlier quantitative study a **comparative analysis of ECOWAS countries** was undertaken in order to ascertain whether an enabling environment prone to a reversion of conflict really persists in West Africa after the cessation of all major ongoing armed conflicts in the region. The comparative analysis drew on the *World Development Indicators* to provide a broad indication as to the state of play, focusing on GDP per capita and schooling rates. Despite marginal gains over the last decade, the GDP per capita of West African nations, where data was available, falls below the all important US$ 2,000 threshold. Furthermore, the average primary school completion rates for males hovered somewhere between 50 to 60 percent. All countries data was available for, aside from **Cape Verde** and **Ghana**, were less than 80 percent. It should be noted that this only reflects primary matriculation and does not take into account natural attrition rates between the end of primary and the start of secondary schooling. The data is extrapolated in more detail in **Annex One**.

The big question, though, is what does this tell us for West Africa? Although only indicative, this data suggests that **the structural conditions that make a nation more prone to a reversion to**

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[2] A conflict is defined as being more than 1,000 deaths directly related to an episode of armed conflict per annum (Halperin, Siegle, and Weinstein 2005).

conflict, in particular high rates of poverty, commodity dependence and low levels of schooling, persist in the West Africa region. Therefore, when examining the ways in which regional and national parliaments, in particular, are able to prevent crises and manage conflict it is important to consider mechanisms or techniques that not only deal with the immediate crises as they flare, but also look to reduce those structural conditions that allowed those conflicts to flare in the first place. This reinforces the need to examine a multitude of approaches/ mechanisms to: **(a) manage crises when they arise; and (b) address the structural conditions that make a nation more prone to conflict** as a medium-term conflict prevention strategy. The immediate implications for parliaments is that how parliaments engage on an array of issues, from education to implementation of national development plans, have implications for conflict prevention in West Africa. Therefore, a **whole-of-parliament approach is strongly recommended**; rather than focusing solely on traditional entry points, such as parliamentary committees that directly engage on peace and security issues. This specific point will be examined in greater detail when ECOWAS and the ECOWAS Parliament are discussed.

4. Regional Crisis Prevention Mechanisms

The **ECOWAS Conflict Prevention Framework** defines '**conflict prevention**' as:

> *".... activities designed to reduce tensions and prevent the outbreak, escalation, spread or recurrence of violence. Conflict prevention strategies may distinguish between **operational prevention** (measures applicable in the face of imminent crisis) and **structural prevention** (measures to ensure that crises do not arise in the first place or, if they do, that they do not re-occur). The emphasis is not on preventing conflict per se (conflict being a natural consequence of change) but in halting its descent into violence"* (para 18).

This regionally agreed definition makes reference to two broad categories of crisis prevention measures / mechanisms – **operational prevention measures** and **structural prevention measures**. Therefore, for the purpose of this paper, '*regional crisis prevention mechanisms*' will refer to the normative methods, procedures, or initiatives utilized by a variety of governmental and non-governmental actors in order to prevent violent conflict, whether through operational or structural prevention measures.

Accepted regional crisis prevention mechanisms provide the standard framework through which crisis prevention efforts are legitimated. This is a vital precondition to the success of such interventions as regional mechanisms impinge upon basic norms of international relations, such as the principles of non-interference and state sovereignty. Therefore, the collective use of regional crisis prevention mechanisms requires an agreed set of conditions under which it will be acceptable and legitimate (Lyons and Mastanduno 1995; and Forbes and Hoffman 1993). Therefore, this paper focuses on more formal regional crisis prevention mechanisms. This focus, though, is in no way intended to diminish the impact of localized crisis prevention efforts, which often are able to address the root causes of conflict before they escalate beyond national borders. This section proceeds in **four sub-sections: (a)** Economic Community of West Africa; **(b)** Civil

Society Engagement with *Formal Regional Crisis Prevention Mechanisms* (**RCPM**s); **(c)** ECOWAS Parliament; and **(d)** the African Union and Pan African Parliament.

(a) Economic Community of West Africa (ECOWAS)

ECOWAS is an intergovernmental organization established in 1975 to promote trade and cooperation and contribute to development in West Africa. **Article 2** of the treaty establishing ECOWAS outlines the **aims of the community**:

> "*It shall be the aim of the Community to promote cooperation and development in all fields of economic activity particularly in the fields of industry, transport, monetary and financial questions and in social and cultural matter for the purpose raising the standard of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent*".

Its *Executive Secretariat* is located in *Abuja*, **Nigeria** and has **15 member states** consisting of **Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone**, and T**ogo**. **Guinea** was suspended from participation in the activities of the ECOWAS on 10 January 2009 following a military coup d'etat on 24 December 2008.

The **aims of ECOWAS** have evolved incrementally over time to include a focus on peace and security issues. In 1978 the Member States adopted the **Protocol on Non-Aggression** and followed this soon afterwards with the adoption of the **Protocol on Mutual Assistance in Defense** in 1981. However, it was not until the mid to late 1990's that more overt peace and security protocols and frameworks begin to gain favor in response to the growing rates of armed conflict within the community, including ECOWAS sanctioned peacekeeping missions beginning with the *ECOWAS Ceasefire Monitoring Group* (**ECOMOG**) formed in 1990 to monitor the fragile peace in **Liberia** (Udogu 1999). ECOMOG was subsequently active in **Sierra Leone, Guinea-Bissau**, and **Côte d'Ivoire**.

More specific protocols followed suit, including the **Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security** in 1999 and the **Supplementary Protocol on Democracy and Good Governance** in 2001, which enunciated key democratic principles to guide the community including separation of powers, the empowerment and strengthening of parliaments, the guarantee of parliamentary immunity, and free, fair and transparent elections (*Article 1a*). Although a good deal of the Supplementary Protocol is devoted to defining principles for the administration and conduct of elections so that they adequately reflect the will of the people and ECOWAS electoral observation efforts, it fails to define what the "*empowerment and strengthening of parliaments*" constitutes. As the body of instruments related to democracy and conflict prevention expands it will be important for ECOWAS to take the initiative and seek a broad consensus between community members as to <u>what features define an</u>

independent, empowered and strong national parliament. Developing **benchmarks for empowered parliaments** will assist in building the political will to address the lack of independence and capacity presently experienced by a majority of national parliaments in West Africa.

The Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security outlined **six primary organs**:

i. The Heads of State and Government;

ii. The Mediation and Security Council, a heads of state level body made up of 9 Member States empowered to take emergency decisions;

iii. The 15-member Council of the Wise, bringing together one eminent senior West African from each state to mediate and reconcile warring parties;

iv. An observation and monitoring system known as ECOWARN to provide early warning of imminent crises, made up of the Regional Observation and Monitoring Centre at ECOWAS headquarters and four field offices in **The Gambia, Benin, Liberia** and **Burkina Faso**;

v. Standby ECOMOG peacekeeping force made up of military and civilian national contingents ready to deploy at short notice; and

vi. The Defense and Security Commission made up of national chiefs of staff, security and other relevant experts, to provide technical advice.

It should be noted that despite specific reference to promoting empowered parliaments in the **Supplementary Protocol on Democracy and Good Governance**, the Mechanism failed to include the ECOWAS Parliament as a primary organ of the community aimed at preventing and managing conflict. This should be addressed so as to bring all the main bodies of the community under the umbrella of the mechanism and to ensure the organs are working collaboratively toward complementary and cohesive results.

More recently th**e ECOWAS Convention on Small Arms, Light Weapons, their Ammunition and Other Related Materials** was adopted by the ECOWAS Member States and recently came into force.

In 2008 the *Mediation and Security Council* enacted the *ECOWAS Conflict Prevention Framework* (**ECPF**). The ECPF is designed to promote a more comprehensive operational conflict prevention and peace-building strategy across ECOWAS departments through developing internal synergies and facilitating better cooperation with other regional and international stakeholders, including civil society, the African Union and United Nations systems (Parliamentary Centre 2008). The ECPF has 14 components that seek to link together the six organs envisaged in the *Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* and other ECOWAS departments with the objective of incorporating conflict prevention and peace-building activities to the functions of the Commission. The **fourteen components** are:

i. Early Warning
ii. Preventative Diplomacy
iii. Democracy and Political Governance
iv. Human Rights and the Rule of Law
v. Media
vi. Natural Resource Governance
vii. Cross-Border Initiatives
viii. Security Governance
ix. Practical Disarmament
x. Women, Peace and Security
xi. Youth Empowerment
xii. ECOWAS Standby Force
xiii. Humanitarian Assistance
xiv. Peace Education

As you can see, some of the components reinforce the prominent role of a number of organs under the *Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security,* while introducing new initiatives to help identify greater internal synergies across the community and align with other external efforts.

One of the highest profile components is the **ECOWARN early warning system**. Despite its inclusion in the **1999 protocol**, implementation only began in 2003. This mechanism is unique in Africa and there are moves to replicate the system in other parts of the continent. The *Operational and Monitoring Centre* is based in *Abuja*, **Nigeria**, with sub-regional offices in **Burkina Faso, Benin, Liberia** and **The Gambia**. The ECOWARN mechanism is overseen by the Commissioner in Charge of Political Affairs, Peace and Security and the President of the ECOWAS Commission (OECD 2009). Pre-defined indicators are used to analyze risks and rapidly detect security trends. In addition, incident and situation reports, daily highlights, country profiles, policy briefs, monthly and quarterly reports are developed and shared using open source information. Although the *Operational and Monitoring Centre* and sub-regional offices have been successful in harnessing the extended resources of their civil society counterparts, it is important for the ECOWARN mechanism to <u>continue developing both its technical and human capacity</u> if it is to achieve its objective (OECD 2009). Aside from funding constraints, the main limitation faced by ECOWARN is that it is an early warning mechanism designed to be used by ECOWAS, a community of sovereign states that presently do not permit early intervention in order to prevent the escalation of conflict. This is what occurred recently during the coup in **Guinea** (OECD 2009). Discussions during the workshop on the topic '*Towards Strengthening the Role of Parliaments in Crisis Prevention and Recovery in West Africa*' emphasized the need for ECOWARN to continue to <u>strengthen its connections with local civil society networks and national parliaments</u>. This strategy was viewed as a way to overcome the challenges the network faced operating through a regional association where state sovereignty concerns are still a major concern.

Comprehensive crisis prevention mechanisms assist in: **(a)** managing crises when they arise; and **(b)** as a medium-term conflict prevention strategy, address the structural conditions that make a nation more prone to conflict. Central to the second element of the strategy is <u>poverty reduction</u>. It is important to remember that ECOWAS' principal objective is to establish a customs union and a common market to promote the free movement of people and goods within West Africa. However, the failure of member countries to meet most of the West Africa Monetary Zone convergence criteria has hampered the creation of a single market. Progress has been limited by a number of factors, including antagonism toward the core member, **Nigeria**; mistrust between Anglophone and Francophone members; not enough financial resources to facilitate convergence; and regional political instability (The Economist Intelligence Unit 2008). The **Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security** and **ECPF** go some way toward addressing the final factor; however, there are still many challenges to address before ECOWAS will be able to achieve its central objective. <u>Whilst ECOWAS should actively seek to strengthen mechanisms to manage emerging crises, it should simultaneously pursue its objective of building sustainable growth through a unified economic community, thereby ameliorating the structural conditions conducive to conflict</u>.

(b) Civil Society Engagement with Formal Regional Crisis Prevention Mechanisms

ECOWARN is the early warning system envisaged under the 1999 *Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*. Early on in the implementation phase it became apparent that the *Regional Observation and Monitoring Centre* at ECOWAS headquarters and the four nodes were not sufficient to achieve ECOWARN's objectives. Accordingly, the *West Africa Network for Peace-building* (**WANEP**), a regional network of community based organizations devoted to peace and conflict prevention, sought to utilize its network to filter, monitor, and analyze conflict information at the community and national levels and then pass that information to the ECOWAS mechanism (Ekiyor 2008). In addition, the network seeks to help prevent the escalation of conflict through the use of its good offices on the ground and rapid response initiatives implemented in conjunction with ECOWAS, the regional parliament and Members of Parliament from some national parliaments. This is an example of how **non-state actors have become central to the operation of regional crisis prevention mechanisms in West Africa**. Unfortunately, these structured mechanisms and platforms for non-governmental engagement do not routinely extend to national parliaments. <u>As the most representative institutions in a democracy the inclusion of national parliaments in these early warning systems could build support and capacity in these institutions for them to play a more pronounced conflict prevention role</u>.

However, local and national community based organizations had been active in contributing to regional crisis prevention mechanisms before the creation of ECOWARN and WANEP. As part of the broader ECOMOG process, ECOWAS was involved in peace negotiations between parties to an array of conflicts in West Africa throughout the 1990's. As conflicts became more protracted it

was evident that the makeup of parties around the negotiation table needed to be broadened to include those community groups that better reflected citizens' views and needs. In turn more **community based groups** were included in these crisis prevention/ resolution mechanisms. Examples include the **Inter-Religious Council of Liberia and of Sierra Leone**, the *Mano River Women's Peace Network* (**MARWOPNET**) and the *Women in Peace-building Network* (**WIPNET**), who have all worked tirelessly to bring conflicting parties to the negotiating table and ensure the outcome adequately reflects the needs of the broader community (Ekiyor 2008).

Recognizing the important contribution community based organizations can make to regional crisis prevention mechanisms – whether through operational or structural prevention measures – ECOWAS has adopted a relatively open and inclusive approach to civil society, especially compared to some other intergovernmental organizations. In 2003 the *West African Civil Society Forum* (**WACSOF**) was established to function as a structured interface between civil society, ECOWAS, and member states. Importantly, this structured engagement provides opportunities for community based organizations to provide strategic input into decision-making processes and their presence during ECOWAS' major meetings enhances the transparency of the community's operations. In addition to this institutionalized platform for engaging with the main ECOWAS organs, a number of civil society groups have been working collaboratively with ECOWAS in order to implement the multiple protocols and instruments, including the ECPF. Examples include the **Centre for Democracy and Development**, the *Foundation for Security and Development in Africa* (**FOSDA**), the *West African Women's Association* (**WAWA**) (Ekiyor 2008), *West Africa Civil Society Institute* (**WACSI**), and the **Parliamentary Centre**. Once again, this structured engagement does not extend to national parliaments. This should be considered in the interests of developing a comprehensive approach.

(c) ECOWAS Parliament

The ECOWAS Parliament is specifically referred to in *Article 6* of the **Revised ECOWAS Treaty** as being an ***institution of the community*** and established by virtue of *Article 13*. It has 115 Members of Parliament representing all the Member States of ECOWAS. **Togo, Liberia, Cape Verde, Guinea Conakry, Guinea, Bissau, Republic of Benin, the Gambia** and **Sierra Leone** each have five parliamentarians; **Burkina Faso, Mali, Niger** and **Senegal** have six parliamentarians each; **Côte d'Ivoire** has seven representatives; **Ghana** has eight and **Nigeria** has 35 seats in the plenary. *Rule 1(2)* of the **Rules of Procedure** specifies that Parliament shall be composed of Members elected by national parliaments until otherwise directed by the Authority of the Heads of State. Accordingly, should the Member lose her or his seat in their national legislature they would subsequently lose their seat in the ECOWAS Parliament. However, *Rule 3(3)* foreshadows that at some point in future Members will be directly elected and there is growing consensus that the parliament should move in this direction sooner rather than later.[3]

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[3] Please see: http://www.africareview.com/News/ECOWAS%20parliament%20need%20more%20powers/-/825442/922844/-/9jclayz/-/index.html

Article 6 of the **ECOWAS Protocol** A/P2/8/94 Relating to the *Community Parliament and Supplementary Protocol* A/SP/.3/06/06 designates the **competency of the Parliament** as being:

> "*The Parliament may consider any matter concerning the Community, in particular issues relating to Human Rights and Fundamental Freedom and make recommendations to the Institutions and Organs of the Community*".

Although not specifically referred to, the Parliament has interpreted this provision as including issues related to peace and security. This has manifested itself in the formation of a **Standing Committee** under *Rule 29(2)* on *Political Affairs, Peace and Security*.

At present the Parliament only acts in a consultative and advisory capacity. However, *Article 4* of **Supplementary Protocol** envisages that the **powers of the Parliament shall be progressively enhanced from advisory to co-decision making and subsequently to a law-making role** in areas defined by the Heads of Government. The limitations of the Parliament's present powers are highlighted in *Article 2* of *Decision* A/Dec.6/01/06 Relating to the *Modalities for the Effective Implementation* of *Article 6 of Protocol* A/P.2/8/94 Relating to the *Community Parliament*. This instrument clearly limits the role of the Parliament to making suggestions/ recommendations to the Executive Secretariat for referral to the specialized Technical Commission. Although the Parliament is to be informed of any amendments the Technical Commission may make on the basis of the recommendations of the Parliament, the Parliament cannot compel the adoption of any recommendation. Furthermore, at no point is the Executive Secretariat or the Commissions required to consult with Parliament; although they are free to do so if they so desire. In addition, the ECOWAS Parliament is not an institution of the *Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*. This institutional arrangement is vastly different to that of the African Union and the Pan African Parliament, which is discussed below, and limits the ability of the ECOWAS Parliament to engage actively in the crisis prevention measures articulated in the Mechanism and ECPF.

Despite these limitations the ECOWAS Parliament has sought to exercise its soft authority to carve out some political space in order to contribute to regional conflict prevention efforts. The Parliament has employed fact-finding missions, quiet diplomacy, a proactive investigatory strategy, especially through the **Standing Committee on Political Affairs, Peace and Security**, and debates in the plenary in order to bring conflicting parties together, build confidence, seek community input and make independent recommendations aimed at resolving the root causes of conflict. Examples include engagement with **Liberia** over the **Mano River conflict**, holding an extraordinary session in 2002 over the crisis in **Côte d'Ivoire**, and commissioning country reports.

A recent example where the ECOWAS Parliament began to exercise it conflict prevention prowess was the **Niger constitutional crisis**. The Plenary Directed the *Committee on Political Affairs, Peace and Security* to investigate the situation in **Niger** and make recommendations to the Plenary for debate and follow-up action (Interview with Dr. Garba 2010). On the tabling of the report and after discussion in the Plenary the ECOWAS Parliament resolved to <u>condemn the circumstances</u>

leading to the dissolution of the *Niger National Assembly* and the *Constitutional Court*. The Parliament further condemned the ongoing victimization, harassment and intimidation of Members of Parliament and other political actors and called on the **Government of Niger** to release all Members of the *National Assembly* and citizens who had been arrested in the crackdown and to ensure that all ECOWAS Members of Parliament were protected and immune from arrest. Interestingly, in response to the subsequent coup d'état the Parliament established a *Special Committee* to undertake a sensitization mission with the aim of ensuring constitutionalism and democracy return to Niger. Finally, the Plenary called on the Speaker of Parliament to convey the Parliament's position to the President of the ECOWAS Commission for onward transmission to the Chair of the Authority of Heads of Government for action.[4]

This example illustrates a **willingness of the ECOWAS Parliament to engage on peace and security issues despite little formal power**. It also illustrates the way in which the Parliament was able to **identify and use alternate structural measures on a regional basis in order to contribute to conflict prevention**. In the spirit of the ECPF, it would be practical for ECOWAS to amend the *Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* to include the community's Parliament and to encourage the ECOWAS Parliament to use its good offices and connection to local communities in order to address imminent conflicts.

The movements towards the ECOWAS Parliament being directly elected would have implications for both the ECOWAS Parliament and national parliaments and consequently the role they can potentially play in conflict prevention. The **advantage of direct elections** for ECOWAS Parliamentary Members would be that the parliament would have greater legitimacy, thereby helping to counter the dominance of the six primary organs outlined in the *Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security and, in particular*, the heads of government and the Commission. The **disadvantage** would be that the ECOWAS Parliament would lose its direct connection to the national parliaments. At present, drawing its membership from the national parliaments directly links the ECOWAS Parliament to country level threats to peace and democracy and provides the parliament with buy-in. For instance, in **Niger** the ECOWAS Parliament was not just concerned with the threat to democracy but also the safety and immunity of its own Members who were embroiled in the local crisis. When the ECOWAS Parliament moves to direct elections their Members may not be directly involved or impacted by localized issues. These electoral reforms could also work to diminish the potential role national parliaments play in regional crisis prevention mechanisms as national parliaments would no longer be able to engage with the mechanisms under the auspices of their ECOWAS parliamentary delegation. It would be vital that some bridging mechanism is developed to ensure that national parliaments would be able to engage with these regional mechanisms.

Irrespective whether the ECOWAS Parliament chooses to play a more pronounced role in regional crisis prevention mechanisms through developing an array of alternate strategies, either explicitly through amendment of the *Mechanism* to give the parliament a defined role or through using the

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[4] See further: http://www.reliefweb.int/rw/rwb.nsf/db900sid/SNAA-7VR4BW?OpenDocument&Click=

greater legitimacy it would exercise if directly elected, the **ECOWAS Parliament should adopt a whole-of-parliament approach when dealing with crisis issues**. The parliament needs to develop strategies or participate in mechanisms that will allow it, as an institution, to: **(a)** manage crises when they arise; and **(b)** as a medium-term conflict prevention strategy, address the structural conditions that make the region more prone to conflict.

As the role of the ECOWAS Parliament expands it will be important to build its internal capacity to undertake effective conflict analysis so as to be able to make a greater contribution to conflict prevention. Initially the effort should focus on **building the capacity of the *Department of Political Affairs* to support the *Committee on Political Affairs, Peace and Security***. However, as capacity develops within the parliamentary secretariat it will be important that the professional parliamentary staff that understand conflict issues **also provide support to the other standing committees so that they can better understand the interrelationship between their portfolios, mandates and conflict prevention**. In fact, the mandate and focus of other standing committees might be better placed to deal with emerging crisis issues – for instance, the *Standing Committee on Agriculture, Environment, Water Resources, and Rural Development* might be better placed to deal with food security and natural resource conflict, while another *Standing Committee* might be better equipped to examine harmonization of national laws under **Article 21 ECOWAS Convention on Small Arms, Light Weapons, their Ammunition and Other Related Materials.** Similarly, it will be important for those committees focusing on the community's principal objective of strengthening economic activity to understand the implications of poverty reduction and sustainable development as a medium-term conflict prevention strategy. Building their awareness and ensuring the secretariat has the capacity to assist these standing committees will ensure that as the economic community begins to converge, consistent with the objectives of the economic community, it does so in a way that addresses any structural issues that could contribute to conflict in the medium-term.

(d) Organization of the African Union and the Pan African Parliament

The *African Union* **(AU)** was formally established in 2001 when the **Constitution Act** of the African Union entered into force. In 2002 it replaced the **Organization of African Unity**. Membership is open to all African states. The African Union promotes unity, security and conflict resolution, democracy, human rights, and political, social and economic integration in Africa. Its headquarters are in *Addis Ababa*, **Ethiopia**. **Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Niger, Nigeria, Senegal, Sierra Leone**, and **Togo** are members – although **Guinea** has been suspended from participation in the activities of the AU during 2008 following the military coup d'état.

In order to be able to better respond to issues related to the prevention, management and resolution of conflicts, the Member States adopted the **Protocol relating to the Establishment of the *Peace and Security Council* (PSC)** in *Durban*, **South Africa** in 2002, with the instrument coming into force in December 2003. The protocol created the PSC, which is a standing decision-making organ that acts as a collective security and early warning mechanism with the objective of

facilitating timely and efficient responses to crisis situations in Africa (*Article 2*). The protocol also makes provision for the PSC to be supported by the Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force, and Special Fund. In this way the African Union has adopted a structure reminiscent of that adopted by ECOWAS under the earlier *Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*.

The specific **objectives of the PSC** are to:

i. Promote peace, security and stability in Africa, in order to guarantee the protection and preservation of life and property, the well-being of the African people and their environment, as well as the creation of conditions conducive to sustainable development;

ii. Anticipate and prevent conflicts. In circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peace-building functions for the resolution of these conflicts;

iii. Promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence;

iv. Co-ordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects;

v. Develop a common defense policy for the Union, in accordance with article 4(d) of the Constitutive Act; and

vi. Promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts.

Interestingly, the **Protocol Relating to the Establishment of the Peace and Security Council** explicitly sets out the relationship between the PSC and the Pan African Parliament, something that is lacking with respect to the arrangements between ECOWAS and the ECOWAS Parliament. The **Pan African Parliament** provides a common platform for the broader community and community based organizations to be more involved in discussions and decision-making on the problems and challenges facing the continent. Each national parliament is represented by five parliamentarians in the plenary. There are a number of permanent committees including the **Committee on Cooperation, International Relations and Conflict Resolution**, which is mandated to perform the following functions:

▪ Consider issues relating to the development of an efficient policy in matters of cooperation and international relations of the Parliament and the Union;

▪ Consider the conventions and protocols linking the Parliament with regional and international institutions and report to the Parliament;

▪ Carry out examinations on the revision of Protocols and Treaties of the Union; and

▪ Assist the Parliament in its efforts of conflict prevention and resolution.

Article 18 of the **Protocol relating to the Establishment of the Peace and Security Council requires**:

1. The mechanisms of the African Union to maintain close working relations with the Pan African Parliament in furtherance of peace, security and stability in Africa;

2. The PSC, whenever so requested by the Pan African Parliament, submit, through the Chairperson of the Commission, reports to the Pan African Parliament, in order to facilitate the discharge by the latter of its responsibilities relating to the maintenance of peace, security and stability in Africa; and

3. The Chairperson of the Commission to present the Pan-African Parliament with an annual report on the state of peace and security across the continent. The Chairperson of the Commission shall also take all steps required to facilitate the exercise by the Pan-African Parliament of its powers, as stipulated in *Article 11 (5)* of the *Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament*, as well as in *Article 11 (9)* in so far as it relates to the objective of promoting peace, security and stability as spelt out in *Article 3 (5)* of the *Protocol.*

It is evident from these provisions that the Pan African Parliament has a much more integrated function in the African Union's crisis prevention strategy and provides national parliaments with a structured platform through which to engage the crisis prevention mechanisms foreshadowed in the *Protocol Relating to the Establishment of the Peace and Security Council*. Despite these clearer institutional reforms, it is unclear whether this has facilitated greater involvement by the Pan-African Parliament in the regional crisis prevention mechanisms. On the contrary, present indications are that the nation states that make up the African Union are unlikely to empower the Pan-African Parliament as a full legislative body (Mpanyane 2009).

On a more general note, the Africa Union has faced **difficulties in funding** many of the proposed new institutions and initiatives aimed at greater policy coordination as few member states have kept their funding commitments. Some of the more notable interventions sanctioned by the PSC since its creation have been the 7,000 strong African Union force that has sought to maintain peace in **Darfur** since 2004, which is now merged with a United Nations force, and a security and peacekeeping mission in **Somalia**. Both missions are **under staffed and severely under resourced** (Economist Intelligence Unit 2008). **In West Africa the African Union has had mixed success**. For instance in 2005 it used its good offices to help pressure **Togo** to conduct elections after the death of the president and the seizure of power by his son in 2005; however, its political intervention along with the United Nations has not been able to bring about a resolution to the ongoing political turmoil that has been ongoing for over a decade.

There are advantages to having another layer of regional engagement in West Africa, though, especially when it comes to political and peacekeeping interventions. While ECOWAS may have a better understanding of the conflict, this might be a disadvantage as neutrality is the cornerstone of successful peacekeeping operations. ECOWAS has greater incentives to create long-term peace

and security and to build a consensus to act as the West African community is more interdependent.   However, action by ECOWAS could be construed or confused as being an extension of the predominant regional power's interests. For instance, many feared ECOMOG's engagement in **Liberia** was driven out of what was in the interests of **Nigeria**, rather than regional peace. Accordingly, despite the limited impact of the African Union and Pan African Parliament in West Africa to date, **the African Union crisis prevention mechanisms present a viable alternative that can be called upon should the circumstances dictate**.

5. Impediments to West African National Parliaments Engaging with Regional Crisis Prevention Mechanisms

Parliaments are more representative and their members more accessible to the community than the government or judiciary; therefore, parliaments come to the fore as uniquely designed forums to address contentious issues and relationships in conflict-affected societies and contribute to regional crisis prevention mechanisms (O'Brien 2005 and 2008). Members of Parliament are equal by design, with each Member having the same standing and rights to express the interests of those they represent. Due to the nature of the parliamentary process and parliaments' ability to build relationships within parliament and between parliament and the broader community, parliament has become a significant instrument to address divergent interests of multiple groups, including those interests that have the potential to fuel armed conflict. Parliament can seek to ensure that emerging conflict does not escalate, thereby averting the deleterious impact of violent conflict on economic development. Furthermore, by addressing issues of poverty, equitable distribution of resources, and sustainable development, parliamentarians can attempt to guard against the creation of an environment prone to the escalation of conflict (O'Brien 2005 and 2008). Finally, parliaments can proactively engage with regional crisis prevention mechanisms in order to address issues of conflict, including passing legislation and overseeing the implementation of national policies that address the root causes of conflict identified using such regional crisis prevention mechanisms.

Despite their potential as peace-builders, parliaments are often hampered by their level of independence and capacity to perform parliament's primary functions, namely representation, law-making, and oversight. This was the predominant underlying concern of the Members of Parliament who participated in the **regional seminar**.   Parliamentary independence has implications for whether or not national parliaments will be empowered to take the initiative in using their legislative function to harmonize regulations across West Africa and oversee the implementation of the convergence of laws and regulations, whether it be economic, human rights or related to small arms. Furthermore, the level of independence of parliament has implications for whether Members of Parliament are emboldened to use parliament's function to help manage emerging crises. Participants in the regional workshop highlighted a number of factors that reduced the independence of parliaments in the region, including the explicit powers of parliaments, budget and capacity constraints, a tradition of executive dominance throughout

the region, and political party discipline, whether in the form of the prominent role of party whips or implications for re-election under different electoral systems. An example of a country where **executive dominance reduced the independence of parliament** is the case of **Guinea** where prior to 2008 a powerful president curbed the role that parliament was able to play in national decision making (Please see **Box 1** below).

Box 1: Guinea

Background

Captain Moussa Dadis Camara, came to power in a bloodless coup after the death of President Lansana Conte in December 2008. General Sekouba Konate took over as leader of the **military junta**, the *National Council for Democracy and Development* (**CNDD**), in December 2009 after Camara was shot by an assassin and nearly killed. The CNDD has drawn on ex-combatants as well as the military in order to enforce its authority since coming to power highlighting some divisions within the military.

On 15 January 2010 the military junta stepped aside, allowing for a predominantly civilian government to take the reins until presidential elections, which are being conducted mid-2010. It was decided under the agreement that one third of the government would be appointed by the junta, one third by the opposition and another third by regional representatives. Jean Marie Dore was appointed interim Prime Minister and head of a power-sharing government on 19 January 2010. Konate promised the junta would remain neutral and respect the eventual result of the presidential elections.

Despite these assurances, there is ongoing concern over discipline in the military. The CNDD's use of ex-combatants has been interpreted as signally that there may be mistrust or division within the ranks of the military.   Any violent breakdown in discipline could have a deleterious impact, potentially triggering a civil war, generating refugee flows into neighboring countries, movement of ex-combatants across borders and exacerbating arms flows into **Côte d'Ivoire** (International Crisis Group 2009).

Parliamentary/ Regional Response

Guinea was suspended from participation in the activities of the ECOWAS on 10 January 2010. Prior to this, ECOWAS named President Blaise Compaore of Burkina Faso as a mediator to the crisis. His appointment was precipitated by the killing of at least 160 participants in a peaceful demonstration, the rape of women protestors, and the arrest of opposition political leaders in *Conakry* on 28 September 2009. His role was to mediate a resolution to the crisis. His original proposal for a mediated arrangement whereby the junta would remain in power during the transitional period was rejected by the civilian opposition coalition who sought a complete return to civilian rule. The arrangements for the power-sharing government signal a compromise outcome with the opposition nominating one-third and the CNDD nominating one-third of the government, and the opposition leader was appointed interim Prime Minister. It is also a sign of a successful intervention by ECOWAS aimed at bringing different political actors together in order to chart a way forward.

Prior to Conte's death and the bloodless military coup in 2008, **Guinea** had a unicameral National Assembly. The ruling party had enjoyed an absolute majority since the 1995 legislative elections and parliament had acted as a rubber-stamp legislature. Nevertheless, there were signs that the parliament sought to exercise greater independence, particularly through its legislative function. For instance, the National Assembly voted against extending the state of emergency during a period of political upheaval in early 2007 that was led by the trade unions. This resulted in Conte providing some short-lived concessions, including devolving some powers to a prime ministerial position that was filled, in the short-term, by a reformer. The prime minister was replaced with a Conte stalwart months before his death. The parliamentary elections have yet to be scheduled; however, as the civilian opposition consists of multiple fractious groups, the parliamentary elections could present an opportunity for those groups who were not successful during the presidential elections to obtain representation and voice within the plenary.   If managed correctly, a newly formed parliament could learn from the short lived efforts of the previous parliament to exercise greater independence and assist in the broader reconciliation process through debating important reforms that will be necessary to rebuild the economy.

Several factors dictate how a national parliament will operate and particularly how independent it will be.   A generic model of parliamentary power suggests that when legislatures are less independent, therefore play a weaker role in policy making, they are considered '*Rubber-stamp Legislatures*.' As they attain greater independence national parliaments can be successively described as '*Emerging Legislatures*,' '*Informed Legislatures*,' and '*Transformative Legislatives'* (Miller, Pelizzo, and Stapenhurst 2004). Please see **Figure 1** below. **The more independent a national parliament is the more likely it is that that parliament can play a central role in preventing the escalation of conflict and will be better able to engage with regional crisis prevention mechanisms**. Ultimately, strong parliaments that are not sidelined in national politics are conducive to political openness (Fish 2005 and 2006; Fish and Kroenig 2009).

Figure 1: Model of Parliamentary
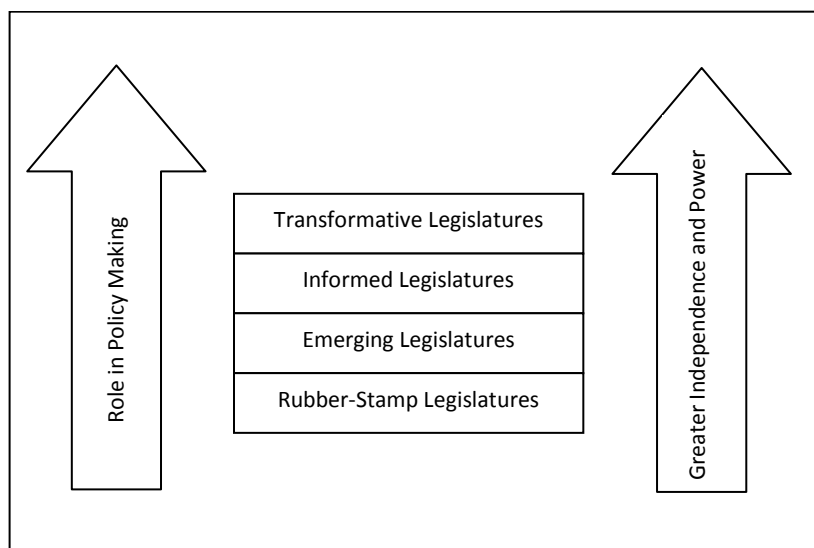
Source: Based on Miller, Pelizzo, and Stapenhurst

This raises the question as to **how a rubber stamp legislature can enhance its independence in order to more proactively engage with regional crisis prevention mechanisms**. A recent **study by Barkin of African parliaments** suggests that a few common features have been present in African parliaments that have successfully transitioned from *rubber-stamp* parliaments to t*ransformative legislatures*. These factors include the emergence of a coalition for change within the parliament especially when there is weak party cohesion, initial reforms to improve Members terms of service including salary increases and support for constituent services, and then capacity building of parliamentary committees that, in turn, acted as the engine room for much of the work undertaken by newly emboldened parliaments (Barkin 2009). Other efforts include the transformation of the role of the speaker/ presiding officer and professionalization of legislative staff (Barkin 2009). Interestingly, the study highlighted the inconsistent starting point experienced by different parliaments, which was often determined based on whether the parliament stemmed from an Anglophone or Francophone colonial heritage, with Anglophone parliaments generally being more independent at the time of independence. The combination of parliaments from both the Francophone and Anglophone traditions in West Africa, with a majority being Francophone, provides a peculiar challenge for the region as it suggests that, as a baseline, there is a greater disparity in relative independence than in regions where the colonial heritage was homogenous or predominantly Anglophone. An example of a francophone West African nation that only codified the role of the parliament in a democratic system in the late 1990s is **Niger**. Unfortunately, despite the formal position afforded to the legislature in the constitution the **President sought to centralize power in the executive, undermining the parliament and eventually leading to a coup** (Please see **Box 2** below).

Box 2: Niger

Background

In 1999 voters overwhelmingly approved a new constitution providing for presidential and legislative multi-party elections in **Niger.** The constitution divides executive power between the president and prime minister. Consistent with the French system, the president is elected by direct universal suffrage in a two-round contest and is term-limited to two five year terms. He or she appoints the prime minister from a list of nominees put forward by the parliamentary majority. Mamadou Tandja won the presidential elections in 1999 and was then reelected in 2004 with 66 percent of the vote. The president's party also captured 88 of the 113 seats in the National Assembly. The parliament was a **unicameral parliament** with Members elected by popular vote to serve five-year terms.

Hama Amadou, from the President's ruling '*Mouvement national pour la société de development*' party was returned as Prime Minister after the 2004 election. However, discord between Tandja and Amadou began to grow with an obvious power struggle emerging in 2006 and early 2007. Amadou sought to raise his profile in order to buttress his position leading up to a run for the presidency in 2009 (Economist Intelligence Unit 2008). However, Amadou's hopes of becoming

Niger's next president were all but ruined when the National Assembly passed a vote of censure in May 2007 due to his alleged ties to a scandal surrounding the misappropriation of funds from a long-term internationally financed education project. Two of Amadou's ministers had been arrested the year before. Amadou was forced to resign as a consequence of the censure motion. There was speculation that the real motive for the censure vote was party suspicion of his political aspirations, especially considering the sole nominee for Amadou's replacement, Seyni Oumarou, was caught up in the same scandal (Economist Intelligence Unit 2008). The fact Tandja did not support his old ally during this process was the first sign the president might have been considering amending the constitution to run for a third term.

Tandja introduced a **new constitution in 2009**, which extended his powers in a move described by the opposition as a coup. He steadily rolled back hard-fought democratic gains and centralized more power in the presidency resulting in increased international tensions and sanctions. Tandja dissolved the high court when it ruled against his efforts to extend his tenure, dismissed the parliament, curbed press freedom through closing and intimidating the media, and arrested opposition leaders.

In an ironic twist of fate, he was himself overthrown in a **military coup on 18 February 2010**. The military junta, led by Squadron Leader Salou Djibo, said the ministries would be run by civilians pending the formation of a new government. The coup leaders, including two colonels, assumed power in the name of what they called the **Supreme Council for the Restoration of Democracy**. Djibo acts as Chairman of the Supreme Council and the prime minister is Mahamadou Danda.

Parliamentary/ Regional Response

The regional response to this crisis has been canvassed earlier in this paper, especially as it relates to the role of the ECOWAS Parliament in regional crisis prevention and management.

It is still unclear why the **parliament, in this instance, was unable to act as an effective counter to presidential dominance**. In the previous case-studies there were clear examples where less independent parliaments were able to utilize one or more of parliament's functions in order to strengthen its independence and act as a counter-balance to executive dominance. In the instance of **Niger**, the constitution provided for a relatively independent parliament, the parliamentary majority came from the same parliamentary party as the president – which would under normal circumstances suggest a greater level of convergence on policy and objectives between the two institutions, and the level of regional and international effort devoted to supporting the parliament when democracy was threatened was greater than in other instances. Nevertheless, the president was successful in abrogating parliament, removing term limits for executive office, and centralizing power in the presidency prior to being removed from office in a military coup. Although the answer to this question is not yet apparent, one thought might be that some of the conditions that one would assume would provide for solidification of democratic culture, namely party cohesion as between the executive and parliament, undermined the ability of the parliament to entrench itself as a truly independent institution that could withstand centralization of power in the presidency.

After conflict, parliamentary institutions often remain weak in relation to the executive, armed groups and other non-state actors. Building effective democratic governance requires correcting this imbalance. External actors have a role to play assisting in the timely strengthening of parliaments after the cessation of conflict (UNDP 2006). As a starting point, **it is imperative that international actors and the parliamentary strengthening community work with national parliaments to build their capacity and empower them to be an independent counterbalance to strong executives, thereby opening up politics**. ECOWAS and the ECOWAS Parliament should take the initiative and build a broad consensus between community members as to what features define an independent, empowered and strong national parliament referred to in the *Supplementary Protocol on Democracy and Good Governance*. **Developing benchmarks for empowered parliaments will assist in building the political will to address the lack of independence and capacity presently experienced by a majority of national parliaments in West Africa.**

However, despite the capacity constraints faced by parliaments in West Africa there are **examples where rubber stamp parliaments that lacked independence were able to carve out greater space in the political landscape**, even if for a short period of time. For example, one of the most interesting elements of recent events in **Guinea-Bissau** has been the ascendency of the National Assembly. When the executive sought to replace the Prime Minister contrary to the constitution the parliament refused to acknowledge the legitimacy of the appointee and after several months of negotiation was able to cobble together a multi-party coalition to sign a national stability pact and pass a motion of no confidence in the Prime Minister. Eventually the President capitulated and nominated a replacement. These events are important for two reasons – **first,** it showed that conflict could be resolved through democratic means; and **second,** the stability pact helped parliament assert its independence for the first time consistent with **Guinea-Bissau's** semi-presidential system (International Crisis Group 2007) (Please see **Box 3** below).

Box 3: Guinea-Bissau

Background

Bernardo Joao Vieira, the former chief of the army who ousted **Guinea-Bissau's** post-independence leader Luis Cabral in 1980, led the country towards a market economy and a multi-party system. In 1994 he was chosen as president in **Guinea-Bissau's** first free elections. However, throughout his tenure he was accused of cronyism, corruption and autocratic tendencies.

Four years after his electoral victory he dismissed his army chief, thereby triggering a crippling **civil war (1998-99)**. Viera unilaterally announced a ceasefire and a peace plan was developed with the assistance of ECOWAS and signed in *Abuja*, **Nigeria**. **Free elections** were held in **January 2000**.

The victor in the poll was Kumba Yala. He and his administration lacked the governance skills to bring about an effective post-conflict economic recovery and economic and social conditions worsened. In November 2002 he dissolved parliament and called early legislative elections, which were continuously postponed, leaving the country without a parliament for an extended period. Yala was ousted in a

bloodless **military coup in September 2003**, which was precipitated by the worsening economic and political situation (Economist Intelligence Unit 2008). Legislative elections were held in May 2004 and a new government was formed under Prime Minister Gomes Junior. Vieira returned from exile and won the presidential elections in a run-off election in 2005 after Yala, who was disqualified after coming third in the first round, threw his support behind Vieira. International observers including ECOWAS and the Africa Union declared the elections free and fair (Economist Intelligence Unit 2008).

Vieira governed until March 2009, when renegade soldiers entered his palace and shot him dead, reportedly to avenge the killing hours earlier of the army chief, General Batista Tagme Na Wai, a rival of the president. These events highlight the **prominent and ongoing role the military plays in Guinea-Bissau politics.** The Speaker of Parliament, Raimundo Pereira was sworn in as interim President pending elections. Malam Bacai Sanha won a run-off in the July 2009 presidential elections. Unfortunately, the elections were marred by pre-election violence, including the killing of a presidential candidate and a former minister (International Crisis Group 2009).

Parliamentary/ Regional Response

ECOMOG and **ECOWAS** more generally have had an ongoing engagement in **Guinea-Bissau** since the civil war in the 1990s. The ongoing engagement of the regional grouping was essential for helping to **mediate peaceful resolutions to both the civil war and legitimizing the electoral process in Guinea-Bissau**. The political effort aimed at managing the successive crises has helped create an environment that is more conducive to international engagement.

One of the most interesting elements of recent events in **Guinea-Bissau** has been the **ascendency of the National Assembly**. At the beginning of 2007 Vieira, contrary to the constitution, sought to replace the Prime Minister, Carlos Gomes Junior, with a close ally, Aristides Gomes, and appoint a new cabinet. The parliament refused to acknowledge the legitimacy of Aristides Gomes, and after several months of negotiating between parliamentary parties, including the President's own party, they were able to form a **majority coalition**. The coalition included previous Vieira supporters, including Yala's PRS party. On 13 March 2007 the parties signed a **national political stability pact** and on 19 March the coalition passed a **resolution of no confidence in the Prime Minister**. Despite the constitution requiring that Gomes resign and the President appoint a new Prime Minister within 72 hours, Vieira refused to do so and threatened to dissolve parliament. The National Assembly refused to capitulate; on 29 March Gomes resigned and on 3 April Vieira agreed to nominate a replacement. **These events are important for two reasons – first, it showed that conflict could be resolved through democratic means; and second, the stability pact helped parliament assert its independence for the first time consistent with Guinea-Bissau's semi-presidential system** (International Crisis Group 2007). The new Prime Minister, Martinho Ndafa Cabi, nominated a consensus government and sought to build donor confidence (ibid) including through exercising tighter control over the appropriation of public finances – a key function of an independent legislature.

The nerves of the National Assembly were tested shortly after when the legislative elections scheduled for March 2008 could not be conducted on time due to a lack of preparation and funding. A hurdle arose in that there was an inconsistency between the constitution and the electoral law. The constitution provides that parliament had a four year mandate that was scheduled to expire in April, whilst the election law dictated that elections should take place in October or November of the election year. The parliamentary political parties developed a consensus proposal to delay the elections until

November. This extraordinary measure was problematic as the constitution provides for the automatic dissolution of parliament at the end of four years and for the President to appoint an interim government if the election has not been conducted, with elections to be held within 90 days of parliament's dissolution. This was not possible, though, because of funding and capacity constraints. The President called an extraordinary session to remind the Members he possessed the power to dissolve parliament at any time after the expiration of its mandate. However, the President was unable to exercise this option as General Batista Tagme Na Wai made it clear that he supported the Prime Minster and, consequently, the parliament. In April the National Assembly voted to extend their mandate until November 2008 and the President authorized the extension by decree (International Crisis Group 2007). **Although this political tussle reinforced the position of the National Assembly as a formidable institution on the political landscape it did not necessarily contribute to the institution's independence as it was clear that the parliament was not exercising its own authority; rather, benefited from the patronage of the powerful military establishment.**

Another example where individual Members of Parliament were able to exert their independence and utilize parliament's representative function to contribute to conflict prevention is **Ghana**. Although the **Parliament of Ghana** is one of the more independent parliaments in West Africa, it provides a good example where Members of Parliament have sought to make a constructive contribution to the management of emerging conflicts, in particular by seeking to address tensions between different ethnic groups and tribes in the north of the country by participating in the national peace council process. These examples are illustrative of the potential that national parliaments posses, especially when **parliament, as an institution, or a select group of Members within parliament seek to exert their independence in order to contribute to the resolution of emerging crises.**

6. Recommendations

✓ *Whole-of-Parliament Approach*

Finding 1: Despite a reduction in major armed conflict, the **West Africa region still is one of the most conflict prone areas in the world** with structural conditions that suggest the potential for reversion to violent conflict in the short-to-medium term – this places an imperative on strengthening crisis prevention mechanisms and fostering the capacity of those stakeholders that engage with such mechanisms.

When examining ways in which regional and national parliaments are able to prevent crises and manage conflict it is important to consider mechanisms or techniques that not only deal with the immediate crises as they flare, but also look to reduce those structural conditions that allowed those conflicts to flare in the first place. This reinforces the need to examine a multitude of approaches/ mechanisms to: **(a) manage crises when they arise**; and **(b)** as a medium-term conflict prevention strategy, **address the structural conditions that make a nation more prone to conflict.** Therefore, how parliaments engage on an array of issues, from education to implementation of national development plans, has implications for conflict prevention in West Africa.

Recommendation 1: When seeking to strengthen the role regional and national parliaments play in regional crisis prevention mechanisms **a whole-of-parliament approach** is strongly recommended; rather than focusing solely on traditional entry points, such as parliamentary committees that directly engage on peace and security issues.

✓ *Regional Crisis Prevention Mechanisms*

ECOWAS

On paper, the ECOWAS protocols/ conventions provide a viable framework for addressing conflict and security issues; however, it is still unclear whether ECOWAS can translate these regional conflict prevention mechanisms into tangible results on the ground – especially considering the type of security concerns presently faced by the region.

Finding 2: The *Protocol relating to the **Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*** in 1999 and the ***Supplementary Protocol on Democracy and Good Governance*** in 2001 enunciated key democratic principles to guide the community, such as separation of powers, the empowerment and strengthening of parliaments, the guarantee of parliamentary immunity, and free, fair and transparent elections (*Article 1a*). Unfortunately, the Mechanism does not include the ECOWAS Parliament and the supplementary protocol fails to define what the "*empowerment and strengthening of parliaments*" constitutes.

Recommendation 2(a): As the body of instruments related to democracy and conflict prevention expands over time it will be important for ECOWAS to take the initiative and seek a broad

consensus between community members as to what features define an independent, empowered and strong national parliament. **Developing benchmarks as to what constitutes an empowered parliament** will assist in building the political will to address the lack of independence and capacity presently experienced by a majority of national parliaments in West Africa.

Recommendation 2(b): It should be noted that despite specific reference to promoting empowered parliaments in the *Supplementary Protocol on Democracy and Good Governance*, the Mechanism fails to include the ECOWAS Parliament as a primary organ of the community aimed at preventing and managing conflict. This should be addressed so as to **bring all the main bodies of the community under the umbrella of the mechanism** and to ensure the organs are working collaboratively in order to achieve complementary objectives.

Finding 3: The **ECOWARN early warning system** has been effective in working with and harnessing the extended resources/ skills of its civil society counterparts to assist it in achieving its objective and should be held up as an example of good practice; however, the mechanism as a whole still suffers from limited technical and human capacity and its available resources are not commensurate with its extensive mandate. Another limitation faced by ECOWARN is that it is an early warning mechanism designed to be used by ECOWAS, a community of sovereign states that presently do not permit early intervention in order to prevent the escalation of conflict. The impact of any early warning system is undermined by the relative weakness of other regional mechanisms that permit early engagement to stop a crisis escalating to armed conflict.

Recommendation 3(a): The **development of technical and human capacity** within the mechanism and WANEP will be essential for its continued evolution. **Funding,** whether through ECOWAS or international donors, should be sought to continue to build present capacity.   However, ECOWARN's development should not be in accordance with donor-driven priorities.

Recommendation 3(b): Assuming ECOWAS community members will be hesitant to authorize pre-emptive intervention in order to prevent escalation of local conflicts, ECOWARN should continue to focus on**: (a) ensuring early warning information/ briefings are open source**, therefore, can be used by an array of actors; and **(b) through WANEP seek to foster closer relations with national institutions, such as parliaments**, that could contribute to addressing crises as they arise, thereby mitigating the potential for conflict escalation. As the most representative institutions in a democracy the inclusion of national parliaments in these early warning systems could build support within national parliaments for them to play a more prominent conflict prevention role. Using the good offices of WANEP to engage with parliaments should be a specific goal in the ECPF, thereby empowering national parliaments to better engage on these issues at the local level through regional mechanisms.

Finding 4: Reducing poverty is a medium-term conflict prevention strategy aimed at addressing the structural conditions that make a country more prone to conflict. It is important to remember that ECOWAS' principal objective is to promote development through a unified economic community in West Africa. Convergence and harmonization has been limited by a

number of factors, both political and resource driven. The *Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* and ECPF go some way toward addressing some of the political factors; however, there are still many challenges to address before ECOWAS will be able to achieve its central objective.

Recommendation 4: Whilst ECOWAS should actively seek to strengthen mechanisms to manage emerging crises, it should simultaneously pursue its objective of **building sustainable growth through a unified economic community,** thereby ameliorating the structural conditions conducive to conflict.

ECOWAS Parliament

Finding 5: The ECOWAS Parliament has shown a willingness to engage on peace and security issues despite the fact the parliament does not possess formal power to do so. **The inclusion of the regional parliament in the Mechanism and ECPF would affirm its burgeoning role in conflict prevention, while a move towards direct election of the Members would give it greater legitimacy within the ECOWAS system to address crisis issues**. Irrespective whether the ECOWAS Parliament chooses to play a more pronounced role in regional crisis prevention mechanisms through using soft power, explicitly through amendment of the Mechanism to give the parliament a defined role or through using the greater legitimacy it would exercise if directly elected, the ECOWAS Parliament should adopt a whole-of-parliament approach when dealing with crisis issues. The parliament needs to develop strategies or participate in mechanisms that will allow it, as an institution, to: **(a)** help manage crises when they arise; and **(b)** as a medium-term conflict prevention strategy, address the structural conditions that make the region more prone to conflict.

Recommendation 5: It is imperative that the internal capacity of the ECOWAS Parliament is strengthened so that it can play a constructive role in crisis management and conflict prevention. Initially efforts should focus on building the capacity of the *Department of Political Affairs* to support the *Committee on Political Affairs, Peace and Security*. However, as capacity develops within the parliamentary secretariat it will be important that the professional parliamentary staff that have been trained in conflict analysis also provide support to the other standing committees so that they can better understand the interrelationship between their portfolios, mandates and conflict prevention.

African Union and Pan-African Parliament

Finding 6: The Pan-African Parliament is more integrated in the African Union's crisis prevention framework than the regional parliament is into ECOWAS. The African Union provides national parliaments with a structured platform through which to engage the crisis prevention mechanisms foreshadowed in the *Protocol relating to the Establishment of the Peace and Security Council.* Despite these clearer institutional reforms, it is unclear whether this has facilitated greater involvement by the Pan-African Parliament in these regional crisis prevention mechanisms.

On a more general note, the African Union has faced difficulties in funding many of the proposed new institutions and initiatives aimed at greater policy coordination as few member states have kept their funding commitments. To date, the African Union political and peacekeeping interventions have had mixed results. There are advantages to having another layer of regional engagement in West Africa, though, especially when it comes to political and peacekeeping interventions. While ECOWAS may have a better understanding of the conflict, this might be a disadvantage as neutrality is the cornerstone of successful peacekeeping operations. ECOWAS has greater incentives to create long-term peace and security and to build a consensus to act as the community is more interdependent. However, action by ECOWAS could be construed or confused as being an extension of the predominant regional power's interests. For instance, many feared ECOMOG's engagement in **Liberia** was driven out of what was in the interests of **Nigeria**, rather than regional peace.

Recommendation 6: The African Union's crisis prevention mechanisms should be considered in circumstances where ECOWAS action or intervention could be construed as not being neutral or driven by an overriding concern for peace and stability in the region.

✓ *Overcoming Impediments to National Parliaments Engaging with Regional Crisis Prevention Mechanisms*

Finding 7: After conflict, parliamentary institutions often remain weak in relation to the executive, armed groups and other non-state actors. Building effective democratic governance requires correcting this imbalance. External actors have a role to play assisting in the timely strengthening of parliaments after the cessation of conflict.

Recommendation 7(a): International actors and the parliamentary strengthening community should **work with national parliaments to build their capacity and empower them to be an independent counterbalance to strong executives**, thereby opening up politics.

Recommendation 7(b): ECOWAS and the ECOWAS Parliament should take the initiative and build a broad consensus between community members as to what features define an independent, empowered and strong national parliament referred to in the *Supplementary Protocol on Democracy and Good Governance*. **Developing benchmarks for empowered parliaments will assist in building the political will to address the lack of independence and capacity presently experienced by a majority of national parliaments in West Africa.**

7.   Conclusion

The debate as to whether parliaments have a role to play in conflict prevention has evolved. No longer is it a question as to whether parliaments have a role to play in conflict prevention; instead, the discussion centers on what role can parliaments play in the complex process aimed at preventing the escalation of conflict. This paper has focused on the **usefulness of existing regional crisis prevention mechanisms and the ability of national parliaments in West Africa to engage with these mechanisms.   Importantly, the impediments or challenges national parliaments face when seeking to engage regional conflict prevention mechanisms have also been raised.**

When examining the ways in which regional and national parliaments, in particular, are able to prevent crises and manage conflict it is important to consider mechanisms or techniques that not only deal with the immediate crises as they flare, but also look to reduce those structural conditions that allowed those conflicts to flare in the first place. This reinforces the need to examine a multitude of approaches/ mechanisms to: **(a)** manage crises when they arise; and **(b)** address the structural conditions that make a nation more prone to conflict as a medium-term conflict prevention strategy.   The immediate implication for parliaments is that how these institutions engage on an array of poverty reduction and sustainable development issues has ramifications for conflict prevention. Therefore, a whole-of-parliament approach is strongly recommended; rather than focusing solely on traditional entry points, such as parliamentary committees that directly engage on peace and security issues.

Finally, it is clear that much more can be done in order to facilitate the inclusion of both national parliaments and the ECOWAS Parliament in regional conflict prevention mechanisms. Deliberations during the regional seminar highlighted **two primary challenges to the engagement of parliaments** – namely the **independence of parliaments** in the region and their present **level of capacity**. This conclusion was borne out by the desk study. Therefore, **any strategy that aims to promote the role of parliaments in curbing conflict should focus not only on opening up such mechanisms and providing opportunities for parliaments to engage but also to strengthen these institutions so that they are able to more effectively engage with these platforms**.

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Interviews[5]

Mr. Baffour Amoa, President, West African Action Network on Small Arms (WAANSA)

Hon. Bernadette Lahai, Member of Parliament, Parliament of Sierra Leone

Mr. Emmanuel Bombande, Executive Director, West Africa Network for Peace-building (WANEP)

Hon. Ennos Alomiza, Representative, Liberian Legislature

Deputy Hadja Taibou Diallo, Member of Parliament, Guinea

Mr. John Corrie, Former MEP and Council Member, Association of West European Parliamentarians for Africa

Professor Kabeer Garba, Bureau Manager, ECOWAS Parliament

Deputy Mamy Diomande, National Assembly of Côte d'Ivoire

Hon. Momodou Sanneh, Member of Parliament, National Assembly of the Gambia

Mr. Okey Uzoechina, Focal Point West Africa, Geneva Centre for the Democratic Control of Armed Forces (DCAF)

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[5] Including interviews / discussions conducted during **UNDP Regional Seminar** in *Accra*, **Ghana** entitled '*Towards Strengthening the Role of Parliaments in Crisis Prevention and Recovery in West Africa*'.
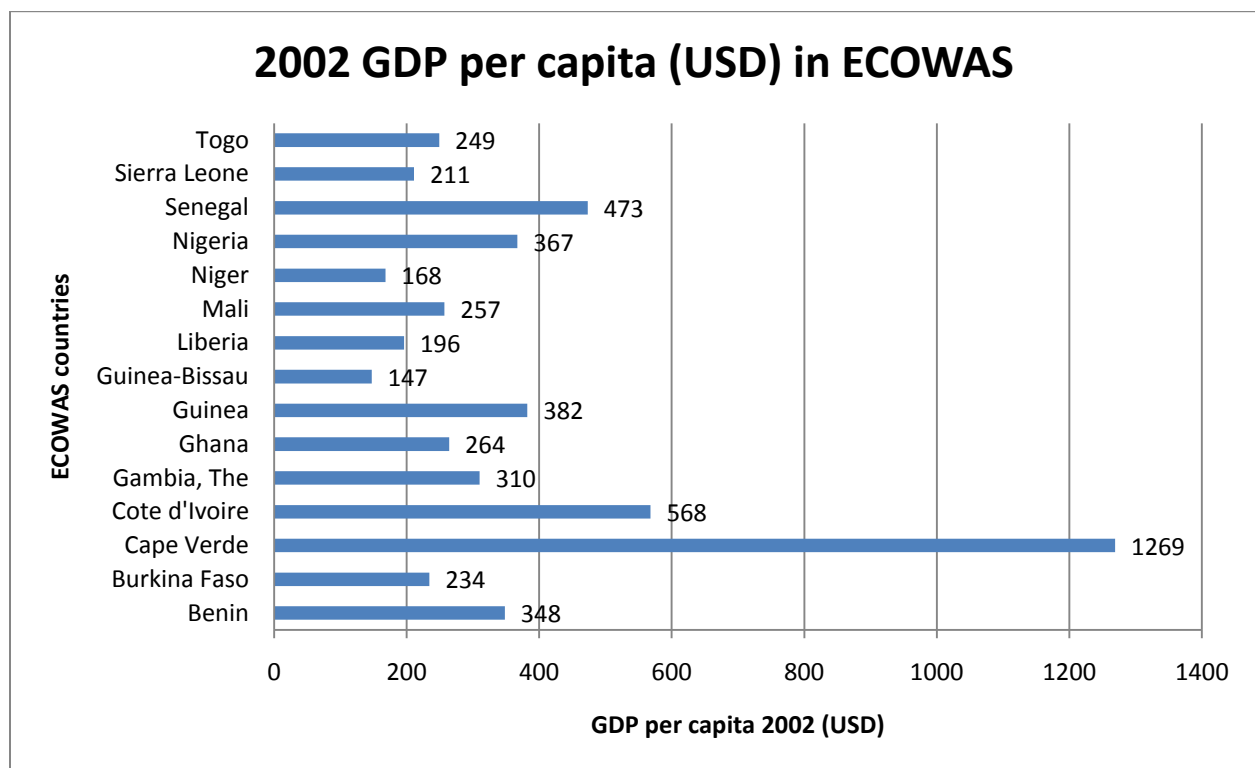
Annex One: The Threat the Conflict Trap Poses to West Africa

The outcome of the **comparative analysis** suggests that based on the earlier observations of Collier et al as to the structural conditions that make a nation more prone to a reversion to conflict **the West Africa region continues to be susceptible to the *conflict trap***. Although, only indicative of the prevailing enabling environment, this limited set of indicators nevertheless highlights the need to examine a multitude of approaches/ mechanisms to: **(a)** manage crises when they arise; and **(b)** address the structural conditions that make a nation more prone to conflict as a medium-term conflict prevention strategy. A limited set of indicators drawn from the World Development Indicators are compared below.

Table 1 compares GDP per capita in 2002 for a majority of ECOWAS countries. According to the available data the countries in West Africa are all low-income countries with per capita GDP well below the US$ 2,000 threshold. As such, nations or the region more generally, have a higher propensity to revert to conflict.

Table 1: 2002 GDP per capita for West African nations

2002 GDP per capita (USD) in ECOWAS

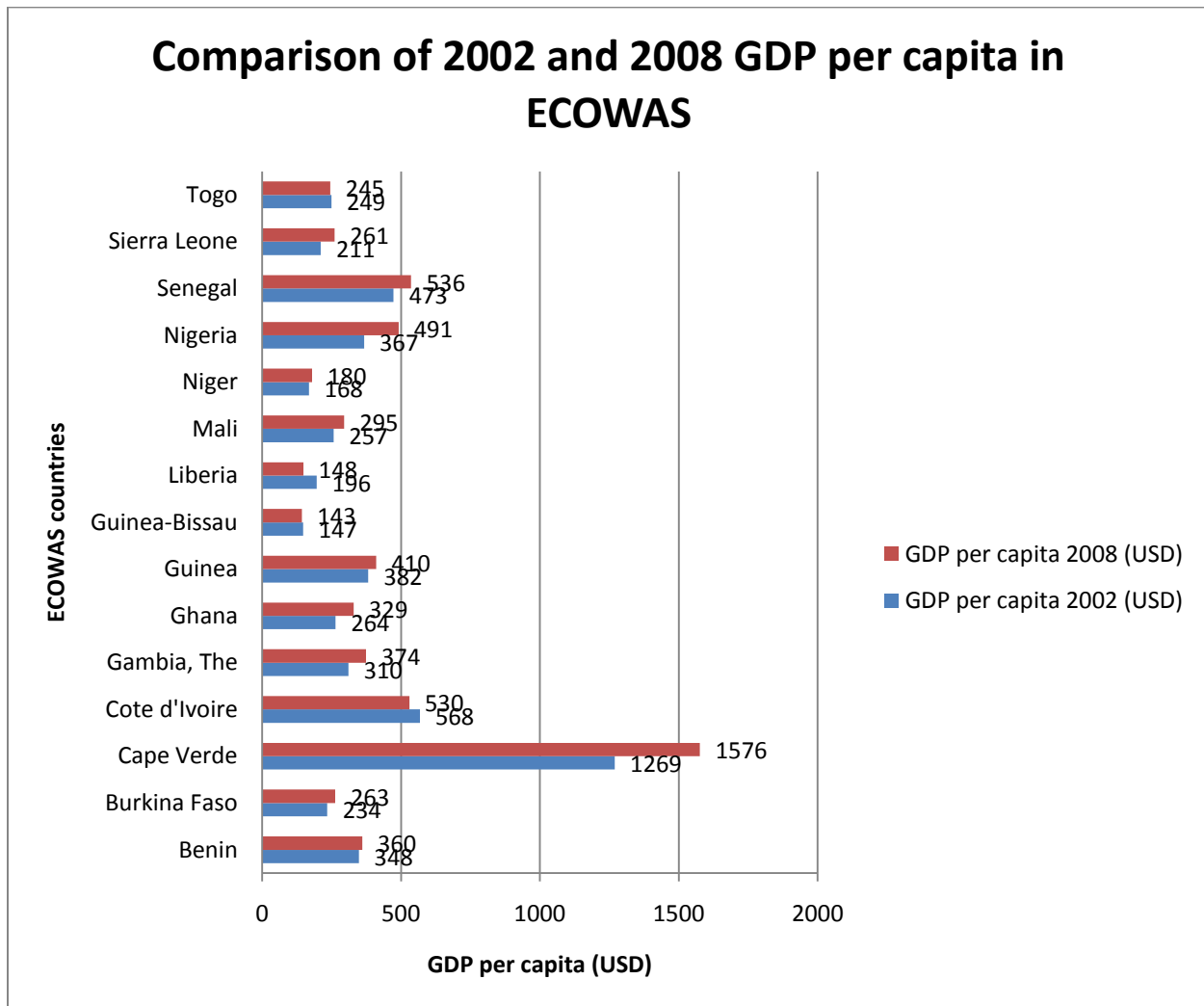| ECOWAS countries	GDP per capita 2002 (USD)
Togo	249
Sierra Leone	211
Senegal	473
Nigeria	367
Niger	168
Mali	257
Liberia	196
Guinea-Bissau	147
Guinea	382
Ghana	264
Gambia, The	310
Cote d'Ivoire	568
Cape Verde	1269
Burkina Faso	234
Benin	348

Source: World Development Indicators

The per capita threshold used for the comparative analysis was drawn from 2002. As such, a comparison between 2002 and the most recent dataset that is available was undertake to see whether there were any trends in GDP that would mitigate the initial observation. ***Table 2***

compares per capita GDP between 2002 and the most recent year data was available for the initial sample countries to determine whether the risk of a reversion to conflict has dissipated at all over the last several years. The data shows that GDP per capita has increased marginally over the period, but that all countries examined continue to fall well below the US$ 2,000 threshold identified in 2002. Accordingly, the preliminary observation still holds.

Table 2: Comparison of GDP per capita in 2002 and 2008 for West Africa
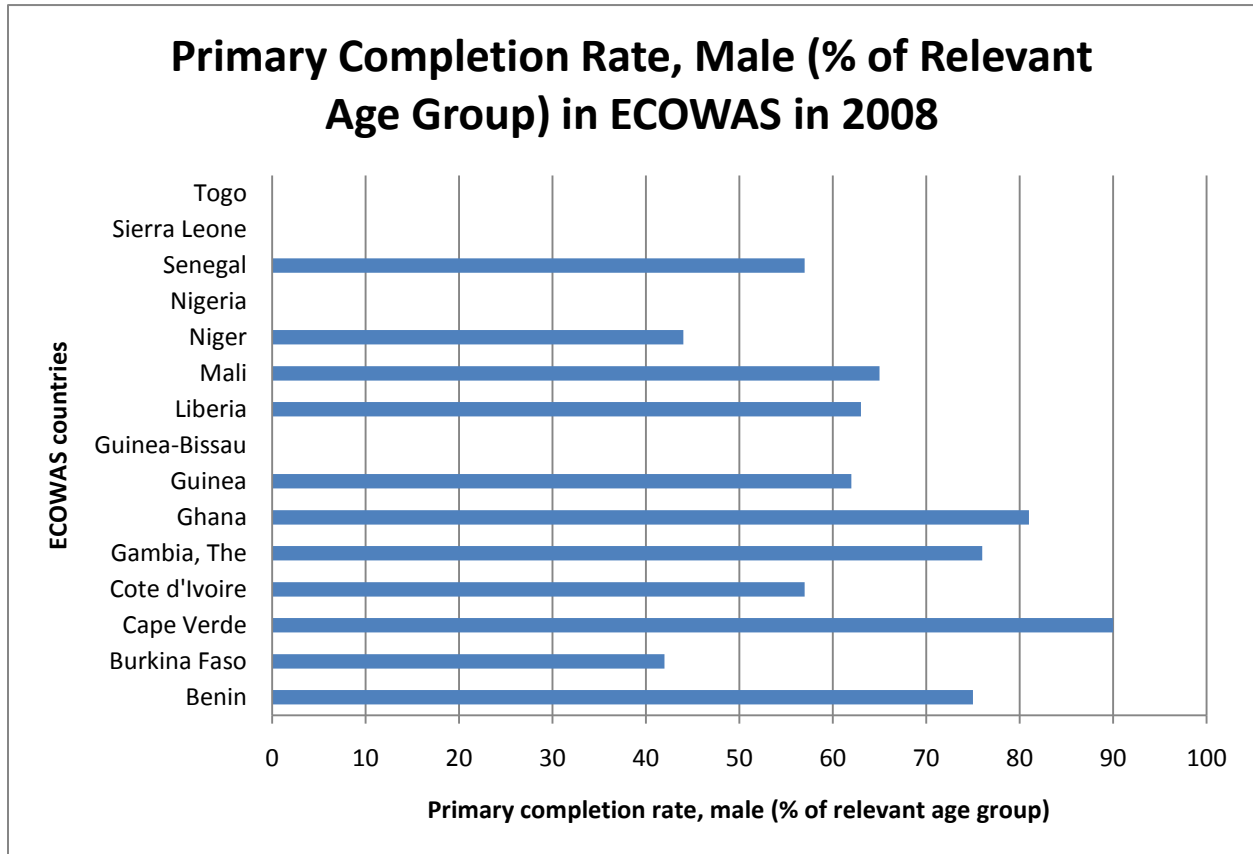
Comparison of 2002 and 2008 GDP per capita in ECOWAS

ECOWAS countries	GDP per capita 2008 (USD)	GDP per capita 2002 (USD)
Togo	245	249
Sierra Leone	261	211
Senegal	536	473
Nigeria	491	367
Niger	180	168
Mali	295	257
Liberia	148	196
Guinea-Bissau	143	147
Guinea	410	382
Ghana	329	264
Gambia, The	374	310
Cote d'Ivoire	530	568
Cape Verde	1576	1269
Burkina Faso	263	234
Benin	360	348

GDP per capita (USD)

Source: World Development Indicators

Table 3 examines the primary school matriculation rate for males in West African countries. You will remember that Collier and Hoeffler's research suggests that countries with higher levels of secondary schooling and economic growth have a reduced risk of conflict. It is assumed that there is a causal relationship between the rates of primary school matriculation and the potential for higher levels of secondary schooling. Unfortunately, the news for West Africa is not much better than the GDP comparative analysis as the average primary matriculation, except for Cape Verde

and Ghana, hovers between 50 to 60 percent. This figure does not reflect those students who actually proceed to secondary schooling; rather, only those students who could potentially enroll in secondary schooling should the opportunity present itself.

Table 3: 2008 Primary School Completion Rate (Male) in West Africa

Primary Completion Rate, Male (% of Relevant Age Group) in ECOWAS in 2008

Chart showing Primary completion rate, male (% of relevant age group) for ECOWAS countries:
- Togo: (no data shown)
- Sierra Leone: (no data shown)
- Senegal: ~57
- Nigeria: (no data shown)
- Niger: ~44
- Mali: ~65
- Liberia: ~63
- Guinea-Bissau: (no data shown)
- Guinea: ~62
- Ghana: ~81
- Gambia, The: ~76
- Cote d'Ivoire: ~57
- Cape Verde: ~90
- Burkina Faso: ~42
- Benin: ~75

Source: World Development Indicators