ECOWAS MEDIATION IN THE MALIAN POLITICAL CRISIS

Michael Addaney

INTRODUCTION

The separatist and Islamic rebel movements seized and occupied large part of northern Mali in early 2012 followed by a vigorous campaign to take the capital city of Bamako requiring a swift military response from France that saved the country in the nick of time. The situation became precarious when junior military officers led by Captain Amadou Haya Sanogo overthrew the democratically elected President Ahmadou Toumani Toure on 22 March 2012. These happenings plunged Mali into a political crisis. The principal actors (ECOWAS, the AU and the UN) deeply got involved in finding a sustainable solution.

In the period leading up to October 2012, ECOWAS organized more than 30 meetings at various levels (Heads of State and Government, ministerial and technical) to formulate a framework to restore constitutional order and political stability in the beleaguered country. The meetings culminated into the initiation of a high level mediation team under the auspices of President Blaise Campaore, the former president of Burkina Faso with an immediate mandate to first restore constitutional order in Mali.

The ECOWAS like the United Nations (UN) and the African Union (AU) adopts mediation in resolving conflicts and crises situations as preventative measure against large scale violence. Mediation is a process of dialogue and negotiation where a third party assists disputant parties.

---

1 Senior Research Assistant, University of Energy and Natural Resources, Ghana.


with their consent to prevent, manage or resolve a conflict without resorting to force with the primary objective to enable the parties to reach satisfactory and implementable agreements.6

Through the ECOWAS intervention, there was return to civilian rule in the summer of 2013 and a subsequent signing of Peace Agreement7 in Ouagadougou, Burkina Faso in June 2013 that outlined negotiation plans with the aggrieved north including options for accelerated decentralisation and some form of self government.8 Meanwhile, the fragile agreement between the government and the Tuareg separatists broke down amid resumed conflict in 2014, a year after relative peace.9

Despite the fact that ECOWAS is quite advanced in conflict management and security matters, there is the pressing necessity to constantly monitor and evaluate on what has been achieved and what challenges need to be surmounted to attain the needed peace for accelerated economic integration, development and prosperity in the sub-region.10 This paper examines the ECOWAS mediation in the ongoing Malian political crisis. It tries to answer the question of how effective the ECOWAS’ mediation in the Malian political crisis was and therefore assesses the peace process initiated under the Chairmanship of President Blaise Campaore. It concludes by proffering policy guidelines on how the ECOWAS can effectively mediate political conflicts at the sub-regional level.

THE ECOWAS CONFLICT RESOLUTION, SECURITY AND PEACEKEEPING MECHANISM (THE ECOWAS MECHANISM)

The ECOWAS Mechanism as defined by the initial Protocol of December 1999 and complemented by the Supplementary Protocol of 2001 enabled ECOWAS to legitimise and

7 The mediation led to the signing on 6 April 2012 of the ‘Framework Agreement on the implementation of the solemn commitment of 1 April’ (Framework Agreement).
further structure its interventions in emerging or existing political crisis in Member States. The 1993 new ECOWAS treaty was a major attempt to establish such a framework which eventually led to the adoption of the Protocol of the ECOWAS Mechanism in 1999. The primary objective of the Mechanism is to strengthen conflict prevention, management and resolution capacity as well as to build effective peacebuilding capabilities within the sub-region. This to a large extent reflects the same general principles stated in the AU Constitutive Act adopted in July 2001.\(^{11}\)

**THE MEDIATION AND SECURITY COUNCIL (MSC)**

Critical to the operationalization and enforcement of the ECOWAS Mechanism is the MSC comprising of Heads of States and Government, Ministers of Foreign Affairs and Ambassadors.\(^{12}\) The SMC is the highest decision making body on peace and security, advised by the meetings of the Defense and Security Committee consisting of Chiefs of Defense Staff and the President.\(^{13}\) It takes important decisions relating to matters of peace and security and the conflict mediation.\(^{14}\) To facilitate the council’s work, a Committee of Ambassadors with dual accreditation to ECOWAS and Nigeria and a Defense and Security Commission made up of Defense Chiefs and Security Experts work out the details and technicalities of an operation and make recommendations to the MSC.\(^{15}\)

**THE ECOWAS COUNCIL OF THE WISE AND THE NORMATIVE FRAMEWORK FOR MEDIATION**

Complementary to the 1999 Protocol to the ECOWAS Mechanism are other ECOWAS normative frameworks such as the 2001 Supplementary Protocol on Democracy and Good


\(^{12}\) Article 6 and 7 of Chapter II of the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

\(^{13}\) Musah (n 11 above) 155

\(^{14}\) Article 6 and 7 of Chapter II of the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

Governance which was adopted to reinforce the Declaration of Political Principles as well as the ECOWAS Conflict Prevention Framework (ECPF) adopted by the ECOWAS Mediation and Security Council to help strengthen human security in West Africa and to further operationalized the ECOWAS Mechanism.

Moreover, the basic organs for mediating conflicts in the ECOWAS member states are the Council of the Wise which was legitimized by Article 20 of the ECOWAS Mechanism. The Council of the Wise comprises of 15 members who are eminent persons from various segments of society such as women and political, traditional and religious leaders who use their good office and experience to assume the role of mediators, conciliators and facilitators. The president of the ECOWAS Commission and/or the MSC requests their services on demand basis to manage conflict situations within the sub-region.

Afolabi argues that the effectiveness of the Council of the Wise is constrained by four main factors namely the: the lack of adequate mediation and dialogue facilitation skills; the low level of collaboration between the ECOWAS organs; problems with the selection process for members; and the lack of resources for their activities. He further asserts that to enable the Council of the Wise to deliver on their mandate effectively, it is critical to enhance their capacities and capabilities particularly in the areas of conflict mediations and dialogue facilitation techniques in the sub-region.

Based on the mandate as provided in the 1999 Protocol, the ECOWAS Commission took a leadership role and adopted three-dimensional strategies to deal with the Malian crisis in 2012 which includes peaceful negotiations, sanctions and the use of force as a last resort. Similar to other mediations on the African continent, the ECOWAS negotiation in the Malian crisis through its mechanism was ad hoc, hasty and superficial even through the response was quick.

---

16 Musah (n 11 above) 155
17 Afolabi (n 10 above) 28
18 Afolabi (n 10 above) 28
19 N Laurie (n 2 above) 53
THE ECOWAS MEDIATION IN THE MALIAN PEACE PROCESS

After Mali’s *annus horriblis* of 2012, ECOWAS and other development partners were keen on guaranteeing that this time peace and stability was sustained.\(^\text{20}\) Therefore, on 27 March 2012, ECOWAS convened an Extraordinary Summit of Regional Leaders in Abidjan – Cote d’Ivoire to deliberate on a how to ensure a rapid return to a constitutional order in Mali as well as formulate measures to protect and preserve its territorial integrity. Mali was also suspended with immediate effect from participation in all decision-making bodies of ECOWAS in accordance with the provisions of the Supplementary Protocol on Democracy and Good Governance as well as the African Charter on Democracy, Elections and Governance.\(^\text{21}\)

The summit, which was attended by representatives of Algeria and Mauritania, named President Blaise Campaore, the former president of Burkina Faso as mediator in the Malian crisis with the mandate to interact with relevant stakeholders and engage them in fruitful dialogue for the restoration of peace in the country taking into account ongoing efforts in this direction.\(^\text{22}\) The ECOWAS mediation in Mali followed a prolonged approach. Firstly, the political negotiation process to find satisfactory solution to both the political crisis (quite effective and successful) and the violence in the north (mixed outcome). This section discusses the mediation process and examines its weaknesses and strengths.


\(^{21}\) ECOWAS Commission (n 5 above)

\(^{22}\) ECOWAS Commission (n 5 above)
THE OUAGADOUGOU PEACE AGREEMENT\textsuperscript{23} (OPA)

The political negotiation in Mali followed a two-track process led by the ECOWAS-appointed mediator, President Blaise Campaore of Burkina Faso and the Associate Mediator, President Goodluck Jonathan of Nigeria.\textsuperscript{24} First, negotiations with the coup authors sought to facilitate the restoration of constitutional order and complete the transition process and secondly, negotiations with actors in the north aimed to address the crisis there.\textsuperscript{25} Much pressure from ECOWAS, UN and development partners quickly led to the signing of a framework agreement in early April 2012 ensuring restoration to constitutional order.

On 18 June 2013, after nearly 18 months of armed conflict in Mali, the ECOWAS mediation team succeeded in reaching a negotiated settlement with the representatives of the Malian government and the Tuareg separatist groups in Ouagadougou, capital of Burkina Faso. This received fantastic response from the international community and development partners. However, it was only a preliminary agreement aimed to facilitate the presidential elections across the country covering the northern part which was still under the control of the rebels. Simply put, the ECOWAS mediation that culminated into the signing of the Ouagadougou Peace Agreement was just a temporary fix with follow up plan to initiate an inclusive dialogue after the presidential election.\textsuperscript{26}

Having facilitated the restoration of constitutional order with the appointment of an interim government, the mediation role entrusted to President Campaore seemed to temporarily lose momentum with regard to the situation in the north.\textsuperscript{27} Some Malians, particularly those

\begin{thebibliography}{9}
\bibitem{23} The Preliminary Agreement to the Presidential Election and Inclusive Peace Talks in Mali between the Transitional Government of National Unity of Mali and the Coordination of National Movement for the Liberation of the Azawad (MNLA) and the High Council for the Unity of the Azawad (HCUA). This Agreement provides among others for the redeployment of the Malian army throughout northern Mali as demanded by the AU Peace and Security Council (PSC) and the holding of the presidential elections scheduled for July 2013 on the entire Malian territory including Kidal.
\bibitem{26} Chapter 1, Article 2 of the Preliminary Agreement to the Presidential Election and Inclusive Peace Talks in Mali
\end{thebibliography}
concerned about regional leaders’ interests, criticized the process. For the interim government, negotiation was only possible with the Tuareg rebels on the basis of respect for Mali’s territorial integrity. Initially, only the MNLA was recognized as a rebel group, while AQIM, Ansar Dine, and MUJAO were considered criminal factions. The question of a specific part of the territory that would be considered as Tuareg was also omitted, on the grounds that northern Mali is home to other non-Tuareg ethnicities.28

In preparation for this dialogue, the parties committed to ending hostilities, avoiding all forms of abuses and violence against civilians, facilitating the return of refugees and internally displaced persons as well as establishing a secure environment devoid of terrorism and transnational organized crime.29 Far from gaining the agreement of all Malian actors, these initial talks broke down in early January 2013, after Ansar Dine called off a ceasefire and launched an attack on the central town of Konna in Northern Mali.

The terms of the agreement was greatly criticized by the general public and generated vociferous opposition from the Malian media including politicians.30 Some newspapers named it ‘a text of dishonor’ and the Malian Chief Prosecutor allegedly warned that any Malian official who signed the agreement ‘would answer to posterity’ with two leading political parties denouncing the agreement.31 Issa N’Diaye renowned public intellectual is quoted as writing an opinion piece to claim that the Ouagadougou Peace Agreement risk plunging the country into civil war.32 Meanwhile, the interim president, Dioncounda Traore also refused to sign the first version of the agreement.

The OPA was primarily criticised on two main substantive areas. Firstly, critics argue that the agreement failed to provide for the disarming of the rebel groups particularly the MNLA in northern Mali.33 Others also agreed with this assertion on the grounds that the agreement was at

28 IPI (n 25 above) 17
31 Whitehouse (n 30 above)
32 Whitehouse (n 30 above)
33 Whitehouse (n 30 above)
par with the UN Security Council Resolution 2100 which provided for immediate disarmament of the separatist movements.\textsuperscript{34} Articles 6, 7 and 11 of the agreement seek to only confine the armed groups to the barracks and other confinements with their weaponry under the supervision of the UN peacekeepers until the signing of the final peace agreement after the presidential election.\textsuperscript{35}

Secondly, the agreement was criticised because there was no arrangement for the prosecution of alleged war crimes against rebel groups for orchestrating gross human rights violations after taking over much of northern Mali in 2012.\textsuperscript{36} It’s worth noting that Article 18 of the final OPA calls for an international investigation into war crimes, crimes against humanity, crimes of genocide, crimes of sexual violence, drug trafficking and other serious violations of international human rights law. This would presumably cover crimes committed by loyalists as well as rebels. Undeniably, this agreement is a step in the right direction but as noted it leaves many important questions unanswered which means there was great potential for things to go wrong.

ANALYSIS OF THE ECOWAS MEDIATION IN THE MALIAN PEACE PROCESS

The UN Guidance for Effective Mediation outlines three criteria for successful mediation including the readiness and openness of the parties for negotiating a settlement, acceptance of a credible and supported mediator and lastly, a general consensus at the regional and international levels to support the mediation process.\textsuperscript{37} The paper argues that the first and third requirements were met as the IPI reported the readiness of the Tuareg separatist groups’ readiness for negotiated settlement and affirmed by their participation in the process as well as the support by the AU and UN to the ECOWAS.

Meanwhile, the ECOWAS appointed mediator was accused of biasness and tagged as a pro-Tuareg by the Malian masses which became clear when eventually the chief government mediator refused to sign the first draft of the agreement.\textsuperscript{38} Obviously, this affected the credibility

\textsuperscript{34} Whitehouse (n 30 above)
\textsuperscript{35} Articles 6, 7 and 11 of the Preliminary Agreement to the Presidential Election and Inclusive Peace Talks in Mali
\textsuperscript{36} Whitehouse (n 30 above)
\textsuperscript{37} UN ‘Guidance for Effective Mediation’ (2012) 5
\textsuperscript{38} Whitehouse (n 30 above)
of the mediation process and outcome. This paper therefore argues that this account for the lack of implementation of the provisions within the agreement and hence the subsequent failure of the cease-fire agreement as enshrined in the OPA. It is apparent that the normative framework seems to have prevented a full appreciation of the complex political, military and social realities that prevailed before the military coup. In this context, the efforts of ECOWAS have rightly or wrongly been perceived by those appalled by the activities of the Tuareg rebels as an attempt to restore power to the largely discredited separatist groups.\(^\text{39}\)

Moreover, the ECOWAS mediation process was clearly series of ad hoc power diplomatic engagements that lacked flexibility and structure because the role of the Council of the Wise was not clear in the process. The paper therefore contends that the mediator failed to effectively engage with the ECOWAS mediation organs as well as the conflict parties and other stakeholders to prepare them for the peace process making the use of power diplomacy inappropriate.\(^\text{40}\) The effective prior engagement of the feuding parties was very necessary since an effective mediation process must respond to the specificities of the conflict as well as consider the causes and dynamics such as the positions, interests and coherence of the parties.\(^\text{41}\) Armstrong argues that reaching an effective negotiated settlement of the Malian crisis requires effective integration of the conflicting parties in the north into the mediation framework to foster inclusion and representation of diverse northern populations.\(^\text{42}\)

Moreover, the peace agreement failed to secure sustainable peace due to other reasons such as bad faith and poor implementation of the provisions.\(^\text{43}\) Just as importantly, the available evidence suggests that local politics and parochial interests have been at least as important motivators for the rebellion as political grievances against the Malian government. Therefore, the obvious failure of the Malian government to fully comply with the agreements would not bring about enduring peace.

\(^{39}\text{IPI (n 25 above) 2}\)
\(^{40}\text{UN (n 37 above) 4}\)
\(^{41}\text{UN (n 37 above) 4}\)
\(^{42}\text{Hannah Armstrong ‘Crisis in Mali: Root Causes and Long-Term Solutions’ (2013) 149 United States Institute of Peace Brief 2}\)
\(^{43}\text{IPI (n 25 above) 14}\)
CONCLUDING REMARKS AND RECOMMENDATIONS

Mediation is one of the most effective methods of managing and resolving conflicts and the process requires more than the appointment of a high-profile individual to act as a third party.\textsuperscript{44} The UN guidelines argue that the antagonists need to be persuaded of the merits of mediation. Therefore, peace mediation processes must be well-supported politically, technically and financially.\textsuperscript{45} Based on this, this paper argues that ad-hoc and poorly coordinated mediation efforts such as the ECOWAS mediation process in the Malian crisis despite with the best of intentions cannot obtain durable peace.

The above analysis indicates the apparent failure of the peace agreement to inadequate representation. Therefore, cogent efforts need be targeted on building representativeness by bringing on the mediation table all the parties both large and small. Ultimately, what ECOWAS mediation in the Malian crisis lacked was representativeness, compounded by the fact that the rebel groups that profess to speak for everyone actually spoke for very few. Those few should not however be ignored but the mediating team should focus on all the parties.

Also, the Malian government in Bamako must make the grievances of the Tuareg separatists irrelevant by embarking on genuine efforts to implement the provisions in the peace agreement even though it must be noted that there is no quick fix for the crisis.

The paper also argues that ECOWAS mediators must have credibility, wealth of expertise in conflict resolution and higher recognition to have access to the stakeholders in the conflict. However, it further contends that the practice of appointing mediators from serving and former presidents, foreign ministers and ambassadors by the ECOWAS must be closely considered. The failure of the Ivoirian, Guinean and now the Malian mediations under the auspices of Blaise Campaore should inform the ECOWAS Commission in this regard. This assertion is better argued by Laurie when he noted that most mediators appointed to lead peace processes in Africa are often ill-suited to the challenging art of peacemaking as well as not familiar with the

\textsuperscript{44} UN (n 37 above) 1
\textsuperscript{45} UN (n 37 above) 1
strategies and tactics of contemporary international mediation. And as a result, they frequently perform poorly, lower the parties’ confidence in negotiations and make costly mistakes.

From this discussion, it becomes obvious that there appeared to be a degree of mutual suspicion and friction between ECOWAS, the AU and the UN which stretched regional, continental and international conflict management and resolution mechanisms. It further exposed the gap between the growing political will among African leaders and their limited capabilities in conflict resolution and management. During the crisis, the relationship between the AU and ECOWAS was marked by a lack of coordination and at times rivalry. Therefore, the collaboration between the ECOWAS, AU and international actors should be streamlined to forge synergy and partnership to promote and strengthen the effectiveness of conflict mediation in Africa particularly at the sub-regional level.

---


47 Cilliers & Handy (n 4 above) 42

48 IPI (n 25 above) 40

Journal On Contemporary Issues of Law (JCIL) Vol. 2 Issue 2