
HUMAN RIGHTS AND NATIONAL SECURITY: A CASE STUDY OF WEST AFRICA

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Abstract

It is universally accepted that in every democratic society, respect for Human Right is significant and should therefore be given its required recognition. Some countries to guarantee these rights entrenched in their constitution, the fundamental principles of human rights, while some countries adopt other means of guaranteeing such rights. Despite the constitutional provisions guaranteeing such rights, most African leaders has often times violated the rights of its citizens. Governments that are dictatorial by its approach to governance often justify their violations of the rights of its citizens on grounds of preserving national security, National interest; public interest and so on. National Security can be seen as an instrument explored by some governments to limit human rights. To an extent it has legal validity and desirable to check excesses of human right activities and ensure that there is peace and order in the society. It is advocated that government at all levels should not hide under the cloak of national security to trample upon the rights of its citizens. The case of Mazi Nnamdi Kanu and Col. Sambo Dasuki (Rtd) in Nigeria are examples of violations of citizen's rights. This paper will conduct a discourse on human rights violations on grounds of National security by successive government in West Africa, and the way forward.

Introduction

In 1948, the United Nations adopted the Declaration of Human Rights (UDHR), the foundational document of the modern human rights system. The United States had provided global leadership on many human rights issues since then. But its embrace of the rights enshrined in the UDHR has been partial and selective. Following the adoption of the Declaration of Human Rights by United Nations; the Organization of African Unity (now African Union) also drafted the African Charter of Human and People's Rights which came into effect on 21st October, 1986.

After the adoption of the African Charter on Human and People's Rights, most African countries have entrenched in their constitution the Fundamental Human Rights. In Nigeria it is contained in chapter IV of the constitution². These Rights could be enforced if violated. But it is regrettable that most times the government violates the said rights given national security as a reason.

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² 1999 constitution of Federal Republic of Nigeria (as amended) chapter w, sec 33

Away from Africa, for most of the past fifty years, the foreign policy makers of United State have mostly viewed the promotion of human rights and Protection of national security as inherent tension. Most governments often weighed the option of promoting human rights at the expense of national security or protection of national security and neglect human right. Though policy makers are often concerned with the promotion of human right, they have subordinated it to the protection of national security. What is the essence of human rights, when the state is not safe for citizens to exercise their rights? For an instance in 2002 President GeorgeW. Bush (Jnr) speaking on U.S national security strategy stated that “Commitment to protecting basic human rights” also stated in the same document, making it unequivocally that “defending our nations against enemies is the first and fundamental commitment of the federal Government”³ it is agreed that subordinating human rights to national security is unnecessary and calls for questioning. Both are important and should be protected and promoted on a complementary basis. In West Africa, violation of human rights is very rampant. In fact, like the United States, most exceptions to the protection of human rights are based on the protection of national security.

In Ghana during the military administration of Jerry Rawlings, most leaders were summarily tried and executed on grounds of corruption. Same happened in Liberia, during the reign of late Samuel Doe. He also executed a lot of civilians on the grounds of national security.

In Nigeria, it was worse during the period of military rule, even in the present civilian administration⁴, there has been several human rights abuses, persons are detained before investigating their offenses. Even when they are granted bail by the courts, the presidency has refused to release such persons⁵. The Nigerian government reason for still detaining them is the protection of national security.

In this article we are not suggesting that the protection of National security should be relegated to the background. It is also suggested that violation of human right should not be based on protection of national security. Protection of national security should not be reason majority of administration should adduce as a reason for the violation of human rights. This article is to discuss a strategic as opposed to ideological or normative argument that the promotion of human rights should be given a more prominent place in West Africa by Heads and agencies of government. This did not also imply that West African government should neglect national security, while promoting human rights. Both should be balanced.

³ President of united states of America national security strategy of united states of (September 2002) at <http://www.whitehouse.gov/nsc/nss/pdf>(hrereinafter NATIONAL SECURITY STRATEGY, visited 18-4-2017)

⁴ Since may 29th, 2015, when Mohammadu Buhari was sworn in as the president of Nigeria.

⁵ Col. Sambo Dasuki and Mazi Nnamdi Kanu have severally been granted bail by Nigerian courts but still under detention.

Human Rights: Definition

Human Rights *stricto sensu*, do not also mean fundamental Human Rights. Its application is vast and not limited to geographical demarcation, while fundamental Rights are applicable within a particular country. To me it is more particular than human rights.

It should be noted that there is no unanimity in the definition of human rights by both political and legal writers. According to Thesiger⁶, definitions are proverbially dangerous. This is in tandem with the Latin maxim ‘‘OMNIS DEFINITIO IN LARGE PERICULOSA.’’⁷ The reason for this view is that every definition is a product of the experience and learning of the author. It also tends to impose the view of such author on the reader. That notwithstanding, some writers had advanced definitions that are useful and could be applied as a workable definition in respect of the concept, let us now consider the following definition⁸ of Dowrick, ‘‘those claims made by men, for themselves or on behalf of other men, supported by some theory while concentrating on the humanity of man, on man as a human being, a member of humankind’’⁹.

Cranston, on the other hand, defines Human Rights as something of which no one may be deprived without a great affront to justice. There are certain deeds which should never be done, certain freedoms which should never be invaded, something which is sacred. According to Osita Eze, Human right represents demands on the claim which individual or groups make on society, some of which are protected by law and have become part of *lex lata* while others remain aspirations to be attained in the future¹⁰.

Sir Ivor Jennings saw human rights as the rights which are commonly recognized as essential for effective social life and which being considered to be inherent in the idea of justice, should be protected, exactly what they depend upon the state of opinion and the organization of the society.

Definition of human rights cannot be exhausted and need not be amplified in its entirety in this work. The Universal Declaration of Human Rights in defining human right, states as follows:

Recognition of the inherent dignity and of the equal and inalienable rights of members of the family is the foundation for freedom, justice and peace in the world’’.

Human rights are the basic fundamental right freely given to man by God and which are inalienable. Any form of restrictions on its exercise is an affront to God himself. A critical review of all, the definition given above will reveal one common ingredient. One is that Human

⁶ Thesiger I.J.,

⁷ Meaning that all definitions in law are dangerous

⁸ Dowrick F.E. Human Rights problems, perspective and texts; cited in the work. Human Right and National Security. A critical appraisal of the Nigerian perspective

⁹ CRAFTON, Maurice : what are Human rights : London Bodley head (1973)

¹⁰ OSITA EZE, C Human Rights in Africa ; Nigerian Institute of international Affairs (1984)

rights are typically universal in nature. All human beings by every of their nature possesses them. Another important factor is that Human Right focuses, the freedom and rights of an individual as well as the obligation of the state in ensuring its free and unhindered exercise.

Finally, human rights are borne out of the increasing demand for a life in which the inherent and worth of each person receives equal respect and protection, though with limitations only for legitimate purpose.

The Need to Separate Human Rights and National Security

Since in the mid-twentieth Century when human rights movement gain momentum, its promotion has been seen as competing with issues of national security, therefore promoting human right was highly viewed as being a luxury. It gives priority when the government has the spare diplomatic capacity and national security is not jeopardized.

In the words of Bruce P. Cameron¹¹, there is deeply held belief in U.S government that “there will always be a tension between our foreign policy as classically defined in terms of the United States’ economic, political and strategic interests and our human rights interest.” The Universal Declaration of Human Rights though adopted by the UN General Assembly on December 10th, 1948, but it took till the end of the Vietnam War for issues of human rights to enter into foreign policy making Calculus¹².

In the past three decades, the subordination of human rights gained prominence not only in the U.S foreign policy, but that of the West Africa countries. This does not mean that human rights never motivate U.S foreign policy. Human right was the driving force of US intervention in Kosovo or the pressure on South Africa throughout the late 1980’.⁵ The point that should be of concern is that human right policy have generally given way to security concern.

According to David Forsythe “ a variety of domestic factors in the United States combined after the cold war to ensure that the government did not pay a high price to see those principles advanced in world affairs¹³.As an aftermath of events that followed September 11th, 2001, government all over the globe took rapid action to strength and expand their security systems nationally.¹⁴ Parliament and government of Canada gave national security organisation

¹¹ Bruce P. Cameron, Human Right and U.S. Foreign policy hearing before the subcomm.on int’l orgs. House common Foreign Affairs, 96th cong. 25th (1980) Foreign policy legislative Representative, Americans for Democratic Action)

¹² John Shattuck, Diplomacy with a cause: Human Right in US Foreign Policy ,in REALIZING Human Rights :MOVING FROM INSPIRATION TO IMPACT 265,269(Samantha Power and Graham Allison eds 2000)

¹³ David P. FORSYTHE, U.S. Foreign policy and HUMAN RIGHT AND COMPARATIVEFOREIGN POLICY 24 (DAVID P. FORSYTHE ed.2000)

¹⁴ David Jenkins, “in support of Canada” Anti Terrorism Act: A comparison of Canadian, British and American Anti-Terrorism Law (2003)66 SASK LR 419; FOR THE DEVELOPMENT OF Dutch, British, Italian and German counter-Terrorism measures. See Mathias J.Borgens &Elian Van Sliedragt,” the meaning of the precautionary, principle for the Assessment of criminal measures in the fight against: terrorism” (2009)2:2 Erasmus LR 171. Available on line at social science Research Network <<http://papers.ssrn.com/3013/papers.cfm?abstract-id=1469891>

more authority and resources to protect national security. In doing so there was an overly sweeping security measures in the country, both foreigners and citizens' rights were curtailed for the sake of protecting national security. The Canadian Human Rights Commission, as well as human rights observers was before this time apprehensive of the power given the security organisation.

Let us revisit the United States, under the presidency of Jimmy Carter human rights observes thought that human right would move to the centre of U.S. policy making, though the congress established the post of state Department coordinator for Human Right and Humanitarian Affairs in 1976 and the position elevated to Assistant secretary level¹⁵, yet the goal was not realized, neither did the position had any effect on the administrations, be it Republican or Democrat.¹⁶ This conflict made Jimmy Carter,¹⁷ secretary of state remark to the congress in 1977, the need to balance a political concern for human right against economic and security goals¹⁸.

In the first eleven months of Ronald Reagan, the position of Assistant secretary for human right was unoccupied¹⁹. Issues of human right were subjugated to a battle against communism. In fact, in most part of Reagan's administration, human rights were relegated to the background, instead he was busy fighting against socialist government. An example is EL SALVADOR which was operating a brutal and repressive government, instead of promoting human rights, the government certifies the human right records and was providing military assistance to the socialist Salvadoran rebel forces²⁰. In fact, Reagan policies, according to Jack Donnelly observations reveal a deep reluctance to sacrifice even minor economic interest; let alone security interest for human rights.

Despite Bill Clinton's statement that "advancing human rights must always be a central pillar of America's foreign policy"²¹, human rights still remained subordinate to national security. Human rights advocacy also got a back seat, as the economy got the real focus U.S relationship with China²². Clinton showcased double standard in lacking human right issues in Bosnia and Rwanda. He risked the life of American soldiers on Bosnia, but allowed human rights abuses to

¹⁵ The post was established through section 301 of the International Security Assistance and Arms Export Control Act of 1976. See Shattuck (n.11)270

¹⁶ David P. Forsythe (n.12)21,26

¹⁷ Jimmy Carter former president of USA, who was defeated by Late Ronald Reagan

¹⁸ Secretary Cyrus Vance, quoted in American Association For the International Commission of Jurists; Human Rights and US Foreign Policy: The First Decade, 1973-1983 (1984)21

¹⁹ United States Institute For Peace, US Human Rights Policy; 20 years assessment.

²⁰ Ibid, 21

²¹ President William J. Clinton, Remarks in New York City Commemoration the 50th Anniversary of the universal Declaration of Human Rights, 2 PUB.PAPERS 1732 (Dec.9, 1997) available at http://clinton4.nara.gov/WH/NEW/html/1997_1210-10278.html (last visited 19th April, 2017)

²² President Clinton repeatedly renewed china's most favoured nation trade status despite significant criticism of its human rights record: see DAVID E. Sanger, support shrinks for china Trade status N.Y. TIMES, JUNE 4, 1999

Michael Ignatius editorial, is the Human Right sera ending N4 times, Feb 5, 2002, 25 (observing that "western pressure on, china to honour human rights, never especially effective, has stopped altogether)

strive in Rwanda²³. To avoid engaging in a conflict that posed little threat to American security interests, the Clinton Administration engaged in an ‘‘almost wilful delusion that what was happening on Rwanda did not amount to genocide²⁴.

Presently promotion of human right continues to be subordinate to national security²⁵, especially after the tragic incidence of September 11, U.S government have seen the protection of national security more important than the promotion of human rights. In West Africa, the promotion of human right only exists in the law books of countries. From the period of Jerry Rawlings of Ghana, Samuel Doe of Liberia, Laurent Gbagbo of Ivory Coast, Blaise Campore of Burkina Faso, Yaya Jamael of Gambia, the military administration of Gen, Ibrahim Babangida, Sani Abacha and the present administration of Gen MohammaduBuhari, though democratically elected, all have violated human rights of citizens of their respective countries. In most cases citizens are detained for months or years without trial on grounds of protecting national security. It is hereby submitted that there should be a clear separation between the promotion of human right and the protection of national security. One should not be seen as less important than the other.

Human Rights and Institutional Constraints in West Africa

The liberal international relations theory that may explain the clear correlation between systematic human rights violations and interstate aggression is the institutional constraint that accompanies human right protection²⁶. There are two powerful effects; institutionalization of human rights will have on countries. First, it provides protection for citizens, especially the vulnerable ones whose right could be trampled upon just by snapping of the finger. Even if in a non-democratic government, the voice of the people could be heard, and their right protected if there are strong institutions that safeguard human rights. There is also the freedom of thought and freedom from extra-judicial bodily harm, or killing by security agencies. Most often rights are violated by government in West Africa without an opportunity for such citizens to be able to seek redress, where such institutions exist; they are often influenced by the government. Where there exist human rights, there will be increase in political participation. People will express their views through public channels. In a non-democratic, but human right respecting the State, the views of individual interest may not have a direct effect on state policy, but arguably, they can still increase the level of political competition by facilitating debate and the exchange of ideas²⁷.

²³ President Williams J. Clinton(n.20)

²⁴ Samantha powers, why the U.S let the Rwandan Tragedy Happen, ATLANTIC MONTHLY, Sept. 2001, 84,104

²⁵ Michael Ignatieff, Editorial, is the human rights era ending ,N Y Times ,Feb 5,2002.25(Observing that ‘western pressure on china in honour of human rights, never especially effective has stopped together

²⁶ T. Clifton Morgan & Sally Howard Campbell, Domestic structure, Decisional constraints, and war : so why Kant Democracies Fight ? 35 J. CONFLICT RESOL (1991)187

²⁷ William W. Burke-white, Human Rights and National Security : the strategic correlation : Harvard Human Rights Journal (2004) vol. 17, 265

The second effect of a strong human right institutionalized protection will set out a minimum standard for all citizens within the country. Even in some military government there are minimal protections of the rights of individuals.

In West Africa, where rights are violated with reckless abandon, citizens are forced to fight for or against the state apparatus in its war-making activities, the escalation of Boko Haram in Nigeria was as a result of the extra-judicial killing of their leader by the security agencies in Nigeria. The ECOWAS Court of justice was established mainly to serve as an intervening institution on conflicts between member states. The court has survived several controversies resulting from political activities.

The main crucial of its challenges is the court intervention in a contested Nigeria election²⁸. It should be noted that the initial aim of establishment of the ECOWAS court of justice was not to adjudicate on human right issues, but for economic, political and social integration of the sub-region. The founding treaty²⁹, did not contain any reference to human right³⁰, but the latter protocol adopted under the treaty incorporated different rights in their scope, climaxing into the ECOWAS in 1991. It makes a declaration of political principles which expressed inter alia a determination of the member states to respect fundamental human rights as embodied in the Africa Charter on Human and People's Rights (ACHPR)³¹. In 1993 ECOWAS treaty was amended to recognize promotion and protection of Human and peoples' right in accordance with the ACHPR as a fundamental principle of the community³². The court was finally clothed with jurisdiction over human rights complaints in 2005, and has since then issued several decisions condemning human rights violations by the member states³³.

The institutions to promote and protect human rights violations have a lot of constraints, especially non-adherence of its decision by member states. This is a serious source of worry, adding to the fact that, violations increases every day, especially in areas witnessing insurgency.

Recently in Nigeria, a footballer³⁴ was shot dead by military officers in the guise of national security. This is a frequent occurrence in the Niger Delta region, during the era of the military. Young men are killed daily by agencies of government without trial in a competent

²⁸ Lillian Okenwa election petition, Ecowas Court stops Ugokwe successor. This Day(Nigeria)June 2, 2005

²⁹ Treaty to the economic community of West African states (ECOWAS) 21st May 1975 available at <http://www.unchr.org/re/world/docid/49217f4c2.html>/accessed on the 20th April, 2017.

³⁰ Ebobrah T.S., A critical analysis of the human rights mandate of ECOWAS Community court of justice (2008) Danish institute of Human Rights, 7.

³¹ Declaration A/DCLI/7/91 of political principles of ECOWAS paragraphs of the preamble and paragraph 4,5 and 6 of the substantive part of the declaration.

³² Art 4 (g) of 1993 Revised Treaty for the establishment of ECOWAS, which also refers to civil Rights and obligation of member states in Art 56(2) 59 and 66(2)cc

³³ A list of all judgement and rulings of the ECOWAS court as well as copies of selected decisions are available on the courts website ECOWAS Community court of Justice list of decision cases from 2004 till Date at <http://www.conrtecowas.org/site2010/index.php?option=com-content&id=157&Itemid=27>.

³⁴ Joseph Izu of Okhaki in Ahoada east Local Government Area playing for Shooting Stars Football club..

court of law. The same happens to the north east, innocent citizens are killed still on the excuse of protecting the security of the country.

The Igbo ethnic group of Eastern Nigeria under the egis of IPOB³⁵ are also not spared as peaceful protest are mated with brutality. The Right to life as enshrined in the Nigeria constitution is daily violated by the military. It is a worrisome that the judicial institutions are doing nothing in preserving the sanctity of human life.

Detention without trial is very common in West Africa. Col. Sambo Dasuki is still under incarceration despite his being granted bail by Nigerian court, while Nnamdi Kanu, was recently granted bail and eventually released from detention. The ECOWAS Court was written by the Nigerian government to stay off the matter, but the court disagrees, stating that the case brought before it has human rights issues.

Nevertheless, the odious task before the court is the refusal of the government of member states to implement the court's decision; sometimes they are selective in their approach. There is therefore a serious call for member states to comply with the decisions of the court by way of enforcement. This is a serious institutional challenge. The court has no effective or efficient means of coercion and enforcement mechanism for pulling through its respective member states.

There is also the constraint of time frame within which an application can be reacted to and the time limit of enforcing judgement or ruling. Another constraint is the high cost of instituting an action in court, lack of man power, inadequate funding³⁶.

The Gambian case of Chief Ebrima Manneh, a reporter for the Daily observer who was alleged to have disclosed information that appeared in a new article critical of government³⁷. He was arrested in July, 2006 and detained in a local police station without trial for months. The ECOWAS Court of justice in June, 2008 ruled in favour of Chief Ebrima Manneh. He was awarded a cost of (U.S. \$100,000) One Hundred Thousand U.S Dollars as damages and cost of litigation³⁸. The Gambia government refused to comply with the judgement of the court. The African commission on Human Rights also persuaded the Gambia government, to comply with the judgement. The second case of MUSA SAIDYKAN³⁹ is also an example of constraint facing human right institutions in West Africa, in their fight against violations on grounds of national security. In conclusion, it is my humble submission; weak institution protecting human rights

³⁵ Indigenous People of Biafra headed by Mazi Nnamdi Kanu

³⁶ ECOWAS Report www.lhrda.org/court of justice of the West African states. Accessed April 19, 2017

³⁷ IPI cells on the Gambian Government to co-operate with ECOWAS Legal proceedings. FREEDOM NEWSPAPER (March 12 2008) at <http://www.freemediaat/pressnon/publicstatements/pressRelease/singleciew/article/ipi.callson> the Gambia government to co-operate with ECOWAS legal proceedings. Html.

³⁸ Manneh v Gambia, case No. ECW/CCJ/APP/04/07 judgements Para 7-8 (June 5, 2008) reprinted in 2004-09 community court of justice ECOWAS Report 1st (2011) available at <http://www.chr.up.ac.za/index.pip/browse> by institution/ecowas-ccj.html.

³⁹ ECOWAS Torture case Against the Gambian near and end AFROL NEWS (sept 22. 2011) at <http://www.afrol.com/article/36623>.

violations is a major constraint of the reduction of human right cases in West Africa. The institutions⁴⁰, should be strengthened by member states to bark and also bite.

Obligations to Protect Human Rights in the National Security Context

It is very fundamental to the existence of elements of human rights for all citizens in West Africa. Such human right must be equally exercised and the state must ensure that there is no discrimination. The fundamental rights as contained in the constitution of states, within the sub-region are geared towards ensuring that there is equality of rights. Laws are enacted to safeguard and prohibit discrimination against people, irrespective of their race, religion, colour, sex, age and disability.

For instance, in Nigeria, the provisions of chapter four of the constitution⁴¹ is a commitment under international covenants and conventions, including the many international human rights institutions Nigeria have ratified. But surprisingly, these commitments to protect and promote human rights of her citizens, is often jettisoned by autocratic governments, be it military or democratic.

Accountability, Human Rights and National Security

A). Accountability and the Rule of Law

The heart of a well functioning and healthy democratic government is accountability⁴². Similarly, every democratic system must have Rule of Law as its foundation. It must be deeply rooted, having access to justice, equality before the Law and controls on the exercise of public power⁴³. For the protection of democracy to be the basis of every government, the processes of accountability must be plain and vigorously pursued. If democracy is protected, national interest will be promoted, public security will be guaranteed and there will be prevention of abuse of extra-ordinary intensive or coercive powers by the state⁴⁴. Accountability is also relevant to public trust in government, public institution and in civil servants, immediately there is a short fall of accountability in a democracy, public trust will diminish. In other words when trust is eroded on government, it could also be referred to as "collapse of accountability"⁴⁵.

⁴⁰ ECOWAS Court of Justice and other Regional Courts should be revitalized to be able to fight human right violations John Shattuck, *Diplomacy with a cause : Human Rights in U.S. Foreign policy*, in *REALIZING HUMAN RIGHTS : MOVING FROM INSPIRATION TO IMPACT* 265,269 (SAMANTHA POWER & Graham Allison eds, 2000)

⁴¹ 1999 Constitution of Federal Republic of Nigeria. DAVID P. FORSYTHE, *U.S. Foreign policy and Human Rights, the price of principles after cold war*, in *HUMAN RIGHTS AND COMPARATIVE FOREIGN POLICY* 24 (DAVID P. FORSYTHE ed.2000)

⁴² Reg Whitaker & Stuart Farson, *Accountability in and far National security*' (2009) 15 :9 IRPP on line <<http://www.irpp.org/choices/archive/col15no.9pdf>>

⁴³ Tom Bingham, *the Rule of Law* (London : Allen lane) (2010)137

⁴⁴ Whitaker and Farson, *application under S.83.28 of the Criminal Code (Re)2004SCC 42,(2004)2SCR Pt 7*

⁴⁵ Donald J. Savoie, *court Government and the collapse of public Accountability in Canada and the united kingdom* (Toronto: university of Toronto press (2008)

In West Africa, looking at national security in particular, there is no system of accountability, where there is, it is slow to develop⁴⁶ and direct accountability is largely absent from the system⁴⁷.

According to Pearl Eliadis,⁴⁸ “accountability is in certain respects constrained, by the importance of secrecy and the highly specialized nature and expertise of internal and external bodies. Although for purposes of security and surveillance activities, most information is tagged confidential and kept secret, this is a constraint on accountability and tends to erode the obligation to protect human rights. It is noteworthy that the importance of human rights as the fact that so much is hidden from public view enhances rather than diminish the importance of accountability in a system that values the rule of Law.

B). Obligation to Protect Human Rights

As discussed earlier in this paper, the various constitutions of West Africa countries clearly adopted the African charter of Human and People’s Rights by including in it, the guaranteed human rights. In that regard commissions⁴⁹ are established to serve as a watchdog on the arbitrary violation of human right. Though this paper is not aimed at addressing the forms or adequacy of review and oversight mechanism most appropriate in the security context, but to specifically address the issues of accountability for human rights in relation to national security.

Accountability for human rights in national security organisations and situations is influenced by the unique dimensions of national security. It is advocated that national security organisations⁵⁰ should operate in a way as not to place human right at a risk, while the dimensions are unique, they do not prevent national security agencies from developing an accountability framework that reflects human rights principles.

In West Africa, there seem to be over acting by security officers, over zealousness usually becloud their sense of direction. Particularly in Nigeria, Security Officers often violate the right of the people, judges and justices⁵¹ of the Supreme Court were harassed in the middle of the night, their houses broken into and arrested. They were never invited to appear before the DSS⁵² or EFCC,⁵³ before the humiliation. Unlike the judiciary, the senate president did not face similar treatment. Their actions are selective and fall short of transparency.

⁴⁶ Fedeu magret “Terrorism and Human Rights :a decade of Canadian practices” social science research

⁴⁷ Network (2011) sees also Wesley R Wark (megret) National security and Human Rights concerns in Canada. A survey of eight critical issues, the post 9/11 environment (Ottawa) Canadian Human Right commission, 2006 on line <http://www.chrc.ccdp.ca/research_program_research/ins.sn/toctdm.eng.aspx>(wark Report)

⁴⁸ Report on National security and Human Rights, Canadian Human Right commission

⁴⁹ In Nigeria the National Human Rights commission is headed by professor Kalu.

⁵⁰ Directorate of security (DSS) in Nigeria

⁵¹ Hon. Justice Ngwuta (JSC) was arrested in his home and his presently facing Trial at code of conduct Tribunal, for false declaring of assets.

⁵² Directorate of security services (Nigeria)

⁵³ Economic and Financial Crimes Commission.

In Ghana during the military regime of Flt Lt Jerry Rawlings, several politicians were tried summarily and their rights violated, some were imprisoned and others killed. Similarly, in Liberia, Samuel Doe, did same by killing politicians⁵⁴ that were tagged corrupt. It is a known fact that government in West Africa has woefully failed to protect and promote human rights. This is worse in a military regime. In Nigeria notable journalist⁵⁵ was killed through a parcelbomb. Chief M.K.O Abiola⁵⁶ was believed to have been poisoned, his wife Kudirat Abiola was assassinated for speaking against the military junta led by late General Sani Abacha. Late Chief Gani Fawehinmi (SAN) was also arrested and detained for his exercise of his right to speech; let us also not forget the killing of Ken Saro Wiwa and others by same Sani Abacha⁵⁷.

It is therefore submitted that, there should be legislative obligations on security agencies or government to report on their human rights performance. If this is not done, it will be very difficult to establish consistently whether the human rights that are identified as being at risk are in fact protected within the context of national security. Another problem of accountability is the lack of data collection related to the impact of security measures on human rights. Recently amnesty international has accused the Nigerian military for human rights abuses in their fight against Boko Haram. This report, the military has seriously condemned as being inaccurate. Accountability is very significant to national security system, it could be achieved through reporting that does not disclose personal information on data that compromises national interest⁵⁸.

On a final note in 2010, United Nations special rapportuer, report on best practices related to national security and human rights recommended that the person or body that acts as an independent reviewer of the application in practice of Law relating to terrorism during the period of review has been compatible with international human rights.⁵⁹ It is hereby advocated that government and its security agencies owe it a duty to create a balance between the protection of National security and the promotion of human rights.

Concepts and Approaches Available Internationally to Address Security Issues

The international community in 1990's started placing emphasis on security matters, mostly related to development. Eventually a consensus was reached to broaden and deepen the concept of security, taking into cognizance the political context. At the end of cold war stronger collaboration is needed within the ECOWAS sub-region to bring development on foreign policy and defence form institutions within government to help in providing a strong basis for the

⁵⁴ William Talbot and others were killed by firing squad in Liberia.

⁵⁵ Dele Giwa killed in 1986, the than president, Gen. Ibrahim Babangida was fingered, for having hard in his death

⁵⁶ Chief M.K.O. Abiola the winner of presidential election that was annulled (June 12, 1993)

⁵⁷ Late Gen. Sani Abacha, died on Head of state of Nigeria in 1998, having ruled the country with a fist of Iron for 5yrs

⁵⁸ Whitaker and Farson (n. 45)10

⁵⁹ National Report submitted in Accordance with Para 15(A) of the Annex to Human Rights council Resolution 5/1UNHR4TH sept. UN DOC A/HRC/WG6/4/can/1(2009) online at Para 46ff.; <http://web.ohchr.org/HRBODIES/UPR/Documents/session4/CA/AHRC_WG64_CANIE.pdt>

promotion and protection of human rights. In doing so, it is also advocated that it is also advocated that it should not be at the expense of national security. Like the OECD Countries (e.g., Norway, Canada and Japan) and United Nations bodies that have contributed to placing human security firmly on global political and development agenda⁶⁰.

There is the change of agenda from state (national) security to human security because threats and challenges to security transcend national defence law and order. It encompasses social, political and economic issues that guarantee a life free from risk and fear. Security in essence is for the public good, it responds to strategic need to strengthen sustainable human development at the same time promote national, regional and global peace and stability. There will not be peace in a country, region and the world at large if there is no respect for human right. Man's wickedness through terrorist act or insurgency emanated from the violation of human right. Every human security approach, must also address security related matters after due consultation and collaboration with different stakeholders.⁶¹

Despite the consensus, it has been very difficult for the various international stakeholders to reach agreement on the single authoritative definition of security that will assist, national/regional/international community to effectively tackle different challenges and threats confronting human rights/security such as: violent conflict, crime against humanity, disenfranchisement, economic deprivation and environmental degradation.

Moreover, although numerous initiatives on human security exists in West Africa, mostly in Anglophone countries, and have catalysed a regional debate on human rights, what is now necessary is a process to adapt these approaches to take on board African interest and realities, assisting Africans to on their own to create an appropriate regional and continental security framework.

Threats to Survival, Daily Life and Dignity of Human Beings

According to OBUCHI KEIZO,⁶² "it is my deepest belief that human beings should be able to lead lives of creativity, without having their survival threatened or their dignity impaired" For Keizo represents the seizing of all that threatens the survival and dignity of humans in their daily life and to strengthen the efforts to confront these threats.⁶³ The views of Keizo are necessary if we will have a society free of human rights violation on the ground of protecting national security. Human beings should be given an enabling environment, to put into practice, the innate potentials endowed on them by God. Restricting humans to be creative it's self is an abuse. One of such ways is restricting a human being from gaining access to education. In this context illiteracy is a form of insecurity. Illiterate people have more difficulties finding

⁶⁰ A sunike ; Human security and the interests of states'' in security Dialogue (1999) vol. 30, No3, p. 265-276.

⁶¹ Civil/military, government/non governmental ; local/National/Regional/international, who frequently have interest in human security.

⁶² Obuchi Keizo, former prime minister of Japan, 1998

⁶³ Opening Remarks at the meeting an intellectual Dialogue on Building Asia's tomorrow'' www.mofa.go.jp/policy/culture/intellectual/asia9812.html

employment and limited capacities to understand and demand their legal rights; lack of education hinders people's capacities to make decisions in line with modern realities concerning their lives.

Amartya Sen,⁶⁴ has this to say, while developing this concept in more detail, recalling that human security is a fundamental part of a wider development process, integrally connected with human capacities

“the various combination of functioning's (being and doing) that the person can achieve a set of vectors of functioning's, reflecting the persons freedom to lead one type of life or another, to choose from possible livings”.

Sen, listed the followings as distinct elements at the centre of the concept of human security;

- (a) There should be a clear focus on individual human lives in contrast to state security models.
- (b) There should be an appreciation of the role of society and social arrangements in making human lives more secure in a constructive way.
- (c) A reasoned concentration on the downside risks to human lives.
- (d) A choice to focus on the downside-emphasizing the more basic human rights.

The UN Security General, Kofi Annan has this concept in mind at the UN millennium summit in September, 2000, underlined the need for the more human centred approach to security. Security should be thought of less in terms of defending territory and more in terms of protecting people. In the above report the international community was urged to take action, achieve “freedom from want” and “freedom from fear”. In the report it was stated that security as a precondition for lasting peace, it is also fundamental to the achievement of the Millennium Development Goals (MDGS) and the full development of human capacities.

The Relationship Between Security and Development: The Approach to Human Security by UNDP.

West African sub-region and indeed the international community should adopt the view of the UNDP, which developed a very broad understanding of human security.

Its understanding of human security is not that, that focused exclusively on states, territory and military question, but that the individuals should be heart of security concern. This idea is supported by my humble self, because most governments place more priority of security as it affects the state and its territory, the individual is often mortgaged in the protection of national security. Without the individual there will be no state. A well protected individual, whose rights

⁶⁴ Amartya Sen; Development capabilities expansion Journal of Development planning (1989). It was also quoted in S.AIKINE, “the capability Approach and Human Development “sept 9th, 2002 <http://hdr.undp.org/docs/training/oxford/presentations/AlkineHD%20and%20capabilities.pdf>.

are protected, will live a peaceful and fulfilled life and will not have the time to engage in activities that will lead to state insecurity.

The Human Development Report of the UNDP⁶⁵ was probably the first attempt to define such a concept in a holistic way. Security in the report is described in relations to seven dimensions reflecting almost all of the key components of human development.⁶⁶ It touches on economic security, assurance that basic income and there is access to employment and resources. There should be physical access to food for all people at all times. People should have access to medical facilities for treatment and improved health conditions, it should be affordable. Government should provide an environment that encourages healthy living. This will prevent people from infectious and parasitic diseases. Again, there should be individual security from physical violence; threats of all forms should be discouraged and avoided. Furthermore, most people derive their security from membership of a social group.⁶⁷ Tensions often erupt from these groups, due to competition over limited access to the opportunities and resources. Finally, to live in a society that guarantees basic human rights and freedom of expression.

Linking Security to Governance Issues

In 2001 the Development Assistance Committee (DAC) Conflict Peace and Development Cooperation Network (CPDC) defined security in the following terms.

“... security is increasingly viewed as an all-encompassing condition in which people and communities live in freedom, peace and safety, participate fully in the governance of their countries, enjoy, the protection of fundamental rights, have access to resources and basic necessities of and inhabit an environment which is not detrimental to their health and well being, the security of people and the security of the state are mutually reinforcing⁶⁸ .

This is true, Government should not only see to the security of the state, but must ensure the security is translated to the basic necessities of life required by individuals in their daily lives. As discussed previously, security of the state should not super cede the security of the people that constitutes that state: if people can easily gain access to their basic needs, that particular society will be secured, everyone will obey the law of the land and also protect its sovereignty from external aggression. Governance issues are central to this approach to security in so far as a widerange of state and non-state institutions play a role or have a role to play in protecting people at different levels.⁶⁹

⁶⁵ Human development report ; New Dimensions of Human security (1994) UNDP

⁶⁶ Economic, Food, Health, Environment, personal, community, and political security.

⁶⁷ Family, community, organization, political grouping, ethnic grouping etc.

⁶⁸ See the OECD DAC Guidelines, Helping prevent violent, OECD, paw, 2000.

⁶⁹ Kanm Hussein, Donala Gnisci and Julia Wanjiru; security and Human security ; An overview of concept and initiation, what implication for west Africa (2004)14

A Global Agenda for Human Security

The commission for Human Security (CHS) co-chaired by Sadako Ogata⁷⁰ and Amartya Sen⁷¹, was created in 2001 to follow up on the UN Security General's Millennium Report. This commission is aimed at developing a concept of human security that might be used as an operational tool for policy formation and implementation and, building on this, to propose a concrete programme of action to address critical and pervasive threats to human security. The committee divided its work into two broad areas of research and relative consultative processes;

- (1) Exploration of human insecurities linked to conflict and violence⁷² and,
- (2) Examination of the relationships between human security and development.

The CNS in his final report⁷³ has this to say;

“Human Security means protecting vital freedom, it means protecting people from critical and pervasive threats and situation, building blocks of survival, dignity, and livelihood. Human security connects different types of freedom, freedom from want, from fear and freedom to take action on one's own”

The report also focuses on the interrelations between insecurity and the need to ensure that development activities are maintained alongside conflict resolution initiatives.

The committee amongst others, recommended the establishment of an Advisory Board on Human security (ABHS,⁷⁴ the purpose of the establishment of the ABHS is to disseminate and to put in operation CHS recommendations; particularly developing guidelines for the United Nations Trust Fund for Human Security.

African Governmental and Intergovernmental Concept of Human Security

During the colonial era, the security establishment in African states were designed and administered according to European models, the models remain in most countries even after gaining independence from the colonial master. In some more informal administrative and security structures developed in parallel to the official structures. Most attempts to develop new, security system, especially relevant to African context are relatively new.⁷⁵ The present security system in Africa is mainly influenced by the UNDP Human Development Report and the experience of the National Poverty Reduction Programme, which OECD/DAC survey of security

⁷⁰ Sedako Ogata, former UN High commissioner for Refugees

⁷¹ Amartya Sen (n. 67)

⁷² This area of work addresses in particular the special security needs of population and the protection of victims refugees and internally displaced people

⁷³ The CHS Final Report, Human security Now (New York) 2003

⁷⁴ The recommendation was implemented in autumn, 2003.

⁷⁵ D. Henk, “security in Africa, occasional paper No/security :A New African paradigm”
www.uz.ac.zw/units/cds/occasional/paper1

system Reform notes. There are antecedents of the concept of human security to be found in African philosophies and discourse⁷⁶ that argue for the primacy of basic human needs⁷⁷.

There is, however, a consensus in Africa, calling for people centred security system, security first and foremost means people's safety. This idea of security been people-centred is reflected in the 1991 OAU Kampala document- Towards a Conference on Security, Stability, Development and Co-operation in Africa.

'security embraces all aspects, of the society, including economic, political and social dimensions of individual family, community, local and national life. The security of a nation must be construed in terms of the security of the individual citizens to live in peace with access to basic necessities of life while fully participating in the affairs of his/her society in freedom and enjoying all fundamental human rights'.

Practically speaking, the majority of African governments has placed more priority on security issues in terms of protecting the state, its frontiers, institutions, regime stability and military defence, rather than promoting human rights of its citizens, which to me is human security. As earlier advocated, the government should lay more emphasis on the protection of human rights (security) than national security. It is the view of the African population that the state's primary duty is to provide basic protection of life and property, the freedom to express oneself to move about lawfully without restriction and equal opportunity. Nevertheless, in practice what is obtainable in Africa is violence, and/or political disorder and lack of confidence in the States capacity to create the conditions for human security. Government should earn back the confidence of the people, they should do well to promote human rights of its citizen and not subject them to treatment only fit for slaves during the end of the slave trade.

Initiatives Undertaken to Put Human Security Concepts and Approaches into Practice

This calls for concerted efforts from members of the international community. States, regional and the international community must put hands on deck to enhance sustainable peace globally. International financial institutions, NGO'S or other civil society organisation are not left out in these initiatives considering the creation of a human security regime. It is important to note that several norms, principles, institutions and practices are already in place⁷⁸.

Let us at this stage discuss a selection of international initiatives relevant to supporting National security in West Africa.

⁷⁶ Those of Kwame Nkrumah and Senghor in West Africa.

⁷⁷ E. Hutchful and K. Fayemi, 'security Reform in Africa': A survey of security systems Reform and Donor policy, views from non-OECD Countries, DCD/DAC/LPD(2004)4

⁷⁸ For instance, those that permit assistance and protection of victims of war and natural disaster.

Global Initiatives on National/Human Security

This initiative is mainly for protection of people and empowerment, the following two broad categories are important for human and National security.

- (1) **PROTECTION**: this requires a concerted effort to develop and put in place systems, norms or measures that will systematically and consistently shield from different forms of violence.
- (2) **EMPOWERMENT**: there should be an enabling environment to allow people to develop their potentials processes that affect their lives.

Promotion of human security will entail putting in preventive measures to reduce to the barest minimum the vulnerability of individuals and minimise risks, by also taking remedial measures where prevention fails.

The following are the priorities identified by CHS that requires prompt action:

- (1) Protection of people in periods of violent conflict
- (2) Protection of people on arms proliferation
- (3) To give support for the security of human on the move as a result of conflict
- (4) Establishment of human security transition fund for post-conflict situations
- (5) To encourage fair trade and markets for the benefits of the extreme poor
- (6) Provision of minimum living standards everywhere.
- (7) To accord high priority to universal access to basic health care
- (8) To develop an efficient and equitable global system for patent rights
- (9) To empower all people via universal basic education, through much stronger global and national efforts
- (10) To clarify the need for a global human identity while respecting the freedom of individuals to hold multiple identities and affiliations.

These listed policies if properly addressed and implemented by all actors in the protection of human and by extension national security, then the international community⁷⁹ will do less to protect lives and property. Human rights will be promoted and protected, making the society a peaceful place worth inhabiting.

Security System Reform (SSR) Agenda

The security system reform agenda is to mainly link security, development and governance issues, the SSR activities that aimed at building peace in order to prevent and resolve conflicts, consolidate peace after war and facilitate reconstruction after the war in order to prevent re-occurrence of conflict. The security system reform mainly concentrates on challenges

⁷⁹ National and Regional inclusive

Confronting state using instruments of coercion consistent with democratic norms and which supports human development⁸⁰.

The SSR agenda covers the following three inter-policy challenges facing all states:

1. Developing the institutional framework that states requires handling development and security policy as integrated areas of public action.
2. To strengthen the governance of various actors and institutions that is responsible for the formulation, management, implementation and monitoring of security policy.
3. Building professional security forces that are capable of carrying out operational tasks assigned to them and accountable to civil authorities.

Let us also discuss the following actors in the security system: First, are core security actors, these are the armed forces, the police, gendarmerie, Paramilitary forces, presidential guards, military and civil intelligence and security services⁸¹, coast guards, customs authorities; vigilante etc. The second actors are security management and over-sight bodies, such as; executive institutions of national government, national security Advisory bodies, legislature and legislature select committees, minorities of reference, internal affairs, traditional institutions, local authorities, financial audit and planning units) and COS's etc. Thirdly, we have justice and law enforcement institutions such as; judiciary, justice ministries, prisons, criminal investigation and prosecution services; human rights commissions and ombudsmen, customary and traditional justice systems. Lastly, we also have the following as actors: Non statutory security forces, these are persons international actors seldom interact with openly) liberation, armies, guerrilla armies, private armies and bodyguard units, private security companies, political parties' militia.

In putting the SSR concepts into effective policies, programmes and strategies faces a list of challenges. The DAC has since in 1990s made efforts to develop common definitions and approach to donor activities with the intention of enhancing the coherence of donor policies and their counterparts in OECD government including the defence establishments⁸².

The DAC Network on conflict, peace and Development co-operation (CPDC Network) recently, conducted a global survey of SSR in order to build on this initial work, it includes both a donor and a regional component, which resulted in a new policy paper and statement on SSR endorsed by member countries⁸³. For a proper SSR agenda implementations, in west Africa the following two main drivers must be efficient: First, the democratisation process across the region must be taken into consideration and fully implemented. Secondly, there must be peace building efforts across the regions most affected by political and other unrest.

⁸⁰ DCD/DAC/CPDC, "A Survey of security system Reform and Donor policy : views from non-OECD Countries (2004) DCD/DAC/CPDC(2004)4, Paris.

⁸¹ In Nigeria, DSS, Civil Defence (NCDSC)

⁸² Security issues and development co-operation : A conceptual framework for enhancing policy. Conference, the DAC Journal No 2, No3(2001) and its off-print,(2002)

⁸³ Security system Reform and Governance : policy and Good practice

The creation of ECOWAS mechanisms as a regional framework for collective security, military co-operation conflict management, peace keeping and humanitarian interventions are necessary for the preservation of human dignity as well as protection of National security.

Initiatives Led by Government and Other International Networks

The Japanese, the Canadian and the United Kingdom governments as donor countries have taken actions, support of the human security agenda. First, the Japanese government has identified human security and one of the key objectives of its foreign policy. It has after the organising of three sessions of the international symposium, to discuss human security and has also launched the UN Trust fund for Human security in support of the other related UN initiative. It also established a bilateral Grassroots Human Security Grants⁸⁴. The Canadian government on the other hand has also committed itself to stimulate the debate on human security and also developed policies to respond to the world's new security threats⁸⁵. Again the United Kingdom Development for International Development (DFID) has developed a SSR policy and actively supports the African Human security initiatives⁸⁶, a network of seven African NGO's that mainly assesses the performance of African governments in respect of human security issues. The United Kingdom has also adopted across department strategy on SSR which is endorsed by the ministry of defence, DFID, and the Foreign and Common wealth office.(FCO).⁸⁷

Lastly, there is also the initiative from the human security network⁸⁸, as a group of thirteen countries also facilitated dialogue at the level of ministers on question pertaining to human security. The Network collaboration with Harvard Human Security Programme⁸⁹ published a Human Security Bulletin. The Network has since in 1999 organised ministerial meetings on an annual basis with the aim of bringing international attention to emerging security issues. 2004 session of the meeting was held in Bamako (Mali), the only African member state in the network⁹⁰. Malian meeting identified the following as priorities there; children in armed conflict, small arms and light weapons, and gender in peacekeeping operations⁹¹. The meeting draws attention of the international community on security threats in Africa.

⁸⁴ www.my.emb.japan.go.jp/EN/Economic/GGP/htm

⁸⁵ Canada's Foreign policy for Human security, (2002), freedom from war. www.humansecurity.gc.ca, visited on the 2⁵ April, 2017

⁸⁶ African Human security initiative at www.africanrenew.org accessed on 25th April, 2017.

⁸⁷ GFN-SSR, Security sector Reform ; moving the agenda forward (2003)

⁸⁸ Human security Network : at www.humansecuritynetwork.org

⁸⁹ Harvard programme on Humanitarian policy and conflict Research at www.hsph.harvard.edu/hpcr/humansecurity.htm accessed, 25th April, 2017.

⁹⁰ South Africa takes part as an observer. The other members of the network are: Austria, Canada, Chile, Greece, Ireland, Japan, Jordan, Mali, the Netherlands, Norway, Switzerland, Slovenia and Thailand.

⁹¹ Message from the presidency at www.humannsecuritynetwork.org/dres/malipriorities.e/pdf

Selected Initiatives to Enhance Human Security in Africa and West Africa

As a result of the increase in violent conflict on the continent⁹², African-wide security regime in order to address conflict, peace and security issues and is mainly supported by OECD member countries. The All peace and security and ECOWAS regional security mechanism are mainly established it protect against violence and physical insecurity. It will also in the long term effect structural changes in the fight against insecurity resulting from violence and to put in place measures to address circulation of light weapons, the use of personnel landmines and child soldiers.

In her quest to put the mechanisms of fighting human right abuses and security in general, the Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) was held in Kampala, 1991. The conference presented the first opportunity to discuss security issues at the continental level .The resolution of the meeting was summarised in the Kampala document⁹³. The said conference made a recommendation to African Heads of state and government series of principles and policy measures for mediation, conciliation and arbitration, peace keeping, confidence-building, non-aggressive pacts, lowering of military expenditures and the creation of an Africa Elders council of peace. The conference again promised to develop comprehensive, integrated and development strategies that encompass security, and stability issues of co-operation. The CSSDA Declaration was finally adopted in 2000 by OAU at the Lome summit⁹⁴. The Assembly of Heads of state and Government was convinced that the security of African states is linked to each other and cannot be separated. The Assembly resolved to establish a framework to incorporate national laws and legislations, the concept of human security as contained in the CSSDA Solemn Declaration. This will rebuild confidence and establish security frameworks that will be collaborating at national, regional and international levels.

There is a need for African countries to come together and forge a common front, as conflict in Africa, security frameworks and also create an African security community to protect human and National security. The following are some initiatives and institutions set up to address peace and security in Africa; the CSSDCA, the OAU conflict management centre and peace fund, the NEPAD African peer Review mechanism; regional inter governmental organisations dealing with security issues at the sub-regional level.

As part of its initiatives to fight insecurity and by extension promote human right the African Union established a peace and security council (PSC) with the mandate to maintain peace and security on the continent⁹⁵. The peace and security council is made up of 15 members,

⁹² Boko Haram terrorist group in Nigeria, Alshabab and other related groups acts of Terrorism has been on the increase.

⁹³ CSSDCA. www.ISS.co.za/AF/Reg.org/unitytounion/pdfs/oau/cssdca.pdf

⁹⁴ See www.ISS.co.za/AF/Regorg/unitytounion/pdfs/oau/hog/10HO&Assembly2000.pdf.

⁹⁵ At the 97th ordinary session, at Ambassadorial level of the central organ of the mechanism for conflict prevention, management and resolutions” Addis Ababa, Ethiopia, January, 30th 2004. The psc was formally

it has function similar to that of UN security council, but the difference is that no country could exercise the veto vote, neither is there a permanent member.

The PSC amongst other functions does the following; make decisions as to intervene militarily in war situations, genocide or crimes against humanity. The PSC also imposed sanctions on any unconstitutional change of government within the continent. It finally can adopt appropriate measures to protect any member state whose independence and sovereignty is threatened by armed groups and other acts of aggression.

The African leaders finally in 2004 agreed to establish an African standby force⁹⁶ in the framework of a common African defence and security policy⁹⁷, the force was billed by one African president as a collective answer to threats, whether internal or external, anywhere on the continent. The standby force will consist of 15,000 soldiers that were divided into five regional brigades. In 2005, they intended to expand it to a continental force in 2010⁹⁸.

For Africa New peace and Security Council to fulfil its mission, there must be the political will of leaders and availability of funds, not only through external support but above all via the engagement of all African member countries⁹⁹.

The Evolving Security Role of Ecowas in West Africa

The economic community of West African states¹⁰⁰ (ECOWAS) was founded in 1975 by 15 member state with a regional mandate of the focus on regional co-operation and economic integration as ways to avoid marginalisation of Africa and to enhance economic stability and development. The ECOWAS signed two protocols on defence issues; protocol on Non-aggression in 1978 and the protocol on mutual Assistance on Defence were signed shortly after its creation. This is mainly to complement its economic mission. ECOWAS is compelled to intervene in armed conflict within one of its member, if the conflict will endanger the peace and security of

established in the date 2004. The first election was held in March 2004 on the basis of equal rights, equal regional representation and the principles of rotation of representatives.

⁹⁶ The 53 member state in February 2004 agreed to create a joint standing military force that could intervene to prevent civil war or genocide, the force is to be constituted from troops from key AU member countries and will operate under the African union peace and Security Council.

⁹⁷ Report of the 4th meeting of African Chiefs of Defence staff and experts on the establishment of the African standby force and the common African Defence and security policy Addis Ababa, 17th January, 2004.

⁹⁸ For further background, see V. Kent, M. Malan, the African standby force, progress and prospects: African security renew (2003) vol. 12. No.3.

⁹⁹ The evolving relationships between AU peace and Security Council and regional peace and security mechanism make donor choice on the allocation of resources more difficult the EU & W instance has recently pledged 25th million Euros to support AU peace building capacities, assuming that the AU will redistribute some of the money to regional peace and securely mechanism.

¹⁰⁰ ECOWAS member state are: Benin, Burkina Faso, Cape Verde, Coted'Ivoire, Ghana, Guinea-Bissau, Liberia, Niger, Nigeria, Mali, the Gambia, Togo, Senegal and Sierra Leone

the entire community. This is contrary to the non-intervention clause of the UN and All charters¹⁰¹.

The regional body was the first in Africa to establish a regional military peace keeping intervention in Liberia in 1990¹⁰². The regional body ECOMOG¹⁰³ troops were deployed to Liberia in order to put on check on the massive violations of human right in that country. ECOMOG was able to intervene in the civil war and successfully supervise the election that brought on Sirleaf Ellen Johnson as president of Liberia in 1997. The mandate was extended to Sierra Leone in the next year to reinstate the democratically elected government in power, following the military coup.

It should be noted that the reason for the creation of ECOMOG was mainly to put to stop the massive violation of human right in Liberia during the civil war and later Sierra Leone. Recently ECOWAS also mobilized forces to force Yaya Jamael, the former president of Gambia to concede power to the incumbent president. Yaya Jamael has refused to relinquish power after he was defeated by Adamah Barrow.

The lessons learned from intervention in Liberia (1990-97) Sierra Leone in 1997-2000 and Guinea Bissau in 1999 has shaped the creation of the ECOWAS mechanism for conflict prevention, management, Resolution, Peacekeeping and security in 1999.

Conclusion

In conclusion ECOWAS has tremendously improved its responsiveness to conflicts within the sub-region and has become the key player enhancing peace and security in West Africa. The secretariat has progressively taken more important initiatives to tackle security challenges and human rights abuses faced within the region. The role of ECOWAS as a guarantor of peace and security in West Africa, beyond peacekeeping and conflict management and resolution, could be developed further if ECOWAS were involved in providing a regional framework for DDR Programmes at the national level.

The West African sub-region has for decades suffered much security challenges, resulting from bad governance, leaders have often in the guise of protecting the sovereignty of the nation, abused the rights of its citizens. In fact, there is more reliance on the protection of national security rather than promotion of human rights.

Secondly, bad governance, corruption, favouritism, nepotism and discrimination of one section of the country has resulted mainly in arms conflict insurgency groups agitating to

¹⁰¹ Chapter 4, protocol on mutual Assistance on Defence www.ISS.co.za/AF/Regorg/unitytounion/pdfs/ecowas/13protmutualdefAss.pdf

¹⁰² A sesay, ECOMUG and sub-regional security in west Africa, conflict Trend No 2 (1999)

¹⁰³ ECOMOG created at the Banjul summit in may 1990 is a non-standing military force consisting of land, sea and all components, composed of troop contributions from ECOWAS member state. For more information the evolution of ECOMOG see M. Khobe, "the evolution and conduct of ECOMOG operations in west Africa, ISS, monograph No 44

secede¹⁰⁴. This has led to insecurity in the sub-region. And expectedly whenever there is insecurity as a result of insurgency there are always high rates of abuse of citizens by security officers.

The military has always taken advantage of these situations to perpetrate crimes against the vulnerable in the country. People's movement is curtailed, free is not guaranteed, and while right to life is totally neglected, females are not spared as they are often abused sexually. In war situations children are recruited as child soldiers and sent to war.

It is hereby suggested that for there to be respected by human rights, not only should it be enshrined in the constitutions of countries, strong institution should be established to check the excesses of government and its security agencies. All institutions, especially the law enforcement agencies should vigorously perform their duties so as not only to advance national security, but to guarantee the exercise of human rights. There should also be human security as a measure that promotes human rights.

Finally, the ECOWAS court of justice should be more strengthened to adjudicate on human right matters; member states should also work out a mechanism to enforce rulings and judgement of the court. The reason why the ECOWAS Court of Justice is to be strengthened is because of the influence of the executive arm of government in the national courts. The national courts most often give judgement in favour of the government.

¹⁰⁴ The Agitation of the Igbo ethnic group to gain independence from Nigeria the agitation was initially started by a group led by Ralph Uwazurike and presently by IPOB led by Nnamdi Kanu.

