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Legality and legitimacy of military intervention in intra state conflicts: A case study of Ecowas intervention in Sierra Leone

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Chapter I

1.1 Introduction

The general principle in international law is that in matters within the domestic affairs of a state, member states of the United Nations are prohibited from intervening.[1] This principle of non-intervention in the domestic affairs of a member state of the United Nations, together with the principle of sovereign equality of all member states, constitute the bedrock of international relations.[2] The United Nations Charter however, provides for interventions endorsed by the Security Council, mainly in situations that constitute a threat to international peace and security.[3]

Oppressive regimes have historically relied on the principle of non-intervention to keep out other states from intervening in their domestic affairs. This was mostly evident during the cold war era. However, in post-cold war era, there has been a noticeable shift from over reliance on the principle of non-intervention, to intervention in domestic matters, particularly in situations of grave human rights abuses. Reasons abound for this paradigmatic shift. A direct consequence of the end of the cold war was the sudden apathy exhibited by the former cold war protagonists toward conflicts particularly in Africa since Africa lost its strategic importance in the rivalry between the East and the West. This meant that Africa was left to pull its chestnuts from the fire.

The conflict in Sierra Leone (1991-2002) has been attributed to a variety of causes, ranging from political, cultural, and economic to collapse of the state. It has also been attributed indirectly to the 1989 civil war in Liberia which threatened to envelope the West African sub-region. The military intervention by the Economic Community of West African States (ECOWAS) in the conflict was principally to protect the lives of millions of civilians in grave danger. While arguing that the situation in Sierra Leone warranted intervention on humanitarian grounds, one also need to recognize the existence of other

[1] Art. 2.7 UN Charter 1945. This is strengthened by UN General Assembly Resolution 2625 of 1970 (Declaration on Friendly Relations).
[2] Ibid, art. 2.1.
[3] Ibid, art. 39.

factors that informed it. Recognition must for instance be given to the power politics and the national/selfish interest of the leaders of ECOWAS, who played a role in the decision to intervene. It has often been argued that the former Nigerian dictator, General Sani Abacha, used the intervention as an excuse to garner international support and legitimacy for his government, while at the same time, keeping his military cohorts busy enough not to plan a coup against his regime.[4] It should be remembered that, Abacha himself was a veteran of military coups in Nigeria, having participated in at least three coups himself.

The collapse of the Berlin wall and the end of Communism brought in its wake various conflicts both in Europe, Asia and Africa. The fragmentation of the Eastern bloc, and the eventual conflict in the former Yugoslavia created a new challenge for the international community. In Africa, a series of conflicts have been witnessed since. The Liberian crisis signalled the end of the cold war and while the sub region was trying to contend with that, Guinea Bissau was almost going down the same road. In the Central Africa, Democratic Republic of Congo (DRC) was boiling with same nature of conflict. Rwanda and Burundi are known cases of genocide and "almost genocide" respectively. Côte d' Ivoire, Somalia and Sudan are not left out of the picture. These conflicts in some ways represent classical cases of domestic conflicts that ended up taking on wider regional and international dimensions. However, there have been interventions on various levels by third parties into the different conflicts. Opinions vary as to the issue under discussion. While those who regard sovereignty as being absolute, and hence non-intervention into the domestic affairs have a strong view point, those who posit that state sovereignty is not absolute and that emphasis should be placed instead on human security, also have their strong points. The study will articulate the view points of both schools and try to reach a plausible conclusion.

While some scholars argue that states should not intervene in the domestic affairs of states,[5] the reality is that intervention is both necessary and expedient in order to both maintain international peace and security and also to preserve the "sovereignty of the people." However, it is recognized that intervention can also be self serving at times.

[4] Infra note 8.
[5] Infra note 35.

1.2 AIM

The aim of the study is to understand the re-emergence of the doctrine of humanitarian intervention, and to expose the weakness of absolute or strict reliance on the principle of non-intervention and state sovereignty. There is a noticeable shift from emphasis on state security to human security and the study is aimed at interrogating the issues involved. The study hopes to highlight the need for the international community to adopt a standard for interventions on humanitarian ground, and the dangers inherent in the lack thereof.

1.3 Statement of Problem

The debate about the legality and legitimacy of third party intervention in the "domestic" affairs of sovereign states has been ongoing.[6] The focus of this research is on the intervention by ECOWAS in the Sierra Leone conflict. The research inquires into the legality and legitimacy of the intervention against the backdrop of existing international law prohibition on the use of force, and the principle of non-intervention in the domestic affairs of sovereign states. An analysis of the emerging trend of humanitarian intervention and the current emphasis on human security is made in order to determine if the intervention in Sierra Leone fits into the paradigm. While acknowledging the importance of states in international relations, this study inquires into the shift of security from "state centric" to "people centric".

Traditionally, the focus on security has been on the protection of the entity called the state. This does not of course suggest that the security of persons have never featured in the concerns of states, however, the emphasis has always been on the national integrity. A lot of factors contributed to the re-focusing of security. Chiefly amongst these factors

[6] Richard Little, "Recent Literature on Intervention and Non-Intervention," in Ian Forbes and Mark Hoffman (eds), *Political Theory, International Relations and the Ethics of Intervention,* (London: Macmillan Press Ltd 1993) pp. 13-31.

include the end of the cold war era, the wave of democratization in the world, and the rise of communication technology which includes the internet, and the CNN effect. Before the collapse of communism, gross human rights abuses and other acts which affected the security of persons in states hardly get reported. Even when they do, it might be weeks, if not months after the act. However, these days, millions of people all over the world get to witness such events as they happen, hence, the public out cry against such violations of individuals' right to security.

1.4 Research Questions

The research raises four fundamental questions which the study deals with:

- What is the current state of international law with regards to intervention on humanitarian grounds vis a vis the principle of non-intervention in international law?
- Did the intervention by ECOWAS in Sierra Leone come under the exceptions to the rule of non-intervention envisaged by the UN Charter?
- Did the issue of state sovereignty feature in the determination by ECOWAS to intervene in Sierra Leone?
- Under what circumstances can a regional or sub regional organization act, irrespective of a United Nations Security Council's (UNSC) endorsement of a Chapter VII action?
- Should the responsibility to protect persons during an armed conflict, override the principle of sovereignty, and non-intervention in the domestic affairs of states?

1.5 Limitation and Scope of Study

This research is limited to the study of the legality and legitimacy of the military intervention in Sierra Leone by ECOWAS. It explores the notion of "humanitarian intervention" within the framework of international law but more especially as

exemplified by the conflict in Sierra Leone. The weakening nature of the notion of state sovereignty and a shift in emphasis to human security is equally explored.

1.6 Significance/Relevance of Study

The primary responsibility for the maintenance of international peace and security rests with the United Nations Security Council.[7] However, in the early 1990's, this responsibility was not effectively carried out in the West African sub region. The conflict that started in Liberia in 1989 engulfed Sierra Leone almost a year later, and threatened to envelope the sub region. While the UN Security Council delayed in reaching a decision on getting involved in the termination of the conflict, ECOWAS, a sub regional organization, without adequate financial resources and experience in peacekeeping, took it upon itself to intervene militarily following the failure of successive mediation efforts.

The intervention, while being hailed by many, especially those whose lives were in danger, has since generated a lot of questions about its legality and legitimacy. It has also raised the question of the role that regional and sub regional organizations should play in the maintenance of international peace and security. It further raises the question of what amounts to "international peace and security." Is the concept of "international" measured in geographical terms, so that conflicts in the Northern hemisphere could be said to affect "international peace and security," while those in the Southern hemisphere and more especially in Africa only affects regional peace and security?

The significance of the study therefore is to emphasize the shift from strict reliance on the principle of sovereignty and non-intervention to interventions based purely on humanitarian consideration. Given the ongoing awareness about the issues of human security, international human rights law and international humanitarian law, this study could not have come at a better time. Africa, as indeed the whole world stands to lose from the continuous violent conflicts that spread across the globe.

[7] Op cit note 1 article 24.

It is anticipated that the envisaged UN Reforms will address the issues relating to the use of force and the concept of sovereignty, whilst also addressing the issue of collective security and the challenges of conflict prevention and resolution.

Whilst scholars have argued variously on the need to maintain the strict interpretation of sovereignty and non-intervention, they seem to fail to take into cognizance the negative effect of their argument.[8] The situation in Western Darfur of Sudan while being condemned by many as "the worst case of humanitarian crises", this seems to be all talk and no action. The government of Sudan continues to cling onto the concept of sovereignty and non-intervention, to perpetrate the atrocities there. The study promises not only to emphasize the need for an international standard on humanitarian intervention, but also the need for an emphasis on human security while de-emphasizing sovereignty. The current view held by many that sovereignty rests with the people will be further explored in this study.

This study is also important because it presents an opportunity to analyze the relationship between the UN and regional and sub regional organizations, especially in the maintenance of international peace and security. This is more appropriate since Sierra Leone was the second case where there was collaboration between sub regional peace operations and UN peace operations. Bearing in mind the report of the high-level panel set up by the Secretary-General of the UN, and more especially their recommendation that Security Council and regional organizations need to work closely with each other to "keep the peace and ensure that regional operations are accountable to universally accepted human rights standards," this study becomes very relevant in identifying the areas of much needed cooperation, and what the international community stands to gain by such cooperation.[9] West Africa is ahead of other African regions in establishing a sub

[8] Infra note 35.
[9] *A More Secured World: Our Shared Responsibility*, Report of the High-Level Panel on Threats, Challenges and Change, set up by the Secretary-General of the UN. UN Doc. No. A/59/565.available at http://www.un.org/secureworld last visited on October 15 2005.

regional security mechanism to manage conflicts.[10] It is expected that other sub regions in Africa can draw from the rich lessons learned from this study in establishing and managing their security mechanisms for conflict management. African leaders have always advocated "African solutions to African problems." A lot can therefore be learned from the experience of ECOWAS in Sierra Leone.

1.7 Literature Review

The focus of this study raises three important issues which the literature review will cover. The review will therefore be done thematically in order to give it a balanced view. It must however be stated at the outset that because these issues overlap, there might be situations where a literature reviewed for one theme might also be relevant to another. In that case, the literature is also reviewed with reference to the theme. In a study of this nature, it is pertinent to follow the order below. First, the background to conflict and more specifically the conflict in Sierra Leone. This will be followed by a review of the ECOWAS/ECOMOG intervention in Sierra Leone[11], and finally the principle of non-intervention, which also incorporates the doctrine of sovereignty and the emerging regime of humanitarian intervention.

1.8 Background to the Sierra Leone Conflict

The Sierra Leone conflict seems to have a dearth of literature when compared with the literature on the Liberian conflict.[12] One can rationalize this on the ground that the Liberian conflict is seen as the harbinger of the Sierra Leone conflict and hence more scholars have analyzed the implications of the conflict. However, the literature on the

[10] Adekeye Adebajo, *Building Peace in West Africa: Liberia, Sierra Leone and Guinea-Bissau* (International Peace Academy Occasional Paper Series, Lynne Reinner, USA, 2002) pp.15.
[11] ECOWAS Cease-Fire Monitoring Group.
[12] Op cit note 10.

Sierra Leone conflict is on the increase. Different authors have posited various and divergent views on the cause of the civil war that erupted in March 1991 in what was an otherwise, quiet and peaceful country. Adekeye Adebajo has articulated the political and cultural aspects that according to him were responsible for the conflict.[13] He traces the origin of the conflict to the misrule of Siaka Stevens (1968-1985) and General Joseph Momoh (1985 -1992). The misrule which resulted in the economic deterioration of the country's revenue base, coupled with the restlessness of the youth due to the worsening economic situation led to a collapse of the state structures.[14] While mentioning the assistance given to the Revolutionary United Front (RUF) by Charles Taylor and also the latter's motives for the assistance, Adebajo seems not to give much weight to the impact of the war in Liberia. The war in Liberia could be regarded as part of the catalyst that triggered the Sierra Leonean conflict. One could argue that having seen the destabilizing effect of the war in Liberia, and the apparent ability of Charles Taylor led National Patriotic Front of Liberia to gain a foothold in Liberia; Foday Sankoh of the Revolutionary United Front (RUF) felt he could also duplicate such activity in Sierra Leone.

Paul Collier, while not directly referring to Sierra Leone, contends that most civil wars in Africa are fuelled by economic considerations and not by grievances.[15] Collier posits that most of the rebel organizations cling onto the idea of grievance in order to elicit more public support for their cause.[16] In his recipe for conflict, he hypothesizes that a state that has an abundance of primary commodity, with a large proportion of youths between the ages of 15 and 24 not adequately provided for by an education endowment, has a tendency for conflict.[17] The above recipe while present in Sierra Leone is also present in other countries such as Botswana which is relatively peaceful. This therefore suggests that there must be other answers to the origin of the conflict in Sierra Leone, other than greed. The perception of economic resources being a source of the Sierra Leonean

[13] Ibid.
[14] Ibid.
[15] Paul Collier, "Doing Well Out of War: An Economic Perspective," in Mats Berdal and David Malone (eds), *Greed and Grievance: Economic Agendas in Civil Wars*, (Boulder and London: Lynne Reinner Publishers, Inc, 2000) p. 91
[16] Ibid.
[17] Ibid.

conflict is also propounded by John Hirsch who alludes to diamonds as a key factor in the war.[18] Hirsch, who was a former US ambassador to Sierra Leone, suggests that diamonds was a main impediment to the attainment of peace in Sierra Leone, just as it was a major factor for the combatants who were engaged in the cross-border war in the country. His argument complements the analysis of Partnership Africa Canada; a Canadian non-governmental organization that asserts that diamonds have been central to the political problems of Sierra Leone since the 1930's when they were discovered.

Arguing against resources being the main source of conflicts in Africa as postulated by Collier and others, Eboe Hutchful and Kwesi Aning suggest that there are other countries that have experienced conflict where natural resources were not articulated as the source of the conflict. They cited as example Chad and Ethiopia.[19] Hutchful and Aning hold the view that grievance against the state has been an undeniable and persistent feature in most conflicts in West Africa. They further note that other conflicts developed without resources being the main issue, although resources did later play a role as the conflict progressed. They cite the cases of Angola, Afghanistan and Sudan to back up their assertion.[20] Hutchful and Aning however concede that in the conflicts in Liberia, Sierra Leone and the Democratic Republic of Congo, resources featured from the start, although there were other factors present. They factor into the equation the role played by the collapse of Communism-end of cold war-which led to the withdrawal of patronage from African leaders by the superpowers. Hutchful and Aning contend that one of the side effects of the end of the cold war was the proliferation of arms and the abundance of ex-military personnel on the job market.

On the view held by some that ethnicity and religion are contributing factors to conflict, Hutchful and Aning argue that differences in ethnicity are only employed by political leaders in trying to protect a 'shrinking power base'.[21] While this might be true in some instances, it may not be said to be true in all cases. The Nigeria/Biafra Civil War of 1967-

[18] John L. Hirsch, *Sierra Leone: Diamonds and the Struggle for Democracy* (Boulder, Colorado:Lynne Rienner Publishers, 2001).
[19] Eboe Hutchful and Kwesi Aning, "The Political Economy of Conflict," Adebajo, Adekeye and Rashid, Ismail. *West Africa's Security Challenges: Building Peace in a Troubled Region.* (Boulder London: Lynne Reienner Publsihers, London) 2004.p. 199.
[20] Ibid.
[21] Ibid.

1970 was a war fought for the preservation of an ethnic identity and the ethnic undertone was not employed to protect a 'shrinking power base'.[22] While one may agree with the grievance theory, the question is, what are the people aggrieved about? Is it about governance? Is it about the distribution of resources?

William Reno on his part contends that internal warfare is motivated by economic considerations especially with regard to the intensification of transnational commerce. He argues that there is a relationship between corruption and politics in Sierra Leone. According to Reno, conflict is bound to erupt where a shadow state ruler makes life difficult for the citizens by encouraging them to seek his patronage so as to secure exemption from the squalid conditions. He maintains that assistance from foreign countries sustain shadow states and that at the end of the cold war era, this support was withdrawn hence diluting that hold the shadow rulers had on their citizens. [23] Reno had also opined that the collapse of state authority in political and economic spheres in Sierra Leone contributed to the emergence of a parallel structure which was dominated by thugs and strongmen accountable to none but themselves. He therefore sees bad governance as a contributing factor to the conflict. [24]

William Zartman also contends that the increase in conflict is as a result of the collapse of state structure in Africa and other places.[25] The domestic legitimacy of the political elites who govern such states is called to question by the states inability to protect their citizens from the emergent rebel and other armed groups. This inability to protect the citizens from the rebel groups or even from the state itself is therefore a cause for the demands for external interventions in what were essentially domestic conflicts, in other to save lives

[22] See generally Madiebo A.A, *The Nigerian Revolution and the Biafran War*, (Fourth Dimensions Publishers, Enugu, 1980) and Njoku H.M, *A Tragedy without Heroes, The Nigerian-Biafran War*, (Fourth Dimensions Publishers, Enugu, 1987).
[23] William Reno, "Shadow States and Political Economy of Civil Wars," in Mats Berdal and David Malone (eds), *Greed and Grievance: Economic Agendas in Civil Wars*, (Boulder and London: Lynne Reinner Publishers, Inc, 2000) pp. 43-68.
[24] See generally William Reno, *Warlord Politics and the African State*, (Boulder, Colorado: Lynne Rienner Publishers, 1998).
[25] See generally William I. Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder, Colorado: Lynne Rienner Publishers, 1995).

and reduce extensive suffering. While one may agree with the collapse of state theory, the question still remains to be answered, what drives the leaders to run the state aground?

Keith Somerville for his part locates the source of conflict within the geopolitical map of Africa, which was bequeathed to it by the colonial powers. He contends that this colonial imposition of boundaries and state lines has led to potpourri of people who hitherto had never mixed before as a group.[26] While this might be true, it means that even if the boundaries that existed in the pre-colonial time were maintained, conflicts could still exist though of a different nature.

Paul Richards contends that the conflict in Sierra Leone was a result of what he referred to as "a rational crisis of modernity", which was the result of the failure of the patrimonial system instituted by the political elites, that had excluded the majority of the citizens from participating in the socio-economic and political process of state and nation building.[27] Richards typifies the Sierra Leone conflict as the same with all other wars both in the Africa and elsewhere, stating that they all embark on violence as a means to an end. He explains the use of guerrilla tactics by RUF as "technique" in place of their "lack of modern equipments" of warfare.[28]

In a counter argument, Ibrahim Abdullah and Ismail Rashid contend that the crisis in Sierra Leone could be traced to the roles played by the intelligentsia, the urban youth and the popular culture of radicalism in post-colonial Sierra Leone. They argue that such rebellions are always initially propelled by political considerations and not just economic factors as some writers tend to suggest. Abdullah and Rashid create a link between the original "students' radicals" and the later evil manifestation of RUF.[29] They locate the

[26]See generally Keith Somerville, *Foreign Military Intervention in Africa*, (Pinter Publishers, London 1990).
[27] See generally Paul Richards, *Fighting for the Rain Forest: War Resources and Youth in Sierra Leone*, (London: Heinemann, 1996).
[28] Ibid.
[29] Ibrahim Abdullah and Ismail Rashid, "Rebel Movements," in Adekeye Adebajo and Ismail Rashid *West African Security Challenges: Building Peace in a Troubled Region*, (Boulder and London: Lynne Reinner Publishers, Inc, 2004) pp. 169-193.

conflict against the background of extreme socio-economic and political polarization in Sierra Leone in the 1970's and 1980's.[30]

While there are various reasons advanced by different authors to explain the causes of the Sierra Leone conflict, the key issues raised by most analysts could be summarized as failure or collapse of the state structure. The inability of the political elites to carry out part of their constitutional duties of governance led to a resort to arms. The people who are at the receiving end of governance expect some basic fulfilment of their needs. While, it is true that the government might not be in a good financial state to fulfil all its peoples needs, the perception by the local population that the political leaders are diverting the proceeds of its mineral resources, could lead to the eruption of violence when the peoples needs are not met.

1.9 ECOWAS/ECOMOG Intervention

Controversies abound about the motive behind the Nigeria led ECOWAS/ECOMOG intervention in Sierra Leone in 1997-1999. Adebayo Adedeji highlights the history of the formation of ECOWAS in 1975, by providing an insight into the political legacy of colonialism and division in the sub region along colonial language/cultural lines.[31] He argues that Nigeria has tried to provide leadership in West Africa, but it has often been viewed with suspicion by other countries in the sub region, particularly Côte d' Ivoire and other Francophone states. Adedeji argues that the support provided by France to Côte d'Ivoire was also with the intention of checkmating Nigeria's influence in the sub region. The formation of ECOWAS was fraught with difficulties right from its conception, and the French effort to nip it in the bud is highlighted by the warning of the French President in 1975, to former French West African countries in Niamey about 'the elephant (Nigeria) and its appetite for grass (the Francophone West African Countries)'.[32] Adedeji

[30] Ibid.
[31] See generally, Adebayo Adedeji, "ECOWAS: A Retrospective Journey," in Adekeye Adebajo and Ismail Rashid *West African Security Challenges: Building Peace in a Troubled Region*, (Boulder and London: Lynne Reinner Publishers, Inc, 2004) pp.21-49.
[32] Ibid.

however concedes that political instability in Nigeria has been a primary cause for the paralysis of ECOWAS.[33]

Terry Mays examines the first collective action and attempt at peacekeeping in Chad by the OAU, and the role that Nigeria played in the mission. He informs us that the field mission was launched mainly due to the two year long pressure mounted by Nigeria on the OAU. He also asserts that Nigeria's effort at 'going it alone' was demonstrated in 1979, when the Nigerian armed forces entered Chad in an effort to impose a unilateral peacekeeping operation. One of the lessons learnt by Nigeria at that attempt was that unilateralism in peacekeeping is not the best option. This apparently led it to seek the backing of ECOWAS in its intervention efforts in Liberia and Sierra Leone. Mays highlight some of the factors responsible for the success of a peacekeeping mission. These include; consent and acceptability by the belligerents; neutrality on the part of peacekeepers, especially in traditional peacekeeping; concurrent peace negotiations; and a clear mandate. While acknowledging that it is the responsibility of the United Nations Security Council to endorse a peacekeeping operation, he points out that the UN General Assembly had endorsed the peace keeping mission in 1956 over the Suez crisis. [34]

In a National Intelligence Council Project report titled, *Case Study: Intervention in Sierra Leone* by Kwaku Nuamah and William I. Zartman, the link between ECOWAS intervention in Liberia and the intervention in Sierra Leonean is drawn. Nuamah and Zartman suggest that Sierra Leone's active role in ECOMOG's activities in 'Liberia brought about retaliation from the National Patriotic Front of Liberia (NPFL) with cross border raids and support for the rebels'. They criticize the role of ECOMOG in the intervention on the grounds that it lacked of neutrality, proper coordination and better management, along with human rights abuses on the part of Nigerian soldiers/forces. They also highlight lack of adequate financial resources and the absence of joint leadership arrangement as additional problems for the mission.

[33] Ibid.
[34] See generally Terry M. Mays, *Africa's First Peacekeeping Operations: The OAU in Chad, 1981-1982*,(Praeger: Connecticut, 2002)

Nuamah and Zartman also note that part of ECOMOG's goal in Sierra Leone was the restoration of peace and security, and stabilization of the country, assisting Sierra Leone in developing its own security apparatus in order to manage the peace, and providing a stable environment for national reconstruction. The role played by the United Nations and Britain is also highlighted by the authors. They argue that the UN's delay in authorizing the mission in Sierra Leone to use force was a major issue that limited the effectiveness of United Nations Assistance Mission in Sierra Leone (UNAMSIL).

James Jonah, for his part, relates the early involvement of ECOWAS in Liberia and also later in Sierra Leone. He argues that the failure to act on the part of UN Security Council, even after ECOWAS had severally communicated to it the situation in Liberia, and indicated its plan to establish a regional peacekeeping force was one of the reason why ECOWAS eventually intervened. He argues that the establishment of ECOMOG had tacit support of the United Nations. He emphasizes the need for a strong working relationship between the UN and regional bodies especially in the maintenance of peace and security. The role of Nigeria as a 'benign hegemon' in West Africa is acknowledged by Jonah[35]

The hegemonic tendency of Nigeria is further emphasized by Adekeye Adebajo in his analysis of conflicts in West Africa. Adebajo suggests that Nigeria's unilateral action in Sierra Leone to restore the deposed president, Ahmed Tejan Kabbah, was seriously criticized by the United Nations and some ECOWAS countries. He however points out that while criticisms of Nigeria's military action in Sierra Leone was raging; most of the ECOWAS states failed to contribute troops to ECOMOG, an act that could have diluted the perceived strength of Nigeria. He also highlights the political game being played by Burkina Faso and Liberia in the sub region with respect to their support of the RUF. He advances three reasons for Nigeria's involvement in Sierra Leone. First, former Nigerian leader, General Abacha used it as a diversionary tactics to ward off international sanctions against his regime. Second, some Nigerian generals used the guise of

[35] See generally James O.C. Jonah, "The United Nations," in Adekeye Adebajo and Ismail Rashid *West African Security Challenges: Building Peace in a Troubled Region*, (Boulder and London: Lynne Reinner Publishers, Inc, 2004) pp. 319-345

ECOMOG expenses to benefit themselves financially, and finally, the mission was in furtherance of Nigeria's quest for hegemony in the sub region.[36]

1.10 The Principle of Non-Intervention in International Law

The discussion of the principle of non-intervention in international law is closely related to the doctrine of sovereignty. For this reason, the two will be treated simultaneously. Extensive literature exists on this subject matter, and can be classified into two schools of thought, namely; the absolutists and the consequentialists.

The absolutists are of the view that sovereignty of the state is absolute and that any intervention in the domestic affairs is a violation of this age old principle. Amongst the absolutist is Caroline Thomas who contends that "international law and diplomacy, in which non-intervention plays a key role, are intended to serve the state and the state system".[37] Another absolutist, Anthony Carty, sees the *Corfu Channel* Case,[38]and the United Nations General Assembly Declaration on the Principles of Friendly Relations Among States[39] as two instances where the absoluteness of non-intervention are expressed. Carty also cites the International Court of Justice (ICJ) judgment in *Nicaragua v USA*,[40] where the court held that US intervention in Nicaragua through arming, training, financing and supplying the Contra forces and generally aiding them militarily against the Nicaraguan government, was in breach of its obligations under customary international law not to intervene in the affairs of another state.[41]

More scholars however seem to project the consequentialists school of thought. In his support for humanitarian intervention, Fernando Tesón presents us with the dilemma

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[36] Op cit note 10.
[37] Caroline Thomas, "The pragmatic Case against Intervention" in Ian Forbes and Mark Hoffman (eds), *Political Theory, International Relations and the Ethics of Intervention*, (London: Macmillan Press Ltd 1993) pp.91-103
[38] *Corfu Channel Case*, ICJ Reports (1949) p. 35.
[39] GA Res. 21311, 20 UNOR (1965); and GA Res. 2625, 25 UNOR (1970).
[40] *Nicaragua v USA*, ICJ Reports (1986) p.1.
[41] Anthony Carty, "Intervention and the Limits of International Law", in Ian Forbes and Mark Hoffman (eds), *Political Theory, International Relations and the Ethics of Intervention*, (London: Macmillan Press Ltd 1993) pp.32-42.

faced in the international system namely; should a state use force in another state in order to put to an end serious violations of human rights, or should states adhere strictly to the observance of the prohibition of the use of force under Article 2 (4), and the rule of non-intervention under Article 2 (7) of the UN Charter? He posits that international law permits the use of force to put an end to serious human rights deprivations and abuses, stating that the "best interpretation of relevant treaty materials and state practice are in support of humanitarian intervention, and is consistent with the present international legal order."[42] Téson however favours the view that states intervening in other states to rescue their citizens cannot claim humanitarian intervention as justification. Such an action would fall under a state's responsibility to protect its citizens abroad, and hence could also be interpreted as an act of self defence. He asserts that since the ultimate justification of the "existence of states is the protection and enforcement of the natural rights of the citizens, a government that engages in violations of human rights betrays the very purpose for which it exists and so forfeits not only domestic legitimacy, but its international legitimacy as well."[43]

The UN Secretary-General, Kofi Annan, can also be referred to as a consequentialist. In lending credence to the view that sovereignty is no longer absolute, Annan has stated that "national sovereignty can be set aside if it stands in the way of the Security Council's overriding duty to preserve international peace and security." He is of the view that the rule of non-intervention in domestic affairs was never meant to be absolute arguing that the Charter of the UN was issued in the name of the "peoples" not the government.[44] He stresses that the aim of the UN is not just to preserve international peace and security but also to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person" and hence the Charter protects the sovereignty of the people.[45]

[42] See generally, Fernando R. Tesón, *Humanitarian Intervention: An Inquiry into Law and Morality*, (2nd ed), (Transnational Publishers, Inc. Irvington –on-Hudson, New York, 1997).
[43] Ibid.
[44] See generally Kofi A. Annan, *The Question of Intervention: Statements by the Secretary-General*, (United Nations, New York 1999)
[45] Ibid.

Michael Glennon interrogates the concept of sovereignty and the related issue of the use of force against a sovereign state.[46] He argues that in a situation of total collapse of the state structure, consent to intervene need not be an issue, since no authority exists to give such consent. He reasons that the illegitimacy of a government does not affect its status from seeking protection of sovereignty granted under international law. He points out the difference in approach to sovereignty by the UN Security Council during the cold war and post cold war era, arguing that during the cold war, the UN Security Council respected the sovereignty of member states even at the cost of ignoring gross violations of human rights. He is however quick to remark that the super powers did actually intervene in the domestic affairs of states that are within their "spheres of influence" not to further the interest of the community, but theirs.[47]

However, Somerville exposes the fact that foreign military intervention is not a new phenomenon in African affairs. He cites different reasons why foreign militaries intervene, and this range from security to hegemonic concerns. He argues that from the 1960's to the 1980's, Africa was the playground of foreign militaries in context of the cold war.[48]

Bertil Dunér is also of the view that military intervention is a persistent feature of the international system since the modern state was born out of civil wars.[49] Coady, while arguing that the idea of intervention is not a new phenomenon, acknowledges that the discussion of its effects are more widespread and felt, now than before. He contends that in most cases of intervention dubbed "humanitarian intervention", other motives do exist for such actions which are often not just humanitarian. He suggests that the meaning attached to humanitarian intervention is used as interventions which are aimed at "rescuing foreign people from the harm that is being done, or is about to be done, to them by the state authorities who are responsible for their protection." While condemning unilateral acts of intervention especially without the blessing of the UN Security Council

[46] Michael J. Glennon, "Sovereignty and Community after Haiti: Rethinking the Collective Use of Force," *89 American Journal of International Law, 1995*, pp.70-74.
[47] Ibid.
[48] Op cit note 26.
[49] Bertil Dunér, *Military Intervention in Civil Wars: The 1970's*, (St Martin's Press, New York, 1985) p.1.

sanction, he states that all "interventions that bypass the UN need at least a very strong case to rebut the presumption that they are ethically dubious."[50]

In recognition of the principle of sovereignty in international relations, the International Commission on Intervention and State Sovereignty acknowledges that state sovereignty is the bedrock of international relations and hence an essential component in the maintenance of international peace and security. While acknowledging that the sovereignty is recognized both by customary international law and the UN Charter, the Commission argues that the concept is not inviolable either in law or in practice.[51] The Commission highlights the core elements of sovereignty as, a permanent population, a defined territory and a functioning government. They further highlight the limits imposed on sovereignty by the UN Charter and also customary international law and treaty obligations, stating that under the UN Charter, sovereignty cannot be a barrier for the carrying out of actions under Chapter VII.[52]

Richard Little states that in international law, intervention by one state in the domestic affairs of another state is seen as a violation of sovereignty and a threat to world order. He agrees however, that notwithstanding the various international proscriptions on non-intervention, intervention has come to be an important feature of contemporary world politics. He supports the view held by Somerville that intervention is not a new phenomenon in international relations. [53]

Cornelia Navari notes that any act of intervention is a threat to the independence of the state, and hence a threat to the independence of all states. He suggests that it is this fear

[50] See generally C.A.J Coady, *The Ethics of Armed Humanitarian Intervention*, (US Institute of Peace, Washington, 2002).
[51] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (International Development Research Centre, Canada, 2001) pp.5-8.
[52] Ibid.
[53] Op cit note 6.

that has got the governments of all nations interested in opposing all interventions "for the sake of international order."[54]

Richard Connaughton on the other hand reiterates that the provision of Article 2(7) of the UN Charter prohibits intervention in the domestic affairs of another state. He however asserts that this provision does not entail that states could do as they wished within their domestic jurisdiction. He goes on to outline seven fundamental questions that need to be considered as part of the decision making process before endorsing a humanitarian or military intervention.[55]

Caroline Thomas in arguing against intervention contends that "international law and diplomacy, in which non-intervention plays a key role, are intended to serve the state and the state system." She bases her thesis on the notion that the rights and obligations created in the international arena are for states and not individuals, except the right to self determination. She further contends that there is no universality in human rights and agrees that while some will refer to the Universal Declaration of Human Rights as evidence of such universalism, it still took about "twenty eight years to transform the soft law into a hard law." She argues further that if there are any transcultural values in the international system, then it must derive from recognition of sovereignty and the national self determination.[56] Interestingly, she had argued in 1985 that the principle of non-intervention was initially meant to govern relations between European States and did not extend to the so called barbarian states. Her view then is that even though the nature and functioning of the international system has changed since 1648, there has been no formal change in the concept to make it better equipped to serve the changing times. What are the changes she expects? Is it a change to the rule of non-intervention? She however contends that the three cardinal rules of international relations, namely; sovereignty, state integrity and sovereign equality of states, imply the principle of non-intervention, while

[54] Cornelia Navari, "Intervention, Non-Intervention and the Construction of the State," in Ian Forbes and Mark Hoffman (eds), *Political Theory, International Relations and the Ethics of Intervention*, (London: Macmillan Press Ltd 1993) pp.43-60.
[55] Richard Connaughton, *Military Intervention and Peace Keeping: The Reality*, (Ashgate Publishing Coy: Aldershot, England, 2001).
[56] Op cit note 37.

conceding that the state is no longer the only player in international relations, and that sovereignty of state is no longer absolute as it once was.[57]

Barrie Paskins, while arguing for intervention, outlines a number of principles that should guide a decision to intervene. These include humanity, justice, prudence, and fortitude. Paskins argues for collective action in intervention rather than unilateral action, stating that the more collective the action is, the more it could be said to be just. He therefore supports the notion that intervention through the UN system is the best "systematic guarantee of respect for the separateness of states."[58]

Michael Walzer in his argument contends that while there is a long list of oppressive governments, there is no case of a clear "humanitarian intervention". He contends that while an action can be humanitarian, the motive might not be strictly humanitarian, suggesting that "states don't send their soldiers into other states it seems, only in order to save lives. The lives of foreigners don't weigh that heavily in the scales of domestic decision-making."[59] He however concedes that the situation is different when it is the lives of fellow nationals that are at stake. He cites for instance, the case of the Israeli raid on Entebbe airport in Uganda in 1976, as a classic example in that respect.[60] It could also be argued that the national pride of Israel was at stake and that could have informed its motive to intervene.

John Harriss notes that there are contradictions in the UN Charter. He contends that while the UN Charter prohibits the use of force except in certain circumstances, it also recognizes the existence of human rights, which according to Harriss is "implicitly in conflict with the traditional doctrine of non-intervention in the affairs of sovereign states." He contends that there is a trend towards the recognition of the legitimacy of

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[57] See generally Caroline Thomas, *New States, Sovereignty and Intervention*, (St Martin's Press, New York, 1985).
[58] Barrie Paskins, "Intervention and Virtue", in Ian Forbes and Mark Hoffman (eds), *Political Theory, International Relations and the Ethics of Intervention*, (London: Macmillan Press Ltd 1993) pp. 113-121.
[59] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, (Basic Books Publishers New York, 1977) pp.86-102.
[60] Ibid.

intervention and that the traditional doctrine of sovereignty should not be permitted to take precedence over individual human rights.[61]

Griffiths, Levine and Weller are of the view that the end of the cold war brought changes in international relations and most especially in the growing emphasis on the universality of human rights. They argue that once a state enters into a binding convention or treaty, those matters covered by the treaty are no longer considered to be "maters within the exclusive jurisdiction" of that state. They however concede that controversy exists, as to whether armed intervention may be taken to put an end to violations of human rights or humanitarian principles so severe, that they amount to an international crime or a threat to international peace and security. They propose five standard principles to be followed in endorsing a humanitarian intervention. The authors maintain that while consent is a cardinal principle in intervention, where the state authority refuses to give such consent or where there is no central authority, the international community can "pierce the armour of state sovereignty" in order to intervene. [62] They conclude then that,

> the legal position which has not to date allowed non-consensual humanitarian intervention except under Chapter VII –on the grounds of a threat to regional (sic) peace and security- leads critics to conclude that the majority of interventions are decided upon in an ad hoc manner, in keeping with the strategic and political interests of the Western powers.[63]

Their argument therefore reinforces the argument made by Michael Glennon above.

In contributing to the debate on humanitarian intervention, the Danish Institute of International Affairs described it as "coercive action by states involving the use of armed force in another state without the consent of its government, with or without authorization from the UN Security Council, for the purpose of preventing or putting to a halt gross and massive violations of human rights or international humanitarian law." The Institute traces the origin of the doctrine and contends that it is not as new as it seems.

[61] John Harriss, "A time of Troubles - Problems of International Humanitarian Assistance in the 1990s" in John Harriss (eds), *The Politics of Humanitarian Intervention*, (Pinter: London, 1995), pp. 3-9.
[62] Martin Griffiths, Iain Levine and Mark Weller, "Sovereignty and Suffering", in John Harriss (eds), *The Politics of Humanitarian Intervention*, (Pinter: London, 1995), pp. 34-63.
[63] Ibid.

Humanitarian intervention had existed as far back as the 16th century and up till the 19th century when it started losing its flavour to the doctrine of non-intervention. They agree with Griffiths, Levine and Weller that once a state ratifies an international convention, those matters raised by the convention are no longer within the "exclusive domain" or domestic affairs of that state. They also agree that though since 1945, the principle of international protection of human rights has been gaining ground at the cost of the traditional notion of state sovereignty, although sovereignty remains the cornerstone of international political and legal order.[64]

David Wippman makes a case for intervention, namely preserving humanity as against holding on to some legal notion called "sovereignty". He argues that in a situation where no government exists to give consent to humanitarian intervention, then a rule should apply that would legitimize intervention for humanitarian purposes when any of the primary warring factions requests it. He concedes however that this practice has not gained general acceptance.[65] Wippman's argument also reinforces Glennon's argument above.

On the dynamism of the UN Charter provisions, Christine Gray citing *Nicaragua v USA*[66] states that the International Court of Justice (ICJ) regarded the provisions on the use of force as dynamic when it said, "[T]he UN Charter…by no means covers the whole area of the regulation of the use of force in international law." Gray argues that the UN Security Council mandate to UNAMSIL under Resolution 1270 which authorized UNAMSIL to use force "within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence" was a significant development in the protection of civilians.[67]

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[64] See generally Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects*, (Gullanders, Denmark, 1999).
[65] David Wippman, "Enforcing the Peace: ECOWAS and the Liberian Civil War," in Lori Fisler Damrosch (eds), *Enforcing Restraint: Collective Intervention in Internal Conflicts*, (Council on Foreign Relations Press, New York, 1993) pp. 154-182.
[66] Op cit note 51, p.14 Para 176.
[67] See generally Christine Gray, *International Law and the Use of Force* (Oxford University Press, Oxford 2000).

John Vincent re-echoes the view that what makes up the domestic jurisdiction of a state is not easily determined because of the dynamism of international practice. He is of the view that the question of intervention should not be "whether to intervene, but what kind of intervention and how best to control it when it occurs."[68]

From the array of literature surveyed on the subject matter of sovereignty, non-intervention and intervention, one thing seems to emerge, namely; that while scholars do not agree on the legality and legitimacy of intervention, they agree that the concept of sovereignty is no longer absolute and that there is no longer any specific definition of what falls within the domestic jurisdiction of a state. They also agree that the rights of citizens/civilians should be protected, and because states are no longer the only players on the international arena, their claim to sovereignty can be overridden by concerns of human rights and the like.

1.11 Analytical Framework

The causal diagram below identifies the Independent Variable which is the end of cold war politics. I will argue that this historic development led to the collapse of state structure in most parts of Africa, precipitating violence that ultimately led to the dilution of the concept of sovereignty and the principle of non-intervention. I will also argue that the end of cold war led to the internationalization of human rights and international humanitarian law which in turn led to the dilution of the concept of sovereignty and the principle of non-intervention (Intervening Variables). The dilution of this concept in turn resulted in the different cases of intervention that have been witnessed in post cold war period, which is, the dependent variable.

[68] John R. Vincent, *Non-intervention and International Order* (Princeton University Press, New Jersey, 1974).

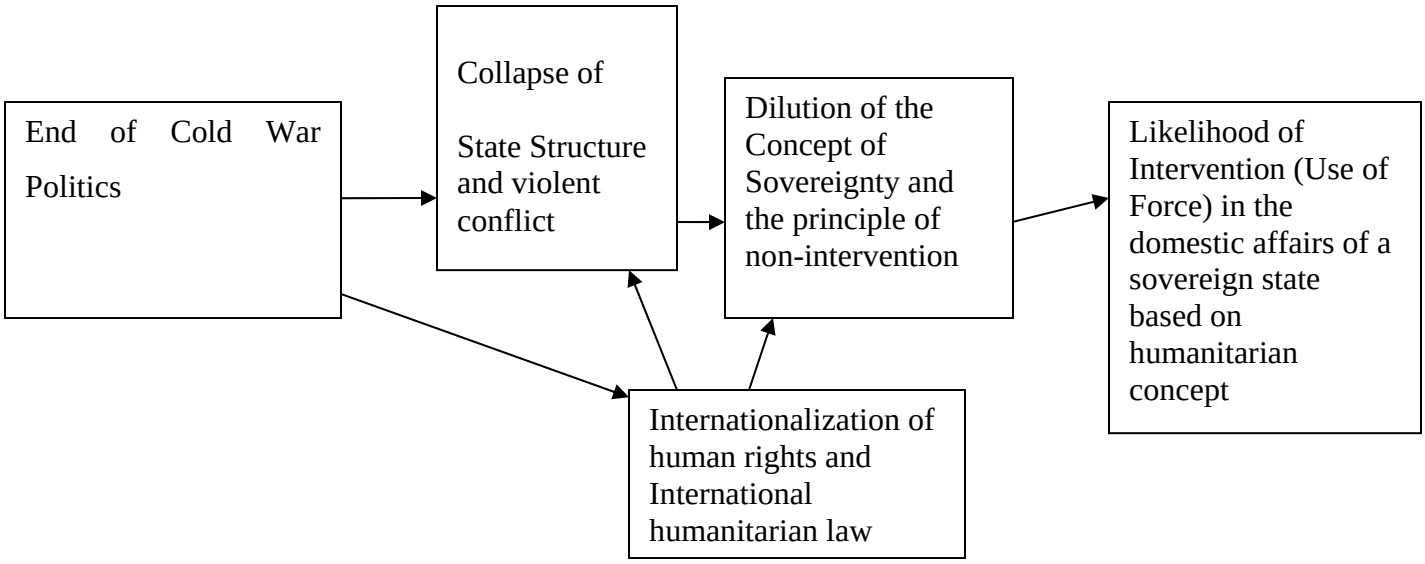


Figure 1

During the cold war era, the politicization of international human rights and international humanitarian law was the order of the day. The two cold war protagonists played patronage politics especially with Africa. Matters which could have warranted international condemnation and probably sanction from the UN Security Council were never effectively dealt with due to the veto power exercised by either superpowers.

This patronage system strengthened the resolve of some of the African leaders who grossly violated the human rights of their citizens, while at the same time weakening civil society and democratic structures of their states.[69] However, at the end of the cold war, the antagonism brought on by the different political ideologies dissipated. The African states which hitherto had benefited from this patronage system lost the protection of their patrons. The acceptance of international human rights law and international humanitarian law created an opportunity for people to agitate for what they perceived as their rights. Others used the guise of rightful agitation to attack the already weakened state structure. As these events were unfolding, the international community decided to step in and in

[69] Arthur Abraham, "Liberia and Sierra Leone: History of Misery and Misery of History," *International Journal of Sierra Leone Studies & Reviews*, Vol. 1 No. 1 2000, p. 10.

doing so, the age old doctrine of state sovereignty and the principle of non-intervention was side-lined.

1.12 Justification of Study

The selection of Sierra Leone as the focus of this study stems from the following considerations:

The literature on the background to the conflict in Sierra Leone indicates that one of the major causes of the conflict was a collapse of the state structure. The misrule of the leaders between 1968 and 1992 led to the economic deterioration of the country's revenue base.[70] The collapse of the state structure resulted in the emergence of a parallel power structure which was dominated by thugs and warlords, all struggling to survive.[71] The case study is therefore a classical example of events in other conflict situations in Africa. An understanding of the different factors at play will help Africa in preventing, managing conflicts in the continent.

This study is also justified on the ground that the Sierra Leone intervention was spearheaded by a sub regional organization. As stated earlier, the primary responsibility of maintaining peace and security rests with the UN Security Council. However, ECOWAS intervention in Sierra Leone is the second in Africa where a sub regional organization took it upon itself to maintain peace and security in its neighbourhood.[72] The study also brings out the African concept of *ubuntu*.[73] The African is probably concerned about what is happening in his neighbour's compound. It stresses therefore that it is in the immediate interest of the sub regional actors that conflicts are contained and prevented from spreading. This study promises to reinforce the need for such parcelling out of

[70] Op cit note 10 pp. 79-109

[71] William Reno, "Shadow States and Political Economy of Civil Wars," in Mats Berdal and David Malone (eds), *Greed and Grievance: Economic Agendas in Civil Wars*, (Boulder and London: Lynne Reinner Publishers, Inc, 2000) pp. 43-68. See also William I. Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder, Colorado: Lynne Rienner Publishers, 1995).

[72] The first of such intervention was also by ECOWAS in the Liberia Crises of 1989/90.

[73] *Ubuntu* is a Zulu/Xhosa (South African indigenous languages) which means humanity. It is synonymous with the saying "I am because you are"- It encourages the sprit of togetherness and cooperation among African people. The concept is represented in the Kiswahili word *Umoja*

maintenance of international peace and security by the UN to sub regional organizations that have developed appropriate mechanisms for conflict resolution and management.

A further justification for the study is the fact that it was civilians that suffered most in the conflict in Sierra Leone. Granted that in civil wars, civilians have the tendency to suffer more than the combatants. In Sierra Leone however, the situation was a case of direct attack on the civilian population by all parties to the conflict. The incessant cases of amputations, abductions of women and children, rape, sexual slavery and wanton destruction of towns and villages was of a kind that had not been witnessed by the ECOWAS sub region. The attack on the civilian population necessitated the humanitarian intervention. It will be killing the victims who died a second time, if the issues surrounding the conflict are not exhaustively treated. The study therefore fleshes out the importance of civilian protection during peace as well as during war situations.

A further justification for the study is that the Sierra Leonean conflict exposes the involvement of children in armed conflict. The study therefore hopes to lend its voice to the importance of the UN, as indeed all persons accelerating their effort in the fight against the exploitation of children in armed conflict.

In recognition that the situation in Sierra Leone warranted an international response, the UN Security Council Resolution 1270 created United Nations Mission in Sierra Leone (UNAMSIL) with the mandate to "take the necessary action to ensure the security and freedom of movement of its personnel and, within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence, taking into account the responsibilities of the Government of Sierra Leone and ECOMOG."[74]

Finally, this study hopes to add to the growing body of literature on the subject matter under discussion.

[74] UNSC Resolution 1270, 1999. ECOMOG is the Acronym for ECOWAS Cease-Fire Monitoring Group.

1.13 Conceptual Framework: Humanitarian Intervention and State Sovereignty

Humanitarian intervention and State sovereignty are two reoccurring concepts in international relations and international law. The concepts have generated more controversy as to their interpretation than their overall relevance in the international system. While the international community wants to rely on intervention on humanitarian grounds to assist civilians especially in situations of armed conflicts, states have also relied on the doctrine of sovereignty to ward off these interventions.

The concept of humanitarian intervention is not an entirely new concept in international relations. However, during the cold war, there was a noticeable lack lustre attitude by the UN Security Council to endorse collective action for intervention in situations that could be said to amount to a threat to international peace and security. The end of the cold war has seen a new emerging concept out of the debris of the war. The concept is referred to as “emerging”, not because it is entirely new in the international system, but since it practically fell into disuse from the establishment of the modern state system after the Treaty of Westphalia in 1648, hence the enthronement of the doctrine of sovereignty and the principle of non-intervention in the domestic affairs of sovereign states. In the aftermath of the end of the cold war, conflicts spread across most parts of the globe, and the international system is forced to reconsider it approach to the concepts. Events in Eastern Europe and parts of Africa culled out the almost forgotten concept of “humanitarian intervention”. When interpreted strictly, any intervention in a state without the requisite preconditions of consent of at least the state looks like a violation of the Article 2 (7) of the UN Charter. However, it could also be argued that given the internationalization of human rights, and international humanitarian law, and the fact that most countries have ratified one treaty, covenant or convention that has a bearing on human rights; matters covered by those treaties are no longer “matters within the exclusive domain of the state.”

That the concept of "humanitarian intervention" has not been accepted by many is evident from the ongoing conflict in the Darfur region of Western Sudan. The situation in Darfur region of Sudan has been referred to as "the worst case of humanitarian crises" by the international community. In applying the concept of humanitarian intervention to the Darfur case, the international community should have long intervened. However, the government of Sudan relies on the strict notion of "sovereignty" and "domestic affairs" to perpetuate what most people have referred to as "genocide". However, the recent investigation by the International Criminal Court of 51 persons in Sudan who have been linked to crimes against humanity and war crimes reinforces the argument in favour of humanitarian intervention. Notwithstanding the acceptance of the concept by many, intervention on humanitarian grounds is increasing becoming the trend in international relations.

A major limit to this concept of humanitarian intervention is the question of abuse. The question that many have asked therefore is: what is the basis for reaching a conclusion that a particular conflict situation merits humanitarian intervention? Who determines this? What happens in a situation where the UN Security Council does not act on time? Can a neighbouring state(s) or sub regional organization intervene without the endorsement from the UN Security Council and then seek endorsement after? What are the measures being put in place to ensure that military intervention is not resorted to for reasons other than humanitarian? Are there adequate plans to ensure that situations that demand humanitarian interventions are responded to without undue delays by the UN Security Council?

The intervention by ECOWAS has been criticized on a number of grounds, ranging from Nigeria's hegemonic interest,[75] to unilateralism.[76] Allegations of impartiality on the part of ECOWAS were also levied against the organization by some. Notwithstanding the above limitations, the concept of humanitarian intervention is taking hold in international relations. In fact, the limitations make it especially expedient that an international

[75] Klaas Van Walraven, *The Pretence of Peace-Keeping: ECOMOG, West Africa and Liberia (1990-1998),* (Netherlands Institute of International Relations) 1999, p. 45.
[76] Op cit note 10 p. 43.

standard needs to be set for determining the future of humanitarian interventions. At the risk of sounding pessimistic, Africa, as indeed the world may not have seen the last of such conflicts that necessitate such intervention on humanitarian ground, as that in Sierra Leone. The earlier the international community comes to terms with the fact of intervention on humanitarian grounds, the better, so that proper mechanisms for intervention can be crafted.

1.15 Data Collection

The evidence to be presented in the main body of the study consists of case law which supports the dynamism of international law, and hence the dynamism of the concept of sovereignty and non-intervention. Further evidence will be presented to explore the causes of the conflict and reasons for the intervention by ECOWAS and it will be analyzed to know if it fits into the paradigm of humanitarian intervention.

Part of the evidence will be policy documents relating to the intervention in Sierra Leone and policy documents relating to the emerging changes in sovereignty and emphasis on humanitarian intervention and human security.
Documents pertaining to United Nations reforms as it affect international peace and security will be presented as well as documents dealing with human security, international humanitarian law, and press statements.

1.16 Methodology

The methodology that is used for the study is qualitative method as against quantitative method, since the study does not involve statistical data collection and analyses. A visit to the *locus in quo* is necessary, so as to see and get first hand information regarding the nature of the humanitarian crisis in Sierra Leone, in order to be able to critically analyze the claim of intervention on humanitarian ground. It was intended that the primary source of information should have consisted of interview of some members of the civil society in Sierra Leone in order to throw more light on the claim of humanitarian need for

intervention. However, due to logistical reasons, this was not possible. The research relied more on secondary data. The secondary data collection consists of existing literature on the subject of the conflict. These include books and journal articles and reports of investigative panels set up by groups working in the area of conflict and books on the subject of third party intervention. Policy documents and official statements of the agencies involved in the intervention will be consulted. The University of Witwatersrand library, the South Africa Institute of International Affairs library and the library of the Nigerian Institute of International Affairs will be consulted. The libraries of the School of International Law and Diplomacy, University of Lagos, Nigeria, policy documents and materials at the ECOWAS Secretariat in Abuja and the Ministry of Foreign Affairs, Nigeria will also be consulted. The libraries of the University of South Africa in Pretoria and the Centre for Policy Studies will also be consulted. Internet materials will be researched as well. An inter-library loan will also be relied upon to acquire the materials that are not within the holdings of the above libraries.

A critical discourse analysis of the data collected will be done in order to reach a conclusion on the study.

1.17 Study Outline

The study is structured into six chapters. Chapter one outlines the problem to be investigated exploring the significance of the study, the literature review, the conceptual framework and the research methodology. Chapter two deals with the background to the conflict in Sierra Leone and also with the role Nigeria and ECOWAS played in bringing the conflict to an end. The role of the United Nations will also be highlighted. Chapter three analyses the principles of non-intervention and use of force in international law and also the effect of sovereignty in state behaviour. It further interrogates the concept of humanitarian intervention. Chapter four analyses the legality and legitimacy of ECOWAS intervention. Chapter five deals with the lessons learnt from the intervention, and examine the efforts at peace building in Sierra Leone focusing specifically on the Truth and Reconciliation Commission report and the contribution of the Special Court of

Sierra Leone. It also looks at the controversy between regional and international actors in the maintenance of peace and security. The chapter highlights the lessons learnt. The final chapter concludes the findings of the research and proffers suggestions on conflict prevention generally.