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The Westphalian Normalization Conundrum in Sub-Saharan West Africa: The Curious Case of Ivorian Soldiers

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IAN EDGERLY, NOV 6 2023

The current coup in Niger, the latest of a string of contemporary West African coups which include the likes of Mali, Burkina Faso, and Guinea, raises some interesting inquiries about the fundamental nature of the international state in sub-Saharan West Africa (SSWA). Although the focus of this article is lensed towards the continent of Africa, SSWA is not unique in its presentation of somewhat confusing relations between states. Russia's invasion of Ukraine also sparks inquiries towards the definitions of sovereignty which ultimately center around Russia's disinformation narrative enforced irridentist tendencies. In the latter case, can legitimate reasons for the invasion and the expenditure of troops and treasure center solely on a society's origin narrative that is somewhat difficult to corroborate on its own? Questions such as these lay at the center of numerous international norms, many of which govern the laws of warfare.

A previous article I wrote postulated the crisis of the Westphalian state within sub-Saharan West Africa as a partial genesis for the swaths of violent conflicts that are enveloping the region. The purpose of this article is to delve deeper into the relations between those states, namely Cote D'Ivoire (Ivory Coast) and Mali to sus out potential non-traditional (within the Western defined liberal world order tradition) interactions amongst states with a special focus on the just war tradition. The multidimensionality of just war narratives acts as a meaningful carrier for understanding how states in SSWA interact with one another as one of the main functions and purposes of a state is to provide for the common defense of the population living within (Waltz 2001, 81). It is understood that just war traditions can be fraught with interpretative and perceptual pitfalls, but the theory still provides a meaningful basis to frame the discussion. A secondary purpose of this article is also to discuss, from the inquiry into sub-Saharan West African inter-state relations regarding state-on-state conflict whether or not different theories and paradigms must be utilized when analyzing or proposing policy recommendations within sub-Saharan West Africa.

This topic is timely as the Economic Consortium of West Africa States (ECOWAS) recently issued an ultimatum to the Nigerien putsch leaders that unless the ousted president was reinstated, they would invade through military force and ensure the return to democracy. That deadline passed without military action and no compliance on behalf of the Nigeriens; however, some normalized pressurization mechanisms were utilized in the form of local sanctions and the closing of trade borders. Although seemingly normalized behavior on behalf of weak(er) states in the international system, there is much to tease out of the outcomes, namely via just war traditions. There are volumes of discussion on just war theory, and countless discussions concerning why interstate violence occurs and why countries engage in warfare with one another; however, this article will reduce them to their essences to get to the heart of their normative aspects. In light of the recent examples with ECOWAS and Niger, this paper will utilize an international incident between the two countries mentioned above, Cote D'Ivoire and Mali where the later imprisoned 49 Ivorian soldiers as they disembarked their aircraft to support the United Nations mission in Mali (MINUSMA). Discussed later in this article, incidents like these have the likelihood, via several cases in the literature, to spark threats of violent conflict between states (Iwilade and Agbo 2012, 366).

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Finally, as a note of clarity, in the case of this article, the term normalization is utilized as being antithetical to the idea of relationality (Kurki 2020, 66). The methodology of this project utilizes traditional Western theories to frame the overall question as these are the lenses that most countries throughout the world also use to frame their own discussion on foreign policy. From that point, however, they begin to insert their own worldviews and unique policy perspectives into their utilization of the theoretical mechanisms. It is important to understand that any analysis must be conducted through an application of a dichotomy between the nuanced application of international perspectives and an attempt to utilize the foreign policy traditions of the countries in question, versus a purely a priori utilization of a monolithic theory. The continued utilization of purely normalized, especially in the case of SSWA, theory via international conflict scholars and analysts, sorely limits the scope and fecundity of their research, as well as limiting any meaningful policy suggestions.

Just War Theory in the Western Tradition

The just war tradition has its basis in many of the founding thinkers and scholars of international relations theory and practice. Discussion on what made war just, both *Jus ad Bellum* and *Jus in Bello* (Just reasons to go to war and just actions during war) are found as early as Thucydides in his seminal account of the Peloponnesian war (Waltzer 2015, 336). Although in this case it mainly occurred around the idea of sovereignty. However, the subsequent philosophies of Thomas Aquinas had just as, if not a greater impact on the canonical idea of what a 'just war' was comprised of. Through his observations and discussions, he defined the waging of war as *just* if it fits four general if not extremely subjective criteria: Lawful Authority, Just Cause, Right Intention, and Right Means. Indeed, this idea of a 'just war' and the criteria that define it can be utilized to analyze states engaging in violent armed conflict at numerous and multidimensional levels, as well as both internally and externally to the state. Although they have the propensity to be slightly more complicated, intra-state conflict and warfare are largely held to the same international standard of requiring *justness* as those being waged against neighboring states or far-flung enemies.

Within this cursory glance at just war theory, one of the highlights of its invocation is the idea and maintenance of state sovereignty (Lazar 2017, 118; Brown 2011, 215), or better understood as the proportionality of defending one's sovereignty. This idea of sovereignty and its proportional defense is of great importance within this inquiry into a West African concept of 'just war' that policymakers and analysts need to take into consideration when trying to gain a better understanding of actions that don't necessarily fit what has been termed as normative. State-level sovereignty, for the purposes of this article, is being able to manage and dictate the internal and external affairs of one's own country in a manner that is in keeping with their norms, and those of the international community (Waltz 1979, 79). Violations of this sovereignty can lead to war if certain red lines are triggered. What exactly those are is a lengthy discussion, one that is particular to each region and state. For the purposes of this discussion, the final sub-concept or contemporary discussion within the field of sovereignty studies is whether state sovereignty is a valid criterion through which to wage war as there are growing hypotheses concerning the death of sovereignty as applied to internal and external state affairs (Rothe and Mullins 2010). This postulation looks at the idea of international treaties degrading the ability of a state to regulate its own sovereignty, especially within the realms of international criminal considerations as these networks span numerous sovereign boundaries. Although this argument is prescient, it is largely relegated to a fringe discussion, and sovereignty is still held as a fundamental aspect of 'statehood'.

West Africa through the lens of Westernized Just War Tradition

Sovereignty in SSWA is complex (White House and Strazzari 2015). This complexity is characterized by several factors, a few of which were mentioned in the prior section. One of the most important characteristics, for the purposes of this article, is that although sovereignty applies to the internationally recognized borders of these countries, there is also the sovereignty of individual groups within the states which equals, if not wields a greater influence than the overall sovereignty of the state. For example, in Mali, the internationally recognized borders are the measure of state sovereignty under certain conditions, mainly the flaunting of those borders by neighboring countries; however, the majority Bambara ethnic group, of which the ruling elite are largely comprised of, also invoke a requirement for the sovereignty of their group within those same larger sovereignty considerations (Herbst 2000, 109). Other complex characteristics are formed by issues such as a multiplicity of ethnic groups within most states in

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the Sahel, the inability to project force along borders, intense human security concerns, and various other limiting factors to the maintenance of state sovereignty.

With just war tradition largely requiring normative aspects of sovereignty, especially within the aspects of lawful authority and a just cause, the tumultuous nature of sovereignty within SSWA begins to create some issues with the application of the theory, but there is still enough semblance of normative sovereignty within the region that application criterion may still be met. An example of one of these non-normative (in the Western international relations tradition) aspects of SSWA sovereignty that impact the theory application is that of scalable definitions of sovereignty that benefit the country governments when it suits them. Claims of sovereignty can be found to reify between regime protection and the entirety of the borders even though the countries in question have great difficulty in defending their own internal systems from antagonism. By having the ability to reify definitions of sovereignty, as mentioned above, and based on situational need, this throws into question the continuous applicability of something such as lawful authority or just cause. If the goal of sovereignty shifts between the state and the regime, there is the possibility that the goal of the lawful authority shifts with it creating a situation where the authority comes from *being* the ones in charge of the country rather than **being** a state actor in the international system. This in turn may cause some issues with the epistemological basis of the theory being grounded in a singular requirement for a definition and locus of state sovereignty.

Another normalized aspect of the just war tradition is the application of the theorem and litmus test towards state balancing or warfare against exogenous actors versus endogenous ones. This brings up another application issue of the theorem in the Sahel, very few African states have gone to war with one another. In fact, most African states prize themselves on their peaceful interaction with one another (Awanen 2020, 100), especially in the Sahel. To that, there are developed peace and security architectures within the African Union speaking to the effect of ensuring no interstate wars occur on the continent. But not all is as it appears, even with the lack of interstate wars in Africa, there are still exceptions to that norm. There have been several in Southern Africa, Eastern Africa saw its share of proxy warfare during the Cold War, Northern African states attempted their own irredentist efforts in the '70s, and the second Congolese war engulfed the majority of central African states in the late '90s. In SSWA one can find ECOWAS member states leveraging against Liberia in the 1990s during the Liberian civil war (Suzuki 2020, 177). Indeed, just war theory through the lens of sovereignty has several cases to be applied towards on the continent.

Before delving into the case study of Cote d'Ivoire and Mali, United Nations peacekeeping operations in the West African Sahel are important to understand. At the time of writing, several of these missions are in jeopardy with the UN Mission in Mali (MINUSMA) officially being dissolved in June of 2023 at the request of the junta government. However, UN peacekeeping missions in Africa provide an interesting venue through which to view international balancing between states. The missions provide the ability to project force, in a fashion, into a neighboring country by providing troops to support the peacekeeping mission. This can be known as applying friction where there is inherently a lack of focus on developing coherent avenues of cooperation between troop contributing countries. Emboldening this utilization of peacekeeping missions as venues for power balancing is the general retreat of Western powers from these missions since the late 1990s. Although there are, or at least were, European Union member states and the United Kingdom troop contingents within Mali and Niger, they were not there under UN mission auspices and not in a UN peacekeeping role. This pullback from UN support has left the troop-level requirements to be filled by local forces, namely Niger, Nigeria, Chad, and Cote d'Ivoire in the case of MINUSMA.

Just war tradition can certainly be applied to SSWA countries, albeit through the complexified lens of multiple avenues to the concept of sovereignty within these states tied with an almost proxy way of balancing against their neighbors via humanitarian missions. There are of course other ways in which West African countries balance against one another, but for our purposes here the peacekeeping mission balancing tied into the sovereignty dynamism provides the most focused avenue through which to describe the contexts of the imprisonment of the 49 Ivorian soldiers that were detained by the Malian government in late July of 2022. Overall, the case is relatively simple. When the Ivorian soldiers landed in Bamako, they were labelled by the Junta government as mercenaries even though they were there under the auspices of the United Nations mission in Mali. The soldiers were subsequently imprisoned in December of 2022 where 46 of the 49 were sentenced to 20 years. Through the mediation efforts of Togo's President, Faure Gnassingbe and a desire of the Malian government to be seen as

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accommodating to their neighbors, the 46 soldiers' sentences were lifted and they were allowed to return home.

Although the case was very stochastic and the Malian government moved on quickly to other concerns, the episode left lingering questions as to what, if anything might spark a war between sub-Saharan states. In many cases, when foreign military actors are imprisoned while in the line of their duties, such as in the case of the American P3 aircraft that was bumped and forced to land in China in 2001, there is often concern for the potential for armed conflict. A deeper inquiry reveals that it is not just about the repatriation of the service members, but also the simple act of detaining them while they were within legal means to be where they were, such is the case with peacekeepers under the auspices of the UN, and when piloting military aircraft within global common areas (Pacholska 2015). Many African states are seen to have so many internal antagonisms, that the potential for warfare between them is often cast to the side. Episodes such as the illegal detention of said peacekeepers in Mali remind the global community that this should not be ignored. Although there are some precedents for the killing of peacekeepers by state actors and the international issues that arise from these actions as well as lengthy discussions on the illegality of doing so (Pacholska 2015), the fact of the matter is that the episode begets no inter-state conflict between the two neighboring states, even with sound enough precepts via just war theory (lawful authority, and just cause) to warrant a threat.

There are several discussion points that one might raise as to why no threat was provided. The first is that countries that have UN missions operating within their borders are by their nature unstable, and thus do not have a monopoly on the use of force. Thus, they cannot offer a concerted or actionable physical retort to any state-on-state violence. Neither Mali, nor Cote d'Ivoire have the capability to make good on cross-border threats. Second, there was also not a large disagreement between the two countries on a larger scale. This lack of antecedents may have kept the waters cool during the episode. Finally, Mali has viewed the case of MINUSMA as a potential violation of their sovereignty, hinting at the lack of justness within a Responsibility to Protect (R2P) reasoning for the UN mission (Friberg-Fernros 2011; Boutellis 2023). However, this case study is not about whether or not they should have entered into violent cross-border conflict, but rather why there was so little threat of physical force when through limited precedent it might have been warranted. There is also the precedent of ECOWAS countries intervening on behalf of others, such as in Liberia in 1990, Sierra Leone in 1997, Guinea-Bissau in 1999, Cote d'Ivoire in 2003, Mali in 2013, and the Gambia in 2017 (Suzuki 2020; Aminu and Raja 2021; Victor 2010). Yet for this episode there was no threat, perhaps due to it not being a coup as the other interventions have centered around coup precepts.

When is a State a State and a Proposed Just War Tradition in West Africa

Lurking behind this idea of state sovereignty is a unified idea of what the state is to the peoples that inhabit its territories, as well as how the ruling or governing bodies identify its narrative and purpose. This is important to bring into the mix at this late stage of the argument as this article is fundamentally analyzing the core notion of the state in SSWA. Through various moral heuristics and schools of philosophy (Anderson 2016), to have a sense of sovereignty, a group of people have to have a sense of themselves. "Ivorianness" and "Maliness" stem from much deeper narratives that span back to the medieval empires of SSWA. Both look back to the great empires that once defined their sovereignty and identities (empires of Ghana and Mali) and bring those ideas of statehood forward in the contemporary era (Herbst, 2000). This idea of the state is also melded with modern West African political thought, both forming a potent idea of what function the state should serve, as well as relations between those states.

Nigerian scholar Lawrence Ogbu Ugwuanyi (2020) presents an extremely cogent question that he later utilizes to present a series of principles and values that encompass a view on just war theory from the West African perspective.

Given that the state has the sole authority to articulate, administer, and defend rights through the force of arms, and that the state has different forms and models, it makes sense to pose a pertinent question: what is the state in the African thought and on what grounds can the state be held to be one equipped to declare war?

After a lengthy review of the available literature on generally universalized macro values in SSWA, Lawrence Ugwuanyi continues to postulate that there are six general values that inform interactions between states in West Africa: Sense of Hospitality, Sense of the Sacred, Sense of Community, Sense of Good Human Relations, Sense of

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Human Value, and a Sense of Identity (Ugwuanyi 2020, 56). Indeed, when looking through this specific international relations worldview of a potentially differing nature of the state purpose in SSWA, a differing nature of the fundamental characteristics of sovereignty, narratives that provide an identity to those states, and specific values that accompany those international relations norms; one can identify that the foundations of just war theory begin to require different ways of identifying justness specific the states and regions in question. If then applying this thought process to the Ivorian soldier case, there is much explanatory power via the worldview values identified above as to the dearth of even threat of violence on the part of the Ivorians. The idea of a sense of community amongst Sahelian states is likely to have driven the Ivorians to see all diplomatic options through before even attempting to leverage internal hard power or even the potential of an ECOWAS assisted intervention.

Relationality Applied to Just War Theory: A Model for Better International Analysis

With an understanding that a priori just war theory has some explanatory power, albeit limited in the cases of non-westernized worldview countries, relationality can assist in filling in the postulated gaps in the theory when applied as a heuristic. Within the Aquinas basis of the just war theory model, there are several places within which these proposed 'relational devices or qualifiers' might be inserted to assist in the fine-tuning of the heuristic. The Ivorian and Mali example serves as a useful backdrop to highlight these potential qualifiers. Within the characteristic of *lawful authority*, one should not just view the conflict through constitutional or international authority to wage war, but also include the relationship that the government has with its own populace and with the countries surrounding it. The concept of community being a widespread ideal in SSWA provides a limiting aspect to the authority one country has to wage war on another. The particular interpretations of sovereignty must also be taken into account. *Just cause* analysis may be assisted by including historical rationalization for warfare versus merely looking at Westernized views and philosophies of morality. *Right intention* and *right means* also benefit from caveats such as the community aspect, good human relations, sense of the sacred, and several other SSWA worldview tropes mentioned above. These final two have more explanatory power within conflict (*Jus in Bello*), and as such cannot really be identified within the case study of the paper. However, adding this region and even country-specific qualifiers will greatly assist in the explanatory power of the model when utilizing it outside of Western states (such as Russia and Ukraine). Further, as a nod towards implications for future research on the utilization of these qualifiers, the impact of colonization on how the states formed and how they function in SSWA should not be discounted. Although a cogent discussion within the complex sovereignty variables mentioned at the onset, the potential impacts of colonization are better applied within these country-specific qualifiers. As is widely known, colonization disrupted the paths socio-political path of SSWA by establishing the states themselves as they are now seen. Without these borders being established at the Berlin Conference of 1884, the issues of sovereignty might not have arisen as the states could have potentially taken different forms. cursory impacts on socio-political worldviews might be identified as push and pull factors between attempts by the states to develop and maintain their own definitions of statehood that are tied to past narratives and impact contemporary forms of sovereignty concepts as well as their need to work within the westernized state system. For the latter, the impacts of colonization provide for some familiar mechanisms of state, albeit not without conflict with contemporary identity and sovereignty efforts. Indeed, intertwining aspects of the westernization of the SSWA states into the generalized model of state interactions proposed above certainly assists in the application of a relational mode of thinking within the utilization of just war theory in sub-Saharan West Africa.

Overall, the case of the detention of Ivorian soldiers by the Malian government bears some very interesting characteristics of relations between states in sub-Saharan West Africa. Ordinarily, a largely agreed-upon heuristic such as just war theory would hint at reasons that any country might threaten the use of armed force, in this case, to retrieve incarcerated soldiers who were there under internationally legalized auspices. However, very few of the indicators, or bins within the theory provided the whole picture needed in identifying why no threat of force was made by either the Ivorian government or by the larger ECOWAS consortium. Even with ECOWAS' distaste for putsch governments, little action was taken. Instead, only diplomacy was utilized. By looking deeper into how West African states interact within their own interpretations of a traditional state in the international system, one can see that specific worldviews must be added to the just war model. Via that relational heuristic, westernized theories might be updated to reflect so-called "non-normative" worldviews, thus allowing for deeper and more meaningful analysis.

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About the author:

Ian Edgerly is the Senior Regional Expertise and Culture (REC) Instructor for the US Army's 1st Special Forces Command (A). He has lived and worked in West Africa and still finds it his passion. His academic focus orients his efforts towards understanding underlying drivers of extremism, nationalism and its foundations, drivers of conflict and

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war, geostrategy/security, and international relations writ large.