



## REGIONAL POLICY FORUM ON THE RESPONSIBILITY TO PROTECT

11- 12 June, 2012 Protea Hotel, Abuja, Nigeria

REPORT

#### **Background and Objectives**

1. The 'Regional Policy Forum on the Responsibility to Protect' (R2P) was held from 11-12 June 2012 in Abuja, Federal Republic of Nigeria. It was jointly organized by the ECOWAS Commission and the Global Centre for the Responsibility to Protect (GCR2P). The main objective of the Forum was to raise awareness on the concept of R2P within the region and to critically examine existing ECOWAS policies and institutions for protecting populations against mass atrocities. The Forum also aimed at identifying frameworks, institutions, and practices within ECOWAS for prevention and effective response to mass atrocities. The Regional Forum brought together about 60 international, regional and national participants from the public and private sectors, UN, regional organisations, the diplomatic community as well as international and national civil society organisations. They included:

- Senior Officials from ECOWAS Member States;
- Other Regional Economic Communities;

- ECOWAS Ambassadors;
- High Commissioner of Australia to Nigeria;
- UN Office in West Africa (UNOWA);
- UNDP, New York;
- UN Women in Nigeria;
- Staff of the ECOWAS Commission;
- Staff of Global Centre for the Responsibility to Protect;
- Representatives of the Civil Society;
- Experts and Researchers on R2P.

(Detailed List of Participants is attached as Appendix b)

2. R2P represents a global conceptual and policy shift in the notion of sovereignty and security. It imposes a global, regional and national imperative in the protection of populations against gross violations of human rights. Although R2P has a deep historical trajectory, it was first enunciated by the 2001 International Commission on Intervention and State Sovereignty (ICISS) which had been given the task. It was further unanimously endorsed by UN Member States during the 2005 World Summit. The main focus of R2P is on four crimes of mass atrocity crimes, namely: genocide, ethnic cleansing, war crimes and crimes against humanity. In 2009, the UN Secretary General enunciated a strategy for the implementation of the concept, namely;

- i. The primary and continuing legal **obligation of the state** to protect its population (citizens or otherwise) against genocide, war crimes, ethnic cleansing and crimes against humanity.
- ii. The commitment of the **international community to assist states** to fulfill their obligations of protecting their population.
- iii. International responsibility to **respond in a timely and decisive manner**, in accordance with the UN Charter, to help protect populations from the four listed crimes and violations if a state is unable or unwilling to protect. The response could involve any of the whole range of tools, pacific measures under Chapter VI of the UN Charter, coercive ones as a last resort under Chapter VII, in collaboration with continental and regional arrangements under Chapter VIII.

3. This Report provides an overview of discussions at the Forum, highlights main outcomes of the Thematic Sessions, documents participants' perspectives on the implementation of R2P in ECOWAS Member States and contains recommendations made by participants.

#### **Opening Ceremony**

4. The Two-Day Policy Forum commenced with an Opening Ceremony, during which Goodwill Messages were presented by representatives of:

- H.E Said Djinnit, Special Representative to the UN Secretary General for West Africa
- Francis Deng, Special Advisor to the UN Secretary General on the Prevention of Genocide (whose message was delivered by the Head of UN Women in Nigeria)
- H.E. Ian McConville, High Commissioner for Australia, also gave a goodwill message.

5. In his welcome address, H.E Mr. Kadré Désiré Ouedraogo, President of the ECOWAS Commission, represented by the Acting Director, Early Warning Directorate, Mrs. Florence Iheme, noted the significance of the Policy Forum on R2P, which he described as the first of its kind on the African continent and which will undoubtedly raise awareness within the region and strengthen effective collaboration to enhance the implementation of existing ECOWAS policies and institutions for protecting populations against mass atrocities. He stated that the 1999 ECOWAS Protocol relating to Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security was an instrument that articulates regional collective action to prevent, protect and respond to mass atrocities in a timely and decisive manner. He commended the Global Centre for the Responsibility to Protect for joining hands with ECOWAS to convene the Forum.

6. The Keynote Address was presented by H.E. Olugbenga Ashiru, the Honourable Minister of Foreign Affairs of the Federal Republic of Nigeria. He charged the Forum to ensure further conceptual clarity on R2P in order to resolve several misunderstandings emanating from current discourse. H.E Gbenga Ashiru further dispelled the misplaced connection between R2P and the Boko Haram terrorist attacks in Nigeria, stating that the government has not lost control over pillar one of R2P. He noted that whilst the current situation and the wanton loss of lives are deeply regrettable, the situation was not of the scale envisaged by the World Summit on R2P. The Honourable Minister identified four main R2P challenges that the Forum should address. These included:

- The need for further conceptual clarity of R2P;
- Clear definition of the roles of regional organizations in the implementation of R2P;
- Proposals on effective national and regional mechanisms for dealing with perpetrators of mass atrocities, and strategies to encourage political will among Member States regarding R2P and

• Capabilities to ensure appropriate national and regional responses to mass atrocities.

7. Dr. Adams, Executive Director of the Global Centre for the Responsibility to Protect stated that the Centre was part of the movement that seeks to promote the principles of R2P and that regional organisations were important agents in the implementation of R2P. He added that Africa has made commendable progress in the implementation of R2P through Article 4 (H) of the African Union and also ECOWAS efforts in collaboration with international institutions like the United Nations. He further revealed that at the national level, the R2P Focal Point Initiative has been launched by the Governments of Ghana, Costa Rica, Australia and Denmark following an international ministerial meeting on R2P at which the National Focal Points Initiative was adopted as a strategy for monitoring the four identified crimes.

The idea of national Focal Points, he stated, is to enhance national capacity building and early warning systems to prevent and effectively respond to imminent or actual mass atrocities and the initiative has grown so far to 14 governments having appointed national focal points at the national level. He stressed that the R2P doctrine was too important to be left to the UN alone and urged other major regional actors like ECOWAS to play important roles of promoting R2P as a global movement for preventing mass atrocities.

#### Summary of Discussions on Major Themes of the Policy Forum

#### A. <u>Assessment of Existing Structures and Capacities within ECOWAS to Respond to</u> <u>Mass Atrocities</u>

8. The Session expert presentation was by Mr. Emmanuel Bombande for the West Africa Network for Peacebuilding (WANEP). The Session assessed regional structures for responding to mass atrocities and agreed that the 1999 Mechanism was an important instrument which has been effectively utilized by ECOWAS to domesticate the norms of R2P. It noted that the Mechanism has been particularly useful in enabling ECOWAS undertake preventive actions whilst safeguarding local ownership. However, the session agreed on the need for ECOWAS to strengthen the implementation of the Mechanism through revitalization of conflict prevention and response structures, and increased collaboration and coordination among all ECOWAS organs and institutions on conflict prevention. Other observations made during the Session included the following:

 Regional Organisations should be the entry point for engaging national governments on R2P, to erase the perception that the international community could use R2P to effect regime change. There is also need for confidencebuilding in the implementation of R2P which could involve two major measures: carrying member states along through their focal points for data gathering and analysis; and preventive diplomacy.

- National Mechanisms for implementing R2P must necessarily actively involve state and non-state actors.
- Effective tackling of emerging threats in the region like the Boko Haram insurgency and the northern Mali crisis requires more robust funding and logistics for the ECOWAS Standby Force (ESF).
- Identification of five critical follow-up steps to enhance ECOWAS' response and implementation capacities, namely: comprehensive capacity building; enhanced coordination among ECOWAS institutions; sustainability of extant regional structures; robust and proactive strategies to combat terrorism; and building infrastructure for peace at the national level.
- ECOWAS resolve to bridge some of the coordination and response gaps in its implementation of conflict prevention through a ten year assessment project of the operationalisation of the Early Warning Directorate.

#### B. <u>Identification of Best Practices and Gaps by Examining Case Studies of Liberia,</u> <u>Guinea and Cote d'Ivoire.</u>

9. The Session featured an expert presentation from Dr. Adekeye Adebajo, Executive Director of the Centre for Conflict Resolution (CCR), University of Cape Town, South Africa. The presenters reinforced the widespread popularity of R2P in both global and regional platforms, adding that the ECOWAS 1999 Mechanism, which preceded the UN endorsement of R2P in 2005, was comprehensive for the practice of R2P in West Africa. It was also agreed that the AU had explicitly incorporated the idea of R2P in its Constitutive Act. The history of R2P was traced from Nkrumah's vision of a continental army to Alpha Konare's push for the OAU to move from non-intervention to non-indifference up to Kofi Annan's push for the rethinking of the notion of sovereignty. The cases of Guinea, Liberia and Cote d'Ivoire, it was agreed, demonstrated ECOWAS' practice of the principles of R2P. The Session stressed the need for the rule of law to be strengthened through existing institutions to prevent R2P crimes and also recommended the establishment and strengthening of cross national and cross-regional platforms to drive the implementation of R2P. The main suggestions put forward by the Session include:

- Regional leaders like Nigeria must be tied into multilateral diplomacy under the auspices of the UN;
- A more regional approach through organizations like ECOWAS should be encouraged by the UN. The Prodi report on AU-UN Partnership is an example of a regional approach that includes international organisations;
- ECOWAS mediation capacity must be strengthened and the Mediation Facilitation Division within Political Affairs Directorate should be established as a matter of urgency;
- Military and political sanctions against African warlords should be sustained and extended to the private sector;
- Mr. Ban ki-Moon's 2009 report on the follow up to the outcome of the 2005 World Summit on R2P is a valuable document that suggests the need to incorporate R2P into regional and sub-regional mechanisms like the African Peer Review Mechanism (APRM) and the Supplementary Protocol.

## C. Interconnections Between National, Regional, and International Organisations in Responding to R2P Situations

10. This session featured presentations from Mr. William Azumah Awinador-Kanyirige, Deputy Permanent Representative, Permanent Mission of Ghana to the United Nations and Professor Bola Akinterinwa, Director-General of the Nigerian Institute for International Affairs. The National focal point initiative on R2P was traced to the 2005 GA Summit resolution and the 2010 Ministerial Meeting co-chaired by Denmark and Ghana. Accordingly, these processes gave birth to this Regional Forum on R2P organized by ECOWAS and GCR2P. Four implementation strategies were identified, based on an incremental approach, namely: review of existing mechanisms, erection of platforms for best practices and institutional transformation, and renewal for effective anchoring of R2P at national, regional and global levels. Yet, some risks in these processes were identified to include: creation of inefficient bureaucracies, duplication, turf protection, lack of follow-up, hijacking of the process and complacency.

11. The Session outlined that the main challenge was to define the kind of relationship that should exist between national, regional and international actors in the implementation of R2P. The second level of analysis after examining the relationship between these levels of actors entailed, to what extent they would enhance the implementation of R2P. Part of the conceptual challenge, it was revealed, was the fact that the UN perspective state that R2P was not about humanitarian intervention. The Session further observed that:

In terms of definition, R2P was limited in scope.

- It is only when the principle of subsidiarity is redefined by regional organisations (specifically the AU and ECOWAS) that the R2P can be effectively, understood and implemented in Africa.
- R2P is consistent with the AU principle of subsidiarity. Therefore the AU should take the leadership in the promotion and practice of R2P in the continent and RECs such as ECOWAS should tap into the architecture to build coalition for the implementation of R2P.
- R2P seemed to be an operational instrument of global governance. Its present global push suggests that it is an instrument of control used by global powers against weaker states. The fact that the implementation of R2P is primarily tied to the dictates of big powers, (P5s) suggests that it could be effectively used as an instrument of control.

#### D. <u>How civil society, Governments and the ECOWAS Commission can work together to</u> <u>build the Protection and Prevention infrastructure in West Africa</u>

12. The Session featured expert presentation by Dr. Oka Obono, Associate Professor at the Department of Sociology, University of Ibadan on "Building the Prevention and Protection Infrastructures of R2P in West Africa". The Session problematized R2P on the basis of being reactive as opposed to proactive. It emphasized that, the conceptual underpinning of R2P suggested that it inherently pulls back populations at risk from the brink of genocide, war crimes, ethnic cleansing and crimes against humanity without ensuring that they never arrived at that threshold in the first place.

13. The Session made the following submissions;

- In charting a path for civil society, the notion and practice of R2P had to be redefined. This would entail an expansion of the R2P concept beyond its current state-centric focus to embrace "endogeneous insistence on good governance and a renewed international commitment to greater egalitarianism in global decision-making".
- The adoption of an integrated approach to peacekeeping and post-conflict reconstruction. This will involve civilian components that are fully interoperable with a common mandate and objectives.
- More engagement of relevant CSOs that are involved in conflict prevention, mediation and peacebuilding to intensify preventive advocacy on R2P.
- Increase capacity building for creating National Early Warning Mechanisms.
  CSOs could collaborate with such networks in order to provide early warning capabilities for Early Response.

#### **Concluding Session: Main Recommendations**

14. The vote of thanks was given by Mrs Salamatu Hussaini Suleiman, Commissioner for Political Affairs, Peace and Security ECOWAS Commission represented by Major-General Charles Okae, Director, Peacekeeping and Security Directorate. The Commissioner while expressing gratitude to all participants and partners for attending the Forum expressed confidence in the outcome of the Forum in relation to meeting some of the key concerns raised in the keynote address presented by the Nigerian Hon. Minister of Foreign Affairs, namely; the **conceptual challenge** of R2P, **institutional challenge** to put in place or operationalize the early warning and response capability and the **political challenge** to ensure that there is concerted political will from governments to decisively address, imminent and present human security challenges in our region. She formally declared the end of the successful event and participants went on tour of the ECOWAS Parliament.

#### **Appendices:**

- a. Communiqué of the Regional Policy Forum on Responsibility to Protect.
- b. Programme of Events.
- c. List of Participants.

#### Appendix A: Communiqué

#### ABUJA, NIGERIA

#### 11-12 JUNE 2012

#### COMMUNIQUE

1. The 'Regional Policy Forum on the Responsibility to Protect' (R2P) was held from 11-12 June 2012 in Abuja, Federal Republic of Nigeria. It was jointly organized by the ECOWAS Commission and the Global Centre for the Responsibility to Protect (GCR2P). The main objective of the Forum was to raise awareness within the ECOWAS region and to critically examine existing institutional frameworks and policies for protecting populations from mass atrocities.

2. It would be recalled that R2P was endorsed by United Nations (UN) Member States during the 2005 World Summit. The main focus of R2P is to prevent and respond to Genocide, war crimes, ethnic cleansing and crimes against humanity. To achieve this, the implementation of R2P is based on three pillars namely: the primary and continuing legal obligation of states; the commitment by the international community to assist states fulfil their obligation and; international responsibility to respond in a timely and decisive manner and in agreement to the UN Charter to protect populations from genocide, ethnic cleansing, war crimes and crimes against humanity. Discussions during this forum was focused mainly on this conception of R2P with the goal of contextualising such understanding within extant ECOWAS normative instruments, structures, practices and institutions.

3. The Regional Forum was attended by the following or their representatives: Senior Officials of Member States, the UN including;

- UN Office in West Africa (UNOWA),
- UNDP, New York,
- UN Women in Nigeria.

Other participants included ECOWAS Ambassadors, Regional Economic Communities (RECs), Staff of the ECOWAS Commission, High Commissioner of Australia to Nigeria; representatives of Civil Society Organizations (CSOs), as well as leading experts and researchers on R2P.

4. The Forum was declared open by H.E. Olugbenga Ashiru, the Honourable Minister of Foreign Affairs of the Federal Republic of Nigeria. In his Keynote Address, H.E Ashiru

charged the Forum to impose further conceptual clarity on the R2P in order to resolve several misunderstanding and disagreements emanating from current discourse. Other issues that require more robust intervention include: capabilities to ensure appropriate national and regional responses to mass atrocities; clear definition of the roles of regional organizations in the implementation of R2P; proposals on effective national and regional mechanisms for dealing with perpetrators of mass atrocities, and strategies to encourage political will among Member States on R2P.

5. The following thematic issues were critically examined by the Forum: Assessment of Existing Structures and Capabilities within ECOWAS to Respond to Mass Atrocities; Best Practices and Gaps Identified in the Operationalization of R2P Principles in Liberia, Guinea, and Côte d'Ivoire; Interconnections Between National, Regional, and International Organizations in Responding to R2P Situations; and Practical Modalities for Cooperation Among the Civil Society, Government, and the ECOWAS Commission in Building Protective and Preventive Infrastructure in West Africa.

6. The Forum noted that West Africa has made tremendous progress in the development of institutions, mechanisms and processes for preventing and responding to mass atrocities. Such Mechanisms include the 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security; the 2001 Supplementary Protocol on Democracy and Good Governance; and the 2008 ECOWAS Conflict Prevention Framework. Within these ECOWAS mechanisms, the role of civil society organisations is crucial in the prevention and response against genocide, ethnic cleansing, crimes against humanity and war crimes. Further, there are some gaps in structural prevention which is the foundation for avoiding the outbreak of catastrophic conflicts.

7. Participants re-affirmed that ECOWAS has been engaging with the core principles of R2P, in line with its 1999 collective security and responsibility mechanism. The Forum made a number of *Recommendations* for the different stakeholders involved in implementation of the R2P at Regional and National Levels:

- There is need to enhance and strengthen the ECOWAS Early Warning and Response Mechanisms in collaboration with the AU, UN and relevant Civil Society Organizations (CSOs);
- The need to enhance the financial and logistical capabilities of the ECOWAS Standby Force (ESF) to react when the need arises, in accordance with the third Pillar of R2P doctrine;
- The need for Member States to establish national Focal Points on R2P, based on their respective local context. It would also mean ensuring cross-partnership between Governments and the CSOs;
- The need to incorporate the principles of R2P into the African Peer Review Mechanism (APRM);

- CSOs should continue to engage with regional and continental structures and also strengthen mechanisms for monitoring, reporting as well as advocate adherence to R2P principles;
- UN and Regional Organizations should prioritize adherence to the principles of pacific Settlement of issues relating to R2P.

8. The Forum urged the Early Warning Directorate of ECOWAS to provide support national structures on R2P in order to enhance their effective operationalization. In this respect the Forum urged the AU and UN to support the ECOWAS Commission in its efforts to enhance the implementation and effectiveness of R2P in Member States.

9. Participants at the Forum further expressed their appreciation to the Nigerian Government, ECOWAS Commission and the Global Centre for the Responsibility to Protect for the excellent facilities put at their disposal during the Meeting.

Dated this 12<sup>th</sup> Day of June 2012

#### Regional Policy Forum on the Responsibility to Protect 11 and 12 June 2012 Venue: Protea Hotel Asokoro Bola Ige Close, Mohammadu Ribadu Street, Off Shehu Shagari Way Asokoro Abuja, Nigeria

#### 11 June 2012

#### **Opening Session**

#### 10:00am:

- Opening address by H.E. Kadire Desire Ouedraogo, President, ECOWAS Commission
- Goodwill Messages by:
  - Francis Deng, Special Advisor on the Prevention of Genocide, United Nations (TBC)
  - ✓ HE. Ian McConville, High Commissioner of Australia
- Keynote address by H.E. Gbenga Ashiru, Honorable Minister for Foreign Affairs of Nigeria

#### 11:00am: Group Photograph/Tea Break 11:30am: Session 1

Global Centre for the Responsibility to Protect: Short presentation on R2P by Dr. Simon Adams

# Assessment of existing structures and capacities within ECOWAS to respond to mass atrocities: early warning system, military capacity, mediation capacity, and other non-coercive measures

Chair: H.E. Prof. Al-Hassan Conteh, Ambassador of Liberia Expert Presentation: Mr. Emmanuel Bombande, Executive Director, West African Network for Peacebuilding Discussants: Dr. Abdel Fatau-Musah, Director, Political Affairs Directorate, ECOWAS Commission Mrs. Florence Iheme, Acting Director, Early Warning Directorate, ECOWAS Commission Maj.-Gen. Charles Okae, Director, Peace keeping and Security Directorate, ECOWAS Commission General discussions 1:30pm: Lunch

#### 2:30pm: Session II

## Identify best practices and gaps by examining case studies of Liberia, Guinea and Côte D'Ivoire. How can we address these gaps?

Chair: Dr. Simon Adams, Executive Director, Global Centre for the Responsibility to Protect

Expert presentation: Dr. Adekeye Adebajo, Executive Director, Centre for Conflict Resolution (CCR), University of Cape Town

Discussant: Dr. Samuel Doe, BCPR, UNDP, New York

General discussions

5:30-7:00pm: Reception

12 June 2012

#### 8:00am: Group Breakfast

#### 9:00am: Session III

## Interconnections between national, regional, and international organizations in responding to R2P situations.

Chair: Mr. William Azumah Awinador-Kanyirige, Deputy Permanent Representative, Permanent Mission of Ghana to the United Nations: Presentation on the National Focal Point Initiative

Expert Presentation: Prof. Bola Akinterinwa, Director General, Nigerian Institute of International Affairs.

Discussant: Chukwuemeka Eze, Programme Director, WANEP

General discussions

#### 11:00-11:15am: Tea Break

11:15am -2:15pm: Session IV

How can civil society, governments and the ECOWAS Commission work together to build the protection and prevention infrastructure in West Africa?

Chair: Dr. Abdel Fatau-Musah, Director, Political Affairs Directorate, ECOWAS Commission

Expert Presentation: Dr. Oka Obono, Sociology Department, University of Ibadan

Discussant: Guy Koku Ahianyo (WACSOF)

General discussions

Summaries on major recommendations/ themes emerging from the session: Dr. Simon Adams, Executive Director, Global Centre for the Responsibility to Protect

Vote of Thanks: Commissioner for Political Affairs, Peace and Security, ECOWAS Commission.

#### 2:30pm: Lunch/Conference Ends

#### 4:00pm: Tour of the ECOWAS Parliament

### Appendix C: Participants List

| S/NOS | NAME                             | ORGANISATION  | EMAIL ADDRESS                 |
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