INSTITUTIONAL CAPACITIES FOR THE IMPLEMENTATION OF R2P IN WEST AFRICA: A CASE STUDY OF GHANA

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West Africa Network for Peacebuilding

Institutional Capacities for the Implementation of R2P in West Africa: A Case Study of Ghana

WEST AFRICA NETWORK FOR PEACEBUILDING (WANEP)

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PREFACE

The adoption of the Responsibility to Protect (R2P) concept at the 2005 UN World Summit is probably the most significant commitment of World Leaders since the founding of the United Nations 70 years ago, to undertake mass atrocities prevention and that of crimes against humanity. Inasmuch as the international security architecture outlined in the UN Charter and the global framework for responding to human tragedies such as the ones of Srebrenica and Rwanda, or the complexities on how to engage in protracted conflicts such as in Libya and Syria have been slow and inadequate, the R2P stands out as a viable mechanism for nurturing and building political will to act at national, regional and international levels to prevent violent conflicts and protect civilians. Despite this, a decade after its adoption, the R2P often is seen as having largely remained a conceptual framework with little to show for its good practice and application.

This study is a ground-breaking initiative by the West Africa Network for Peacebuilding (WANEP) in Partnership with the Embassy of Denmark in Ghana to provide understanding of the gaps between the theory and practice of R2P. Using Ghana as a case study and expanding the scope to cover the West Africa region of ECOWAS member states, the study provides an understanding of the issues undergirding conflicts with the potential to trigger mass atrocities and R2P related crimes. Reference is made of the conflicts in the region that have resulted in such atrocities and the difficulties inherent in bringing the perpetrators of such atrocities to justice while maintaining the balance of post conflict recovery and reconciliation.

The selection of Ghana as a main case study provides two levels of insight. First, Ghana is a reference of a maturing and sustainable democratic state reaching the economic status of a lower middle-income country. It has over the years developed strong national institutions and a justice system resilient enough and can be relied upon to sustain peace and stability. These attributes made it possible for Ghana and Denmark through bilateral cooperation to co-facilitate and nurture the development of National Focal Point persons for R2P. Secondly, Ghana also has the mix and combination of deep structural issues often escalating intermittently into communal as well as intra and inters political party violence.

The choice of Ghana allows for an appreciation of the issues in Ghana and much wider in ECOWAS member states in order to underscore the relevance of making functional and operational the norms and principles of R2P. In this regard, the call for prevention underpinned in the first pillar of R2P sets forth the imperative of working for conflict prevention in all countries and within the purview of UN and ECOWAS efforts. The best of protection and prevention initiatives begin with identifying, acknowledging and transforming structural and root causes of potential mass atrocity conflicts. In engaging with a cross section of people in five out of the ten regions of Ghana, there is much value in bringing citizens to talk about R2P. Bridging the gap therefore of such major policy initiative from high level political decision making to people is critical. On the other hand, the discourse with R2P related institutions during the study brought out the deeper level of responsibility of the state to the levels of the efficient and professional performance of these institutions in executing their mandates.

The study is also a resource for advocacy. It serves as a blue print to conduct similar studies in each West African country with the view to identify national and informal institutions at country levels working on R2P and assessing their effectiveness in preventing R2P related crimes. In the case of Ghana, one obvious finding is not just the presence of functional institutions working on R2P issues. It is even more the institutional capacities of different agencies with different mandates all tied into contributing to peace and security to be able to work together and coordinate efforts towards enhancing state capacity to prevent mass atrocities.

In the midst of all the threats of increasing violence as a result of the activities of extremists and jihadists groups; an expanding youth population looking for opportunities of livelihoods; increasing contested elections that divide people along ethnic, regional and in some cases religious fault lines, and humanitarian interventions in crises that have become more complex either in the internal displacements of people or the movements refugees within the region, it is pertinent that the exigencies and current geopolitical and security dynamics in West Africa require urgent and concerted efforts of institutions and civil society organizations at national levels working together to enhance capacities for regional approaches for prevention. R2P provides the framework for harnessing such potential. The Study highlights such possibilities and concludes with critical recommendations for action going forward.

ABBREVIATIONS/ACRONYMS

AAG	Advertisers Association of Ghana
ADR	Alternative Dispute Resolution
ASHRAB	Ashanti Region Association of Blacksmiths
BNI	Bureau of National Investigations
CAMFED	Campaign for Female Education
CCTV	Closed-circuit television
CEDAW	Convention on the Elimination of All Forms of Discrimination
CHRAJ	Commission on Human Rights and Administrative Justice
CID	Criminal Investigation Department
CPP	Convention Peoples' Party
CSO	Civil Society Organisation
DOVSSU	Domestic Violence & Victim Support Unit DOVSSU
EC	Electoral Commission
ECOWAS	ECOWAS Economic Community of West African States
FIDA	International Federation of Women Lawyers
GCR2P	Global Centre for the Responsibility to Protect
GoG	Government of Ghana
GPRS	Ghana Poverty Reduction Strategy
GRB	Ghana Refugee Board
HIV	Human immunodeficiency virus
HRAC	Human Rights Advocacy Centre
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
J-PASS	Joint Party Support and Strengthening
KAIPTC	Kofi Annan International Peacekeeping Training Centre
LEAP	Empowerment Against Poverty
LGBT	Lesbian Gay Bisexual Transgender
MARP	Most At Risk People
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MFARI	Ministry of Foreign Affairs and Regional Integration

MFWA	Media Foundation for West Africa
MMDA	Metropolitan, Municipal and District Assemblies
MOGCSP	Ministry of Gender, Children and Social Protection
MOU	Memorandum of Understanding
NACAP	National Anti-corruption Action Plan
NACOB	Narcotics Control Board
NACSA	National Commission on Small Arms and Light Weapons
NADMO	National Disaster Management Organisation
NCCE	National Commission for Civic Education
NDC	National Democratic Congress
NGO	Non-governmental organization
NHIS	National Health Insurance Scheme
NNP	New Patriotic Party
NPC	National Peace Council
NSPS	National Social Protection Strategy
OASPG	Office of the Special Advisor to the Secretary-General on the Prevention of Genocide
OAU	Organisation of African Unity
PNC	People's National Congress
PPP	Progressive People's Party
R2P	Responsibility to Protect
RPC	Regional Peace Council
SACRO	Safeguarding Communities - Reducing Offending
SGBV	Sexual and Gender based violence
SPSS	Statistical Package for the Social Science
SSNIT	Social Security and National Insurance Trust
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
WAJU	Women's and Juvenile's Unit
WANEP	West Africa Network for Peacebuilding
YES	Youth Enterprise Support

EXECUTIVE SUMMARY

Since a consensus was reached on the concept of R2P in the Outcome Document of the 2005 World Summit, the Governments of Ghana and Denmark have demonstrated strong commitment to the implementation of R2P in their individual countries. Five years after the World Summit Outcome Document, Ghana and Denmark pioneered to establish the national focal points initiative. In this regard, WANEP in partnership with DANIDA commissioned a one-year long project (January 2015-December 2015) with a view of assessing the progress made so far and providing strategic inputs to the development of an R2P policy. Again, as 2015 marks the 10th anniversary since the adoption of the concept, this research serves as a stocktaking exercise on how the concept has been implemented in West Africa with Ghana as a case in point. Amongst other things, the research investigates citizens' awareness of the concept of R2P, what their views on R2P crimes are, and what institutions they believe to be responsible for their protection. Critical to this research was the creation of awareness about the concept to all stakeholders.

Using Ghana as a case in point, the research assessed institutions that are relevant to the implementation of R2P in Ghana and their roles/ contributions towards the prevention of mass atrocities based on three broad categories; prevention, capacity building and facilitation. The research revealed that the National Peace Council (NPC) which is the National Focal Point for R2P in Ghana has mainstreamed R2P into a number of its activities. This has been facilitated by the fact that the mandate establishing the NPC resonates in principle with R2P. The KAIPTC which is a centre of excellence in terms of peace and security has and continues to make efforts towards the promoting R2P through training and practice-based workshop.

The research however revealed that in spite of the efforts being made by these two institutions together with other state institutions and civil society groups/ organisations, a comprehensive and strategic guideline for the implementation of R2P has not been developed. Worthy of note is the fact that many state institutions have mandates that resonate in principle with R2P indicating that implementation of R2P principles by way of prevention of R2P crimes are not necessarily lagging behind.

In the area of legal frameworks, the research hinted on five legal frameworks relevant to the prevention of R2P related crimes through the elimination of enabling factors. These include:

- 1992 Constitution
- Security and Intelligence Act (1996)
- Anti- Money Laundering and Combatting and Financing Terrorism (AML/CFT)
- Criminal Code 1960
- Presidential Elections Act.

The research, which also served as a risk assessment of early warnings signs relevant to R2P. Particularly for the other West African countries, a desk review was conducted in lieu of collecting primary data.

The objectives of the research are reflected in the key findings and stated as follows;

- Majority of respondents were not aware of the R2P concept including some of the institutions relevant to the implementation. 57.1% of respondents from the general public had never heard

about the concept. Three out of ten institutions relevant to R2P were not aware of the concept. However, the mandate establishing these institutions and the activities carried out by these institutions resonated in principle with R2P.

- 84.7% of respondents knew of government agencies responsible for protection / security. Most respondents cited the police, military, judiciary/ court, Ministry of Gender, Children and Social Protection (MOGCSP) and the Commission for Human Rights and Administrative Justice (CHRAJ). A few respondents in particular regions mentioned the palace and/ or chief.
- 96.1% of respondents indicated that war crimes, crimes against humanity, ethnic cleansing, genocide and other mass atrocities could not be justifiable.
- At least 66% of respondents had experienced some injustice or human rights abuse as against 31.5% who had not.
- Harassment from other citizens e.g. landlords, landguards,[1] neighbours etc was the most mentioned, constituting 26.1% with discrimination on the basis of sex, political leanings and disabilities.
- Most respondents did not bother to report instances of discrimination because they believe "nothing good would come out of it."
- Only 19.2% thought government was doing enough to eliminate the drivers of conflict.

Key Recommendations were proffered for the development of an effective R2P implementation plan by the state in partnership with key stakeholders. This plan should be funded by Government of Ghana with support from development partners. The need for a massive awareness creation and sensitization exercise to be undertaken to ensure that there is a buy-in from all stakeholders across the country was recommended. Schools, traditional institutions, CSOs and faith-based organisations must be actively engaged in the sensitization process. The study also recognized the need for individuals from the aforementioned institutions to undergo regular capacity building programmes to ensure an all-round and effective implementation of R2P.

1 "Landguardism is the phenomenon of employing constituted groups of mainly young persons who engage in the use of illegitimate force to protect land and landed property in exchange for remuneration in cash or in kind..." See Darkwa, Linda; Attuquayefio, Philip. (2012) Killing To Protect? Land Guards, State Subordination and Human Rights in Ghana. Sur: *International Journal of Human Rights;* Dec., Vol. 9 Issue 17, p140.

CHAPTER 1:
RESEARCH DESIGN

1.1 Introduction

The enormous impact of Intra-State and cross border conflict on the lives and livelihoods of people made the West African region distinctive in terms of violent conflict and its vulnerability to destabilization and increasing poverty. Before the adoption of R2P at the 2005 World Summit, West Africa under the Inter-Governmental Organization of ECOWAS, with the experience of witnessing some of the world's blood baths, developed a collective political will urgently required at the time and engaged concertedly in political decisions and principles to protect its citizens. These principles were backed by concrete actions to protect vulnerable citizens in its member states from crimes against humanity, genocide, and war crimes in general as well as ethnic cleansing. The policy framework underpinning the operationalization of the R2P consists of three pillars; firstly, the protection responsibilities of the state; secondly, international assistance and capacity building to help states fulfil their national obligations and thirdly, the commitment to timely and decisive collective action in cases of manifest failure, in ways that are consistent with the UN charter. R2P thus resonates very well with the regional experiences of ECOWAS.

As globalization shrinks borders between countries, so does it shrink the hitherto walls that made it difficult for perpetrators and instigators of violent conflicts to spread violence. The problem that confronts West Africa today is whether human security is given the needed attention by states and governments and whether investment is being made by West African states in the development of expertise and mechanisms to protect its citizens from violence[2] and specifically against genocide, war crimes, ethnic cleansing and crimes against humanity.

To ensure the protection of the people in the region, there must be adequate regional and state response capacity and adequate and appropriate human resource, nationally owned peace infrastructure and early warning mechanisms that are designed to protect.[3]

The long period of instability characterized by violent armed conflicts, coup d'états and the associated destruction to life and property continue to traumatise the region. Liberia's conflict soon to be followed by Sierra Leone and Guinea with its own share of violence tells the story of the inability of states and governments to protect the populace.

The almost daily carnage in Nigeria by Boko Haram, the conflict in Mali and Niger, the recent Ivorian crisis, the coup and the ethnic tensions in Burkina Faso, the fragility in Guinea and the chieftaincy and land related violent conflicts in Ghana and the region, might not have been described as genocide, war crimes, or ethnic cleansing but they are certainly crimes against humanity and crimes that can lead to genocide or ethnic cleansing. For instance in 2014, the Global Centre for the Responsibility to

2 Azumah. V, (2015), "State Capacity to Conflict Management and Citizens Protection in The Mano River Region (Sierra Leone, Liberia, Guinea) of West Africa," Unpublished Doctoral Thesis.

3 Ibid.

Protect (GCR2P) raised the concern that the indiscriminate violence in Nigeria increased the risk of mass atrocities and crimes against humanity occurring.[4]

In Ghana, in spite of the presence of relative peace, pervasive structural issues intermittently exacerbates pockets of escalated violence, conflict and various levels of crime within the country and around its borders. Over the last few years, armed robbery, alleged serial and contract killings, drug trafficking and cybercrime have been steadily gaining ground and putting much pressure on many of the institutions mandated to provide security. Their inabilities to curb or reduce some of these crimes reveal not only the vulnerabilities within and amongst these agencies but also the inadequacy of resources available to them for effective execution of their duties. Nevertheless, these agencies still have a responsibility to provide safety. There is therefore the need for collaboration and coordination amongst agencies, and also with citizens. Of utmost priority is the need for capacity development for individuals who work to provide safety and security in Ghana.

Findings from the Afrobarometer Round 6 survey in Ghana titled *Trust and corruption in public institutions: Ghanaian opinions* indicated that in terms of citizens' level of trust of public institutions, the level of trust was generally low except for the military. Per the Afrobarometer survey, percentage of citizens who had little or no trust for selected public institutions are expressed as follows; tax department (62%), local government body (62%), police (62%) Parliament (61%), ruling party (61%), Electoral Commission (59%), president (57%), courts of law (54%), and opposition parties (50%).[5] Based on the aforementioned coupled with the increasing number of labour strikes and demonstrations lies the risks of dissatisfaction with the responsiveness of state agencies and a lack of confidence and or disregard for public / state institutions. Although Ghana ranked 7th in the 2014 Ibrahim Index of African Governance (IIAG), complacency could increase the risks of ineffective and assertive measures to increase state capacities for efficient response and threats to violence and destabilization. These political risk indicators cannot be overlooked, as they could as well constitute fertile ground for citizens and in some cases security forces together with citizens engaging in R2P related crimes. Again, judging from examples in Niger, Burkina Faso, Mali and Kenya, similar trends or conditions exist in Ghana. For instance the 48-hour strike action that took place in Benin from the 7th to 8th of January 2014 not only crippled the public sector (up to 90% public-sector union members complied with strike action) but also highlighted the degeneration in the political and social stability in the country. It also gave an indication of tensions likely to arise in the build up to the 2016 elections. The dissatisfaction stems from a perceived increasing rate of corruption, government interference with the judiciary and Yayi Boni's perceived intentions for a prolonged period to amend the constitution to make way for a third term in office.

The narrative in Niger is no different. In June 2014, there were mass protests against Mahamadou Issoufou's government for detaining six opposition figures. The charge levelled against the six opposition figures was that they were threatening state security. Initial protests (two protests), were prevented from taking place with the justification that they could lead to public disorder as well as terrorist infiltration. The detention of these opposition figures coupled with attacks on the homes of two politicians and a petrol bomb attack on the Nigerien Party for Democracy and Socialism's headquarters can all constitute early warning signs of a deteriorating political climate. The June 2015 protests motivated by remarkable increase in taxes, increased rate of electricity disruptions and

4 The Crisis in Nigeria. Available at: http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-nigeria. Accessed on December 29, 2015.

5 Afrobarometer Round 6 survey in Ghana. Trust and corruption in public institutions: Ghanaian opinions. Available at: http://www.afrobarometer.org/sites/default/files/media-briefing/ghana/gha_r6_presentation3_trust_corruption .pdf. Accessed on December 30, 2015.

the proposed increase in the number of parliamentarians from 113 to 171 in 2016 also support the aforementioned argument.

The lack of employment opportunities for many young people on the continent has also led to a number of demonstrations (some turning violent) across the continent with the most notable in Burkina Faso, Democratic Republic of Congo and Burundi. Ghana has had its own fair share of demonstrations these last few years; "Occupy flagstaff house (in July 2014),"[6] "Won Gbo" demonstration (in February 2015),[7] "Dumsor Must Stop" (in May 2015)" vigil[8] and strikes by organised labour. By all indications, these current trends in Ghana require deliberate planning and coordination to prevent escalation into crisis situations. Thus the effective implementation of R2P in Ghana is now a sine qua non.

In 2010, Ghana and Denmark established the national R2P Focal Points initiative.[9] The national focal point would be an official appointee of government responsible for mainstreaming and coordinating R2P initiatives and activities within the country. This research explores citizens awareness of R2P in Ghana (Greater Accra, Volta, Western, Ashanti and Northern regions), what it should entail, who / which institutions they feel are responsible for their protection as well as their inclinations to accept or perpetuate R2P crimes amongst others. It also draws on intimations to better understand the peculiarities of the various regions in terms of experiences and perceptions. It further highlights the potential of mitigating future risks by paying attention to the human security needs of the people.

1.2 Background to the Research

In order to protect citizens in the West African region, the ECOWAS protocol relating to the mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security was signed in 1999. It was followed by the supplementary protocol on Democracy and Good Governance in 2001. Another important interrelated commitment was the declaration of a sub-regional approach to Peace and Security in 2003. To complement these there were the 2006 ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other related materials as well as the 2008 ECOWAS Conflict Prevention Framework. All of the above find relevance in the R2P principles.

This research seeks to identify the gaps that exist in the application and fusing of the R2P principles into the ECOWAS Conflict Prevention Framework, create awareness and recommend ways of ensuring the streamlining of the normative framework for maximum impact in practice.

The two-tier research project first assesses public awareness of R2P and which organisations or who has the responsibility to protect them from R2P related crimes and secondly assessing the institutions identified as agents of protection.

1.3 Central Argument

The best way to protect is to prevent.

6 'Occupy Flagstaff House' demo rocks Accra. Available at: http://graphic.com.gh/news/general-news/26344-occupy-flagstaff-house-demo-rocks-accra.html. Accessed on December 30, 2015.

7 Hundreds troop to Accra for NPP's 'Won Gbo' demo. Available at: http://www.ghanaweb.com/GhanaHomePage/NewsArchive/Hundreds-troop-to-Accra-for-NPP-s-Won-Gbo-demo-346992. Accessed on December 30, 2015.

8 Photos: Massive turnout at "DumsorMustStop" vigil. Available at: http://www.ghanaweb.com/GhanaHomePage/NewsArchive/Photos-Massive-turnout-at-DumsorMustStop-vigil-358453. Accessed on December 30, 2015.

9 See on this initiative the information provided by the New York based CSO Global Centre for the Responsibility to Protect which functions as secretariat to the Focal Point network: http://www.globalr2p.org/our_work/r2p_focal_points.

1.4 Objectives of the Study

- Identification of National Mechanisms (Ghana) for implementing R2P and the synergy that exists between the various structures of the state and ECOWAS for effective protection of citizens.
- Explore and examine the potential role or actual work of National Focal Points for R2P in states in West Africa in regard to implementing R2P (focusing on the case of Ghana).
- Recommend strategies for building capacity to put R2P into practice and bridging the coordination gap between state agencies, ECOWAS and CSOs in implementation of R2P.
- Proposals for effective national and regional mechanisms in West Africa for dealing with perpetrators of mass atrocities (if these should occur), and strategies to encourage political will among member states regarding the implementation of R2P.
- Create awareness on the pillars and principles of R2P and recommend the roles of states, ECOWAS, CSOs and the private sector in the implementation of R2P to ensure accountability.

Ultimately, this study assesses Ghana's capacity to implement the UN's Responsibility to Protect Norm. The study aims at serving as a stocktaking exercise on how the R2P norm has fared over the last ten (10) years. The outcome of this study will serve not only as a blueprint but also a resource for advocacy for Civil Society in Ghana and in the West Africa region to make states responsible to the protection of people against violent attacks, ethnic cleansing, genocide and related crimes against humanity.

1.5 Rationale

Ghana and Denmark were the first to establish the national focal R2P Focal Points initiative. As 2015 marks the 10th anniversary since the adoption of the concept, this research serves as stocktaking exercise on how the concept has been implemented in West Africa with Ghana as a case in point. The report seeks to contribute to the development of an R2P policy by generating primary data as well as indicators in relation to risk factors, at risk populations and what can be done if prevention can be effective.

1.6 Scope of Project

The study was conducted in five (Greater Accra, Volta, Western, Ashanti and Northern) regions in Ghana. Field data collection took place over a four-month period (March to July 2015). A total of 600 (120 per region) questionnaires were administered to the general public. An additional 9 institutions were approached and interviewed. Additional notes from the West Africa region/ ECOWAS through a desk study allows the study to have some level of a regional scope.

1.7 Limitations

Due to budgetary constraints, the research could not be undertaken in more than 5 regions in the country (Ghana). Owing to the aforementioned, the research was unable to collect primary data from the other West African states and relied in that regard on secondary material. Again, the project did not assess the level of implementation of each of the legal frameworks in Ghana that have protection as their main aim.

1.8 Conceptual Framework

For the purpose of this research, the concept of R2P is used to explain the critical urgency and importance of protecting the vital core (human security) and finding long term solutions to curb the ramifications and potential implications on preventing R2P crimes. UN World Summit Outcome Document of 2005 articulates the responsibility as follows:

Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.[10]

The concept of R2P moves away from the traditional concepts of protection of and human rights and introduces a new dimension to humanitarian intervention with a focus on safeguarding the lives and interests of victims rather than the interest of intervening states. R2P does not cover all aspects of human rights or human rights violations for that matter. In this regard, natural disasters and other naturally occurring phenomenon regardless of how grave its impact is on human life, is not considered part of R2P. As such more specific issues of genocide, crimes against humanity and war crimes, which tend to be more systematic and coordinated is what the concept preoccupies itself with.

What differentiates R2P from other human rights and humanitarian frameworks such as the Protection of civilians is that, even though R2P crimes can be committed in both wartime and peace, these mass atrocities must be carried out in a systematic manner for R2P to be evoked. The fact that R2P does not cover all human rights violations has been viewed as a limitation as stated by Popovski (2011).[11]

There is a school of thought that believes there are advantages in the shift from "intervention"[12] to "protection[13]". Evans and Sahnoun (2002) state that this has three big advantages. The first advantage as posited by these authors is that "it implies evaluating the issues from the point of view of those needing support, rather than those who may be considering intervention".[14] They further explained that with this the focus is setback to the right target i.e. "on the duty to protect communities from mass killing, women from systematic rape, and children from starvation.[15]" The second advantage is that the state bares primary responsibility / burden of responsibility lies with the state in question.[16] The third advantage as suggested by Evans and Sahnoun is that the concept is all encompassing taking into account not only the "responsibility to react" but "responsibility to prevent" as well as the "responsibility to rebuild."[17]

In terms of conceptual approach, the move from sovereignty as a means of control (and in some instances a defense for human rights abuse and mass atrocities) to sovereignty as a responsibility has

10 Resolution adopted by the General Assembly. 2005 World Summit Outcome. Available at: http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf. Accessed on December 30, 2015.
11 Siblings, but not twins: POC and R2P. Vesselin Popovski. Available at: http://unu.edu/publications/articles/siblings-but-not-twins-poc-and-r2p.html#info . Accessed on April 21, 2015.
12 See also Right to Intervene or "droit d'ingérence" which refers to providing assistance to or intervening in domestic issues of a sovereign state without seeking the consent of the state.
13 See Responsibility to Protect.
14 The Responsibility to Protect: Revisiting Humanitarian Intervention. Gareth Evans and Mohamed Sahnoun. Available at: https://www.foreignaffairs.com/articles/2002-11-01/responsibility-protect. Accessed on April 25, 2015.
15 Ibid.
16 Ibid.
17 Ibid.

received some level of acceptance even before the 2005 World Summit Outcome Document. Kimaro et al (1996) responsibility of sovereignty creates an avenue for ensuring and assessing government accountability[18] at both the domestic and international levels.

1.8.1 Brief History of R2P

The Responsibility to Protect (R2P) "is a new international security and human rights norm to address the international community's failure to prevent and stop genocides, war crimes, ethnic cleansing and crimes against humanity. It refers to the "obligation of states toward their populations and toward all populations at risk of genocide and other mass atrocity crimes."[19] By implication, states should no longer view sovereignty as a privilege/ license to control and (sometimes) abuse citizens but a responsibility to protect them.[20] Conceptualized on account of the human rights violations and the mass atrocities that marked the 1990s, the then Secretary-General of the United Nations, Mr. Kofi Annan threw a challenge to the international community that the sacrosanctity of state sovereignty can be attuned to military intervention/ use of force when it came as a response "to gross and systematic violations of human rights that offend every precept of our common humanity."[21]

A 2001 International Commission on Intervention and State Sovereignty (ICISS) report initiated the concept of R2P, but it was not until the UN 60TH Anniversary World Summit that it gained formal acceptance.[22] In 2009, UN Secretary General Ban Ki-Moon established in an annual report on R2P the first comprehensive framework for the implementation of the Responsibility to Protect.[23]

Ten years after the adoption of the Responsibility to Protect (R2P) there remains crucial differences regarding the application of the principle, and persistent debates regarding its potency to prevent mass atrocities and human rights violations. The core elements of the R2P and what they focus on; i) responsibility to prevent; ii) responsibility to react; and iii) responsibility to rebuild, often have been the trigger factor of these debates. Critics maintain that its focus seems to be restricted to reacting. Cambodia, Uganda, Rwanda and Srebrenica bespeak the international community's unpreparedness to prevent mass atrocities. In Libya, Resolution 1973 which authorised intervention in Libya on grounds of "protection of citizens" eventually became merely a means to ensure regime change and viewed with varied doses of scepticism.[24] Four years down the line, civilian casualties remain high with increased lawlessness. Libya has become a nest for the training and spread of violent extremism across the Sahara belt and beyond with consequences on West Africa particularly Mali, Niger and Mauritania. Confronted with such a threat of regional destabilization and mass atrocities within and outside Libya, the international community is yet to determine what concrete efforts must be deployed to halt further atrocities and also to "rebuild" Libya. The usefulness of R2P to protect civilians in Syria is yet to be seen. From all the examples, it appears that the international community has a lot less

18 Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, I. William Zartman, Francis Mading Deng (1996). *Sovereignty as responsibility: Conflict management in Africa*. Washington, DC: Brookings Institution Press.

19 About R2P. Available at: http://www.globalr2p.org/about_r2p . Accessed on April 25, 2015.

20 Gareth Evans, From Principle To Practice – Implementing The Responsibility To Protect. 2007. Available at: http://www.crisisgroup.org/en/publication-type/speeches/2007/evans-from-principle-to-practice-implementing-the-responsibility-to-protect.aspx. Accessed on December 30, 2015.

21 UN Secretary General Report, 2000. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/54/2000. Accessed on February 21, 2015.

22 The Responsibility to Protect: Creating and Implementing a New International Norm, Gareth Evans Address by Gareth Evans, President, International Crisis Group, to Human Rights Law Resource Centre, Melbourne, 13 August 2007 and Community Legal Centres and Lawyers for Human Rights, Sydney, 28 August 2007.

23 Report of the Secretary-General (2009). Implementing the responsibility to protect. Available at: http://responsibilitytoprotect.org/implementing%20the%20rtop.pdf. Accessed on December 30, 2015.

24 Chris Keeler. The end of Responsibility to Protect? October 2011. Available at: http://www.foreignpolicyjournal.com/2011/10/12/the-end-of-the-responsibility-to-protect/ . Accessed on April 20, 2015.

interest in preventing and rebuilding. Perhaps it is because "prevention is complex[25]" as stated by Kofi Annan. However, the preventive efforts undertaken during the Nigerian-Cameroonian scuffle over the Bakassi Peninsula[26] remains laudable with regard to prevention of conflict and loss of life.

Often regarded as a mere political rhetoric, the Responsibility to Protect (R2P) in another regard has broadened the discourse on the prevention of mass human violations/ abuses and mass atrocities. At a minimum, it has shifted discourse from why interventions are justifiable with respect to stopping atrocities to why no intervention has taken place. As a framework for prevention, R2P has great potential for protection. As put succinctly by Sheri Rosenberg, "The best way, after all, to protect populations from mass atrocities is to ensure that they do not occur in the first instance."[27]

1.9 Methodology

The data for this research were drawn from three main categories of respondents across Ghana; general public and targeted institutions in fields and industries relevant to the research. Questionnaires administered to the general public gathered information that assessed amongst other things, citizens' perceptions of security agencies particularly the police, citizen' inclinations to commit crime against other citizens, citizens' interest in prompt response and professional response from the police, citizens' willingness to participate in the promotion of R2P, citizens' level of trust in state/Government institutions particularly those responsible for promoting and protecting their rights and citizens' general perception of the current security and human rights situation in Ghana. It included a mix of close ended and open-ended questions that required respondents to provide objective and candid opinions/ experiences in explanatory comments.

Due to the sensitivity of some responses provided, respondents were assured that their responses would be kept confidential and where possible names altered to preserve the identity of the respondent(s). In spite of this, a few respondents were unwilling to fill out Part I: Respondents Characteristics which required respondents to provide information such as name, phone number, gender, age, marital status, educational and employment status, religion and place of residence. For those who did, they were sceptical about responding to certain questions particularly those relating to human rights abuses. While analysing the results of the survey, response rates for particularly the open-ended questions were relatively lower than the close ended ones. Where respondents did not provide responses for particular questions, they were not calculated in the percentages.

The data collected was coded and analysed. Judging from the trends in the responses, particularly those questions that required explanatory comments as well as general willingness to fill out the questionnaire, four major conclusions have been drawn:

- There are still remnants of the culture of silence in the minds of citizens
- There is the need to evaluate the actions of security/ protection agencies (particularly police) in relation to their contact and interactions with citizens
- Land (ownership, use and transfer) and political affiliation constitute pressure points from which tensions/ conflict can arise in Ghana.

25 Annan, Kofi. Interventions: *a life of war and peace.* London: Penguin Group. 2012. p. 115.
26 Ibid.
27 Rosenberg, Sheri P. Responsibility to Protect: A Framework for Prevention. Global Responsibility to Protect - 2009 - pp. 442- 477.

- Levels of cooperation with the police in terms of reporting and willingness to allow law enforcement agencies to respond to situations are deteriorating.

The survey had standards articulated in the 2005 World Summit Outcome document as it relates to "Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (paragraph 138) and Human Security (paragraph 143) as its basis.

The data collection processes were conducted on a sample of 610 respondents over a four-month period (March 2015 to July 2015). Out of the total, 600 were face-to-face interviews with the general public and 10 with heads/ representatives of institutions. 120 individuals were interviewed per region in five (5) regions; Greater Accra, Volta, Western, Ashanti and Northern regions respectively. Settlements within these regions were randomly selected although conscious efforts were made to interview persons in areas that were conflict-prone; had prospects of experiencing tension. Variables such as gender, age, employment status, and educational status were taken into account to ensure that responses were representative of the demographics. Typically, administering each questionnaire lasted up to 20-30 minutes although there were a few of them that lasted up to 2 hours.

The second set of data for the research was obtained from various relevant institutions such as the Ministry of Foreign Affairs and Regional Integration, Ministry of Interior (the National Peace Council (NPC), the Ghana National Commission for Small Arms (GNACSA) and the Ghana Refugee Board), United Nations Development Programme (UNDP), the Human Rights Advocacy Centre (HRAC), Advertisers Association of Ghana (AAG), the Media Foundation for West Africa (MFWA) and the Kofi Annan International Peacekeeping Training Centre (KAIPTC).

Institutions were selected based on two main criteria; their role/possible role in the prevention of R2P crimes, their contribution to the promotion or prevention of R2P crimes by way of capacity development or both. Letters of introduction and interview guides were in most cases sent ahead of time to give these institutions and experts ample time to prepare and/ respond. While some opted to respond via mail, there were a number of institutions who preferred face-to-face interviews. After the face-to-face sessions, the interview was transcribed and sent to the interviewee for final verification.

The research findings can be divided into three categories; those that relate to peoples' belief that R2P relevant institutions capability and willingness to implement R2P in Ghana, those that relate to the mandate of these institutions and how their mandate and activities resonate in principle with R2P, and finally those that relate to their performance. Priority areas identified include the need for institutions particularly state institutions to engage more with the public to enhance cooperation and reduce the apprehension of citizens against state.

Interesting and relevant information were gathered particularly from the second data set. This information was categorised in main and sub themes. This provided an avenue to compare and contrast all information gathered before and during the research.

1.9.1 Population Sample

		Percentage(s)
Gender	Male	40%
	Female	60%
Age	18-25	40%
	26-34	32%
	35-40	13%
	41-47	7%
	48-55	5%
	56 and above	3%
Marital Status	Never Married	62.8%
	Married	28%
	Divorced	4.4%
	Separated	3.2%
	Co-habiting	1.2%
	Widowed	0.4%
Educational Status	None	2.3%
	Primary	4.6%
	JHS	1.4%
	SSS/SHS	28.2%
	Tech/Voc/Comm	11.6%
	Tertiary	44.9%
	Post graduate	7%
Occupational Status	Employed/ Working	54.4%
	Not employed	13.2%
	Student	31.7%
	Retired	0.7%
Religion	Moslem	20.8%
	Christian	76.5%
	Traditionalist	1.9%
	Other	0.8%
Region of Residence	Greater Accra	20%
	Western	20%
	Volta	20%
	Northern	20%
	Ashanti	20%

1.10 Definition of Key Terms and Concepts

Genocide

According to Article 6 of the Rome Statute of the International Criminal Court, genocide is "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group."[28]

Crimes Against Humanity

Article 7 of the Rome Statute of the International Criminal Court states that Crimes Against Humanity are "any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation or forcible transfer of population;

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."[29]

28 Rome Statute of the International Criminal Court.
29 Ibid.

War crimes

Article 8 of the Rome Statute of the International Criminal Court defines war crimes as "(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Wilful killing;

(ii) Torture or inhuman treatment, including biological experiments;

(iii) Wilfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

(v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;

(vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

(vii) Unlawful deportation or transfer or unlawful confinement;

(viii) Taking of hostages.[30]

Human Security

The Commission on Human Security defines Human Security as "to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.[31]"

30 Ibid.

31 Definition of Human Security. Available at: http://www.tr.undp.org/content/dam/turkey/docs/news-from-new-horizons/issue-41/UNDP-TR-HSHandbook_2009.pdf. Accessed on July 24, 2015.

CHAPTER 2:
REVIEW AND RELATED LITERATURE

This Chapter provides a contextual backdrop for discussions on country capacity to implement R2P in West Africa. It commences with an exploration of conflicts that have taken place in West Africa, the dynamics that gave rise to these conflicts, the various actors within conflict and the atrocities committed. It further examines interventions/ steps that were taken to prevent the atrocities from escalating and the punitive steps taken against perpetrators. Finally, it looks at the challenges as well as the prospects in the implementation of R2P in West Africa.

2.1 Conflict in West Africa and R2P

It is well noted in literature that the West Africa sub region has experienced a number of conflicts particularly in the 1990s. Liberia, Sierra Leone, Guinea, Guinea Bissau, La Côte d'Ivoire, Mali, Mauritania and Niger were plunged into civil wars of varied magnitudes at different times. In particular the atrocities that were committed against civilians in Liberia, Sierra Leone and la Cote d'Ivoire are still noteworthy. Low intensity conflicts like the recurrent Dagbon Crisis in Northern Ghana, the Casamance region of Senegal, the and Niger Delta conflict in Nigeria continue to record war crimes and crimes against humanity. A number of, if not all the factors that led to these conflicts and their accompanying atrocities remain with some threatening to return some of these countries into chaos.

Several things are thought to be causes of conflict. Stedman (1993), for instance observes four issues that form the basis around which conflict in Africa revolve, namely; participation, identity, legitimacy and distribution.[32] There is however another school of thought that posits that the processes of state formation and weak governance structures have provided and continue to provide the enabling environment for conflict to thrive. The root of the Liberian Civil War can be traced back to years of unresolved ethnic issues as well as political inequalities/ discrepancies.[33] In Sierra Leone, the main cause of conflict has been attributed to the "resource curse" where inequalities in the distribution of wealth as well as competition to control the country's mineral resources particularly diamond led to the war in which up to 50,000 people were killed whilst almost two-thirds of the total population in Sierra Leone was displaced.[34] Ethnic cleavages, nationality (identity) and religion formed the basis of the Ivorian conflict.[35]

In many of the conflicts that have taken place in West Africa, political leaders (and loyalists), government soldiers, indigenous militias (including child soldiers) and foreign mercenary armies have been the major perpetrators of the atrocities and human rights violations. In Sierra Leone, Rotberg (2010) noted rape, maiming, mutilation, burning, looting, and murder are some of the crimes against

32 Stedman, S. (1993) "Conflict and Conflict Resolution in Africa: A Conceptual Framework in Osita Agbu, *West Africa's Trouble Spots and the Imperative for Peace-building*. Oxford: African Books Collective, 2006.

33 Kotia, Emmanuel Wekem 2012. "Liberia: History of the Origins of War and Profiles of Actors" The Selected Works of Emmanuel Wekem Kotia. Available at: http://works.bepress.com/emmanuel_kotia/2. Accessed on November 20, 2015.

34 Gberie, L. (2005), A dirty war in West Africa: The RUF and the destruction of Sierra Leone, Indiana University Press, Bloomington. In Se Young Jang, The Causes of the Sierra Leone Civil War. Oct 25 2012.

35 Tom Ogwang. The Root Causes of the Conflict in Ivory Coast. Africa Portal backgrounder series. No. 5. April 2011.

humanity perpetrated during the civil war.[36] In Liberia and Sierra Leone particularly, rape was used as a tool of war. An estimated "60,000 women were raped during the civil war in Sierra Leone (1991-2002), more than 40,000 in Liberia (1989-2003)..."[37] Post-civil war, rape remains one of the most (if not the most) reported crimes in the aforementioned countries with prosecution being a major obstacle to reporting and prevention of the rate of rape. United Nations Assistance Mission in Sierra Leone (UNAMSIL) estimated that 10,000 children were with various fighting forces during the civil war.[38] This is further reinforced by United Nations Children's Fund (UNICEF), who says that at least 6,000 children perpetrated violence during the period of the war. Human Rights Watch reports that in Ivory Coast, there were enforced disappearances and murder of political party officials and allied civil society groups.[39]

2.2 Preventing mass atrocities in West Africa before R2P

Much of the progress made regarding the acceptance of the concept of R2P has been on the account of Article 1 (3) of the UN charter. It states "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and...".[40] This is evident in a number of United Nations Security Council Resolutions that have been adopted for the protection of civilians from mass atrocities. It is worthy of note that in spite of the fact that these resolutions do not refer to R2P, arguably these resolutions recognized the potential of the micro killings and violence degenerating into mass atrocities or climaxing into a genocide as was the case with Rwandan Genocide. These UNSCR resolutions are summarized as follows:

i) **Security Council resolution 1509 (19 September 2003)**

The Security Council passed the Resolution 1509 which established the United Nations Mission in Liberia (UNMIL) "to support the implementation of the ceasefire agreement and the peace process; protect United Nations staff, facilities and civilians; support humanitarian and human rights activities; as well as assist in national security reform, including national police training and formation of a new, restructured military.[41]

ii) **Security Council resolution 1270 (22 October 1999)**

In the case of Sierra Leone, the Security Council passed resolution 1270 which established the United Nations Mission in Sierra Leone (UNAMSIL). Per its mandate, UNAMSIL was to amongst other things "cooperate with the Government of Sierra Leone and the other parties to

36 Rotberg, R. I., & John F. Kennedy School of Government. Program on Intrastate Conflict. (2010). *Mass atrocity crimes: Preventing future outrages.* Washington, DC: World Peace Foundation.

37 Background Information on Sexual Violence used as a Tool of War. Available at: http://www.un.org/en/preventgenocide/rwanda/about/bgsexualviolence.shtml . Accessed on June 16, 2015.

38 Se Young Jang, The Causes of the Sierra Leone Civil War. Oct 25 2012. Available at: http://www.e-ir.info/2012/10/25/the-causes-of-the-sierra-leone-civil-war-underlying-grievances-and-the-role-of-the-revolutionary-united-front/. Accessed on: July 24, 2015.

39 "They Killed Them Like It Was Nothing" The Need for Justice for Côte d'Ivoire's Post-Election Crimes. Available at:https://www.hrw.org/report/2011/10/05/they-killed-them-it-was-nothing/need-justice-cote-divoires-post-election-crimes. Accessed on: July 24, 2015.

40 United Nations Charter. Available at: http://www.un.org/en/sections/un-charter/chapter-i/index.html. Accessed on July 25, 2015.

41 Resolution 1509 (2003) Adopted by the Security Council at its 4830th meeting, on 19 September 2003. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1509%282003%29. Accessed on: July 24, 201

the Peace Agreement in the implementation of the Agreement[42]", "assist Government of Sierra Leone in the implementation of the disarmament, demobilization and reintegration plan[43]" and "monitor adherence to the ceasefire in accordance with the ceasefire agreement of 18 May 1999 (S/1999/585, annex) through the structures provided for therein."[44] The main objective for the establishment of UNAMSIL was to ensure lasting peace, prevent further gross human rights violations from taking place and assisting with the putting place of a new government through elections in line with the Constitution of Sierra Leone.[45]

In 2002, the mandate of UNAMSIL was revised (through Security Council resolution 1289 of 7 February 2000) to include provision of security to key locations and government buildings, coordinate the free flow of goods, persons and humanitarian assistance as well as the provision of security in and at all sites of the DDR programme. Finally, a key part of UNAMSIL's mandate was "guard weapons, ammunition and other military equipment collected from ex-combatants and to assists in their subsequent disposal or destruction."[46]

iii) **Security Council resolution 1528 (27 February 2004)**

The United Nations Operation in Côte d'Ivoire (UNOCI) was established to assist parties to the peace agreement signed by all parties in January 2003 to implement the agreement. The establishment of UNOCI was necessitated by the first Ivorian crisis in 2002. Following the 2012 post- election crisis, the mandate of UNOCI was extended to "protect civilians, provide good offices, support the Ivorian Government in disarmament, demobilization and reintegration (DDR) of former combatants as well as on security sector reform, and monitor and promote human rights."[47]

Resolution 1975 was adopted on March 30th 2011 to address four key things. It condemned the gross human rights violations committed by both Laurent Gbagbo and Alassane Ouattara, called for transfer of power to Ouattara, the reaffirmation of the UN mandate in Cote d'Ivoire (UNOCI) and the protection of civilians and property.[48]

2.3 Prosecutions

In relation to the actions taken to deal with the perpetrators of mass atrocities that have taken place in West Africa, the most notable have been the arrests and trials of Charles Ghankay Taylor, former President of Liberia, Laurent Gbagbo, former President of Cote d'Ivoire, Simone Gbagbo, former first lady of Cote d'Ivoire and Foday Sankoh, leader and founder of Revolutionary United Front (RUF) in Sierra Leone.

While still president of Liberia, the Special Court for Sierra Leone approved a 17-count indictment against Charles Taylor[49] whilst he attended a conference in Accra. Following mounting international

42 UNAMSIL mandate. Available at: http://www.un.org/en/peacekeeping/missions/past/unamsil/mandate.html. Accessed on July 24, 2015.
43 Ibid.
44 Ibid.
45 Ibid.
46 Ibid.
47 Resolution 1528 (2004) Adopted by the Security Council at its 4918th meeting, on 27 February 2004. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1528%282004%29. Accessed on July 24, 2015.
48 Security Council Demands End to Violence in Cote d'Ivoire, Imposing Sanctions against Former President and Urging Him to 'Step Aside', in Resolution 1975.Available at: http://www.un.org/press/en/2011/sc10215.doc.htm. Accessed on July 24, 2015.
49 The Special Court for Sierra Leone was set up in 2002 as the result of a request to the United Nations in 2000 by the Government of Sierra Leone for "a special court" to address serious crimes against civilians and UN peacekeepers committed during the

pressure coupled with the advancement of rebels towards the capital Monrovia, Charles Taylor stepped down and went into exile in Nigeria. Although Mr. Taylor's lawyers challenged the Court's jurisdiction on the grounds of sovereign immunity and extra-territoriality, the motion was dismissed by the appeals chamber and in May 2006 he was arrested with the assistance of the Nigerian authorities near the Cameroonian border as he attempted to flee from Nigeria. Mr. Taylor was then sent back to Liberia, arrested by UNMIL, transferred by to the Special Court in Freetown Sierra Leone and re-arrested by the prosecution. On grounds that his trial in the sub region would have a negative impact on stability in the region, the ICC offered to provide facilities for his trial at The Hague. In spite of the spectacle that surrounded his trial, a verdict was reached in April 2012 and Charles Taylor was handed a 50-year sentence "on all eleven counts, on the modes of liability of planning of crimes and for aiding and abetting of crimes committed by rebel forces in Sierra Leone."[50] It is worthy of note that, an indictment has not been issued with regard to his role in atrocities that took place in Liberia.

Foday Sankoh, the leader and founder of the RUF was well-known for leading his army of predominantly child soldiers to cut off the limbs of civilians, burn down entire villages, raping and killing anyone who crossed their path during Sierra Leone's 10-year civil war. Sankoh was arrested, charged with treason and sentenced to death in 1998. Following the signing of a Peace Accord between the RUF and government, Sankoh was pardoned. He was however, re-arrested in 2000 when his bodyguards shot at and killed at least 20 civilians protesting outside his house. He was indicted for war crimes and in spite of appeals made by his counsel to halt his trial on health grounds[51] the appeal was rejected. On July 29 2003, Foday Sankoh died in a hospital in Freetown Sierra Leone; this however did not stop the prosecution from continuing proceedings. Sankoh and three of his top commanders were indicted on "crimes including murder, rape, extermination, acts of terror, enslavement, looting and burning, sexual slavery, conscription of children into an armed force.[52]

A warrant of arrest was issued for Ex-president Laurent Gbagbo of Cote d'Ivoire on four counts of crimes against humanity (murder, rape, other inhumane acts or – in the alternative -attempted murder, and persecution), in Abidjan, Côte d'Ivoire in November, 2011.[53] The trial of Gbagbo opened in July 2015 at the ICC. His wife, Simone Gbagbo who was arrested in 2011 together with her husband has however been tried and sentenced to jail for 20 years by an Ivorian Court for undermining state security and personally arming organized armed groups.[54] Mrs. Gbagbo was on trial with 82 other supporters of the Gbagbo regime - 15 of whom were acquitted.[55]

2.4 Challenges

In spite of the fact that deliberate efforts have been made, there still remain practical challenges to the implementation of R2P in West Africa. The first and major issue is the conflict trap. The conflict trap mainly refers to the fact that there is a high possibility of a rebellion reoccurring if it has happened before. As a major consequence of war, not only are the ethnic/ political/religious cleavages that led to the conflict deepening, they are likely to last for a very long time. Again, the availability of arms and

country's decade-long (1991-2002) civil war. Available at: http://www.rscsl.org/. Accessed on July 24, 2015.

50 Arrest, trial and sentence of Charles Ghankay Taylor. Available at: http://www.rscsl.org/Taylor.html. Accessed on July 25, 2015.

51 Foday Sankoh had suffered a stroke and so it appeared his mental state and his ability to speak were not sound.

52 Sierra Leone ex-rebel leader Foday Sankoh dies. Available at: http://reliefweb.int/report/sierra-leone/sierra-leone-ex-rebel-leader-foday-sankoh-dies. Accessed on July 25, 2015.

53 Warrant of Arrest-Laurent Gbagbo. Available at: https://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/icc0211/related%20cases/icc02110111/Pages/icc02110111.aspx. Accessed on July 25, 2015.

54 Ivory Coast's former first lady Simone Gbagbo jailed. Available at: http://www.bbc.com/news/world-africa-31809073. Accessed on July 25, 2015.

55 Ibid.

the fact that civilians may have gotten used to using arms only makes the possibility of slipping back into conflict more likely. Ineffective DDR programmes have contributed in some cases to the creation of an arms market.

In West Africa, there is a burgeoning mercenary alliance where individuals who fought in the Liberian or Sierra Leonean civil war are the same ones who fought in the Ivorian crisis. This, coupled with the increase in the flow and circulation of (small) arms in West Africa particularly the Sahel region following the Libyan crisis makes the development and enforcement of mechanisms for the implementation of R2P in West Africa imperative. For individuals who may have gotten used to crime as a way of life, it may take concerted efforts to deal with them in terms of DDR or prosecution. In Ghana, for instance, Section 49(a) of the criminal code has a specific punishment for perpetrators of genocide, which is death. It is however worthy of note that the death penalty itself has come under immense criticism.

Increasingly, elections have become a "do or die" affair where many African countries are in transition between stability and instability during elections. Often and regrettably, during elections, politicians tend to mobilize support along religious, ethnic and tribal lines. Depending on the turn out and who gets the votes within such polarized context, individuals are recruited into governance upon assumption of political power. This phenomenon creates two key problems be it perceived or real - exclusion and inequalities in opportunity. In both situations, governance becomes preoccupied with maintaining power at all cost while for opposition groups, the dominant political attitude is not to offer alternatives and constructive criticisms but rather to engage in undermining and denigrating the Government in power at the least opportunity and all the time. In such context of vicious political wrangling, mistrust and debate, the political space is often not conducive for dialogue, cooperation and promoting a collective national interest. The electorate regardless of which side of the political divide become increasingly frustrated as the anticipated democratic dividends are much more than the mere exercise of political rights. They include improvements in the quality and standards of lives through the provision of better infrastructure, better services such as water and electricity, health care, employment creation for the youth etc. The prospects for democracy and development could be grim when political contestation divides rather than strengthen nations to pursue the paths of development and progress.

Violent extremism constitutes another major obstacle in the implementation of R2P in West Africa. Following the crisis in Libya with a fall out that impacted on Mali, existing security challenges have compounded creating avenues for extremists groups to carry out their activities. The activities of groups such as Boko Haram (Nigeria), al Qaida in the Islamic Maghreb (AQIM) and the Movement for Unity and Jihad in West Africa (MUJOA) have left thousands dead and several others displaced. As these groups continue to perpetrate attacks against civilians, state security agents and peacekeepers, there is an urgent need to adopt preventive measures to counter violent extremism.

2.5 Prospects

As part of a broader effort to implement R2P in West Africa, there are four enabling factors that generate prospects for the effective implementation of R2P in the sub region. The first is the UN Charter. As stated earlier, the Article 1(3) of the UN Charter has given the R2P some level of acceptance. More to the point, Article 39 expressly states "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."[56] Thus giving R2P a legal framework within which to operate.

56 United Nations Charter, op. cit.

The Rome Statute establishing the International Criminal Court plays a rather complementing role to the concept of R2P. Beyond the fact that Rome Statute clearly defines what constitutes war crimes, crimes against humanity and genocide, the ICC itself has in the past contributed to the prosecution of individuals who have been at the frontline of perpetrating mass atrocities.

At the level of the Africa Union, the Constitutive Act gives credence to the concept of R2P. Article 4 (h) of the Constitutive Act as amended expressly states that "...the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity as well as a serious threat to legitimate order to restore peace and stability to the Member State of the Union upon the recommendation of the Peace and Security Council." By implication, AU member states have a legal right to act or intervene in situations that warrant the evocation of pillar 3 of R2P.

There are a number of ECOWAS legal instruments, Frameworks and Plans which establish the prominence of prevention such the ECOWAS Conflict Prevention Framework, ECOWARN, Protocol relating to the Mechanism on Conflict Prevention, Management, Resolution, Peacekeeping and Security, Good Governance and Elections, the ECOWAS Convention on Small Arms as well as the ECOWAS Counter-Terrorism Strategy and Implementation Plan. Together these instruments provide a framework for conflict/crisis prevention.

Finally, the appointment of national focal point for the implementation of R2P by 51 countries [57]representing every region across the world and recent efforts at establishing National Infrastructures for Peace are excellent steps for the advancement of the concept.

57 Currently five countries in West Africa; Ghana, Liberia, Sierra Leone, Cote d'Ivoire and Guinea have focal points.

CHAPTER 3:

GAP ANALYSIS ON R2P IMPLEMENTATION IN GHANA AND WEST AFRICA

3.1 R2P in the Context of West Africa

The objectives of successive governments social intervention programmes such as the Ghana school feeding programme, capitation grant, Livelihood Empowerment Against Poverty (LEAP), Ghana Poverty Reduction Strategy (GPRS) 1&2, The Ghana Social Opportunities Project (GSOP), National Health Insurance Scheme (NHIS), Ghana Shared Growth And Development Agenda (GSGDA) amongst others are reducing poverty, increasing access to education and healthcare and general improvement in living standards. Taken together, they are geared towards reducing conflict and vulnerabilities that may degenerate to R2P crimes.

Many scholars and practitioners have linked poverty with violent conflicts (Brainard & Chollet, 2007[58]; Ganepola & Thalayasingam, 2004).[59] While others doubt a causal link, many analysts assert that intra-societal inequalities at economic, social and political levels fuel civil unrest.[60] This assertion has merit in the West African context where, over the years, it has become more evident that political exclusion, economic inequality, ethnic dominance in political power/ governance, long stay in power (which have led to uprising and power vacuums in other areas) and identity (religion, sex, politics, ethnicity), all of which have their roots in human security, have been the root causes of some of the tensions, ethnic cleansing and related crimes. Many of the aforementioned issues remain pervasive threats in West Africa and Ghana. If these issues are left unaddressed, they could become the fault lines that could lead to violent conflicts and atrocities R2P seeks to prevent.

Despite the existence of factors that can lead to violent conflicts, Ghana and West Africa have remained largely peaceful as compared to some 20 years ago. However, the risks of instability are high. The upsurge of the Arab Spring in 2011 saw calls for change in the governance landscape in North Africa just as the proliferation of arms have spread across the Sahel and trickled down to countries like Mali and Niger. Certainly, this was bound to alter the governance terrain and norms in Africa for years to come. As expected the Arab Spring has triggered calls for more inclusive governance, demanding more accountability, increased political freedoms and economic opportunities. In countries like Burkina Faso, Guinea, Côte d'Ivoire, Niger, Nigeria and Senegal, there has been evidence of such although they may not have reached the scale and magnitude of the Arab Spring.

The violent activities of extremist groups such as the Al-Qaeda in the Islamic Maghreb, Boko Haram in Nigeria and Al-shabaab in Somalia and the threats they pose to the people and peace and security of the continent, continue to persist. The blurred line between criminal activities and political violence coupled with growing mercenary alliances within the region remains a Gordian knot that will take

58 Lael Brainard & Derek Chollet. (2007) *Too poor for peace?: global poverty, conflict, and security in the 21st century.* Washington, DC: Brookings Institution Press.

59 Ganepola, Varuni and Thalayasingam, Prashan. Poverty and Conflict: A Review of Literature. Colombo, Centre for Poverty Analysis (CEPA). 27p. 2004.

60 Paddy Hillyard, Bill Rolston, Mike Tomlinson. Poverty and Conflict in Ireland: An International Perspective. Combat Poverty Agency, 1 Jan 2005.

many years and greater political will to disentangle. In some instances, elections have contributed to instability, with Cote d'Ivoire and Guinea as cases in point. During elections, most countries appear to be in transition where it is uncertain whether the elections will consolidate democracy or set the country backwards.

In all fifteen countries that make up ECOWAS, issues of bad governance practices, land disputes, politically motivated violence, natural resource conflicts, porous borders, corruption, IDPs/Refugees, poverty, unemployment, ethnic and religious conflict, proliferation of small arms and light weapons, election related violence issues are commonplace. These are clearly fertile grounds for R2P related crimes across the region. The conflict history of West Africa coupled with the identified factors inspired the development of a number of regional legal frameworks that are aligned with the provisions of the R2P norm and which also constitute obligations of Ghana and ECOWAS member states. Ghana, Liberia, Sierra Leone, Cote d'Ivoire and Guinea have also gone ahead to establish R2P National Focal points to support the implementation of R2P principles in national structures. However, these Focal Points are non-functional and remain largely in name but with very little R2P-focused work to show in practice.[61] In the most recent publication from the Global Centre for the Responsibility titled *Preventing Mass Atrocities in West Africa*, however, attention is drawn to efforts countries like Ghana and Liberia have undertaken to prevent mass atrocities. In line with The UN Secretary-General's 2013 report on The Responsibility to Protect: State responsibility and prevention, while Ghana has taken the path of using an overarching body for mainstreaming prevention mechanisms in state institutions particularly through the National Peace Council of Ghana, Liberia "has prioritized immediate needs over long-term structural goals."[62]

Nine emerging issues regarding the implementation of R2P were identified from the interviews conducted in Ghana. Some of the issues also emerged from existing regional and national frameworks that resonate in principle with the concept of R2P. The issues emerging from the research are as follows: Awareness of the concept of R2P, Actions taken to implement R2P in Ghana, Existing Structures (including institutional collaboration), Public perception about some of these institutions, funding of the projects, Monitoring Compliance, populations at risk and Institutional/ Structural challenges. However, for the purposes of this research these emerging themes will be categorized under the major themes reflected in the aforementioned objectives underlying this research study and presented as part of the key findings.

3.2 National Mechanisms for implementing R2P in Ghana

Preliminary information gathered before field data collection revealed that there are a number of Ministries, Departments and Agencies (MDAs) who through their mandates initiate actions/ carry out activities that resonate in principle with the concept of R2P. In this section we will cover nine examples to illustrate the link between their mandate and operations in Ghana with the implementation of R2P. To begin, the National Commission for Small Arms and Light Weapons (NACSA) which operates under the Ministry of Interior, coordinates activities that are geared towards operationalizing international legal obligations such as (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and other related materials (2006)[63] and United Nations programme of action on the illicit trade in small arms and light weapons.

61 Azumah, V. (2015), op. cit.

62 Jaclyn D. Streitfeld-Hall. Preventing Mass Atrocities in West Africa. Available at: http://www.globalr2p.org/media/files/occasionalpaper_westafrica_final.pdf. Accessed on December 30,2015.

63 Small Arms Commission. Available at: http://www.smallarmscommission.gov.gh/pages/whatwedo.php. Accessed on August 15, 2015.

The mandate of NACSA is to "manage issues relating to small arms, especially their misuse and cross-boundary movement."[64] By controlling the flow of arms within, into and from the country, the NACSA reduces illegal trafficking, manufacture and circulation, as well as misuse of illicit small arms in the country, thereby minimising the possibility of terrorism, ethnic related armed conflicts, armed robbery and other threats to peace.[65] Based on the fact that the Security Council Resolution 2117 on Small Arms and Light Weapons recognizes that "the misuse of small arms and light weapons has resulted in grave crimes and reaffirming therefore the relevant provisions of the 2005 World Summit Outcome Document regarding the protection of civilians in armed conflict, including paragraphs 138 and 139 thereof regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity",[66] it is reasonable to infer that NACSA by extension works towards the operationalization of the ECOWAS Conflict Prevention Framework (ECPF).

In Ghana, there is a criterion set for civilians in relation to arms ownership.[67] One of the major challenges with arms ownership in Ghana, however, is the number of unregistered and illicit arms[68] in the country. To this end, the NACSA is making efforts to have a data base of all licensed arms in order to make follow-up easier.[69]

The Ghana Refugee Board (GRB), another agency under the Ministry of the Interior works towards the operationalization of the 1951 UN Convention Relating to the Status of Refugees and the 1967 protocol relating to the status of refugees as well as the OAU Convention on the Specific Problems of Refugees in Africa. The Ghana Refugee law (Law 305b, 1992) mandates the Ghana Refugee Board to register, document and offer legal status refugees and asylum seekers in Ghana. Per its mandate, the GRB offers international protection to foreign nationals who are victims of violent assault either on the basis of religion, political affiliation, ethnicity or other form of identity and who have crossed into the territory of Ghana and consequently register their claim for international protection.[70]

The Kofi Annan International Peacekeeping Training Centre (KAIPTC)[71] established by the Ghana Armed Forces in 2003 to train prospective peacekeepers in Africa is also a leading actor in the operationalization of R2P in Ghana. It plays a lead role in capacity building regarding conflict prevention, conflict management and peacebuilding. Through training, education and research, it contributes to conflict prevention, conflict management and post conflict reconstruction and development.[72]

At the level of civil society organisations and non-governmental agencies, organisations like the Human Rights Advocacy Centre (HRAC), play a key role in the area of human rights protection and creating avenues for alternative dispute resolution (ADR). Based on the mandate of the HRAC and the activities the organisation undertakes, it fits into and contributes to the larger framework of crisis/conflict prevention.[73]

64 Ibid
65 Interview with Gyebi Asante, Senior Programme Officer, National Commission on Small Arms and Light Weapons (NACSA), June 1, 2015, Accra.
66 UN Security Council Resolution 2117, 26 September 2013, see http://www.globalr2p.org/resources/554. Accessed on August 15, 2015.
67 Persons eligible to own arms must be 18 years and above, mentally sound, physically fit and must be of good character, with no criminal traits or records among others.
68 An arm/gun is illicit when it has not been registered or the license has not been renewed.
69 Ibid
70 Interview with Charles Yorke, Western and Central Regional Coordinator of the Ghana Refugee Board (GRB) on June 23, 2015.
71 The Kofi Annan International Peacekeeping Training Centre (KAIPTC) is an ECOWAS Centre of Excellence in terms of peace and security.
72 Interview with Colonel (Dr) Emmanuel Kotia, Chief Instructor & Academic Programmes Coordinator, Kofi Annan International Peacekeeping Training Centre (KAIPTC), October 08, 2015, Accra
73 Interview with George Owoo, Acting Executive Director, Human Rights Advocacy Centre (HRAC) on June 16, 2015.

The Media Foundation for West Africa (MFWA) whose work is linked more directly with human rights focuses on freedom of expression as it relates to violent abuses as a result of political affiliation for instance.[74] It also monitors and exposes abuse and assault on people regarding freedom of assembly issues. Given the role the media played in fuelling the genocide in Rwanda, what the MFWA does in relation to monitoring, documenting and presenting ethical infractions on radio, newspapers and online is relevant.

3.2.1 Actions taken to implement R2P

Ghana was the first country together with Denmark to call for the adoption and mainstreaming of R2P into national jurisdictions.[75] The mandate of the Ministry of Foreign Affairs and Regional Integration (MFARI) is a facilitative one; coordinating actions between MDAs. In that regard, the ministry has often worked with these MDAs on matters that will enhance not just Ghana's National Interest but also create goodwill on the international sphere.[76] These initial actions have found support with the current Minister of Foreign Affairs and Regional Integration, Hon. Hanna Serwaa Tetteh, who has tasked the Ministry to explore ways in concert with other state and non-state actors, to make R2P a reality.[77] R2P is in sync with Ghana's Foreign policy objectives. Ghana has also ratified a number of protocols on peace and security, human rights, non-discrimination and poverty alleviation. What the ministry has been doing with the MDAs over the last year is to give vigor to R2P. The ministry works with other MDAs and stakeholders such as the National Peace Council, Denmark and the European Union, among others.[78]

Another government agency operating under the Ministry of Interior is the National Peace Council (NPC), which is supposed to be the focal point for the implementation of R2P in Ghana. It was noted that Ghana and Denmark convened the first ministerial meeting, which led to the appointment of the first 11 national focal points.[79] The Ghana Focal point has since been part of stakeholder consultations for R2P focal points in various international meetings, including in Costa Rica, Spain and in South Africa. As a focal point for R2P, what the NPC has started a process to mainstream the idea of R2P into its activities. The NPCs mandate includes developing non-violent responses to provocation and ensuring sustainable peace through tolerance, dialogue, mediation, negotiation and reconciliation.

Data gathered from the research also revealed that presently, there is a course on R2P implementation running at Kofi Annan International Peacekeeping Training Centre (KAIPTC) and funded by the Danish government. The R2P course has so far been held in November 2014 and 2015 and will be offered on an annual basis. KAIPTC designed the course to support frontline actors with information on how to mainstream R2P principles into the national governance system and also to recognise conditions/situations that could trigger R2P crimes. The strengthening of intelligence was identified as critical factor in preventing the occurrence of R2P crimes in Ghana. A module on R2P has also been integrated into other KAIPTC courses, including the course on "protection of civilians."

The KAIPTC contributes to conflict prevention by equipping institutions and individuals with the requisite knowledge and capacity to identify, anticipate, analyze, avert, or manage conflicts in the

74 Email Communication with Vivian Affoah and Abigail Larbi, Media Foundation for West Africa (MFWA) on July 24, 2015, Accra.
75 Interview with Mr. McArios Akanbong, Deputy Director/Legal & Consular Bureau, Ministry of Foreign Affairs and Regional Integration on July 15, 2015, Accra
76 Ibid
77 Ibid
78 Ibid
79 Interview with Mr. George Amoh, Director, Conflict Resolution and Management, National Peace Council. May 29, 2015, Accra.

country. By conducting policy-related research and providing operational level training for various security and law enforcement agencies, policymakers, civil society organisations, and regional organisations, the KAIPTC contributes to improved understanding and ability for conflict prevention in Ghana.[80] The research also revealed that the KAIPTC has direct responsibilities towards crisis/ conflict prevention in the mandate that establishes it. The KAIPTC's responsibilities towards conflict prevention, per its institutional mandate, spans the whole gamut of issues covered under conflict management, integrated peace support operations, and general peace and security studies. These themes enable it to target specific interventions aimed at conflict prevention. For instance, the KAIPTC's mandate has enabled it to design and run training programmes in conflict prevention, conflict analysis and mediation, peace support operations, etc.[81]

In spite of the mechanisms in place and activities undertaken to ensure the implementation of R2P in Ghana, 57.1 % of respondents were of the view that government is not doing enough to eliminate the drivers of conflict such as ethnicity, natural resources, religion and politics related violent conflicts.

3.2.2 Existing Structures

Legal and Policy Frameworks

Ghana is a signatory/ party to a number of international conventions[82], protocols[83], statutes[84] and other legal frameworks[85] relating to human rights, peace and security and over the years has domesticated and institutionalised these international legal obligations that are geared towards creating the necessary buffer against mass atrocities. The constitution of Ghana and its legal requirements have also contributed immensely to the peaceful political climate and general stability in the country.

The following Key Documents have given direction to measures being undertaken for the prevention of R2P crimes. It must be noted however that these measures are not in themselves part of an R2P policy as there is none. However, by virtue of the fact that their requirements assuage some of the situations that give rise to R2P crimes makes them worthy of note.

1. The 1992 Constitution of the Republic of Ghana particularly Articles 12 (2)[86] and 13 (1)[87] provide for the protection of all persons within the territory of Ghana including Aliens. Particularly, the Article 35 (5) and 35 (6a) which mandates the State to "actively promote the integration of the peoples of Ghana and prohibit discrimination and prejudice on the grounds of place of origin,

80 Email Communication received from Frank O. Okyere, Faculty of Academic Affairs & Research Kofi Annan Intl. Peacekeeping Training Centre (KAIPTC) on June 19, 2015.

81 Ibid.

82 Convention for the Elimination of Mercenarism in Africa (1977), African Charter on Human and Peoples' Rights (1981), The African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty)(1196), OAU Convention on the Prevention and Combating of Terrorism (1999), African Charter on Democracy, Elections and Governance (2007).

83 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (1998), Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002), Protocol Relating to the Mechanism for Conflict. Prevention, Management, Resolution, Peacekeeping and Security (1999), Supplementary Protocol on Good Governance and Elections (2001), Sub-regional Approach to Peace and Security (2003), ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials (2006), ECOWAS Conflict Prevention Framework (2006).

84 Rome Statute Establishing the International Criminal Court.

85 Constitutive Act of the African Union (2000).

86 "Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest."

87 "No person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted."

circumstances of birth, ethnic origin, gender or religion, creed or other beliefs" and also "foster a spirit of loyalty to Ghana that overrides sectional, ethnic and other loyalties;" respectively.

2. Criminal Code, 1960 (Act 29) specifies which acts are deemed criminal and spells out sanctions. Section 49(a) echoes the Genocide Convention and specifies that under 49(1) that "Whoever commits genocide shall on conviction be sentenced to death." The section 49 also spells out the specificities of what constitutes a genocide. In addition, due to the fact Ghana is signatory to the Rome Statute, means that even where municipal law does not adequately deal with perpetrators of genocide, the ICC can take on these cases.

3. Security And Intelligence Agencies Act - 1996 (Act 526)[88] has specific provision under Section 12, which also serves as safeguard against situations that have the potential of enabling the commission of R2P crimes. Section 12 (a) mandates intelligence agencies to gather and provide information regarding threats to the security of Ghana as well as the government, Section 12 (c) mandates intelligence agencies to "protect the State against threats of espionage, sabotage, terrorism, hijacking, piracy, drug trafficking and similar offences;" and Section 12(d) mandates them to "protect the State against the activities of persons, both nationals and non-nationals, intended to overthrow the government of Ghana or undermine the constitutional order through illegal political, military, industrial or other means or through any other unconstitutional method."

4. Anti-Money Laundering and the Combating of the Financing of Terrorism (AML/CFT) makes provision that together limit or prevent the use of illicit proceeds/ resources for the use or advancement of criminal activity. In spite of the fact that acts of terror tend not to be linked to R2P but often to counter-terrorism, the civilian casualties are often enormous. Therefore, although the AML/CFT does not deal with R2P per se, it has the potential to limit the actions of individuals/ groups engaged in terrorist activities particularly its implications on the state's ability to protect individuals within its territory.

5. Presidential Elections Act indicates specific election offenses including (riots and hooliganism, use of force or threat, wrongful challenge and objection and disruption of process[89]) and sanctions. In Cote d'Ivoire, the UN reported that more than 1000 lives were lost in the post-election violence.[90] Amnesty International estimates 14 people summarily killed and also cites the massacre of hundreds of Gueres in Duekoue and its surrounding area.[91]These illustrate crimes that emanate from elections (electoral violence) that clearly fall within the purview of R2P

3.2.3 General awareness of the concept

In spite of efforts being made to implement R2P in Ghana, data gathered revealed that 57.1% of respondents from the general public were not aware of the R2P concept. Three out of 10 institutions interviewed even though carrying out activities that resonate with R2P were not aware of the concept thus revealing that not much had been done in the area of (public) awareness creation. This was reiterated by 68.8% of respondents who said the state/Government had not done enough. 12.6% of respondents said they did not know whether the state had done enough or not. Thus considering the

88 Security and Intelligence Agencies Act - 1996 (ACT 526). Available at: http://laws.ghanalegal.com/acts/id/209/security-and-intelligence-agencies-act. Accessed on November 20, 2015.

89 Electoral Offenses and Sanctions. http://library.fes.de/pdf-files/bueros/ghana/10515.pdf . Accessed on November 11, 2015.

90 Death toll in Ivorian post-election violence surpassed 1,000 – UN. Available at: http://www.un.org/apps/news/story.asp?NewsID=38522#.VrnZu1iLS1s. Accessed on February 9, 2016.

91 Côte d›Ivoire: Well holes suspected to be mass graves must be excavated. Available at: http://www.genocidewatch.org/images/Cote_d_Ivoire_2013_07_29_Well_holes_suspected_mass_graves.pdf. Accessed on February 9, 2016.

fact that the effective implementation of R2P is impossible without an aware and conscious society, it is imperative that as a country, the government with support from CSOs, the private sector and other socially organised groups must work to address the gap. The public awareness gap also questions the effectiveness of the National Focal Point for R2P.

3.2.4 Public knowledge and perceptions of some institutions relevant to the implementation of R2P

Majority of respondents were aware of government agencies responsible for protecting/ providing security to citizens. 84.7% of respondents named police, military, judiciary/ court, Navy, Social welfare, immigration/ customs, DOVSSU/ WAJU, MOGCSP, palace/ chief, CHRAJ and the fire service. However, out of the 600 respondents, one mentioned Zoomlion[92] as responsible for their safety/ protection highlighting a key human security issue. In one of the towns in the Western region where the research was undertaken, a number of respondents were quick to mention the chief's palace as a place where they would go to if they required redress when they experienced some human rights violation. Although the chief or the palace are not agents or institutions of the state, at least not in the strict sense, it was evident that inhabitants had a lot of confidence in them. It was also noted that the chief's palace was one of the most accessible in terms of physical proximity, access to redress and also the institution that brings together different classes of people and therefore designed to foster peace.

When listing institutions that they think are responsible for protection and security, almost all respondents mentioned the police. However, in terms of accessibility 36.3% of respondents said it was not easy. Probing further, it was noted that, respondents found police accessible in terms of physical proximity particularly with the police visibility exercise and the increased number of police stations, posts and checkpoints. However, they indicated that in terms of the usefulness of police in responding to their grievances, they were not accessible. Some respondents stated "we know the police are there to protect us but sometimes they side with the criminals and so we do not trust them." A respondent noted that "Sometimes you go to the police and they tell you they do not have a book to write in or a pen to write with and so they cannot take your statement and so you should go and come." Some respondents indicated that more often than not, they did not bother to go back to the police station because; they felt it was going to be a waste of their time.

In relation to the Ghana Immigration Service, one of the respondents indicated that at the Aflao border, standard procedures for screening individuals using the border were applied based on the officer('s) discretion. If this response is anything to go by, then effective border management and control measures need to be reinforced in view of the fact that borders are major conduits for the trafficking of arms, drugs and humans. The proliferation of small arms and light weapons tends to contribute to and in some instances prolong crisis/conflicts and increases levels of violence and atrocities as has been the demonstrated with the case of Libya following the ousting of Gaddafi.

In the early part of 2012, the police intercepted a Coca Cola branded truck at Achimota in Accra. When the truck was searched, assault rifles and boxes of ammunition were found hidden in some of the compartments of the truck. The only reason the police was able to detect / intercept this vehicle was because they had received a tip off. Again in 2012, a truck carrying sacks of cola nuts was intercepted by the Customs Division of the GRA at Nkwantanang, a community near Asante Bekwai in the Ashanti Region of Ghana. Pump action guns were found hidden in the sacks. These two incidents together

92 Zoomlion is company that offers janitorial and environmental sanitation services in Ghana and some other West African countries.

with several others make a strong case for the NACSA and its advocacy for scanners at the borders and airports.

Given the fact that there are a number of countries neighbouring Ghana that have either experienced an armed conflict or an uprising in the last few years increases the need for Ghana to improve on its border security management systems.

3.2.5 Institutional Collaborations and Funding

In terms of collaboration, The Ministry of Foreign Affairs and Regional Integration (MFARI) works with other MDAs and stakeholders such as the National Peace Council, Denmark and the European Union, among others. It was noted that this was necessary to bring the concept of R2P to the fore and work together to streamline it. Apart from the MFARI that plays a facilitative role as part of efforts to streamline R2P in Ghana, the KAIPTC has also initiated some actions.

KAIPTC as an institution has taken certain measures to promote R2P in collaboration with some partners. It promotes R2P by way of capacity building through training and practical-based workshops. The centre has partnered the Global Centre for the Responsibility to Protect (GCR2P), West Africa Civil Society Institute (WACSI) and other international Organisations/Institutions and local Ministries and the Government of Denmark to promote and sensitize the population on the issues of R2P.

The very first global R2P focal point meeting outside New York was held at the KAIPTC in 2013 and since then KAIPTC has been one of the lead institutions promoting R2P in the world. Subsequently, the Centre has been assisting in promoting the ideals of R2P by building capacities of individuals as well as institutions. The two-week course targets practitioners from Africa. Participants are selected from three categories;

i. Personnel from the armed forces who are capable of implementing R2P policies.

ii. Police personnel based on their capacity to practicalize R2P during internal conflicts since they are responsible for internal security and can team up with the armed forces to implement R2P; and

iii. National ministries, regional organisations and Civil organization structures, who are key to the realisation of the principles of R2P. As such the national security structures, CSOs are selected for capacity building to partner the Police and the Armed Forces during the implementation of R2P at the operational level.

In terms of funding, most of MDAs and their activities are funded by the government of Ghana and development partners. To illustrate, UNDP works with the National Peace Council to ensure ethnic, religious and general cohesion. The NPC mainly deals with the pacific settlement of disputes i.e. mediating between aggrieved parties. UNDP has and does provide support to the NPC in the implementation of a number of plans.[93]

Although AAG is not involved in the implementation of R2P, it can play a vital role in terms of collaborating with other institutions in the area of public education and awareness creation. Commenting on the issue of the Coca Cola branded carrying riffles and whether or not monitoring mechanisms exist, the AAG president hinted that there would be a difficult problem to tackle. The AAG has no control individual agencies and / or who prints these branded items. Again, more people are not than are members of AAG and so there is only so much that the AAG can do- freedom of association.

93 Interview with Justice Agbezuge, Peace Analyst, United National Development Programme (UNDP) on May 22, 2015.

However, there is an ethics policy that members of the AAG are expected to adhere to. Given the fact that the AAG is a dues collecting association rather a governing body, there are limits to controlling the action of members.[94]

3.2.6 Likely R2P Situations and Populations at risk

The research noted that, terrorism, cyber-crime, organized crime, election related violence, chieftaincy, ethnic and land disputes are emerging dimensions of threat to West African nations. High population leading particularly to youth unemployment, crisis as a result of the emerging economic world order leads to dissatisfaction amongst the population which can lead to R2P related issues.

The research also identified three key groups that could be classified as (potential) at risk populations; members of political parties, LGBT persons and religious groups. To examine perceptions and inclinations towards perpetuating R2P crimes, respondents were required to provide an explanation for why they believed war crimes, crimes against humanity, ethnic cleansing, genocide and other mass atrocities were justified. A high majority of 96.1% believed that war crimes, crimes against humanity, ethnic cleansing, genocide etc. is never justified however, 3.9% believed that revenge was a good justification for these acts. Some indicated that, some of these acts were permissible if government policies/programmes are not transparent and stressed on the need for transparency. One of the respondents said, "our leaders or the mechanisms put in place to deal with these crimes are inefficient or not working at all." Another one of the respondents indicated that there was a justification for the Konkomba,[95] Dagomba[96] and Nanumba[97] war. Discrepancies in opportunity, infidelity, high illiteracy rate coupled with the non-existence of well-defined succession plans, impartiality and corruption was also stated as a major justification. There was a general sense that government's inability or reluctance to respond to land issues, protect citizens from armed robbers and other criminal issues appropriately could mean some intentional perpetration of crime against a class of people. One of the respondents indicated that although the aforementioned acts were not justified, until conscious efforts were made to eliminate tribalism, nepotism and favouritism, people will find these acts justifiable.

Party loyalists/members/political vigilante groups

The first group identified are party loyalists/members/political vigilante groups. There appears to be an increasing rate in intra-party and interparty violence. It also noted that a number of political vigilante groups have emerged from the two major political parties; Bolgatanga Bull Dogs (BBD),[98] Invincible Security Forces,[99] Azorka boys[100] and Bamba boys.[101] Although some of the parties have denied either association with or the fact that they are vigilante groups, it is still a matter of concern in light of the

94 Interview with Joel Nettey, President, Advertising Association of Ghana (AAG) Accra July 14, 2015.

95 Konkomba is an ethnic group in the Northern region of Ghana that has been in conflict with other ethnic groups. They are predominantly farmers and considered part of the indigenous people of Northern Ghana. See Darkwa Linda, Attuquayefio Philip &Yakohene Afua (2012) Peacemaking in Ghana: Lessons Learnt, Options for the Future (Accra: Imagine Communications Ltd).

96 The Dagombas are considered the most significant neighbour of the Kokombas because it recorded that they expelled the Kokombas from their original settlement in what is now eastern Dagomba. See Darkwa Linda, Attuquayefio, Philip & Yakohene, Afua (2012) *Peacemaking in Ghana: Lessons learnt, options for the future* (Accra: Imagine Communications Ltd).

97 The Nanumbas are another ethnic group in Northern Ghana considered enemies of the Konkombas. See Olson, James Stuart 1996, 'Konkomba', The Peoples of Africa: An Ethnohistorical Dictionary, Greenwood Publishing Group, Westport, pp.296-297.

98 The Bolga Bulldogs is alleged to have been formed by the late Hawa Yakubu (a staunch member of the New Patriotic Party-NPP) to defend the New Patriotic Party's interest at polling stations.

99 The Invincible Security Forces are alleged to be sympathetic to the NPPs flagbearer, Nana Addo Danquah Akuffo-Addo.

100 The Azorka is reported to be a political vigilante group sympathetic to the New Democratic Congress (NDC). The name is derived from the chairman of the NDC in the Northern Region, Mr Awudu Sorfo Azorka

101 The Bamba boys derive their name from National Organiser of the opposition New Patriotic Party, Alhaji Moctar Musa Bamba. It is alleged that the Bamba boys was formed to counter the Azorka boys.

upcoming 2016 elections. In July this year, during the Talensi by-elections in Ghana, supporters of the New Patriotic Party (NPP), Bolga Bulldogs and the National Democratic Congress (NDC), Azorka Boys engaged in bloody clashes which resulted in some individuals sustaining injuries, damage to vehicles and other properties.[102] The clash is reported to have occurred when the regional Minister was visiting the polling station to observe the election process. NPP's First Vice Chair, Freddie Blay and NPP's National Treasurer, Kwabena Abankwa Yeboah were attacked. The existence of these party vigilante groups and their conduct during various party and constituency level elections paint a grave picture particularly in light of upcoming national elections in 2016.

Even more troubling is the fact these individuals are armed. At the period where the Talensi election was taking place, the police intercepted a vehicle carrying an AK-47 rifle, a pistol, dagger, axe and other dangerous weapons at a checkpoint at Tongo during a random search of vehicles.[103]

A 2004 survey conducted by the National Commission on Small Arms and Light Weapons in collaboration with the UNDP revealed that up to 220,000 arms were owned by civilians in Ghana out of which 43.2% were registered. By implication, 56.8% of the arms in circulation were illegal[104], either because these arms have never been registered or gun owners had not renewed their licenses. The survey also revealed that 34% of the guns in circulation locally manufactured, and illegal because no one (particularly the blacksmiths who usually produce the locally manufactured guns) has been issued with a license to produce guns in Ghana.

The uncontrolled proliferation of small arms and light weapons in West Africa contributes to crime, atrocities and conflicts, which together inhibit the attainment of peace in the sub region. Fortunately in Ghana, institutions such as the Ministry of Interior and other agencies that come under it such as the Ghana Police Service and National Commission for Small Arms and Light Weapons work to implement laws relating to controlling the use and circulation of small arms as well as preventing the illicit manufacture and trading in small arms in the country.

It is worthy of note that some efforts have been made to mobilise blacksmiths into associations with notable thriving ones in the Ashanti, Northern, Upper East and Upper West regions. The success of the associations in the Ashanti and three (3) northern regions has been as a result of the commitment of the executives as well as support from the UNDP to the three (3) regions in the North. For instance the executives of the Ashanti Region Association of Blacksmiths (ASHRAB) has been vital in protecting and intervening in cases where blacksmiths have been wrongfully accused. Again, ASHRAB is ensuring that none of its members produces small arms and they have a taskforce to ensure that. Blacksmiths in Yendi and Tamale (Northern region), Bawku and Bolgatanga (Upper East region) as well as Wa (Upper West region) were mobilised into associations as part of the UNDP's Human Security project in 2011. That has also been beneficial.[105]

Nevertheless, the availability of small arms particularly during elections increases volatility to unacceptable levels. Perhaps the more worrying aspect is the ethnic and party nature it has taken. This could easily become one of the crimes R2P seeks to prevent. There is therefore need to ensure that these political vigilante groups are disbanded. To date, no one has been arrested or prosecuted for involvement in the Talensi by-election clashes which raises concerns about the police service and its

102 NPP NDC Clash in Talensi by-election. Available at: http://citifmonline.com/2015/07/07/npp-ndc-clash-in-talensi-by-election/. Accessed on July 20, 2015.

103 Ibid.

104 Newsletter, Ghana National Commission on Small Arms and Light Weapons. Available at: http://www.smallarmscommission.gov.gh/docs/news%20letter.pdf. Accessed June 25, 2015.

105 Interview with Gyebi Asante, Senior Programme Officer, National Commission on Small Arms and Light Weapons (NACSA), June 1, 2015, Accra.

capacity / willingness to address crimes. In another regard, this gives these individuals a blank cheque to act with impunity knowing that nothing will happen to them in terms of arrest and prosecution. It further reinforces citizens' lack of trust in institutions such as the police.

Related to party vigilante groups is the issue of intraparty violence. In May 2015, two individuals attacked Adams Mahama, Upper East Regional Chairman of the New Patriotic Party as he attempted to enter his house. One of the unknown men poured some corrosive substance believed to be acid on him, which led to his death a few days later. The recent stabbing of Saddiq Abubakar, a member of the New Patriotic Party (NPP) in the Asawase Constituency of the Ashanti Region constitutes yet another example of intraparty violence and intolerance.

Another concern related to politics and elections is the destruction of party property, which often creates breeding ground for violence between factions concerned. Based on allegations that the voters' register of the NDC for their internal elections has been bloated, two separate incidents were reported on the burning of some of the registers; one in Atebubu Amantin constituency in the Brong Ahafo region[106] and the other in Ledzokuku Constituency in the Greater Region.[107]

In spite increasing rates of violence and related acts in politics as observed in the media, 83.3% of respondents were of the view that abuse on the basis of political affiliation was unacceptable. 3.8% of respondents however indicated that such acts were acceptable. As in many conflicts and crimes against humanity, genocide and ethnic cleansing that start from small groups of people or even one person before spreading, this small percentage can be the source of trouble.

LGBT Persons

Recent trends reveal that LGBT persons constitute at risk population in regard to R2P. The Human rights advocacy centre intervenes or supports key populations such as Lesbian Gay Bisexual Transgender (LGBT) persons, sex workers, persons with disability and persons living with HIV and AIDS. Individuals who fall within this category on a larger scale go through physical, psychological abuses and experience a lot of discrimination and stigmatisation.

According to the HRAC, a documentary about LGBT persons, their lives and people's perceptions and/ or willingness to accept them in society gave evidence that many people harbour a lot of antagonism towards LGBT persons. There are some people who would rather that LGBT persons be eliminated/ wiped out.[108] The research noted that majority of respondents (70%) did not think that abuse on the basis of sexual orientation is ever justified. Conversely, 14.7% of respondents indicated that LGBT persons could be abused. Some of those stated that abuse on the bases of sexual orientation was unacceptable added that people needed to be sensitized about the harmful/ side effects of such acts particularly in reference to gayism. Some although citing gayism and lesbianism as sinful on the grounds of morality and religion, they believed counselling and prayers were the way to go. One of the respondents also indicated that the general public needed to be sensitized about how to deal with issues of such nature. Another indicated that all the major religions practiced in Ghana found these acts of lesbianism and homosexuality abominable with some citing bible quotes.

106 NDC Condemns Burning of Voters Register. Available at: https://www.modernghana.com/news/651118/1/ndc-condemns-burning-of-voters-register.html. Accessed on October 23, 2015.

107 NDC Decides: Ledzokuku NDC members destroy party register[Photos]. Available at: http://citifmonline.com/2015/10/29/ndcdecides-ledzokuku-ndc-members-destroy-party-registerphotos/ . Accessed on November 21, 2015.

108 Interview with George Owoo, op. cit.

Religious groups

Although the issue of religion has not been a major issue in Ghana, recent issues regarding morning devotion in schools[109], the wearing of hijabs[110] and the allegation of a Ghanaian joining ISIS[111] made the issue of religion and religious tolerance worth investigating and deliberating. 82.8% of respondents were of the view that abuse on the basis of religion/ religious beliefs/ religious practice was never justified. 10.5% said "yes" stating that some religions appeared intolerant or were 'ungodly'. The issue of religion related violence occurring in Ghana is particularly worrying because some worshipers have started asking questions of practices that they have lived with for years without question but have suddenly found them as inappropriate to their believes and worship. Question is, have they been hurting quietly and now want to react. Sudden reactions after long bottled-up pains can be dangerous especially with the current negative indoctrination and radicalization of young people towards extremism.

Respondents also expressed their views on the possibility of a genocide occurring in Ghana. 47.7% of respondents indicated that Ghana could never record ethnic cleansing or genocide. However, 17.7% said that was possible stating politics, ethnicism and gayism as a basis. One respondent further stated that "we are humans and it is possible for anything to happen."

3.2.7 Capacity Challenges (Willingness, funding, logistics and Skills)

Capacity to implement is a major issue in making functional and operating R2P in Ghana. For the purpose of this research, capacity was viewed in two main ways; institutional self- assessment of their capacity to implement R2P and public perception about R2P relevant institutions' capacity to implement R2P. Citing the factors respondents thought were the main challenges confronting these security agencies in terms of protection, 19.6% mentioned lack of skilled personnel, 13.6% lack of funds, 13% lack of logistics, 5.6% lack of adequate personnel, 9.3 % both lack of funds and lack of logistics and 7.1% stated that all the above reasons were the challenges facing the security agencies. Factors such as corruption, unwillingness, greed and a general lack of integrity on the part of the police were also mentioned as contributing factors to their inefficiency/ inability to provide protection.

In terms of institutional self-assessment of their capacity to implement R2P, the NPC indicated some challenges. Two main challenges that the NPC faces are in relation to staff strength, and logistics. At the District Offices, in most cases there is only the district officer with no secretary or other supporting staff. At the regional level, there is usually the regional officer, regional secretary and one administrative staff. In some instances, the office space is inappropriate or makeshift or do not exist at all. Another issue related to staff is in the area of co-ordination amongst agencies particularly those that come under the Ministry of Interior.[112]

The NPC also indicated that logistics necessary for conducting activities are inadequate. This includes the scarcity of vehicles to work with. As with many government agencies, access to / the release of funds is sporadic, often delayed and more often than not the budget marked down. Currently UNDP

109 Tension Mounts in Ghana between Muslims and Christians, Supreme Court to intervene. Available at: http://cameroon-concord.com/news/headlines/item/2666-tension-mounts-in-ghana-between-muslims-and-christians-supreme-court-to-intervene#sthash.yZojvnwo.dpuf. Accessed on December 30, 2015.

110 WAEC, Muslims in standoff over veil. Available at: http://graphic.com.gh/news/general-news/37363-waec-muslims-in-standoff-over-veil.html. Accessed on December 30, 2015.

111 Two Ghanaians join ISIS -National Security Co-ordinator confirms. Available at: http://graphic.com.gh/news/general-news/48510-two-ghanaians-join-isis-but-national-security-co-ordinator-cautions-media-to-be-circumspect.html#sthash.5IjzluoV.dpuf. Accessed on December 30, 2015.

112 Interview with George Amoh, op. cit.

is the major source of funding to the NPC. However, to improve funding issues, the NPC is working on the establishment of a Peace Fund.[113]

With regard to an institution such as the Ghana Police Service, the desk review revealed that Police citizen ratio has increased significantly from 1:1,100 in 2010 to 1:784 presently and although it does not meet the UN requirement of 1:500,[114] the impact of the recent police visibility exercise cannot be overemphasised.

3.2.8 Addressing Human rights and Abuse in Ghana

Although human rights abuse does not fall within the purview of R2P per se, major violations of human rights tend to form the basis for commission of crimes relevant to R2P. A significant number of participants (95.2%) were aware that they had human rights that need to be protected. 4.8% did not know if they did.

The data gathered revealed that respondents' knowledge on human rights laws passed between 2010 and 2015 was low. 89.5% were not aware of any such laws. Only 10.5% indicated that they were aware of such laws. Participants mentioned laws such as "freedom of association law, right to education, right to vote, right/ freedom of movement, laws relating to property, right to freedom, right to protect children born out of wedlock particularly after the man has died, right to worship, compulsory education, empowering women in decision-making process, the disability act, freedom of speech, interstate law, Livelihood Empowerment Against Poverty (LEAP),[115] consumer rights and responsibilities, right to information, defilement law, the law of communication bill, child labour and abuse, false marriage, Chief Justice's law to release persons on remand, mental health act, petroleum revenue management act, physical disability and friendly act, LGBT law, Domestic violence law, affirmative action and the criminal libel law." The responses captured indicated that for even those whose responses were "yes" may not necessarily know any such laws.

The Ministry of Children, Gender and Social Protection came out tops when respondents were asked to indicate if they knew of any institutions created/ modified specifically for the promotion of human rights during this period. The Domestic Violence and Victims Support Unit (DOVSSU) was the institution that was mentioned by most participants. The statistics for the aforementioned questions were "yes" 35%, "No" 25.1% and "I don't know" 41.3%.

From the responses on whether respondents had experienced any injustice or human rights, 31.5% said yes, 66.4% said no while 2.1% said they did not know. An inquiry into the kinds of injustices/ human right abuses experienced by respondents showed that 15.9% had experienced Discrimination on the basis of sex, political leanings, disabilities, other; 16.5%, abuse of power by government/ public official, traditional ruler etc.; 17.0%, harassment by security agencies 26.1%, harassment from other citizens e.g. land guards, neighbours etc. In addition 6.8% indicated that they had experienced both abuse of power by government/public official, traditional ruler etc. and harassment by security agencies.

Majority of the respondents indicated that although they had reported the incidents to the appropriate authorities, they did not receive any acceptable redress. Some also stated that due to the fact that they felt/knew that nothing would be done about it, they did not bother to report. One respondent called it

113 Ibid.

114 Ministry of the Interior. Available at: http://www.ghana.gov.gh/index.php/gov-t-projects/ministry-of-the-interior. Accessed June 26, 2015.

115 LEAP is a social protection programme being implemented by the Government of Ghana to help needy households and vulnerable persons come out of poverty by providing them with a bi-monthly allowance.

"a sheer waste of time." One of the respondents who was harassed by his landlord stated that after he reported the incident to the police, his property was thrown out by the landlord immediately after the rent had lapsed. According to another respondent, there has been no reasonable outcome from a land dispute case he is involved in even though he won the court case seven times. Some respondents stated that they had to drop the case in order for peace to prevail. One of the respondents also indicated that his motorbike was seized by security personnel because he was riding during curfew hours and his bike has since not been returned. In a number of instances, Chiefs, Imams and other community leaders acted as arbitrators in some of these abuses and/or disputes. What makes these findings relevant although they can more easily be linked with human rights than R2P lies in the fact the issues related to R2P are nuanced. For instance, there are hints abuse of state security officials which is an ingredient for the perpetration of mass atrocities if not appropriately dealt with at the initial stages. Where certain individuals have received redress in relation to human rights abuses and others have not it tends to breed perceptions of discrimination particularly where there appears to be a trend in those who receive redress and those that do not.

About 5 of the respondents who said they had faced an injustice/ human rights abuse stated that they had to leave town almost immediately or eventually. One of the respondents was of the view that her friend was denied a prefect ship position because she did not belong to a particular religion. One of the respondents said "the military arrested and harassed innocent people they mistook for 'Sakawa boys' but later they were freed." A Police Officer at a traffic light arrested another respondent because he did not have a number plate. Although he tried to explain, the policeman refused to listen and instead took Ghs 2.00 from him. One of the respondents mentioned that an official at one of the public institutions refused to sign a document for him because of his (the respondent's) political leanings and so had to pretend to belong to another political party before the document was signed. One of the female participants said she was rescued from forced marriage by Trans4orm Ghana.[116] Here again, responses although not directly linked with R2P hint on issues relevant to R2P. Religious discrimination as well as discrimination on the basis of political affiliation are nuanced in the responses of respondents. What makes it relevant to R2P is that in many ways, in order to avert mass atrocities, situations that enable the perpetration of R2P crimes such as discrimination and abuse by security agencies must not be underestimated.

The issue of access to justice came out prominently in almost all the questions that provided an opportunity for respondents to share the perceptions or experiences with state institutions that were responsible for "protection." The recent judicial corruption scandal that came to light a few months ago in Ghana[117] seems to support the argument that judgment is not administered uniformly across board. An estimated 34 High Court Judges and 100 more officials of the judiciary were implicated in an undercover investigative video produced by Tigereye PI (Private Investigators).

3.2.9 Role of the media and the need for an R2P Policy

90.5% of respondents indicated that the media has a role to play in the general promotion of R2P. 90.4% of respondents indicated that the media has a role to play in the prevention of mass atrocities. Majority of the respondents added that as the conduit for the dissemination of information, whether or not atrocities will occur or not would depend on the information put out by the media. All respondents

116 Trans4orm Ghana is a Ghanaian NGO that rescues vulnerable young girls and women in abusive situations and empowers them to also support other young people.

117 Anas uncovers 34 Judges in corruption scandal. Available at: http://ghanaweb.com/mobile/wap/article.php?ID=380603. Accessed on December 30, 2015

saw the need for an R2P policy and indicated that effective implementation of the policy would require a lot of support and dedication on the part of government.

3.3 Potential role or actual work of National Focal Points for R2P in states in West Africa

The National Focal Point Initiative, which was launched in September 2010 with the aim of improving intra-governmental and inter-governmental efforts to prevent and halt mass atrocities, also led to 51 countries appointing National Focal Points representing every region of the world. West Africa is represented by five countries namely; Ghana, Cote d'Ivoire, Guinea, Liberia and Sierra Leone. Due to the roles that some national focal points (particularly in Ghana and Liberia) have played in conflict prevention mainly through the mainstreaming of R2P into state institutions, activities and mechanisms, this section particularly focuses on the potential role of the National Focal Points to make them more effective even for those that have not been active since the initiative was launched.

3.3.1 Development of an R2P Policy and National Action Plan

The first consideration in the establishment of a coordinated framework for the implementation of a R2P is the development of a specific R2P policy as well as National Action Plans for R2P by the National Focal Points. An R2P policy document will help to clearly define the parameters of the concept (within the context of Ghana) and provide a guideline for enforceable, measurable action statements and procedures necessary for the effective implementation of R2P. It would also be necessary to identify key institutions/ individuals that could constitute a working group not only for the development of the policy but also its implementation.

3.3.2 Facilitation and coordination

The role of the National Focal Point should also be both a facilitative and coordinative one. The National Focal Point should be able to serve as liaison between the Government (through the MDAs) and CSOs as well as government and inter-governmental organisations. The focal point should coordinate with other focal points to create a knowledge and experience-sharing platform. For the purposes of effectiveness, the National Focal Point, rather than being established as a structure on its own should be developed within existing National Infrastructures for Peace.

3.3.3 Policy review and advisory role

The role of the Focal Point should include reviewing policy and providing policy recommendations on critical issues of inclusion, identity and various aspects of protection particularly with regard to provisions that may be outdated. In Ghana, the National Peace Council can engage the Ministry of Education as well as the Ghana Education Service to review educational policies in Ghana particularly those that relate to religion/ religious practice in light of recent issues that have arisen in order to make them R2P compliant. The focal point can play an advisory role to leaders of relevant institutions on ways of ensuring national cohesion.

3.3.4 Monitoring

The role of the Focal point could also be a supervisory one. By developing indicators for monitoring compliance, commitment on the part of key stakeholders can be enforced. As a starting point for the development of relevant indicators, focal points adopt the use of the analysis framework introduced by the Office of the UN Special Adviser on the Prevention of Genocide (OSAPG). This analysis framework

to establish whether or not a given situation can result in genocide. It has eight (8) categories of factors: i) Inter-group relations, including record of discrimination and/or other human rights violations committed against a group; ii) Circumstances that affect the capacity to prevent genocide; iii) Presence of illegal arms and armed elements; iv) Motivation of leading actors in the State/region; acts which serve to encourage divisions between national, racial, ethnic, and religious groups; v) Circumstances that facilitate perpetration of genocide (dynamic factors); vi) Genocidal acts; vii) Evidence of intent "to destroy in whole or in part ..."; viii) Triggering factors.[118]

Sensitisation and Public Awareness (Promotion of Peace Education)

The purpose of sensitization and awareness creation is to bring about behavioural and attitudinal change towards conflict. The National Focal Point by carrying out the aforementioned would be creating enabling environment for sustainable peace. This can be achieved through awareness creation campaigns particularly through social media.

3.4 Location of R2P Office

A key observation made during the research was that, as an R2P Focal Point for Ghana, the National Peace Council had a major challenge in relation to office space both at the national and regional levels. This was identified as a major obstacle to the effective coordination of their activities across the various regions. The issue of funding also came out strongly during the research. As a body that operates under the Ministry of Interior, much of its funding comes from the Government of Ghana. As with most agencies funded by government, funds are either inadequate or are disbursed so late that activities that ought to have been carried out over a specific period are delayed.

As a way forward, it would be important for the NPC to operate as an independent body much like the Electoral Commission and the National Commission for Civic Education. Currently its position under the Ministry of Interior minimizes the clout as well as its frontline role as leading the way in implementing R2P.

118 Office of the UN Special Adviser on the Prevention of Genocide (OSAPG) Analysis Framework. Available at: http://www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf. Accessed on December 30, 2015.

CHAPTER 4:

ANALYSIS OF SOME R2P EARLY WARNING INDICATORS AND TROUBLE SPOTS IN WEST AFRICA

The R2P concept deals with the "how" of protecting individuals from being victims of war crimes, crimes against humanity, genocide and ethnic cleansing under the guise of state sovereignty; and guaranteeing individuals that the concept of sovereignty and territorial integrity was no longer going to be a cover under which human rights violations could occur. As earlier stated, the best way to protect is to prevent, and the best way to prevent is to identify the early warning indicators and the use of preventive measures including preventive diplomacy[119]. Of major significance to the effective use of early warning indicators is the diligent analysis of early warning data so as to effectively address the root causes of conflict and related issues. Eleven indicators were identified as key and crosscutting primarily based on the eight categories of factors that the Office of the UN Special Adviser on the Prevention of Genocide (OSAPG) analysis framework stipulates. Based on these indicators 13 countries in West Africa including Ghana were used in the analysis.

4.1 Key and Crosscutting early warning indicators in West Africa

4.1.1 Political exclusion

According to Cederman et al (2013) group-level political inequality much like economic equality incite grievances that over time could lead to civil war.[120] Exclusion of ethnic groups from access to political power and in political processes provides grounds for armed conflict, terrorism and general attacks on the state and in most cases other civilians become victims of these attacks. Within the gamut of human security, political exclusion, whether perceived or real and often accompanied by other levels of deprivation tend to be recipes for disaster. In areas like Northern Mali, Northern Niger, the Casamance region of Senegal, rebels have capitalized on this issue and have launched various rebellions and attacks against their individual governments. The proliferation of arms following the Libyan crisis and the return of the Touaregs to Northern Mali and Northern Niger coupled with the proliferation of arms and rebels in West Africa has wider implications for security and stability.

4.1.2 Economic Inequality

In terms of economic inequality, its implications on security are as severe as political inequality. Across West Africa, various levels of economic inequality have been evident over the years. In fact, in most countries the gap between the rich and the poor has widened even more these last 5 -10 years. Not all have led to violent attacks either on the state or other citizens. However, in the Niger Delta region of

119 "...to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur". "An Agenda for Peace: Preventive diplomacy, peacemaking and peacekeeping" (A/47/277 - S/24111), 17 June 1992.

120 Lars-Erik Cederman, Kristian Skrede Gleditsch, Halvard Buhaug. Inequality, Grievances, and Civil War. Cambridge University Press, 2013.

Nigeria, since the 2000s, a number of militant groups have sprang up due to a deterioration of their living conditions as a result of the activities of foreign –based mining companies. Beyond the fact that some ethnic groups felt/ feel they were not or could not benefit from the oil exploitation going on in the region, the continuous oil spillages have negatively impacted the environment and the community.

The pollution of water bodies, destruction of vegetation and agriculturally viable lands have not only affected the supply of food but also the various sources of income of fisher folk, farmers and other related industries. In spite of effects of oil drilling / production on the environment and health of the people of the Niger Delta region, not much effort has been made either by the government or the oil companies to either control the problems that these activities bring. Oil siphoning and bunkering has become common and is further contributing to the problem of environmental degradation. This, however is also a coping mechanism adopted by some inhabitants as a means of reparation.

A number of militant groups have also sprang up in the region over the years with the most notable being, Movement for the Emancipation of the Niger Delta (MEND) and the Niger Delta People's Volunteer Force (NDPVF) who both have similar aims of ensuring that the people of the region receive a greater share of oil proceeds. MEND for instance has employed the use of speedboats and other methods to attack its targets and have in some instances claimed responsibility over the kidnapping of staff or family members of employees of some of the multinational companies. In many instances, they have managed to out manoeuvre the government and the security agencies in terms of preparations made towards the attacks. These militants have gotten more advanced in terms of the sophistication of weapons as well as the levels of training. In effect, they are a major security threat particularly in light of the fact that even some of the western trained military operatives (who are perceived to be better trained) are unable to match up to these militants.

Militancy in the Niger Delta region has also led to numerous deaths, injuries, kidnappings and the displacement of thousands of people. The indiscriminate attacks and violence coupled with the absence of an effective mechanism to address the root causes of the violence increases the likelihood of the occurrence of mass atrocities.

In Sierra Leone increased growth rates have been on the back of the mining of oil ore as well as oil exploration. In spite of this, income inequality keeps rising. Coupled with the increase in unemployed and unemployable youth due to the length of the conflict in the country as well as the mismatch between the skills of the youth and the changing economic terrain, Sierra Leone's new war would be how to manage the risks of this phenomenon. Increased vulnerability of citizens particularly the youth in Sierra Leone make them easy targets for recruitment into various armed groups including political vigilante groups. Deprivation, perceived or real has direct impact on social cohesion and promotes inter-group violence

The narrative in Liberia is no different from that of Sierra Leone given the similarity in history and current circumstance. Social unrest and political violence is a major challenge that the government of Liberia would have to plan adequately due to the pending exit of United Nations Mission in Liberia (UNMIL).

4.1.3 Ethnic dominance in political power/ governance

Historically, most political parties/ movements were organized along ethnic lines in Africa. It also became normal that once they were in power, that ethnic group would be the most dominant in governance. This trend prevails to date with the situation in some countries appearing more obvious than others. For most countries, it is the perception of such that has led to high levels of political

tensions in the country. The lack of representation and access to equal opportunities creates an environment where there is constant pressure on the government which could be in the form of labour strikes, public protests and demonstrations and in some instances, full blown uprising.

In Guinea, ethnic violence has not only threatened the economic and investment climate of the country but has also put a strain on the political stability of the country and even neighbouring countries like Liberia, Cote d'Ivoire and Mali. One challenge identified within this situation is the potential development of a mercenary alliance where individuals pushing for inclusion in their individual countries support each other to destabilize their individual governments.

In 2012, youth from the Malinke and Peul ethnic groups in Guinea attacked each other with rocks, clubs and machetes. Malinke people living in Peul communities were attacked and the reverse also occurred. Such targeted attacks coupled with the countries location within the fragile Mano River Union region raises a lot of red flags when it comes the possibility of R2P crimes occurring.

In Togo, the main issues relating to political dominance has been in respect to composition of the Independent National Electoral Commission (INEC) - which is a primary source of contention, distribution of seats by electoral district and inequitable access of political parties. Although some efforts have been made in relation to the composition of the INEC at the level of the local branches, at the central level, not much has been done. Another obvious strain is fact that the Gnassingbé family has been in power since the 1960s.

In Northern Nigeria, the effects of the struggle for inclusion, recognition, accountability and equal representation in governance is evident in a political thug movement one of which has over the years created context for radical movements such as Boko Haram to operate. The group has been responsible for the killings, death and displacement of thousands of civilians. Human Rights Watch reports that at least 1000 civilians have died between January and March 2015.[121] There is also evidence to suggest that these insurgents are targeting women, kidnapping them and raping them with the most publicized being the kidnapping of the school girls from Chibok. Not only does the entire country face the risk of instability but risk of continuous atrocities if the Government of Nigeria is not strategic in the handling of the situation which has many facets including religion.

4.1.4 Elongated tenure

Over the years, it has become evident that long stay in power or prolonged regimes can be a major source of tensions and conflict. In Burkina Faso, it was evident in the protests that brought to an end the 27-year rule of President Blaise Compaore. Often the long-serving regimes tend to be autocratic, non-participatory, and corrupt and human rights violators. The conditions, which led to the uprising in Burkina Faso in 2014, are no different from those presented in Gambia and Togo. In the case of Gambia there is also the risk of persons from the Casamance region massing up to destabilize the current regime.

4.1.5 Identity; Religion, sex, politics, ethnicity

The process of state formation in the post-colonial era has been the underlying cause of these identity issues because individuals from varied ethnic backgrounds were lumped together and in some cases,

121 Nigeria least 1000-civilians dead January. Available at: https://www.hrw.org/news/2015/03/26/nigeria-least-1000-civilians-dead-january. Accessed on October 26, 2015.

minority groups matched against minority groups.[122] Identity is at the core of almost all the conflict that has occurred on the continent. In Nigeria, a typical example is Jos Plateau State where diverse groups have consistently sought ownership of the state, claiming they are the indigenes while others are settlers. In la Cote d'Ivoire, the dispute of who are indigenes and who are the settlers is a key issue, which contributed to 2010/2011 crises with Alasane Ouattara, the incumbent president of the country being the face of this identity issue. Hailing from the North and from a Muslim background, the concept of ivoirite sought to present Ouattara as a foreigner, and a Burkinabe. The Ivorian crisis claimed the lives of many Ivoirians and caused many others to flee to neighbouring countries for safety. In the events that led up to the 2015 elections, the issue of identity surfaced again. Up to 700 people participated in the September protest including 10 presidential candidates who were calling for the re-composition of the Electoral Commission, as it was believed to be skewed in favour of Ouattara. Injuries and deaths were recorded during the protest.

4.1.6 Land Ownership

Land ownership is a complicated issue that has contributed to various conflicts across the region. Land ownership is a status symbol, in some communities it is a matter of identity with the most common being the issues of settlers and indigenes and symbol of inclusion or otherwise. In the 2012, the Hohoe crisis in Ghana, had its roots in identity; between people believed to be the land owners and the settlers (the inhabitants of the Zongo Community in Hohoe). An already tense environment in Hohoe, escalated after the death of a muslim youth and a subsequent attack on the hospital with accusations that their colleague had died on account of the negligence of the hospital staff. Following their actions, traditional authorities banned muslims in the community from burying their dead on Hohoe land. The matter which was eventually settled with the intervention of the National Chief Imam, some government officials and security personnel relapsed into chaos when the body of the Chief Imam of the Muslim Community in Hohoe was exhumed and dumped at the outskirts of the town. Pushed to the brink by the desecration of the corpse of a highly revered individual in the community, the youth pillaged the house of Togbega Gabusu VI, the Paramount Chief of the Gbi Traditional Area and thereafter set it ablaze. The youth then proceeded to attack other individuals within the community, burning property and blocked roads. While the death of a fellow muslim may have triggered tensions between the people living in Zongo community and the people living in the Hohoe community, it may have exposed a major issue present in many African countries- the issue of land (settlers and landowners). The 2012 clashes in Tindongo and Namolgo in the Talensi-Nabdam District of the Upper East region in Ghana, which led to the death of nine persons, also had its roots in a struggle over land. Again in 2012, there were clashes between the Ewes and Fantes in Ekumfi Narkwa in the Mfantseman East Municipality of the Central region in Ghana which left two dead and ten injured with four in critical condition. It is believed it was stoked by ethnic tensions.

Over the last few years, tensions in Bunkprugu, Bimbilla and Nakpanduri and surrounding areas also in Ghana led the Ministry of Interior to impose a number of curfews in these areas with the most recent curfew review dated June 18, 2015. Judging by the parameters set by the OSAPG analysis framework category 1 and the aforementioned scenarios, it is apparent that these tensions/clashes have their root in "existing and past conflicts over land, power, security and expressions of group identity, such as language, religion and culture."[123] For instance the recent clashes in Bimbilla in Ghana

122 Badru, Pade. (2010) Ethnic Conflict and State Formation in Post-Colonial Africa: A Comparative Study of Ethnic Genocide in the Congo, Liberia, Nigeria, and Rwanda-Burundi. p. 149-169. *Journal of Third World Studies*.

123 Office of the Special Advisor for the Prevention of Genocide Analysis Framework

which was reduced simply to that of meat and the quantity/ weight of meat had more to do with issues of sovereignty, "atonement of tenancy, royalties; and taxation."[124]

In post-war Liberia, land is a major threat to stability. The lack of secure land rights has not only contributed to rural poverty but also a source of conflict in itself. After almost 20 years of civil war, people returned to find their home and lands taken over by others. The absence of secure land rights particularly before the war meant that most people's claims to land would be based on kinship, continuous use across generations or both. In the Post-conflict period, some individuals may have had the opportunity to acquire more secure land rights thus possibly disenfranchising the real owners of the land. The dual land tenure system and the lack of clarity in the application of the system contribute to land being a major security threat and a source of instability in the country. Tenure insecurity is a major issue that requires urgent attention and should be adequately address and ensure sustainable peace and security. If such issues of importance that border on livelihoods continue to be left unaddressed, the country could be set back into crisis particularly in view of the impending exit of UNMIL.

4.1.7 Sexual and Gender-Based Violence (SGBV)

During the years of war in both Sierra Leone and Liberia, rape was used as a tool of war with women and girls being the primary victims. They remain commonplace even after the war. It is reported that a number of laws in Sierra Leone are gender discriminatory further complicating the plight of women.[125] The slow pace and lack of prosecution has created a system of impunity presenting a high risk of "crimes against humanity" occurring.

With the Casamance conflict standing as the longest-lasting low-intensity conflict in West Africa, with many women having undergone the trauma of rape and with the rate of cases reported to have increased as a result of impunity.

4.1.8 Religion and religious intolerance

The role of religion in the crisis in Northern Mali and Northern Nigeria cannot be over-emphasised. Like ethnicity and politics, religion has been at the core of many of the atrocities that have taken place on the continent. Occasional clashes between Muslims and Christians in Nigeria particularly after the year 2000 have claimed thousands of lives. Although it can be argued that political clout, deprivation and corruption are the motivations for these clashes; the religious dimension cannot be overlooked. Ensuring balanced political and economic systems is critical in ensuring that such conflicts do not continue. In Northern Mali, the rebellion against President Amadou Toumani Toure's government was carried out by several Islamic groups and led by the National Movement for the Liberation of Azawad (MNLA). In Ghana, although there are no serious religious cleavages, some concerns have been raised about conditions that could give rise to such religions intolerance particularly in schools.[126]

124 Of Meat Journalism and Bimbilla. Available at: https://theoyibo.wordpress.com/2015/07/14/of-meat-journalism-and-bimbilla-2/. Accessed July 14, 2015.

125 Sierra Leone: Advocaid to Help Women & Girls Seek Legal Aid. Available at: http://allafrica.com/stories/201510271790.html. Accessed on November 14, 2015.

126 Mission schools and religious tolerance in Ghana. Available at: http://graphic.com.gh/features/features/41558-mission-schools-and-religious-tolerance-in-ghana.html. Accessed on December 30, 2015.

4.1.9 Chieftaincy and Succession

Next to politics, indeterminate chieftaincy and succession plans could constitute a major risk to stability in Ghana. In the Brong-Ahafo[127] and Northern region, this issue has led to repeated cases of tensions and clashes between disputing factions often leading to deaths, injuries and the displacement of persons. For most of these chieftaincy related disputes not much has been done to address the underlying causes of the disputes or to understand the dynamics of the situation. For the most part, curfews have been imposed with no permanent remedies presented for long-term peace.[128]

4.1.10 Low-intensity conflicts

Often low-intensity conflicts tend to be ignored when more severe emergencies or high intensity situations present themselves. The level of atrocities committed or recorded in both situations are not significantly different. Arguably, what would be the point of divergence between these kinds of conflict is the level of attention reserved for it. Compared to the crisis in Syria, Libya and parts of CAR, the situations in the Casamance region of Senegal and Alavanyo and Nkonya in Ghana are not as complex. However, the fact that atrocities continue to occur makes it a matter that must be of R2P concern.

4.1.11 Violent Extremism

The threat of violent extremism in West Africa is a major issue that needs to be understood and addressed.[129] Violent activities of extremists groups now spread across Northern Nigeria, Northern Mali, Northern Niger and parts of Chad. In January 2015, Amnesty International reported at least 2000 deaths when Boko Haram attacked Baga, a town on the border with Chad.[130] The recent attacks in Radisson Blu in Mali (November 20, 2015) which an al Qaeda-affiliated group took partial responsibility for left at least 21 people dead.[131] The recent attack by extremists at the Splendid Hotel and the Cappuccino Coffee-shop in Burkina Faso (January, 2016) has heightened fears in neighbouring countries including Ghana. Again, Government of Ghana's decision to host two ex- Guantanamo Bay detainees in the country has exacerbated existing fears particularly on account of these individuals alleged involvement in terrorism and related activities.[132]

Conclusion

Considering the security challenges facing the continent and in particular the West Africa region and the Sahel, the concept of R2P has become even more critical. For countries like Nigeria, Niger, Mali, Cameroun and those bordering the Casamance region, violent extremism poses a huge threat. Various countries face other challenges that are equally worth paying attention particularly its potential to metamorphose into R2P related crimes/ atrocities. These threats which have human security

127 Scores flee Tuobodom over fear of attack by angry group - Available at: http://www.myjoyonline.com/news/2015/October-20th/scores-flee-tuobodom-over-fear-of-attack-by-angry-group.php#sthash.YSxNIdg9.dpuf. Accessed on December 30, 2015.

128 Curfew at Bunkpurugu-Yonyoo over renewed chieftaincy clashes. Available at: http://graphic.com.gh/news/general-news/41628-curfew-at-bunkpurugu-yonyoo-over-renewed-chieftaincy-clashes.html#sthash.ldue2cqA.dpuf. Accessed on December 30, 2015.

129 Terrorism remains major threat in West Africa despite electoral progress – senior UN official. Available at: http://www.un.org/apps/news/story.asp?NewsID=53005#.Vpj28PmLTIU. Accessed on December 30, 2015.

130 Boko Haram's 'deadliest massacre': 2,000 feared dead in Nigeria. Available at: http://www.theguardian.com/world/2015/jan/09/boko-haram-deadliest-massacre-baga-nigeria. Accessed on December 30, 2015.

131 Deadly Mali hotel attack: 'They were shooting at anything that moved'. Available at: http://edition.cnn.com/2015/11/20/africa/mali-shooting/. Accessed on December 30, 2015.

132 Two Guantanamo detainees sent to Ghana are 'terrorists' - Report – Available at: http://www.graphic.com.gh/news/general-news/55866-two-guantanamo-detainees-sent-to-ghana-are-terrorists-report.html#sthash.iLlhGHk2.dpuf. Accessed on February 9, 2016.

underpinnings give indication to the fact that it is a multi-sectoral problem that requires diverse responses. It is important to note that although these situations are not directly linked to R2P, they can serve as enablers for the perpetration of R2P related crimes.

The evolving political terrain, the changes in human security dynamics and the replication of old trends needs to be carefully analysed and appropriate responses developed to mitigate the chances of many of the critical issues referred to in this report as indicators developing into conflict situations or escalating in full blown war which provide fertile ground for war crimes, crimes against humanity, genocide and mass atrocities.

CHAPTER 5:
SUMMARY AND RECOMMENDATIONS

5.1 Summary of Main Findings

This research assessed institutional capacities for the Implementation of R2P in West Africa with Ghana as a case in point. It was noted that Ghana's constitutional and other legal instruments have been major contributing factors to the relatively peaceful socio-political climate and development. Through the activities carried out by the various Ministries, Departments and Agencies, potential conflict situations as well as issues that could result in the commission of R2P crimes have been addressed even if temporarily. It was however noted that it has become very necessary to strengthen mandated institutions in light of existing and emerging security threats such as violent extremism, proliferation of small arms and rebels (burgeoning mercenary alliance), as these also are relevant from an R2P perspective.

The 600-plus respondents used as a population sample for this study presented issues of interest not only to the research but key institutions and stakeholders required for the effective implementation of R2P in Ghana.

Awareness of the Concept

One of the key findings of the research was in relation to the general awareness of the concept of R2P. 57.1% of respondents and 3 out of 10 institutions interviewed were not aware of the concept. As a matter of course, awareness is a critical part of implementation. With 79.5% of respondents indicating that they believed they have a role to play in the promotion of R2P, awareness creation would be an added advantage particularly because ensuring stakeholder buy-in is a sine qua non when it comes to effective implementation.

Knowledge and Perception of Institutions

In terms of knowledge and perception, the research revealed that 84.7% of respondents knew and identified government agencies responsible for protection / security. However, respondents' perceptions of some of these institutions in terms of access to protection/security/ justice were incongruous. Respondents indicated that in spite of the ease of access to some of the institutions[133] in terms of physical location, actual access to protection was in most instances lacking.

Role of traditional rulers/ courts in the promotion of R2P

In one of the regions where the research was undertaken, it was apparent that the traditional rulers/ courts were very well recognized and even stated as government institutions that provide protection and security to citizens thus highlighting a window of opportunity in promoting R2P through traditional leaders.

133 Police, military, judiciary/ court, Ministry of Gender, Children and Social Protection (MOGCSP), Commission for Human Rights and Administrative Justice (CHRAJ)

Role of religion and faith-based organisations in the promotion of R2P

Another significant observation made during the research was that most respondents views and perceptions (and by extension responses to some of questions) were reflective of their religious beliefs. Religion was both the motivation or otherwise for most respondents' views on whether abuse on the basis of political affiliation, sexual orientation and religious beliefs were justified. Clearly, religious and faith-based organizations are critical in the implementation of R2P particularly in light of their contributions to peacebuilding efforts in the past.

Reporting and Access to Justice/Reparation

A critical observation made during this research was in relation to the number of respondents who had experienced some manner of human rights abuse/ injustice, reason for reporting or otherwise and the outcome of reporting. It was evident that for those that had experienced some form of human rights abuse/ injustice, there was no satisfactory redress even though they reported to appropriate state agencies. For those that did not report, it was due to the fact that they believed "nothing fruitful would come out of it."

Implementation plan

Individual institutions have plans / activities that implicitly reflect the promotion and implementation of R2P in Ghana. However, there is no standard road map elaborating an R2P-specific approach and thus guiding the activities of these institutions in order for interventions to be carried out in a coordinated manner particularly for maximum impact and effective monitoring and evaluation.

5.2 Recommendations

a. Government

i. Strengthen the national peace architecture by providing adequate resources (financial, structural and human) as well as the enabling environment for the implementation R2P in Ghana.

ii. Ensure the development of an R2P policy document which specifies the roles and responsibilities of identified stakeholders in regard to R2P and elaborates a plan of action with an in-built monitoring and evaluation mechanism.

iii. Provide adequate funds to undertake initiatives that resonate with the pillars of R2P particularly in the area of prevention.

iv. Promote strategic partnership between CSOs and government for pulling together resources to undertake R2P and related activities.

v. Develop an action plan on strategies to raise and assess funds both internally and externally for the promotion of R2P activities,

vi. Develop and spearhead a comprehensive communication plan to create awareness and sensitise the public through Direct Community Contact, mass media and other communication material.

vii. Create a multi-stakeholder consultative/ coordinating group including CSOs, relevant government institutions, academia, traditional rulers and religious/faith based organizations in order to solicit multi-sectoral views and generate appropriate responses.

viii. In collaboration with identified stakeholders develop key and relevant indicators to the context of Ghana as well as a monitoring and evaluation framework in regard to R2P. These indicators can be fashioned out using the OSAPG analysis framework.

ix. Develop and disseminate annual reports as a means of monitoring country compliance to ECOWAS and AU charters, protocols and legal framework relating to R2P. This could be a collaboration between government, CSO and Academia.

x. Periodic capacity building and skills training for law enforcement agencies including the judiciary and other Alternative Dispute Resolution mechanisms on key issues such as SGBV, peacebuilding, dialogue & mediation, protection of civilians and persons of concern, and violent extremism. This could be carried out through the R2P course at KAIPTC, which takes place in November every year. It provides an important opportunity to reserve spots for individuals from key institutions in Ghana that are related to making R2P functional.

xi. Improve access to and administration of justice in a fair, consistent and, where possible, timely manner in order to assuage public perceptions of state agencies particularly their willingness and/or ability to act in a non-discriminatory manner.

b. CSOs (including Traditional Authorities, Faith-based organisations)

i. Engage actively with R2P by training relevant staff and considering how to integrate R2P into the work programme of the organisation.

ii. Collaborate with government, particularly the Ministry of Education and related government agencies such as the Ghana Education Service, to promote peace education in both public and private schools on issues linked to R2P such as religious, ethnic and political tolerance.

iii. Increase engagement with the general public through sensitization and awareness creation workshops and seminars where ideals such as patriotism/nationalism, tolerance (religious, ethnic, political), and respect for the rights of minority groups can be promoted. These are ideals that form the basis for the prevention of R2P crimes.

iv. Support government in the area of data gathering particularly as it relates to early warning signs of threats to peace, crisis situations where R2P crimes are likely to occur and develop appropriate response mechanisms.

v. Support government in the implementation of regional and sub-regional legal frameworks particularly those that resonate in principle with R2P.

vi. In the area of capacity building CSOs should share expertise with targeted individuals/groups such as traditional rulers, leaders of religious/faith based organizations, trade unions as well as organized social entities on the tenets of R2P.

vii. Facilitate inter-stakeholder dialogues for the dissemination of information and ideals on social cohesion as part of efforts to promote the concept of R2P.

viii. Ensure that interventions, particularly those that relate to conflict prevention and/or escalation, are peremptory and context specific in order to inhibit R2P enabling factors.

c. Development Partners

i. Ensure that programmes funded and/or implemented, particularly those that relate to conflict prevention, Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR), are not project-based but have in-built mechanisms/strategies for ensuring peace in the long term. This ensures that the factors that spark conflict(s) where R2P related crimes are committed are properly addressed.

ii. Ensure that there are in-built monitoring mechanisms to ensure accountability and effective implementation of interventions that relate to R2P.

iii. Collaborate with stakeholders in Ghana and other ECOWAS member states, both in government and among CSOs, on exchanging good practices on the implementation of R2P.

iv. Support the work of Ghanaian stakeholders on the implementation of R2P through relevant training, outreach and concrete projects

Conclusion

With the changing dynamics of social protection needs and the fluidity of the security situation on the African continent particularly in West Africa, which still presents potential avenues for mass atrocities in countries such as Guinea, Burkina Faso, Mali, Nigeria and Niger, R2P serves a vital tool. Over the years, the African Union Commission (AUC) and the Economic Community of West African States (ECOWAS) have developed legal instruments and frameworks geared towards ensuring political stability, economic development and enhanced cooperation amongst member states. Available data reveals that the costs of response and rebuilding far out-way that of prevention in terms of economic setback, political stability and social cohesion. An assessment of Disarmament Demobilisation and Reintegration (DDR) processes carried out across West Africa reveal that not only have they not been effective but also that, reintegration, a critical part of the DDR process has not been very successful. Nevertheless, there is room for more coordinated efforts to ensure that an R2P Policy is developed to include priority areas such as peacebuilding, DDR, Security Sector Reform (SSR) and Capacity Building.

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