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Talking Point

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On the Occasion of the  
High level Regional Consultation Meeting on  
Justice and Good Governance: Impunity and Human Rights,

13<sup>th</sup> – 15<sup>th</sup> May, 2019

Nairobi-Kenya

**Excellences the .....;**  
**Excellency Presidents here presents;**  
**Heads of United Nations Agencies here present;**  
**Honorable Ministers here present;**  
**The Heads of Government Agencies here present;**  
**Representatives of CSOs and Media Houses;**  
**Distinguished Guests, Ladies and Gentlemen**

It gives me tremendous pleasure and I feel highly honored to give this statement on the occasion of this High level Regional Consultation on Justice and Good Governance; Impunity and Human Rights. I must quickly express on behalf of the President of ECOWAS Commission's our profound appreciation to the co-organizers, namely; the Office of the Special Envoy of the Secretary-General for the Great Lakes Region, the International Conference on the Great Lakes Region (ICGLR) and the Office of the United Nations High Commissioners for Human Rights, for inviting ECOWAS Commission to participate in this auspicious Meeting.

Let me also commend the collaboration between the ECOWAS Commission and the United Nations Office for West Africa and the Sahel (UNOWAS), which has contributed to a more constructive intervention in deepening human rights protection and respect for the rule of law in the ECOWAS region. In recent times, ECOWAS's much improved collaboration with the African Union and UNOWAS, has ensured collective understanding and response to peace and security issues in the region. This buttresses the importance of synergy between the African Regional Integration Institutions, which I will expatiate on further in the course of my speech.

**Excellences, Distinguished Ladies and Gentlemen**

The ECOWAS Commission is grateful for being associated to this Meeting as the issues of impunity, human rights violations and bad governance and their relationship with peace, justice, development are very essential to attaining a peaceful, prosperous and integrated Community. You will agree with me that the absence or collapse of the rule of law in any State can result in violent conflict or repression, leading to gross violations of human rights. Impunity is often the primary obstacle to upholding the rule of law and human rights protection. That is why the ECOWAS Commission attached keen interest in today's meeting and we are also much eager to share experiences of some of our efforts in the areas of promoting the respect for human rights and the rule of law as well as support the practices of good governance in Member States.

### **Excellences, Distinguished Ladies and Gentlemen**

Also, the fast transforming, volatile and sometimes unpredictable geo-political and geo-economic context in Africa demands a constant review, re-articulation and re-thinking of the rule of law and human rights in the context of justice and good governance. In addition, the increasing spate of insurgency and violent extremism recently, across Africa have also raised serious human rights and the rule of law concerns, considering the grave havoc these issues have continued to have on African citizens. There is a natural link between respect for human rights, rule of law, justice and peace. Some conflicts arise as a result of injustice and lack of rule of law, democratic institutions and good governance to ensure accountability, redress, compensation and justice to victims.

Today's meeting is therefore timely as issues of human rights, rule of law and good governance have remained topical and recurring issues in the discourse about African states.

### **Excellences, Distinguished Ladies and Gentlemen**

The ideals of those concepts however seem to have been continually and continuously been flouted by most African states and the ideal of good governance has continued to elude most states of African descent because of the problems of endemic corruption and basic departure from the rule of law and constitutionalism. More importantly in the ECOWAS region, public services account for a significant share of government budgets, but increased spending in many countries have often not been matched by improvement in service delivery to their citizens. The welfare of the ordinary African citizen has continued to dwindle largely due to the prevalence of corruption which has hindered delivery of basic needs and services.

### **Excellencies, Distinguished Ladies and Gentlemen**

The afore-stated points have made human rights, the rule of law and good governance as they relate to addressing impunity, conflict prevention and sustainable development, particularly relevant to ECOWAS, especially as the Community strives to realize a peaceful, democratic, prosperous and integrated region by 2020. This goal is also envisioned in the African Union Agenda 2063 and the 2030 Global Agenda for Sustainable Development. This underpins, in my view, the need for strategic collaboration between the UN system and African Union and RECs. Today's meeting is therefore an important step in the right direction.

### **Excellences, Distinguished Ladies and Gentlemen**

It is against the critical importance of promoting the respect for human rights and the rule of law as well as the promotion of good governance in Member States that Heads of State and Government have adopted a number of legal and normative instruments, including the Protocol on Democracy and Good Governance, the Protocol on the Fight against Corruption and the ECOWAS Conflict Prevention Framework. These instruments provide for comprehensive measures which have been

carefully structured into the implementation of the ECOWAS Democracy and Good Governance Architecture. This architecture is laid on a tripartite pillars of human rights and rule of law, participatory democracy and integrity governance. While this architecture will be extensively discussed during one of the panel discussion sessions in the course of this meeting, permit me to go over some key initiatives ECOWAS has undertaken in this direction.

### **Excellences, Distinguished Ladies and Gentlemen**

Under the human rights and rule of law pillar, ECOWAS has facilitated the establishment of the Network of National Human Rights Institutions in West Africa (NNHRIs) and ECOWAS Civil Society Organizations Human Rights Monitors Platform to act as a medium aimed at promoting and protecting Human Rights and Rule of Law in Member States. These platforms have adopted human rights monitoring tools to prepare and submit human rights situations report to Key ECOWAS statutory organs in line with the Protocol on Democracy and Good Governance. The objective of this report is to allow for these organs to take pre-emptive measures to address human rights concerns emanating from member states and avert de-escalation of peace and security in the region.

### **Excellences, Distinguished Ladies and Gentlemen**

Permit me to quickly state here that as part of the ECOWAS renewed dedication and reaffirmation of its commitment lesson learnt from supporting human rights promotion in the region, the Authority of Head of States and Government as set aside 16<sup>th</sup> January of every year to be celebrated as ECOWAS Human Rights Day. The celebration is consistent with both the AU and UN human development goal as the theme to be commemorated each year is in line with the objectives of the SDGs. The theme we are commemorating this year, for instance, is 'right of the girl child to education'. Both the National Human Right Institutions and the

CSOs platforms have been engaging in creating awareness with relevant Duty-bearers to ensure that enabling environment is created for the enjoyment of this right to the girl child. In the same vein, a regional meeting will be convened later this year in Accra, Ghana, among other things, to assess how far Member States have fared in ensuring the respect, protection and fulfilment of right to education to the girl child in the region.

### **Excellences, Distinguished Ladies and Gentlemen**

Today in its peacemaking efforts, ECOWAS has come to term with the fact that peace without justice is short lived. While Member State are under a clear legal obligation to carry out effective investigations, and to hold perpetrators of human rights violations to account, experiences have shown that justice is not comprehensive if it is only retributive. This underpins the provision of adequate, effective and proportionate reparations to comfort and heal the wounds of victims. To this end, ECOWAS Commission is currently working to put in place two policy documents on Transitional Justice and Traditional Justice System. While, it is important to state that these initiatives are consistent with some key recommendations of the UNOWAS-facilitated Bamako Declaration and the Niamey Declaration of 2012 and 2018 respectively, these policies are essential to the ECOWAS Commission as human rights violations and justice issues have continued to trigger resurgence of violent conflict, sometimes taking different dimension and constituting potential threat to peace and security in member states.

### **Excellences, Distinguished Ladies and Gentlemen**

Under the Integrity Governance Pillar, ECOWAS has adopted preventive approach in the promotion of integrity governance, particularly after the coming into of the ECOWAS Protocol on the Fight against Corruption. Through the Network of Anti-Corruption Institution in West Africa and ECOWAS Civil Society Organizations Platform on Transparency and

Accountability in Governance, ECOWAS has supported the adoption of the **ECOWAS Whistle-blower Protection Strategy** to provide guidance and encourage member state to enact a dedicated whistleblower protection law for safety disclosure of corrupt practice in governance process in member states. In the same vein, the leadership of the regional networks Anti-Corruption Institutions has adopted Corruption Risk Assessment CRA to support in Monitoring Corrupt Practices and Asset Recovery as part of ECOWAS regional standard to deepen preventive approach in the fight against corruption in Member States. ECOWAS Commission is therefore committed to provide support along the pathway charted to deepen integrity governance in Member States.

### **Excellences, Distinguished Ladies and Gentlemen**

Let me also mention that in addition to the positive outcome of operationalizing our Architecture, ECOWAS has played a pivotal role in promoting participatory democracy in Member States. What we have done in this area is to map-out key political stakeholders ( such as political parties, Media, Police, CSOs, the Judiciary and Electoral Management Bodies) involved in electoral processes in Member States to implement tailored programs and activities to strengthen these stakeholders to ensure that they play positive role in the conduct of peaceful, credible and democratic elections. Also critical to our success under this pillar is the Rapid mobilization of foreign aid for reconstruction and development supported stability; Inclusion of civil society in peace deals and national dialogue enabled agreements to take hold; Strong high level conflict prevention and mediation mechanisms have helped chart the path to stability in the region.

### **Excellences, Distinguished Ladies and Gentlemen**

I am aware that the nature of multilateral organizations the world over makes it difficult to effect change as quickly as one often desire. However, with the support from our principals, we are striving as experts to do much as is possible within the limits. There is also need to deepen working collaboration among the UN systems, African Union and Regional Economic Communities and Regional Integrations Mechanisms, within the purview of the principles of subsidiarity, complementarity and comparative advantage to engender synergy of efforts in the promotion of human rights, the Rule of law and good governance. You will agree with me that resources are getting more scarce at both global and regional levels, therefore we need to mutualise and coordinate our efforts in order to complement our interventions and avoid duplication of efforts between the UN systems, AU and RECs.

In concluding, on our part in ECOWAS, I would like to assure you all of our willingness to remain available to provide technical support to any sister organizations. We believe that through experience sharing of success stories and learning best practices from among ourselves, from other regions on how to further deepen the respect for human rights and good governance principles in the ECOWAS region.

Finally, I would like to seize this opportunity to once again, express ECOWAS' appreciation to the organizers for inviting ECOWAS to be part of this meeting. I wish you all exciting and productive deliberations. Thank you for the attention. Asante Sanna