



Sustainable peace

Driving the African Peace and Security Architecture through ECOWAS

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Summary

The African Union (AU) has prioritised its relationships with regional economic communities (RECs) in order to implement the African Peace and Security Architecture (APSA). Yet a lack of clarity remains over roles and responsibilities. One such REC – the Economic Community of West African States (ECOWAS) - has been at the forefront of West African peace and security efforts. Although these efforts have proved challenging, the organisation has gone to great lengths to become more effective in dealing with the wide array of peace and security challenges in the region. This paper looks at the best practices and lessons learned from ECOWAS' peace and security efforts and how it can enhance its implementation of the APSA. It draws on academic and policy literature, as well as ECOWAS reports and frameworks. It also bases its recommendations on the findings of field research conducted in August 2016 with 18 stakeholders. 1 It focuses in particular on ECOWAS' efforts to sustain peace (i.e. going beyond peacekeeping, and focussing on conflict prevention and peacebuilding).2

THE AFRICAN UNION (AU) wants to make its Peace and Security Architecture (APSA) more effective. One of the ways it intends to do this is by focussing on coordination and partnerships as a strategic priority. This includes its relationships with regional economic communities (RECs), including the Economic Community of West African States (ECOWAS).³ As the designated REC for West Africa, ECOWAS' relationship with the AU is important, especially seeing as the AU, the principal pan-African body, designates RECs as its 'building blocks' in the APSA and its 2016–2020 roadmap.⁴



The APSA is composed of the Peace and Security Council (PSC) and supported by its pillars: The Panel of the Wise, the Continental Early Warning System (CEWS), the African Standby Force (ASF) and the Peace Fund. In addition, the AU has a Post-Conflict Reconstruction and Development (PCRD) unit, which is being injected with new life as the PSC calls for 'stronger and more sustained support to countries emerging from conflict with regard to reconciliation and PCRD'. The AU is also establishing a Mediation Support Unit and there are discussions over a mediation support fund. The APSA is structured at the AU under the Peace and Security Department.

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Parallel to this, the AU has developed a new African Governance Architecture (AGA), based on the African Charter on Democracy, Elections and Governance and falling under the Department of Political Affairs (DPA) at the AU. The AGA came into force in 2012.6 Its mandate is to provide a 'platform for dialogue between the various stakeholders' in order to promote good governance and democracy and to strengthen the objectives of the legal and policy pronouncements in the AU Shared Values.7

As the APSA and AGA have developed, so too has ECOWAS' peace and security efforts. ECOWAS has a well-developed Early Warning and Response Network (ECOWARN) and is now establishing national response centres. This was prompted by a review of ECOWAS achievements, failures and lessons learned, which identified the need to create better links between early warning and early response. ECOWAS is setting up a mediation directorate to formalise its mediation engagements. There has also been talk of developing a peacebuilding or PCRD strategy for the institution, in line with the AU PCRD framework. It also has strong frameworks relating to governance. ECOWAS has therefore made important strides toward making its peace and security efforts more systematic, consistent and strategic, taking into account the recommendations made in internal reviews on its effectiveness.

In comparison with other RECs such as the Southern African Development Community (SADC), ECOWAS' efforts are far more developed and institutionalised, with many best practices to share with other regions. Yet, as with all RECs, there is a lack of clarity over its exact role in relation to the AU, specifically in relation to the APSA.¹¹

With global economic forecasts looking gloomy, countries have limited resources and donors increasingly want to make their funding go further, which means avoiding the duplication of activities. RECs are believed to have a number of comparative advantages to the AU in the promotion of peace and security, including a better understanding of the socio-cultural



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and political nuances in their respective regions. ¹² It has also been argued that they have greater legitimacy and a bigger stake in finding a peaceful solution to a regional crisis, by virtue of their proximity to the affected country, as well as being the region that will bear the brunt of the spillover effects of conflict. ¹³ As a result, it is argued that RECs can respond more quickly and cost effectively to conflicts. ¹⁴

At the same time, RECs have progressed at different rates of development¹⁵ and have at times been accused of partiality.¹⁶ They also face various challenges, ranging from inadequate capacity (financial, human and technical) to a lack of political will to intervene due to sovereignty concerns and regional political dynamics.¹⁷

As noted earlier, there is a lack of clear differentiation between the roles of ECOWAS and the AU, notwithstanding a memorandum of understanding (MoU) that broadly covers the need for collaboration on peace and security matters. ¹⁸ The APSA roadmap notes that principles of comparative advantage, complementarity and subsidiarity remain undefined. ¹⁹ For RECs to become effective partners of the AU, it is important to identify the specific comparative advantages of individual RECs across the range of conflict responses.

The APSA roadmap notes that the principle of comparative advantage remains undefined

This paper looks at the best practices of and lessons learned from ECOWAS in its implementation of the APSA. It draws on academic and policy literature, as well as ECOWAS reports and frameworks. It also bases its recommendations on the findings of field research conducted in August 2016 with 18 stakeholders. ²⁰ The paper focuses in particular on ECOWAS' attempts to address the root causes of conflicts rather than simply keeping the peace, since much literature has already been dedicated to its peacekeeping efforts. The AU and the United Nations (UN) have recognised the importance of moving beyond traditional methods to a concept of 'sustaining peace' and have made this a priority. ²¹ The

paper also seeks to examine the comparative advantages of RECs in relation to the AU. It is one of two publications produced by the ISS that look at REC-AU linkages.²²

The paper outlines how ECOWAS has formalised its peace and security frameworks and departments and looks at individual directorates that work across the conflict spectrum. It then indicates ECOWAS' engagements in the areas of early warning, election observation and governance, mediation and peacebuilding. It proceeds by examining ECOWAS' efforts at institutional reform. Finally, it concludes by considering best practices from ECOWAS that can be shared with other RECs and proposing a way forward to strengthen ECOWAS—AU linkages.

ECOWAS' frameworks for sustaining peace

ECOWAS was established in 1975 with primarily an economic mandate that sought to create a free trade area, customs union and an economic monetary union.²³ However, over the years and in response to a series of intractable conflicts,²⁴ the regional bloc has had to add peace and security to its priorities as a necessary condition for achieving economic development and integration. This was reflected in the ECOWAS revised treaty of 1993, which made provisions for peace and security. ECOWAS has long been involved in peacekeeping, and its frameworks for this are well documented. This section details the frameworks most relevant to sustaining peace.

In 1999 the ECOWAS heads of state and government adopted the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (the Mechanism), and in 2001 they adopted the Protocol on Democracy and Good Governance (the Protocol). Together, the 1999 Mechanism and 2001 Protocol serve as the foundation upon which ECOWAS' peace and security agendas are set.²⁵

The Mechanism is significant because it was 'the first attempt by a regional African organisation to formalise collective conflict prevention and management practices'.²⁶ In addition to creating the Mediation and Security Council (MSC)²⁷ it also outlines, for the first time, the three foundational pillars of ECOWAS' peace and security efforts: early warning, mediation and reconciliation, and peacekeeping through the standby force.²⁸



ECOWAS' peace and security processes are underpinned by the aforementioned 1999 Mechanism and 2001 Protocol, but are also informed significantly by the ECOWAS Vision 2020 and the ECOWAS Conflict Prevention Framework (ECPF).²⁹ Vision 2020, adopted in June 2007, outlines six major priorities, including the promotion of good governance and justice and the upgrading of the conflict prevention, management and resolution mechanism.³⁰ Vision 2020 also launched ECOWAS' proposed rebranding from an 'ECOWAS of states' to an 'ECOWAS of people'.³¹

An important source of ECOWAS' peace and security mandate is the ECPF, which is a comprehensive outline of the bloc's conflict prevention, peacebuilding and peacekeeping strategy. The ECPF is relatively sophisticated, especially when compared to similar efforts by other RECs and the AU. It was created in 2008 by the MSC with the aim of serving as a 'reference for the ECOWAS system and Member States in their efforts to strengthen human security in the region'. The ECPF is unique because it defines several elements within the conflict cycle, including the nature of conflict and conflict prevention, and 'boldly attempts to address structural and operational prevention and peacebuilding by providing guidelines and entry points for actors to engage in prevention initiatives'. 34

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It defines conflict prevention under two streams: operational and structural prevention. Operational prevention focuses on methods such as early warning/response, mediation, conciliation, disarmament and peacekeeping through the ECOWAS Standby Force (ESF). Structural prevention, on the other hand, focuses on peacebuilding through political and institutional reforms, capacity building, justice and the rule of law, reconciliation and reintegration, and peace education.³⁵ Towards this end the ECPF consists of 15 components, including early warning; preventive diplomacy; democracy and political governance; human rights and rule of law; media; natural resource governance; cross-border initiatives; youth empowerment; the ESF; humanitarian assistance; peace education (culture of peace) and the Enabling Mechanism (with a focus on resource mobilisation and cooperation between member states and civil society organisations [CSOs]).³⁶

Despite the ECPF's sophistication, many of its suggested actions and objectives are not being implemented.³⁷ Interviews with stakeholders revealed that more could be done to enhance the ECPF, especially on issues such as women, peace and security and the culture of peace.³⁸ While the framework gives ECOWAS the responsibility to rebuild, little has been done in this regard. ECOWAS is now revitalising the ECPF, recognising the importance of areas not yet implemented. It has created an internal steering committee to ensure



VISION 2020 MEANS 'AN ECOWAS OF THE PEOPLE'

implementation, developed a mapping framework and distributed a template on areas of interest to donors, noting funding gaps.³⁹

ECOWAS structures to sustain peace

Several ECOWAS institutions are working either directly or indirectly on peace and security matters. The Office of the Commissioner for Political Affairs, Peace and Security (PAPS), which falls under the ECOWAS Commission, is responsible for the quotidian execution of ECOWAS' peace and security agenda. The PAPS has four directorates: the Directorate for Peacekeeping and Regional Security; the Early Warning Directorate, the Directorate for Political Affairs and, most recently, the Mediation and Facilitation Directorate. The ESF falls under the PAPS Directorate for Peacekeeping and Regional Security, although it is also one of the pillars of the African Standby Force (ASF), which falls under the AU.

There are other mechanisms within ECOWAS that are also vital in the decision-making processes on peace and security matters. The first of these organs is the Authority of Heads of State and Government, which has authority over several of the regional bloc's activities, followed by the Mediation and Security Council, which has traditionally taken on the task of deciding on special envoys and representatives. The third is the ECOWAS Commission, under which the PAPS and the four directorates fall. There is also the Council of Elders – now called the Council of the Wise (CoW), the Committee of Chiefs of Defence and the ECOWAS Standby Force. The elders of the CoW are esteemed individuals chosen by the president of the Commission who, empowered by ECOWAS, play an indirect role as mediators, conciliators and facilitators. The fourth organ is, collectively, the special representatives, envoys or facilitators, appointed by the President of the ECOWAS Commission, who are current or former heads of state and government, and who play a more direct role than the elders in mediation and facilitation.⁴⁰ The final organ is the ECOWAS Peace Fund.

As ECOWAS' frameworks have developed, so too has its operational perspective. Whereas at its inception ECOWAS held as sacrosanct the principle of state sovereignty and non-intervention, since the 1990s it has sought to make vital exceptions (such as in cases of

massive human rights violations) in order to fulfil its peace and security mandate. ⁴¹ In addition, in the last decade the regional bloc has sought to transform its peace and security efforts to focus more on intervention than prevention, more on peacebuilding than peacekeeping, and more on improving the institutional capacity of its member states than on reactionary and, oftentimes, insufficient mechanisms. ⁴²

The continuing growth of different directorates reflects ECOWAS' efforts to focus more on conflict prevention

The power and scope of the PAPS directorate was expanded in 1993. The International Crisis Group (ICG) has recommended that the PAPS be restructured away from other commission departments to give it more autonomy to carry out operations that require a quick response. Despite challenges ECOWAS arguably has developed the 'most sophisticated peace and security architecture on the continent', even preceding that of the AU and other RECs. The continuing growth of different directorates such as Early Warning reflects ECOWAS' efforts to focus more on conflict prevention, and is discussed below.

Early Warning

ECOWAS' early warning framework was created by Chapter IV of the Mechanism, ⁴⁵ with the objective of facilitating 'incident and trend reports on peace and security, as well as real-time preventive options to ECOWAS policy makers to ensure predictability and facilitate interventions to avert, defuse or creatively transform acute situations of conflict, instability, disruptions and disasters'. ⁴⁶

The Early Warning Directorate, which falls under the aegis of the PAPS, is formally responsible for the implementation of the early warning system, and does so through the Observation and Monitoring Centre (OMC) at the ECOWAS Commission in Abuja.⁴⁷ The OMC in turn relies on four constituent observation and monitoring zones (zonal bureaus, or OMZs), each representing three to four countries.⁴⁸

The OMC in Abuja produces three types of reports: situation reports, incident reports and country profiles.⁴⁹



To collect this information it depends on field monitors who collect information in their respective countries and pass it on to the focal points, each consisting of two national representatives and one civil society representative. The focal points then pass on the information to analysts, who 'complement [the] information with open sources and provide weekly reports as well as reports on specific incidents'. These reports are then processed by the Early Warning Directorate and sent to other relevant departments within ECOWAS, especially those within the PAPS, as well as the appropriate local peace constituencies and CSOs.⁵⁰

The directorate has set up vital connections with local constituencies and CSOs, most notably the West African Network for Peacebuilding (WANEP), its main implementing partner. This relationship has been formalised in agreements, including reference to a participatory approach in data gathering by strengthening cooperation with civil society in the ECPF52 and an MoU between WANEP and the Early Warning Directorate for the implementation of the ECOWAS Early Warning and Response Network (ECOWARN). Institute for Security Studies (ISS) interviews with stakeholders showed that the establishment of such agreements have made collaboration easier and more effective. Such efforts represent an excellent practice that can be shared among other RECs that do not yet have well-developed and formalised relationships with civil society.

Far from being an external entity preaching to member states, ECOWAS can be a partner, complementing national efforts

Moreover, ECOWAS' 'early warning system has spread a culture of transparency and political security issues in West Africa', despite the apparent dissymmetry in quality of information and involvement with national monitors, particularly in countries that wish to withhold information on governance issues. ⁵⁵ The directorate holds daily briefings in which it presents daily highlights, which are shared with a number of stakeholders, including member states, the AU and interested partners in the region. ⁵⁶ However, as the ISS's research has shown, more could be done to share situation reports and incident profiles with other ECOWAS directorates, and to give civil society a platform to speak at high-level ECOWAS meetings. ⁵⁷

ECOWAS has responded to warnings about conflicts in Guinea, Guinea-Bissau and The Gambia, but such successes depend heavily on cooperation from member states. ⁵⁸ Countries such as Benin, Côte d'Ivoire and Ghana cooperate readily with ECOWAS, while others, such as Mali in recent years, have tended towards antipathy, especially on 'sensitive subjects'. ⁵⁹ It can be difficult for early warnings to result in early responses, either because of a lack of political will from member states that perceive a threat to their sovereignty, or because of logistical factors, including the lack of funds



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for responses or the lack of the appropriate conflict prevention expertise.

Nonetheless, there is some cause for optimism, owing to ECOWAS' willingness to improve its early warning and response structure. For example, there are now efforts to further develop indicators of good governance. 60 ECOWAS is also developing country vulnerability risk studies based on member states' assessments, with Côte d'Ivoire being the first. 61

Most importantly, ECOWAS has received renewed funding from USAID to facilitate the reformation of its early warning and response mechanism. ⁶² The Monrovia Declaration (which resulted from a review of ECOWAS' successes and failures) ⁶³ noted the need to better link early warning to early response. As a result, plans have been made to decentralise the early warning system, with response mechanisms to be 'created at the member state level involving government authorities, civil society representatives and other national institutions'. ⁶⁴ Centres will initially be set up in five pilot countries but later expanding to all 15 ECOWAS member states. ⁶⁵

In order to initiate support from member states, the early warning and response mechanism will be described by the extent to which it can support member states in mitigating peace and security crises. Therefore, far from being an external entity preaching to member states, ECOWAS can be a partner, complementing national efforts. Furthermore, the reformed early warning system will integrate efforts within ECOWAS permanent representations in member states as well as within vital national institutions. This way it is better positioned to respond to 'country specific sensitivities' and to 'muster the necessary national capacity and willingness to respond'. 67

As expressed by the Early Warning Directorate over the course of the field research, the notion of ownership is vital and member states should lead the response to conflicts in their respective countries. ⁶⁸ Such efforts demonstrate new and innovative efforts at ownership, a concept that is growing in importance in the peacebuilding field, particularly following the recommendations of the UN Peacebuilding review, which stressed that ownership is vital for making peacebuilding more effective. ⁶⁹ Such efforts could also prove useful in directing stable and predictable financing, another matter

raised by the UN in enhancing effective peacebuilding.⁷⁰ Importantly, as noted by numerous stakeholders during the ISS field research, CSOs will also be used in these early warning and response centres to assist in providing responses to low-level conflict. Currently, the CSOs for the five pilot countries are being mapped, although there is debate over the scope of the CSOs to include.⁷¹

The mapping of CSOs will for now be limited to the countries' capitals. The West African Civil Society Forum (WACSOF) has traditionally been ECOWAS' formal partner in promoting regional trade and integration,⁷² but the relationship has waned in recent years due to capacity constraints and organisational challenges.⁷³ WACSOF is now reinvigorating efforts and assisting in this mapping.⁷⁴ It still remains to be seen how CSOs can be compensated for their efforts.⁷⁵

A more pressing concern is noncompliance by member states where states may be the cause of the conflict

With the creation of these centres, a more pressing concern is non-compliance by member states on matters where the state may be the cause of the conflict, as noted by stakeholders during the ISS field research. In order to circumvent this, the various centres will have a Crisis Statutory Board for high-level decision-making. These CSOs will monitor the number of warnings and the number of responses to these warnings. How successfully this translates into responses will depend on the channels used to convey this information to important decision makers at ECOWAS and the AU.

ECOWAS' Early Warning Directorate has fairly good engagements with the AU and sends its reports to the AU's Early Warning Directorate. There are also efforts to hold joint briefings and technical quarterly meetings. However, West African civil society is not given a platform to speak at high-level ECOWAS or AU meetings, and more could be done in this regard. There is also scope for feeding this information back to ECOWAS' Department of Political Affairs and the AU's AGA. For example, the Early Warning Directorate is further developing indicators on good governance, but this could be done in collaboration with the AGA and the AU's Early Warning Department. Political Po



Other RECs are considering indicators of good governance, and the AU could bring together different stakeholders working on these issues. In addition, ECOWAS could discuss the lack of response by member states on governance issues with the AGA to find ways of exerting additional pressure.

Election observation and governance

ECOWAS has been involved in a number of election monitoring observation missions, many of which have been successful. As previously mentioned, the 2001 Protocol offers ECOWAS a framework through which to engage on these matters. The Protocol includes a list of 'constitutional principles shared by all member states, including the separation of powers, the independence of the judiciary and zero tolerance for obtaining and maintaining power by unconstitutional and undemocratic means'.⁸⁰

The 2001 Protocol embodies ECOWAS' comprehensive adoption of democratic values. It empowers the president of the Commission to monitor adherence to these values through election observation missions and to punish disregard through sanctions and suspensions.⁸¹

Since 2004 ECOWAS has observed all elections in the region, despite capacity constraints, apart from The Gambia's presidential election in 2011, where it stated that the country did not have a conducive environment to free and fair elections and it would not be sending a team. Et has been argued that in many cases, such as Ghana (2008), Guinea (2010), Benin (2011) and Liberia (2011), ECOWAS 'contributed significantly to peaceful transitions'. Most recently it has observed elections in Côte d'Ivoire, Togo and Nigeria. ECOWAS also observed elections in Burkina Faso, despite some claims of a lack of impartiality. Etc.

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In the case of Nigeria, ECOWAS sent a team comprising election, political legal, conflict prevention, operations and media specialists. The team is also said to have received preliminary briefings from officials of the ECOWAS Commission's Early Warning, Political Affairs and Peace and Security directorates. The AU and ECOWAS demonstrated a united front and released a joint statement declaring the elections free and fair. ECOWAS has also carried out joint missions with the AU to Ghana ahead of the December 2016 elections. In the case of The Gambia, a fact-finding mission met only with ministers and not the president, which was unsatisfactory. Former Nigerian president Olusegun Obasanjo has since been sent to follow up. It is unclear if ECOWAS will deploy an election observation team.

ECOWAS has thus demonstrated its willingness and ability to engage with the AU on election monitoring and has had some success in its endeavours,



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although it remains to be seen how it will invoke adherence to these values through sanctions, should it not agree with the way elections have been carried out. In the case of The Gambia in 2011, it instead chose to absent itself rather than enforce some kind of adherence. The issue of third-term limits also continues to plague West Africa, and it remains to be seen how these tensions will be managed.⁸⁸

Moving forward, ECOWAS must enforce the Protocol and make use of its legal affairs team. It should continue to engage with the AU on election observation missions to form a unified front and exert pressure when necessary. ECOWAS can also enhance its structural and operational engagements with the AGA. For example, it can share information with the AGA on challenges in addressing issues related to Presidential term limits and share strategies to enhance cooperation on these matters. It could also consider how to liaise with the AU PCRD unit on political governance and transition, one of the six pillars of its framework.

It should be mentioned that the Directorate for Political Affairs has also worked on matters relating to human rights and the rule of law, and democracy and political governance, as specified in the ECPF.⁸⁹ For example, the Directorate for Political Affairs is considering how to get political parties to better establish value structures and have training modules to address this.⁹⁰ These efforts can be shared with the AGA and the AU PCRD unit.

Mediation

The Authority of Heads of State and Government often outsources decision-making on mediation and security to the MSC, which consists of nine member states, 'seven of which are elected by the Authority on a two-year renewable term'.⁹¹ A two-thirds majority makes the decisions in the MSC, and the council has broad powers to deploy political and military missions, with the logistical support of the ECOWAS Commission and the PAPS.⁹²

ECOWAS has traditionally operated its preventive diplomacy and mediation framework in an ad hoc manner, not following any institutionalised structure. However, with the establishment of the Mediation and Facilitation Division (MFD) in June 2015 and its subsequent upgrade to a directorate in January 2016, ECOWAS' mediation attempts are now emboldened

by a well-structured and implementable mediation and facilitation procedure. 93

Prior to the formation of the MFD, decision-making on mediation and facilitation fell to the president of the commission, who could 'dispatch fact-finding, mediation, facilitation, negotiation and reconciliation missions', usually through special envoys consisting of current or former heads of state and government.94 The decisionmaking processes in the pre-MFD phase were arbitrary and opaque, often resulting in detrimental gaps between mediation actions on the ground and the situation rooms in the commission. This was most evident during the Malian conflict in 2012, where the then president of Burkina Faso, Blaise Compaoré, served as ECOWAS' special envoy to bring about a transitional government. While there were strategic advantages to his appointment, the process lacked transparency and ECOWAS itself was unable to underpin mediation efforts.95

ECOWAS has traditionally operated its preventive diplomacy and mediation framework in an ad hoc manner

As previously mentioned, there are several organs within ECOWAS that work directly or indirectly on mediation and facilitation, although it is unclear if or how some of these organs' roles will change given the establishment of the MFD. Among these organs are the Authority of Heads of State and Government, the ECOWAS Commission, the MSC, the CoW and special representatives, envoys and facilitators. Prior to the establishment of the MFD these organs sometimes functioned independently of each other, thereby duplicating or negating efforts, notwithstanding a certain degree of success. The extent to which the new MFD – and the supposed centralisation of mediation efforts – addresses this problem remains unclear.

The establishment of the MFD was the result of a careful process of deliberation by vital ECOWAS stakeholders, even beyond the PAPS and the commission. ECOWAS mediation efforts were first enshrined by Article 58 of the Revised ECOWAS Treaty of 1993.96 However, it was the 1999 Mechanism that established the aforementioned mediation organs (apart from the newly formed MFD).



The ECPF has also dedicated one of its 15 components to preventive diplomacy. The most direct impetus for the establishment of the MFD was the Malian crisis in 2012, as well as lessons learned from other conflicts in the sub-region. The Mali After Action Review (AAR), for example, concluded that ECOWAS' mediation efforts in Mali were inefficient or compromised because of the feeble linkages between the commission and mediators, and the 'absence of [a] resourced mediation support facility at the Commission'.97

The MFD operates on three levels: operational support, mediation resource, and capacity building. Operational support provides guidance, monitoring and evaluation, and the 'facilitation of the mainstreaming of Track III mediation efforts into the ECOWAS mediation resource'. 98 The mediation resource centre organises an updated syllabus or knowledge base on mediation resources and 'resource persons and issues in mediation'. 99 The directorate's capacity building facilitates training modules for mediation, as well as workshops, seminars and conferences, all aimed at both vital and non-vital ECOWAS mediation staff. 100

Guidelines should be developed in relation to the AU's mediation unit and further unpack the idea of comparative advantage

While it is too early to draw any conclusions from the success or failure of the MFD, there has been much cause for optimism since its formation in 2015. It has proactively sought to integrate mediation efforts between the different organs in ECOWAS, although the effects of this will only be seen in hindsight. The directorate has also successfully facilitated electoral consultative missions in Guinea and has provided technical support to Obasanjo, who is ECOWAS' special envoy to Guinea-Bissau, a country plagued by political and institutional crises.¹⁰¹

The directorate has also conducted workshops to determine mediation guidelines and standard operating procedures, as well as training courses on negotiation and mediation. These training courses are directed towards members of the commission, special representatives, envoys, facilitators, members of the CoW, members of civil society, including WANEP, and member states' ministries of foreign affairs. This alone is a sign of progress, especially when considering that between 2006 and 2015 only one training programme had been organised for ECOWAS actors and staff involved in mediation.

Lastly, the MFD facilitated a working exchange with the AU's Preventive Diplomacy and Mediation structures in order to 'share experiences on mediation and deepen collaboration in joint mediation initiatives between the ECOWAS Commission and the AUC'. ¹⁰³ It is an auspicious time for ECOWAS to develop its mediation and facilitation architecture – member states have shown the political will, and it has been able to secure vital

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 AND

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external support from partners such as the Danish International Development Agency (DANIDA), the UN Office for West Africa (UNOWAS) and the UN Mediation Support Unit (UNMSU). It therefore behoves ECOWAS to take advantage of this fortuitous period and follow through on an already solid foundation on preventive diplomacy. It will also be important in the future to develop better guidelines on engagement with other directorates, such as Early Warning. Moreover, the MFD and the DPA should clearly distinguish their mandates, roles and functions, where at present there are a number of overlaps. In this regard, the two directorates will need to decide if the MFD should largely function as a 'service provider' or take over some overlapping roles entirely. Additionally, guidelines should be developed in relation to the AU's mediation unit and further unpack the idea of comparative advantage, tackling the issue of who should act and when.

Peacebuilding

In 2010 at an ECOWAS international conference participants agreed on a draft set of recommendations to enhance ECOWAS' effectiveness, known as the 'Monrovia Declaration'. They identified peacebuilding/ PCRD¹⁰⁴ as ECOWAS' weakest link¹⁰⁵ and noted that not enough resources had been put into such efforts. 106 Specifically, it was stated that ECOWAS 'should also design and develop a post-conflict reconstruction and peacebuilding framework in line with the AU Post-Conflict Reconstruction and Development Framework, to enhance sustainable peace in member states and to include a clear policy on Disarmament, Demobilization, Rehabilitation and Reintegration (DRR)'. 107 The conference emphasised that previous peacebuilding initiatives had lacked local content and buy-in. A strong recommendation was made on ensuring the involvement of civil society, particularly women, youth, religious and community groups, and investigating the potential role of the private sector. 108

The conference also focused on transitional justice, noting 'transitional justice must have its roots in the history of the country concerned'. 109 The sequencing and timing of transitional justice is, therefore, significant and must be considered in such a way as to avoid

privileging one community/person over another. It should also avoid encouraging or rewarding impunity, thereby entrenching a sense of injustice. The timing and methodology of truth and reconciliation processes should ensure a level playing field for all and bring about genuine healing through justice and reconciliation. 110

However, since these recommendations have been made little has been taken forward in developing an ECOWAS peacebuilding strategy.¹¹¹ The need for a comprehensive strategy was exemplified by the recent outbreak of Ebola, which crossed borders and required a high-level regional response.¹¹² Transitional justice is also very specific to the local context, and would be an appropriate peacebuilding area for ECOWAS.

It should be noted that ECOWAS' Conflict Prevention Framework has many elements relating to peacebuilding issues that can be drawn upon for a regional peacebuilding strategy. While the AU PCRD unit has six indicative elements – security; humanitarian/ emergency assistance; political governance and transition; socioeconomic reconstruction and development; human rights, justice and reconciliation; and women and gender¹¹³ – the ECPF already has sections devoted to security governance; political governance; women; peace and security; humanitarian assistance; and human rights and rule of law.

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The major elements where ECOWAS does not have a peacebuilding framework on which to draw relate to transitional justice, disarmament, demobilisation and reintegration (DDR) and socio-economic reconstruction and development. The latter is often a costly activity and may be difficult for ECOWAS given its limited resources. ECOWAS will need to work out whether it intends to focus on the softer issues of peacebuilding such as transitional justice, or the harder development issues.

On the issue of transitional justice, a regional peacebuilding framework could provide better guidance on developing national peace architectures and peace policies/acts. For example, in Nigeria there have been



attempts to establish a National Peace Act, but thus far without success. 114 ECOWAS could support such efforts with regional guidance, made more systematic by a regional framework.

Moving forward, ECOWAS needs to consider how to avoid the duplication of resources, and find ways in which a potential peacebuilding/PCRD framework could fit with other frameworks such as the ECPF. In addition, the ECPF could play a more prominent role in ECOWAS' activities, as previously mentioned. The new national early warning and response centres could be used to initiate peacebuilding/PCRD responses at a lower level. High-level strategies for peacebuilding are also vital. It is important that any framework that is developed is in line with the AU PCRD framework, and that the AU PCRD unit gives guidance and advice on moving forward.

ECOWAS: reform or transformation?

With a number of important institutional changes in the works, including the establishment of national response centres, a mediation directorate and a possible peacebuilding strategy, it is important that ECOWAS uses its resources wisely to maximise the roles played by different departments and ensure better collaboration. It will also need to ensure that, as an institution, it is as effective as possible and avoids the duplication of activities across different departments.

Indeed, ECOWAS has been making efforts to streamline itself in light of a number of institutional challenges raised in its 2011–2015 strategic plan. The plan outlined challenges encountered in its organisational structures, roles and responsibilities, including a lack of monitoring and evaluation, and insufficient communication across departments. The consultancy firm Maxwell Stamp was employed to find ways to enhance the inner workings of ECOWAS, and its recommendations were conveyed to the ECOWAS Council of Ministers in 2014. These recommendations for institutional reform consisted of three key components: institutional architecture, governance and the commission's organogram.

On 16 and 17 December 2015 the ECOWAS Authority of Heads of State and Government endorsed the

conclusions of the 14th Extraordinary Session of the Council of Ministers that approved the first phase of institutional reform, and agreed to the start of the second phase. ¹¹⁸ Yet the reform process has itself been controversial, and it has to take into account many different views from across the community.

Liberian President Ellen Johnson Sirleaf was elected as the new chair of ECOWAS for a one-year period from June 2016. Sirleaf has since stated that institutional reforms are a priority.¹¹⁹ Moreover, she has requested member states to provide immediate updates on compliance with the payment of community levies.¹²⁰

ECOWAS continues to be plagued by financial difficulties. Acquiring funds from member states to enable it to carry out its endeavours is a continual problem, coupled with the 'dismal' sourcing and utilisation of donor funds. 121 Even so, ECOWAS is the only REC to have put in place a 0.5% levy on all goods imported into the region. 122 It also has a public management project aimed at ensuring that it meets international financial standards. 123 ECOWAS is thus making an effort to utilise its funding wisely and to begin to pay for its own activities, which makes it less reliant on donor priorities and more able to operate based on its own analysis.

ECOWAS must use its resources wisely to maximise the roles played by different departments and ensure better collaboration

Funding issues are not unique to ECOWAS, and can be observed at all RECs and even the AU. Yet despite these challenges, ECOWAS has made considerable progress in peace and security measures.

Linking ECOWAS to the AU

In order to enhance collaboration between the AU and RECs, REC liaison officers to the AU have been deployed since 2007. Although this has begun to enhance cooperation across all areas, two challenges remain. Firstly, the exchange of liaison officers between the AU and the RECs is secretariat to secretariat, and so mainly focuses on technical and operational collaboration. It has been noted that there is a 'greater need for the AU and

the RECs to harmonise their policy and decision-making processes to promote collective decision making and responses in all areas of integration'. The second major challenge is funding. 125

As previously mentioned, ECOWAS has many structures similar to that of the AU, but it is unclear what the AU's exact relationship with RECs should be. In future the AU will have to consider whether it should play the role of facilitator or implementer. For example, given that ECOWAS has such a well-developed early warning system, is it necessary for CEWS to also produce early warnings on the West African region? Or should CEWS work to ensure early warning reports from RECs are better shared with decision makers at the PSC and give a greater platform to civil society engagements?

The AU has an opportunity to streamline different frameworks across RECs to create consistent platforms for the sharing of best practices

It is the responsibility of the AU to develop a clear set of guidelines or legal text on how these roles and responsibilities should be defined, based on comparative advantages, and in collaboration with RECs. For example, ECOWAS may be best placed to mediate in certain situations and not in others, depending on impartiality. In this regard, the AU must have clearer guidelines on how these decisions are made. In terms of peacebuilding, the AU can also work with RECs to define areas of comparative advantage (e.g. on issues such as transitional justice).

The AU has an opportunity to streamline different frameworks across RECs, such as early warning, and to create consistent platforms for the sharing of best practices and lessons learned across different RECs, such as ECOWAS' engagement with civil society (see Table 1 on page 14). There is also a need for better coordination and collaboration between the AU and RECs across different parts of the conflict spectrum. Table 2 (on page 15) considers some of the challenges still facing ECOWAS and suggests specific opportunities for ECOWAS and the AU in moving this forward.

Conclusion

ECOWAS has demonstrated that RECs can play a vital role in implementing the APSA 2016–2020 Roadmap. Yet a number of challenges remain. This paper has proposed some best practices that can be shared across RECs and some opportunities that ECOWAS can use to enhance its own engagements generally, and more specifically with the AU. The AU is the authorised body to strengthen the coordination and enhancement of RECs by building on joint comparative advantages. These efforts need to be prioritised in a way that strengthens ownership, consensus and synergy.

Recommendations

- A regional peacebuilding strategy in line with the AU post-conflict reconstruction and development framework should be developed, and consideration given to how early warning response centres can be used in peacebuilding at the local level.
- A database should be created of ECOWAS member states' abilities to provide technical assistance to its peacebuilding framework and the implementation thereof, and this must be shared with the AU's African Solidarity Initiative.
- Standard operating procedures for engagement across departments should be developed, especially between the directorates for early warning, mediation facilitation and the political affairs on peacebuilding. In collaboration with the AU, the various roles and responsibilities in relation to AU early warning, mediation and PCRD mechanisms must be clearly defined.
- Engagement with the AGA must be increased on ways to strengthen responses to governance issues, with particular regard to enforcing the ECOWAS Protocol on Democracy and Good Governance.
- Consideration must be given to ways to give civil society platforms regular opportunities to brief decision makers at ECOWAS and the AU in the spirit of transforming from an ECOWAS of states to an ECOWAS of people.
- Institutional reform to make the organisation as efficient and effective as possible must be prioritised, and implementation of decisions made at statutory meetings must be ensured.



Table 1: ECOWAS' best practices to share with the AU and RECs

ECOWAS good practices	Opportunities for AU/other RECs
Formalised agreements between ECOWAS and civil society, which allow for easier and more effective engagement	AU can assist in emphasising the utility of frameworks for engagement between RECs and civil society.
	RECs can examine ECOWAS frameworks, and what would be most appropriate in their regional context. In some regions, there is a need to consider how to better develop representative and professionalised civil society networks.
Use of national response centres to better link early warning to early response, with an emphasis on country ownership. Use of civil society in responses, including CSO watchdogs in national response centres to monitor member states' responses. Development of indicators on good governance.	AU and RECS can further develop what ownership means in the context of early response to conflict and consider the possibility of response centres in other regions. The use of civil society, traditional and religious leaders to be considered in these responses. ECOWAS can share experiences of developing early warning indicators on good governance.
Well-developed conflict prevention framework, with elements defining structural and operational prevention.	AU to develop conflict prevention frameworks that better direct responses that are proactive rather than reactive, and to share experiences in developing this framework with other RECs.
ECOWAS reviews on effectiveness, successes and failures.	RECS and different AU directorates to also review effectiveness, successes and challenges.

Table 2: Challenges and opportunities for ECOWAS and the AU in implementing the APSA

Issue	Challenges	Opportunities for ECOWAS and the AU
Early warning Governments may ignore early warning alerts and reject responses by national early warning and response centres, if these are not in favour of the government Severity of reports can be better conveyed to decision makers	Enhance platforms for civil society to present at high-level meetings (ECOWAS/AU)	
	early warning and response	Share information more frequently, from early warning alert with ECOWAS DPA and the ECOWAS MFD
	Work with the AU Early Warning department on developing indicators of governance and share this with other RECs (including the Inter-	
	Governmental Authority on Development, which is also expanding its criteria to focus on governance)	
	Engage with the AGA to ensure adherence to governance	
Election ECOWAS criticised for not taking action in some cases (e.g. The Gambia)	 Enforce the Protocol on Democracy and Good Governance by considering different actions specified in the protocol for non-compliance 	
	 Utilise legal affairs team to enforce legal provisions of protocol Share experiences with the AGA 	
Mediation Newly developed directorate currently without standard operating procedures	Establish lines of engagement with the Early Warning Directorate to ensure mediators are given all relevant early warning reports	
	 Establish nature of engagement with the ECOWAS DPA Train CSOs on mediation to support their efforts in early warning centres 	
	Work closely with the AU Mediation Support Unit to define comparative advantages and guidelines for engagement, addressing the issue of impartiality	
Peacebuilding/ PCRD		Develop a peacebuilding framework, in consultation with the AU PCRD unit, with a specific focus on soft issues such as transitional justice
		Consider ways of providing resources to civil society and enhancing the professionalisation of CSOs in their responses to conflict
		Consider enhancing a peacebuilding framework through early warning and response centres
	Develop a database of ECOWAS countries' abilities to provide technical assistance and engage with the AU PCRD unit on its African Solidarity Initiative, which aims to provide technical assistance to countries affected by conflict	
General Organisation still undergoing organisational reform Insufficient follow-up on decisions made a high-level meetings, including on peacebuilding ECOWAS financial procedures do not always meet international finance standards	Prioritise institutional reform as agreed upon by the Council of Ministers	
	decisions made a high- level meetings, including on	Appoint a cross-divisional secretariat to ensure follow-up and implementation of high-level decisions and maximum collaboration across departments, rather than building up capacity in silos
	Give adequate support to ECOWAS' public management project to ensure and share lessons learned across RECs	



Notes

- Interviews were held with various ECOWAS directorates, including Early Warning, Mediation and Facilitation, Political Affairs and Legal Affairs. Interviews were also held with the Gender Department. Further interviews were held with the West African Network for Peacebuilding (WANEP), West African Civil Society Forum (WACSOF), Institute for Peace and Conflict Resolution (ICPR), the United Nations Development Programme (UNDP) Nigeria, the European Union (EU) and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).
- The United Nations (UN) 2015 peacebuilding review introduced this concept and noted that a 'broader, comprehensive approach of "sustaining peace' is called for, all along the arc leading from conflict prevention ... through peacemaking and peacekeeping, and on to post-conflict recovery and reconstruction'. See UN, Letter dated 25 June 2015 from the chair of the Secretary-General's Advisory Group of Experts on the 2015 Review of the United Nations Peacebuilding Architecture addressed to the presidents of the Security Council and the General Assembly, 7–8, http://www.un.org/en/peacebuilding/pdf/150630%20Report%20of%20the%20AGE%20 on%20the%202015%20Peacebuilding%20Review%20FINAL.pdf.
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- 5 Ibid., 18.
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