

Open Session on Promoting Constitutionalism, Democracy and Inclusive Governance to Strengthen Peace, Security and Stability in Africa

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Tomorrow (27 January), the African Union (AU) Peace and Security Council (PSC) is expected to hold its 1061st meeting. The open session will take place under the theme 'Promoting Constitutionalism, Democracy and Inclusive Governance as a Means of Strengthening Peace, Security and Stability in Africa'.

Following opening remarks by Permanent Representative of Ghana to the AU and Chairperson of the PSC for the month, Amma Adomaa Twum-Amoah, AU Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye is expected to make a statement. Emma Birikorang Deputy Director of the Kofi Annan International Peacekeeping Centre (KAIPCTC) and Paul Simon, the East Africa Regional Representative and Representative to AU of the Institute for Security Studies (ISS) are also expected to deliver presentations. Representatives of the Regional Economic Communities and Regional Mechanisms (RECs/RMs) as well as members of the international community represented in Addis Ababa are also expected to participate in the session.

Tomorrow's session comes against the backdrop of the resurgence in unconstitutional changes of government (UCG) and related challenging political transitions witnessed in the continent throughout 2021. During the year, the continent has seen the occurrence of four successful coups (in Chad, Guinea,

Mali and Sudan). As 2022 commences, another coup has taken place in Burkina Faso following the detention of President Kabore by mutinous soldiers. In light of this concerning trend, the upsurge in UCG formed part of the key issues addressed at the Eight High-Level Seminar on Peace and Security in Africa convened from 2 to 4 December 2021 in Oran, Algeria. As a key recommendation, participants of the seminar proposed the review of the African Governance Architecture (AGA) as well as the 2000 Lomé Declaration on Unconstitutional Change of Government, in order to ensure that these frameworks are more suitable to the contemporary peace and security landscape of the continent. The sessions is expected to reflect on the concerning resurgence in UCG and its implication on constitutionalism and democracy as well as its impact on peace and security in Africa.

The AU already has developed various norms promoting democracy and constitutionalism and banning UCG in the form of key instruments including the AU Constitutive Act, the PSC Protocol, the 2000 Lomé Declaration, the Ezulwini Framework, the African Charter on Democracy, Elections and Governance, and the African Charter on Human and Peoples' Rights (Banjul Charter). There is however lack of consolidated approach in the implementation of these instruments. Further to condemning UCG and imposing applicable sanctions whenever they take place, it is important to ensure that the underlying root causes which lay a fertile ground for the occurrence of coups are also addressed. As observed in various previous cases, some of the key underlying causes of UCG in Africa relate to democratic deficits, mainly the extension of term limit through contested constitutional amendments and the absence of transparency and credibility in the conduct of elections. The importance of adhering to basic democratic principles as a way of averting the risk of UCG is also clearly captured in the 2000 Lomé Declaration. One of the points worth reflecting at tomorrow's session is therefore the importance of adopting a consolidated approach in implementing AU norms on democracy

and constitutionalism in order to prevent the very occurrence of UCG by addressing the root cause as well.

Over the years, the PSC has convened various sessions dedicated to the theme of UCG and popular uprising which are essential in informing tomorrow's session. The latest of these sessions was the 871st session convened on 22 August 2019, where the PSC noted governance issues as one of the underlying root causes of conflicts and crises in Africa. Studies also indicate that coups experienced in Africa between 1960 and 2000 have had devastating impact on the continent's stability. Another important PSC session on the topic was the 432nd session convened on 29 April 2014 which served to adopt some key decisions including the establishment of a sub-committee which could undertake an in-depth review of AU's relevant normative frameworks to develop a consolidated approach in responding to UCG and popular uprising in Africa. Tomorrow's session may serve to follow up on the progress in the establishment of this sub-committee.

In addition to ensuring coherence in the implementation of AU norms on democracy and constitutionalism, it is also important to address how the AU should approach cases of popular uprising. The AU is yet to develop a norm on popular uprising and elaborate its correlation with UCG. It is noteworthy that while condemning violent uprisings, the PSC has at various occasions affirmed the legitimacy of peaceful popular uprisings. For instance, at its 432nd session the council underscored some of the circumstances which would justify popular uprising, underscoring the oppressive nature of regimes; systematic abuse of human rights; and failure of governments to fulfil their responsibilities as the conditions which could trigger "the right of the people to peacefully express their will against oppressive systems". In responding to the military takeover of power in Sudan in 2019 at its 840th session, the PSC also made a clear distinction between its condemnation of the military's power grab and its

recognition of the aspiration of the Sudanese people “to the opening of the political space in order to be able to democratically design and choose institutions that are representative and respectful of freedoms and human rights”.

Another critical issue which warrants the Council’s attention is the growing concern over security challenges, particularly terrorist insurgency and the lack of effective government response which has in multiple cases served as the central justification given by militaries for staging coups. Notwithstanding the manipulation of such justification as a means of legitimising suspension of constitutions, there is indeed a growing frustration over the lack or inadequate government response to security challenges. In addition to its immediate security related impact therefore, the absence of an effective government response to security threats endangers not only the stability of a country but also democratic rule. Hence, as the rate and complexity of security threats in the continent increase, governments role remains important in the way it handles and responds to such threats.

Incorporating indicators related to human rights and governance within AU’s continental early warning system could also be an important aspect which the Council may consider. Closely monitoring situations in individual member States which are at risk of experiencing disruptions to constitutional rule could play a crucial role in averting UCG by setting the stage for the deployment of AU’s preventive diplomacy. Lack of inclusive governance, political confrontations, highly contested elections, constitutional amendments to extend presidential term limits, and grave violations of human rights and democratic principles are some of the major warning signs of disruption to democratic rule as well as peace and security in Africa.

The expected outcome of tomorrow’s session is a communiqué. The Council may condemn all acts which endanger constitutionalism and democracy and threaten the continent’s

peace and security. It may express concern over the increasing trend of UCG in Africa and it may underline the importance of enforcing and advancing the relevant AU norms to curb this trend. In this respect, it may urge all AU member States to sign, ratify and implement relevant AU norms on human rights and democracy. It may also follow up on the implementation of its previous decisions on the theme, particularly the request made at its 432nd session for the AU Commission to finalise the draft AU framework on responses to popular uprisings and to submit the draft for Council's consideration. Council may also request the AU Commission to propose modalities for the review of AGA and the Lomé Declaration as well as other relevant AU instruments including the Banjul Charter.