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**16TH EXTRAORDINARY SESSION OF ASSEMBLY OF THE AFRICAN UNION
ON TERRORISM AND UNCONSTITUTIONAL CHANGES OF GOVERNMENT IN
AFRICA**

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Malabo, EQUATORIAL GUINEA

DRAFT CONCEPT PAPER

TERRORISM AND UNCONSTITUTIONAL CHANGES OF GOVERNMENT:

Robust Response, Deepening Democracy & Collective Security

**AFRICAN UNION COMMISSION
DEPARTMENT OF POLITICAL AFFAIRS, PEACE AND SECURITY**

Introduction

1. Africa continues to witness a proliferation of terrorist groups that threaten peace and security as well as the integrity of the respective states where they operate. For the first time in the Continent's history, the threat has spread to the five regions of the African Union (AU). The dual phenomenon of terrorism and violent extremism undermines the sovereignty and territorial integrity of the African State, disrupting the functioning of the government, weakening the social contract, and facilitates the plundering of natural resources. This negative development is further compounded by the presence of foreign fighters and mercenaries on the Continent. In addition to terrorism, the continent has suffered a growing spate of maritime insecurity as well as a wave of Unconstitutional Changes of Government (UCG), with its domino effect weakening democratic legitimacy and the rule of law in the affected countries. There is also an intrinsic link between terrorism, violent extremism and unconstitutional changes of government.

2. As a response to this growing threat, the Assembly of the Union, at its Thirty-Fifth Ordinary Session held in February 2022, through Decision Assembly/AU/Dec. 828(XXXV), *decided to convene an “Extraordinary Summit on Terrorism and Unconstitutional Changes of Government in Africa”, as proposed by the Republic of Angola, and welcomed the offer by the Republic of Equatorial Guinea to host the summit*. It is to be noted that the Assembly had recalled Decision Assembly/AU/Dec.753(XXXIII) of February 2020 wherein it agreed to the proposal by His Excellency João Manuel Gonçalves Lourenço, President of the Republic of Angola, to *“organize an Extraordinary Summit focusing on the challenges of terrorism and violent extremism, with a view to taking urgent action and measures necessary to support the countries which are facing the severe effects of terrorism”*. The Summit could, however, not take place in 2020 due the outbreak of the COVID-19 Pandemic.

3. The 16th Extraordinary Summit of the Assembly, will hold in two parts: Humanitarian Summit & Pledging Conference; as well as Terrorism and Unconstitutional Changes of Government. The session on Terrorism and UCG will assess these persistent threats, evaluate current response mechanisms, and decide on the specific actions and measures necessary to strengthen the collective security of Member States facing terrorism and violent extremism, Furthermore, the Summit will discuss actionable measures needed to stem their upsurge on the Continent. Among other issues, the Assembly will also consider the recommendations in the ‘Accra Declaration on Unconstitutional Changes of Government in Africa emanating from the AU Reflection Forum, held on 15-17 March, 2022 in Accra, Ghana.

RATIONALE:

Terrorism

4. Although post-colonial Africa has experienced inter-state conflicts and civil strife over the past half a century, none of those conflicts have threatened the peace, security and stability of the entire Continent more than terrorism and violent extremism. The perpetuation of terrorist acts continues to be dominated by local

terrorist groups affiliated to international terrorist networks such as D'aesh (the so called Islamic State (IS)) and Al-Qaida.

5. From the last decade, the continent has regrettably become the hotbed for terrorism and violent extremism in the world. Indeed, at the beginning of the 21st Century, there were no known internationally listed terrorist groups on the continent. However, by 2015 there were as many as 25 terrorist groups, some with international links, operating across the borders of Africa.

"Terrorism is any act or threat of an act which is a violation of the laws of the State and which endanger the life, physical integrity, freedom or cause serious injury or death to any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is intended intimidate, coerce or induce any government, institution or general public, disrupt public service, create public emergency or general insurrection in a State". - Organisation of African Unity (OAU) Convention on the Prevention and Combatting of Terrorism (1999).

6. Between 2012 and 2020, terrorist attacks on the Continent have increased more than fourfold. According to the AU's Algiers-based African Centre for the Study and Research on Terrorism (ACSRT), while there were 508 terrorist strikes across the continent in 2012 that resulted in 2,563 casualties, the number of attacks increased to 2,034 in 2020 resulting in 8,631 deaths, thereby representing 400% and 237% rise in attacks and deaths respectively. It is to be noted that women, children and the youth often suffer the consequences of terrorist attacks, both as victims or perpetrators. Preventive measures are therefore urgently needed against terrorism and violent extremism in support of Member States. Inclusive measures that place emphasis on the role of civil society, including clear roles for youth and women, faith-based organizations, traditional leaders and the private sector, in preventing terrorism and violent extremism is, therefore, essential.

7. Research by ACSRT also shows that several structural factors are responsible for the spread of the threat. Chief among these include, transnational organized crime and financing of terrorism; proliferation of arms, resurgence of the role of foreign fighters and mercenaries; political instability; chronic governance deficits and the resultant worsening poverty and inequality; deliberate misinterpretation and misrepresentation of religion; as well as weak defence and law enforcement response capacities.

Unconstitutional Changes of Government

8. Further compounding the political and socio-economic landscape, Africa has recently witnessed a resurgence of unconstitutional changes of government, particularly military incursions into African politics, with negative consequences for peace, security, stability, constitutional governance and development. This is happening despite significant efforts made over the years by African leaders, continental and regional institutions, particularly the African Union and Regional

Economic Communities (RECs), to consolidate democracy. The AU has adopted various policy instruments and normative frameworks including the Lome Declaration (2000), the Protocol establishing the PSC (2002), and the African Charter on Democracy, Elections and Governance (ACDEG), which spells out sanctions against military takeovers.

9. Some of the underlying causes of unconstitutional changes of government in Africa include governance deficits, mismanagement of diversity, marginalization, violation of human and peoples' rights, refusal to accept electoral outcomes, manipulation and illegal review of constitutions. The resultant political instability provides safe havens for terrorist and extremist groups, and this in turn creates generalized insecurity sometimes leading to popular uprisings and a vicious cycle of instability and coup d'états.

10. Deeply concerned about these disturbing developments, the Peace and Security Council (PSC) of the AU, at its 1061st meeting, of 27th January, 2022, held an Open Session under the theme, "Promoting Constitutionalism, Democracy and Inclusive Governance to Strengthen Peace, Security and Stability in Africa". A key outcome of the Session, was the decision to convene a reflection forum of the PSC and other relevant stakeholders on the resurgence of unconstitutional changes of government in parts of Africa. It was held in Accra, Ghana, from 15-17 March, 2022.

11. The Accra Reflection Forum, as a multi-stakeholder platform comprising AU Member States, organs, RECs/RMs, security sector actors, civil society, including media and academia, adopted a 'Declaration' with key recommendations for consideration by the PSC and the AU Assembly of Heads of State and Government. The Accra Declaration stresses the urgent need for all stakeholders to work collaboratively to address and prevent the resurgence of unconstitutional changes of government in Africa.

12. Thus, the forthcoming Extraordinary Summit provides the first high-level political platform since 2000, for Heads of State address to address the new wave of UCGs which has resulted in the suspension of four (4) AU Member-States in a year, from March 2021 to February 2022. Equally the Extraordinary Summit presents the first opportunity for African leaders since 2014 to decisively and robustly protect their collective defense and security in the face of the onslaught of Terrorism and Violent Extremism sweeping the five (5) regions of the African Union.

CORE OBJECTIVES

13. The main objective of this session of the Assembly on terrorism and UCG is to reflect on the state of terrorism, violent extremism, and unconstitutional changes of government in Africa, with the overriding aim of strengthening the AU's response towards a coordinated, consistent, and effective approach in deepening constitutional governance and collective security.

14. Accordingly, the specific objectives of the Extra-ordinary Summit include:

- i. **Assess** the persistent and existential threat of terrorism and violent extremism in the Continent and re-evaluate the existing response mechanisms;
- ii. **Draw** from experiences of Member States that have addressed or are in the process of successfully addressing the threats;
- iii. **Decide** on relevant urgent action and measures to support AU Member States facing terrorism and violent extremism, as well as those vulnerable, including the management of elections and complex political transitions;
- iv. **Adopt** measures, policy and robust steps, to effectively prevent and combat terrorism and violent extremism and UCG;
- v. **Review** and consider the adoption of the recommendations of the 'Accra Declaration' as an all-embracing strategic outlook to halt the backsliding of constitutional democracy;
- vi. **Provide** a policy platform for the AU Member States, Organs and RECs to collectively undertake in-depth expert analyses of the existing instruments and normative frameworks to ensure that they respond appropriately to the challenges of unconstitutional changes of government that Africa is currently facing;
- vii. **Identify and address** the gaps in the existing legal instruments, towards a more robust, efficient and effective approach to tackle current threats;
- viii. **Mobilize** international support towards building effective national capacities to comprehensively tackle terrorism and violent extremism;
- ix. **Critically examine** key strategies to strengthen cooperation and collaboration on intelligence and information sharing.

KEY AGENDA ISSUES

15. It is expected that during the Extraordinary Summit, African Leaders will adequately highlight the following, through experience sharing and actionable recommendations: Preventing and combating terrorism and violent extremism in Africa; early warning, early action/response; the triple nexus of peace, security and development; the role of private sector, civil society and faith-based institutions; enhancement of peace building, national healing, reconciliation and cohesion initiatives; effective management of elections and complex political transitions; women and youth involvement; AGA/APSA synergies; digital revolution.

16. Other key agenda issues include, financing of counter terrorism initiatives (robust and soft actions); enhancing the capacities of PSOs through predictable and sustainable financing; the human security approach to fighting insecurity; countering the financing of terrorism; maritime security; experience sharing among Member States on measures to Silence the Guns in Africa.

EXPECTED OUTCOMES

17. It is envisaged that the Summit will have the following outcomes:

- i. **Sustainable solutions to identified** gaps in current counter-terrorism policies, strategies and mechanisms on the continent;
- ii. **Comprehensive** strategies aimed at preventing terrorism and violent extremism adopted;

- iii. **Enhanced** cooperation and coordination at the bilateral, regional, continental and global levels through sharing of experiences and lessons learned, as well as equitable burden sharing;
- iv. **Adoption** of the recommendations in the Accra Declaration for urgent implementation;
- v. **Scaled-up** mechanisms for a coordinated, consistent, and strengthened approach to unconstitutional changes of government in Africa identified;
- vi. ***Policy emphasis on the significance of peacebuilding, national reconciliation, dialogue, social cohesion to promote peace dividends through the effective management of elections and complex political transitions.***

FORMAT

18. The Extraordinary Summit will be held in-person in plenary format, using thematic discussions for a more interactive engagement. It will be complemented by side events at expert level or panel discussions organized by the Department of Political Affairs, Peace and Security. Participants of the side events will share their comparative Continental, regional and national experiences on the state of current instruments and normative frameworks and measures to strengthen the AU's response to unconstitutional government changes in Africa.

PARTICIPATION

19. Lead participants will include:
- Heads of State and Government of the AU Member States
 - Members of the Executive Council
 - Members of the Permanent Representatives Committee (PRC)
 - Representatives of Regional Economic Communities (RECs) & Regional Mechanism (RMs)
 - AU Commission and relevant AU Organs
 - Selected partner organisations

DATE AND VENUE

20. The Extraordinary Summit will be held on 28th May 2022 at the Sipopo Conference Centre in Malabo in Equatorial Guinea and will be preceded by the PRC and the Executive Council.

RELEVANT DOCUMENTATION

21. Reference documents include:
- The Constitutive Act of the African Union;
 - The Decision of the Assembly of Heads of State and Government of the African Union at its 35th Ordinary Session held on 5 - 6 February 2022 in Addis Ababa, Ethiopia. (Assembly/AU/Dec. 828(XXXV));
 - The Communiqué of the PSC on "Promoting Constitutionalism, Democracy and Inclusive Governance to Strengthen Peace, Security and Stability in Africa" at its 1061st Meeting held on 27th January, 2022 in Addis Ababa, Ethiopia. (PSC/PR/COMM.1061(2022));
 - The Accra Declaration on Unconstitutional Changes of Government in Africa of 17th March, 2022 in Accra, Ghana;

- The Report of the Chairperson of the PSC on Unconstitutional Changes of Government in Africa (tbc.);
- The Report of the Chairperson of the AU Commission on Unconstitutional Changes of Government in Africa (tbc.);
- Solemn Declaration on 50th OAU/AU Anniversary;
- The 2007 African Charter on Democracy, Elections and Governance (ACDEG);
- The 2000 Lomé Declaration on the framework for an OAU Response to Unconstitutional Changes of Government (AHG/Decl.5 (XXXVI).
- The 1999 OAU Convention on the Prevention and Combating of Terrorism;
- The AU Convention on Cross-Border Cooperation;
- Protocol to the OAU Convention on the Prevention and Combating of Terrorism
- Plan of Action on the Prevention and Combating of Terrorism in Africa
- Relevant Communiqués of the PSC