

AFRICAN UNION

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UNION AFRICAINE

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**11TH HIGH-LEVEL DIALOGUE ON DEMOCRACY, HUMAN RIGHTS AND GOVERNANCE IN
AFRICA: TRENDS, CHALLENGES AND PROSPECTS**

THEME:

***MITIGATING UNCONSTITUTIONAL CHANGES OF GOVERNMENT THROUGH STRENGTHENING
DEMOCRATIC GOVERNANCE SYSTEMS IN AFRICA***

DRAFT CONCEPT NOTE

**22 - 23 NOVEMBER 2022
COTONOU, REPUBLIC OF BENIN**

A. CONTEXTUAL BACKGROUND

An upsurge of Unconstitutional Changes of Government (UCG) has been a phenomenon on our continent recently with a number of African Union (AU) Member States (MS) grappling with a comeback of coups – military, silent coups. UCG are a culmination of several factors entrenched in the lack of strong and effective democratic governance on the Continent that have served as a seedbed for instabilities and major contributor of UCG. A process instead of an occurrence, UCG is not a happenstance but is at the core of a web of issues that have transpired to push over the edge and into regression.

The African continent has grappled with Covid 19, one of the worst pandemics in history, during which issues of democratic governance, and promotion of human rights temporarily took the back burner. Some political figures took advantage of the global focus on the pandemic to conduct a power grab – evidenced by countries undertaking constitutional reforms to extend the term limits of elected governments (in the case of Guinea) supporting the justification for the current setbacks. Socio-economic inequalities have been exasperated by skyrocketing living costs of citizens across the Continent. A more recent trend of global instability, war and security challenges, have also played a significant role in entrenching poverty further into the lives of Africans, thereby creating frustration and discontent evidenced by many popular protests.

The Instability caused by UCG spreads like wildfire creating an uninhabitable environment for citizens, not to mention creating a vacuum for power grab, corruption, foreign interference, and terrorism. Data suggests that approximately 4.6 million people in the Sahel, including approximately 1.3 million people in Burkina Faso have been displaced because of instability.

Breaking the Cycle of UCG depends on addressing democratic governance deficits. Deficit in democratic governance has compounded and hindered development, compromised sustainable peace and has been at the core of Africa's democratic governance challenges. Africa is in dire need of strong institutions and responsive governance systems that facilitate positive state-society relationships by providing independent and reliable channels between citizens and their governments. Political Parties, independent electoral bodies, independent judiciary, strong security sector, and strong civil society all play an important role in contributing to democratic governance processes that maintain the social contract and enhance trust between society and government. Building effective and strong democratic governance systems has the potential to address UCG among other ills by also addressing issues of inclusiveness and cohesion while bringing equitable share of dividends of democracy to the citizens.

On May 28, 2022, during the 16th Extraordinary Session of the Assembly of the African Union on Terrorism and Unconstitutional Changes of Government in Africa held in Malabo, Equatorial Guinea Member States of the AU recognized the resurgence of UCG and attributed Governance deficits and structural challenges as root causes. The Declaration further mentioned three important focus areas that necessitate concerted efforts by all stakeholders of the Union, including AU Organs, RECs and institutions, Member States, CSOs and partners. The focus areas entail the importance of AU shared values, specifically adherence to the African Charter on Democracy, Elections and Governance (ACDEG), the African Charter on Human and People's Rights (ACHPR) and the Lomé Declaration and further called for effectiveness of capacity building to Member States to support peaceful transitions as well as the support to the organization of free and fair elections.

It is in light of this that the AU organs and institutions that form the African Governance Architecture Platform (AGP) have convened the 11th High-Level Dialogue on Democracy, Human Rights and Governance focusing under the theme: 'Breaking the Cycle of Unconstitutional Changes of Government through Strengthening Democratic Governance systems in Africa' scheduled to take place physically on the 24-25 November 2022 in the Republic of Benin, Cotonou.

B. RATIONALE

The primary goal of the AU is its resolve to achieve the Aspirations set out in Agenda 2063. This grand plan of achieving "the Africa We Want" is hinged upon the AU's pillars of peace, unity, integration and prosperity. The AU believes that by focusing on these pillars, the Continent can achieve the goal of a

democratic, peaceful, secure and prosperous Africa. Presently Agenda 2063's First Ten-Year Implementation Plan is coming to a close, paving a way for a successor plan. At this important juncture, the Union is at a crossroads in assessing the impact of the implementation of Agenda 2063 – specifically Aspiration 3 at the backdrop of Democratic governance reversals on the Continent¹.

Still, in furtherance of the blueprint of the Union, Normative and legal frameworks of the AU inclusive of the Constitutive Act unequivocally heed to the promotion of democratic governance on the Continent while strongly detesting UCG. Specifically, the Lomé Declaration expressed the heartbeat of MS of the Union in condemning military coups, foreign interventions, rebellions and armed dissent. The AU as a norm-setting organization has set the standard for Democracy and Governance. Dubbed as a progressive instrument, the African Charter on Democracy, Elections and Governance (ACDEG) is a legally binding instrument for MS that have acceded to the instruments. The Union further indoctrinated issues of democratic governance and peace through two important architectures that take these aspirations forward. The African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA) both specifically specify modalities based on the commitment made by the AU MS.

Despite the existing normative frameworks, States are grappling with issues of UCG, military takeovers and insurgencies causing composite fragilities and insecurities in the Continent. The uptick in UCG in Mali, Guinea, Burkina Faso, Sudan and Chad has given a glimpse into the common denominator – democratic governance backsliding, weak institutions, corruption, diversity mismanagement, compounding socio-economic inequalities and discontent.

The AU and Regional Economic Communities (RECs) in most scenarios have acted quickly to condemn UCG, further moving to suspension of Membership and imposing sanctions. Effectiveness of the sanctions regime aside, condemnations of democratic governance backsliding by regional and international actors have brought about some changes as it was witnessed in Guinea and Mali. Ballots vs Bullets and strong democratic governance is the game in town and the African citizenry has also caught on to the tune. According to Afrobarometers's public opinion polls done in 34 African countries in the year 2019/2021, 82% of citizens reject one-man rule, 77% reject one-party rule and 75% reject military rule – an overwhelming number of citizens from the survey are also in favour of presidential term limits and prefer democracy than any other kind of government².

In recognition of these challenges, and the prevailing need to contribute, the African Governance Platform (AGP) has dedicated this year's theme of the 11th HLD as 'Breaking the Cycle of Unconstitutional Changes of Government through Strengthening Democratic Governance systems in Africa.' The discussions will address the democratic governance challenges as the root cause of UCG, highlight normative frameworks and how their effective implementation can counter UCG and also provide opportunities for in-depth discussions on the role of democratic elections, security sector and foreign interference. Discussions on UCG have been a priority to the AU this year. The Department of Political Affairs, Peace, and Security (DPAPS) has already organized a reflection forum in March 2022 in Accra, Ghana leading to the adoption of the Accra Declaration.

To further address this issue and add value to the ongoing conversation, the AGP aims to bring together thinkers and practitioners of African Governance not only to analyze causes and effects and proffer solutions but also to facilitate a roadmap of implementation. Additionally, the HLD will give effect to the declaration of Heads of State and government on UCG 28 May 2022, specifically the provision addressing the creation of a conducive environment for the effective participation of women and youth in political processes to address the impact of unconstitutional changes of government through the Pre-forums of the HLD. The HLD has inbuilt Pre-forums on Gender and Youth which are designed to provide a platform for citizens to voice their opinions and weigh in on the implementation of solutions.

¹ Aspiration 3 of Agenda 2063 talks about creating an African of Good governance, Democracy, Respect for Human Rights, Justice and The Rule of Law. Accessed September 2022. <https://au.int/en/agenda2063/aspirations>

² The Role of Citizen in polling in building democratic resilience. Accessed September 20202, https://www.afrobarometer.org/wp-content/uploads/2022/07/ECOSOCC-UCG-presentation_11Jul22_Boni.pdf

As such, the 11th HLD and its pre-events on Youth and Gender are scheduled to be held from 18 to 23 November 2022 in Benin, Cotonou. The President of the Republic of Benin, H.E. Patrice Talon is the host of the 11th of the HLD as well as the Champion of the outcomes of the deliberations. The HLD will be preceded by the Youth and Gender Pre forums scheduled to be held from 20 to 23 November 2022. Similarly, the discussions and outcomes of the Gender Pre forum and the Youth Consultation will be championed by H.E. Véronique Tognifodé, Minister of Social Affairs and Microfinance and H.E. Oswald Homeky, Minister of Youth and Sports. The outcomes of the Pre-forums will dovetail into the outcomes of the HLD.

C. THEMATIC FOCUS OF THE 11TH HIGH-LEVEL DIALOGUE

The Dialogue will generally focus on the phenomenon of Unconstitutional Changes of Government. However, the below Sub-thematic areas will guide the discussions on addressing the root causes of UCG and address the key factors for the re-emergence. Discussions will give prominence to historical, legal and normative context, take a deep dive into specific thematic areas that were not given prominence in past discussions and provide a platform for stakeholders to share experiences, draw lessons and craft solutions and a pathway for implementation.

1. SETTING THE SCENE : ROOT CAUSES OF THE RE-EMERGENCE OF UCG IN AFRICA – Under this thematic section, the speakers will retrospect and have an honest and open discussion on the reasons for the re-emergence of UCG undermining political stability and democracy in Africa. By looking back, opportunities will be provided to draw lessons from the past and understand that UCG is not an occurrence but rather a series of events. The panellists will provide a guiding framework for robust discussions to examine the root causes for effective solutions.

2. ANALYSIS OF AU AND RECS NORMATIVE REGIME AGAINST UCG – This thematic area will provide an opportunity to explore the normative and legal framework of the AU and RECS specifically focusing on the AU Shared Values instruments on Democracy, Governance and Human Rights. The session will delve into controversial conversations of expectation vs reality on ratification and implementation and reporting of instruments by drawing a working linkage and the contributions AU Shared values make towards contributing to curbing UCG.

4. THE ROLE OF DEMOCRATIC ELECTIONS IN PEACEFUL POLITICAL TRANSITIONS : Elections are the conventional mechanism for the peaceful and democratic transfer of political power. Military coups displace elections and the role of citizens in choosing their leaders and holding them to account. In most post-coup political settlements and transitions, elections are often considered the route to the restoration of democratic constitutional order by lending legitimacy to the new government. This session critically analyses the role of elections in creating conditions for UCG as well as the conduct of elections during political transitions which serve as building blocks for a democratic trajectory in countries emerging from military coups.

5. STRIKING THE BALANCE: SOCIOECONOMIC DEVELOPMENT, DIVERSITY MANAGEMENT AND BUILDING RESILIENT INSTITUTIONS: This thematic area will discuss how violence and UCG often take place in environments with political and socio-economic instability. Therefore, it is crucial to strengthen socioeconomic progress and install a collaborative system between MS to help and support each other in times of need.

6. THE ROLE OF THE SECURITY SECTOR IN PEACEFUL TRANSITIONS AND COMBATING FOREIGN INTERVENTION: The role of this session is to facilitate the understanding of the importance of the defence and security sector as major stakeholders in the UCG discussion. The session aims to open the space for once a formerly restricted area into mainstream discussions to understand the role and critical issues of the security apparatus. More specifically, discussions on foreign interference and its role in the political destabilization of MS will be discussed to put forth the subject for open and frank conversations, solutions and way forward, and the importance of democratic governance for peace and security.

7. STRATEGIES FOR TRANSFORMATION: PERSPECTIVE OF IMPLEMENTING THE MALABO DECISION AND ACCRA DECLARATION: UCG, due to its increased occurrence in Africa, has been the topic of discussion. However, once UCG has occurred and discussions have taken place, it is

important to prioritize the creation of a roadmap for implementation. This session discusses the role of the MS, AU, Organs and RECs, CSOs and other Stakeholders in taking practical steps in the implementation of the Malabo Decision and the Accra Declaration.

5. AFRICA TALKS: This intergenerational conversation is intended to showcase exceptional Africans to share their experiences and inspire change in their communities, contributing to the Africa We want. In this session, stories of young Africans that have made immense contributions to their communities through their leadership resilience and power will be featured.

6. INTERLUDE: Interludes between sessions will be provided through creative means by sharing inspiring and relevant performances of culture, music, art and videos that are meant to inspire participants.

D. GOAL

The overall goal of the **11th High-Level Dialogue** is to assess, identify and explore normative, structural enablers to achieve democratic governance, peace, and security in Africa. Specifically, the Dialogue will provide a platform to share evidence-based knowledge and analysis as well as exchange comparable lessons and experiences in democratic governance, peace, and security while also developing policy recommendations to address the upsurge of UCG.

E. SPECIFIC OBJECTIVE

The specific objectives of the High-Level Dialogue are to:

- a) Examine the root causes of Unconstitutional Changes of Government as key contributors to the recent upsurge, understanding UCG as a culmination of democratic governance and socio-economic lapses and not as unrelated occurrences;
- b) Increase the understanding of normative and institutional frameworks that exist at all levels related to the protection of Democracy, Elections, Constitutionalism, Conflict-Prevention, Peace, and Security;
- c) Create a collaborative space for intergenerational reflections on cross-cutting issues like socio-economic development and equitable distribution of wealth, women and youth engagement, and institutional capacity building;
- d) Provide a platform for African citizens to share their experiences and lessons learned as well as headline conversations as major stakeholders in the achievement of practical steps to implement decisions and ultimately prevent UCG in Africa; and
- e) Contribute to the discourse of discussions that have already been made on UCG, to curate and proffer a deep dive into the roadmap for the implementation of solutions for UCG on the continent.

F. EXPECTED OUTCOME

- a) Set the scene on the current state of Governance, peace, and security as a contributor to the process culminating to UCG to clear the pathway for identifying specific challenges and tracking progress;
- b) Ideate on inclusive solutions for improved ratification, implementation and monitoring of AU Shared Values instruments identified;
- c) Offer space for outlining practical steps and roadmap for the implementation declarations and recommendations against UCG;
- d) Renewed commitment for addressing democratic governance and socio-economic issues as key factors for removing UCG from our African Continent and Dictionary;

G. EXPECTED OUTPUTS

The Dialogue shall produce the following outputs;

- a) One (1) Policy Brief focusing on discussions of the dialogue for policy recommendations;

- b) One (1) Proceedings Report that will be disseminated on our website;
- c) Press Releases;
- d) Social Media posts; Twitter, Facebook,

H. METHODOLOGY

The convening of the 11th HLD will use a combination of methodologies to facilitate deliberations. Discussions will be conducted through several interactive strategies including, conversations with high-profile individuals and plenary forums. The Panel Discussions will be designed to ensure an intergenerational exchange as well as ensure a mix of policy and practitioner perspectives in the conversations. Due to the **COVID-19** pandemic, the Consultation will be held physically with a limited number of people, and the **Africa CDC** and national safety protocols of the host country will be followed.

Also, the High-Level Dialogue will include robust social media engagement and other innovative means to spur debate before and during the Dialogue, engage the virtual audience in the deliberations, and disseminate the outcomes of the Dialogue.

I. DOCUMENTATION AND WORKING LANGUAGES

The documentation for the Dialogue will be shared electronically. All High-Level Dialogue documents and news updates will be available on www.au.int/aga.

To involve more people in this conversation, the discussions will be live tweeted on the @AGA_Platform twitter handle and the Hashtag #DGTrends may be used to join the conversation online.

The Meeting will be conducted in the 4 AU Languages - **Arabic, English, French, and Portuguese**. Simultaneous interpretations will be provided in all 4 languages while documentation will be provided in French and English.

J. THE AFRICAN GOVERNANCE PLATFORM

Established in 2012, the AGA was created as a framework for dialogue between various stakeholders mandated to promote and strengthen democratic governance in Africa as articulated in the various AU Shared Values instruments. Its establishment was premised on the dire need to enhance the impact of various AU and RECs interventions in addressing governance deficits on the continent. The Secretariat is hosted by DPAPS as the Bureau of the AGP.

The AGP is the institutional and interactive mechanism of the AGA. The Platform is composed of nineteen (19) AU Organs, Institutions and Regional Economic Communities (RECs). In this regard, the Platform has a responsibility of enhancing the capacity of its stakeholders to support the Member States in promoting democratic governance. The Platform comprises eleven (11) AU Organs and institutions with a Human Rights, Democracy and Governance mandate as well as the eight (8) RECs.³ Critical stakeholders that have been taking part through observing are the Chairperson of the PRC Subcommittee on Human Rights democracy and Governance (HRDG) Regional Mechanisms, Special envoys for youth and women and AU Offices outside of Addis.

On a rotational basis of two years, the Chairperson and Vice Chairperson of the AGP take on the leadership of the AGP at the Technical and Political level with the AU Commission through the DPAPS being the permanent Rapporteur. The Current Chairperson and Vice Chairperson of the AGP are the African Commission on Human and People's Rights (ACHPR) also known as 'The Banjul Commission' and Intergovernmental Authority on Development (IGAD).

³ The 11 Organs are as follows, The African Union Peace and Security Council (AUPSC), African Union Commission (AUC), African Commission on Human and People's Rights (ACHPR), The African Court on Human and People's Rights (AfCHPR), Pan-African Parliament (PAP), African Peer Review Mechanism (APRM), African Union Advisory Board on Corruption (AUABC), The Economic, Social and Cultural Council (ECOSOCC), African Committee of Experts on the Rights and Welfare of the Child (ACERWC), African Union Commission on International Law (AUCIL), African Union Development Agency (AUDA). The RECS are namely, East African Community (EAC), Intergovernmental Authority on Development (IGAD), Common Market for Eastern and Southern Africa (COMESA), Economic Community of West African States (ECOWAS), The Community of Sahel-Saharan States (CEN-SAD), Southern African Development Community (SADC) and Arab Maghreb Union (AMU) and Economic Community of Central African States (ECCAS).

The AGA Secretariat was set up to serve the AGP and facilitate coordination and synergies among the platform members. The ongoing AU Reform implementation processes recognize the importance of synergies between the AGA and the APSA and have brought the operational arms of the architectures together by creating the AGA-APSA Secretariat. The implementation of the AU Reforms is still ongoing.

K. ABOUT THE 11TH HIGH-LEVEL DIALOGUE

The 11th HLD is a flagship initiative of the AGP convened under the auspices of the AGP and is created to foster dialogue among stakeholders and will serve as a forum for reflection on different thematic issues. The High-Level dialogue provides a space for policy discussions to happen annually on issues of democratic governance, human rights, and peace among different stakeholders within and outside of the AU. This year, the AGP through the AGA-APSA Secretariat will implement the 11th edition of the HLD which has been dedicated to addressing the re-emergence of UCG on the Continent.

The Dialogue, a critical interface between the AGP and stakeholders is intended to provide a frank, open, and inclusive space for policymakers, the private sector, think tanks, academia, and practitioners to interrogate policy and practice imperatives that build the cornerstone for a peaceful and prosperous Africa. In addition, the Dialogue will focus specifically on appropriate democratic governance actions and recommendations that shall guide state and non-state interventions at national, regional, and continental levels.

In this vein, the HLD will be preceded by the Continental youth consultation and a Gender Pre-forum. Outcomes and resolutions from these consultations will systemically dovetail into the discussions at the HLD and eventually form parts of the outcome.

L. PARTICIPATION

The key stakeholders that will be part of the High-Level Dialogue include the following:

- i. Sitting and Former Heads of State and Government of AU Members;
- ii. AU organs and institutions;
- iii. Regional Economic Communities;
- iv. Civil Society Organizations (CSOs) including Youth networks and Women's organizations;
- v. Representatives of The republic of Benin as hosts of the 11th HLD
- vi. Representative of PRC Subcommittee on HRDG, Representative of the PSC and other Member States
- vii. Development Partners and Agencies
- viii. Private Sector (Multinationals/Local);
- ix. Philanthropy Organisations and Individuals;
- x. UN agencies and other International and continental financial institutions (e.g. AfDB, IMF, World Bank)
- xi. Media; and
- xii. Academic, think tanks, and Research Institutions.

M. PARTNERSHIP

The 11th High-Level Dialogue is a flagship initiative of the AGP created to foster dialogue among stakeholders. The AGA-APSA Secretariat will be leading the implementation with the host country – The Republic of Benin with the support from the Bureau of the AGP, and development partners.

N. CONTACT DETAILS

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