



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

THEME:

**Breaking the Cycle of Unconstitutional Changes of Government through Strengthening
Democratic Governance systems in Africa**

OUTCOME STATEMENT

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

I. INTRODUCTION

1. 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 and the support to the organization of free and fair elections.
2. In light of this, the AU organs and institutions that form the African Governance Architecture Platform (AGP) convened the 11th High-Level Dialogue on Democracy, Human Rights and Governance focusing on the theme: "**Strengthening democratic governance systems in Africa**" from the 22–23 November 2022 in the Republic of Benin, Cotonou.
3. Interactive sessions were held on AU's normative dispensation against unconstitutional changes of government; democratic elections in Africa in light of UCG and complex security dynamics; building strategic partnerships and alliances for democratic consolidation; strategies for transformation in the implementation of the Accra and Malabo Declarations, and the role of RECs in promoting good governance and democracy in Africa
4. Robust conversations and analysis were held, interrogating the various legal and normative frameworks available to Member States through the African Union. Additionally, the conversation discussed the regressing nature of governance manifested through:
 - a. deliberate exploitation of state security structures
 - b. poor electoral administration that makes the electoral process porous and susceptible to manipulation.
 - c. the inconsistent application of the rule of law.

The above add to the many other factors that place perpetrators of UCG in power or within close proximity that enables the flouting of other financial, human rights and governance laws.

5. Also in conversation was the issue of sanctions and their application, and whether sanctions are a requisite mechanism for deterring UCG or if they are a measure that impacts the public at the expense of the perpetrators.
6. This outcome statement outlines the trends and prospects related to UCG, the root causes and ensuing challenges as well as recommendations for the AU and RECs, Member States and CSOs and stakeholders.

ATTENDANCE

7. The key stakeholders of the High-Level Dialogue included current and Former Heads of State and Government of AU Members; AU organs and institutions; Regional Economic Communities; Civil Society Organizations (CSOs) including Youth networks and Women's organizations;

Representatives of The republic of Benin as hosts of the 11th HLD ; Representative of PRC Subcommittee on HRDG, Representative of the PSC and other Member States ; Development Partners and Agencies; Private Sector (Multinationals/Local); Philanthropic Organisations and Individuals; UN agencies, Media and Academia, think tanks, and Research Institutions.

TRENDS AND PROSPECTS

Emerging trends relating to the theme of the 11th High-Level Dialogue are as follows:

8. The AU has instruments to counter UCG, notably:
 - a. The Constitutive Act of the African Union
 - b. African Charter on Human and Peoples' Rights (ACHPR) the Banjul Charter;
 - c. The OAU Convention on the prevention and combatting of terrorism;
 - d. The Lomé Declaration;
 - e. The African Charter on Democracy, Elections and Governance; (ACDEG)
 - f. AU Convention for the Elimination of Mercenarism in Africa
 - g. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Malabo Protocol)
 - h. The Protocol Relating to the Establishment of the Peace and Security Council
9. In spite of the historic and existing progressive, legally binding instruments, declarations and policies designed by AU, RECs and MS to counter the scourge of UCG, the ratification, domestication and a lack of a clear and consistent plan for the enforcement of these frameworks remains a challenge.
10. Constitutional unconstitutionality is becoming a growing culture where arbitrary constitutional amendments have enabled some incumbents to extend their terms of office centralising power and suppressing the existing avenues for civic intervention.
11. The temptation of UCG as normalised governance and democratic choice, with the sentiment by populations that seizing of power through unconstitutional means is acceptable is a worrying trend within African countries. However, it could be explained by the increasing awareness and ownership of what should be the governance architecture versus what prevails within MS.
12. Despite the reversals of democratic gains experienced on the continent, democracy remains a panacea to economic inequalities and strengthens the space and rights of youth, women and vulnerable groups to contribute to innovative financial reforms.
13. Strategic partnerships are crucial to unlock the collective technical, financial and human resources available within the continent to reach wider constituencies for transformative change, including innovating on strengthening existing partnerships and identifying new and emerging actors that can contribute to the narrative on UCG.
14. Civil society plays a watchdog role and can act as an early warning mechanism for conflict prevention and provide a platform for intervention avenues at a community and national level. Because of their mandate of accountability to society, CSOs should not be perceived as a thorn in the flesh of political entities, but rather as allies in building democratic spaces to prevent UCG and avoid their recurrence.

CHALLENGES

Challenges related to strengthening democratic governance systems that emerged strongly during the conversations included:

15. The manipulation of constitutions to remove or extend presidential term limits, the manipulation of electoral laws and systems and the total disregard for the rule of law in African countries have culminated into the re-emergence of UCG and led to gross violations of human rights.
16. UCG are the outcome of accumulated human rights violations, exclusionary practices, poor governance and non-compliance by states with the governing laws, and calls for an in-depth examination and emphasis on the duty of states in the repeated occurrences of UCG.
17. Technical and financial resources available on the continent are often insufficient when compared to the enormity of the challenge of strengthening democracy and governance to address the scourge of UCG.
18. Politicisation of CSOs, shrinkage of the civic space and trust deficit between government and CSOs undermine the potential and contribution of civil society to demand for accountability, address issues of democracy, good governance and human rights and to avert UCG.
19. With regards to the existing continental frameworks, deliberations revealed that despite the intense thrust towards the implementation of the protocols and charters, a most pertinent consideration that is often overlooked is that some Member States are yet to ratify and domesticate.
20. The implementation of AU normative frameworks is hindered by the seeming lack of a culture of adherence and compliance among Member States.

RECOMMENDATIONS

TO THE AFRICAN UNION AND RECS:

The AU and Regional Economic Communities were called upon to:

21. Develop a common understanding of the concept of UCG, to ensure that beyond coups d'état, issues of constitutional amendments, manipulation of constitutional laws to retain presidential term limits and the manipulation of electoral laws and processes that leads to rigging are considered within the definition of UCG and thereby influence approaches to this scourge.
22. Craft a comprehensive strategy to enhance ratification and implementation of the instruments on UCG and come up with ways to act in a coordinated, decisive, firm and consistent manner to ensure implementation of instruments against UCG.
23. Strengthen the collaboration between the AUC and RECs in the area of peace, security and stability.
24. Analyse the impact of sanctions against perpetrators of UCG to determine if the application of such measures is effective in the deterrence of future UCG.

25. Gather, examine and share best practices from African countries that have benefited from prolonged democratic transitions.

TO AU MEMBERS STATES:

26. MS should promote a human rights and governance culture at the national level by providing civic training within the curricula thereby enhancing the understanding of the constitution and AU principles.
27. Build trust and a constructive relationship between their governments and civil society acknowledging that combatting UCG requires the input of all segments of society, including the youth, women and vulnerable groups, all of whom are duly represented within CSOs.
28. Promote constructive engagement between the military and civilian administration to promote democratic stability, since the military has participated in post-colonial state formation processes.
29. MS should endeavour to develop a harmonised and coordinated accreditation strategy for civil society to let them play their role as a check on government, harnessing the unique position of CSOs of being an early warning mechanism and early intervention partner.

CIVIL SOCIETY ORGANISATIONS AND STAKEHOLDERS:

30. The multifaceted nature of CSOs ensures that all these groups are included and provides ample opportunities for everyone to participate meaningfully in democratic processes therefore CSOs should adopt a multi-stakeholder approach to interventions which reflects a strong social contract ensuring that designed interventions are reflective of the realities on the ground.
31. Develop partnership mechanisms and frameworks to ensure that programme activities targeted at combating UCG can be sustainable from both a resource and technical perspective.
32. Civil society should endeavour to continue holding governments accountable through strategies that include educating the public about the protocols of the AU, constitutions of MS, and the rights and responsibilities of stakeholders.
33. Translate and localise policy documents in all or the most spoken African indigenous languages to ensure popularisation within Member States
34. Other key governance stakeholders like the Electoral Commissions and the Election Management Bodies (EMBs) should develop and abide by a comprehensive set of operational guidelines to manage elections effectively throughout the electoral phases with processes that promote transparency, credibility and accountability.