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**ACCRA DECLARATION
ON UNCONSTITUTIONAL CHANGES OF GOVERNMENT IN AFRICA**

DECLARATION
ON UNCONSTITUTIONAL CHANGES OF GOVERNMENT IN AFRICA

We, the representatives of the African Union (AU) Member States, Members of the Peace and Security Council (PSC) of the AU, AU Organs/institutions and the Regional Economic Communities and Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs), as well as the representatives of African Civil Society Organizations (CSOs) ; academia, professional bodies, youth and women groups and other stakeholders, having met in Accra, Ghana from 15-17 March 2022, to address the resurgence of unconstitutional changes of government in Africa;

Note with appreciation the official opening of the Reflection Forum by H.E. Nana ADDO Dankwa Akufo-Addo, President of the Republic of Ghana and Chairman of the ECOWAS Authority of Heads of State and Government and emphasized on zero tolerance for the overthrow of constitutionally elected governments, including manipulation of constitutions by incumbents and all other forms of unconstitutional changes of government, as well as his advice that a stable period of constitutional government and proper management of the economy can lead to inclusive prosperity for Africa,

Guided by the principles enshrined in the various instruments adopted by the Organization of African Unity (OAU) and the AU to systematically and consistently address the unconstitutional changes of government; in particular Decisions AHG/Dec.141(XXXV) and AHG/Dec.142 (XXXV), adopted by the 35th Ordinary Session of the OAU Assembly of Heads of State and Government, held in Algiers, Algeria, from 12 to 14 July 1999; the Declaration on the Framework for the OAU Response to Unconstitutional Changes of Government, adopted by the 36th Ordinary Session of the OAU Assembly of Heads of State and Government, held in Lomé, Togo, from 10 to 12 July 2000 (referred as “the Lomé Declaration”); and the Johannesburg Declaration on Silencing the Guns in Africa, adopted at the 14th Extraordinary Session on 6 December 2020,

Mindful of existing AU legal instruments particularly the AU Constitutive Act; the Protocol Relating to the Establishment of the Peace and Security Council of the African Union; African Charter on Democracy, Elections and Governance; the African Charter on Human and Peoples’ Rights and other relevant AU human rights instruments and the relevant provisions of the Common African Defense and Security Policy (CADSP) and other relevant policies, as well as our shared values, especially, respect for sovereignty, territorial integrity of our countries and the right to development,

Reaffirming the AU’s full commitment to prevent conflicts and to end persisting ones in order to create conducive conditions to realize a conflict-free Africa, in line with the Solemn Declaration adopted by the 50th Anniversary of the Organization of African Unity/ African Union (OAU/AU) on 25 May 2013, in Addis Ababa, Ethiopia, in which the Assembly of the Union pledged not to bequeath the burden of wars to the next generation of Africans,

Recalling previous decisions of the OAU/AU and PSC on unconstitutional changes of governments in Africa; the Conclusions of the Peace and Security Council Retreat held in

Ezulwini, Swaziland, from 17 to 19 December 2009 [Ezulwini Framework for the Enhancement of the Implementation of Measures of the African Union in Situations of Unconstitutional Changes of Government]; and the communique [PSC/PR/COMM.1061(2022)] adopted at 1061st PSC meeting held on 27 January 2022 which called for the holding of a brainstorming Reflection Forum of the PSC and other relevant stakeholders on unconstitutional changes of government in Africa,

Inspired by the vision of our Union to “build an integrated, prosperous and peaceful Africa, driven and managed by its own citizens and representing a dynamic force in the international arena”,

ACKNOWLEDGE THAT:

- I. ***The African Union and RECs/RMs*** have made significant efforts in addressing unconstitutional changes of government on the Continent through different measures as provided in the AU and RECs/RMs instruments, including imposition of sanctions and other punitive measures, such as political and targeted financial sanctions, as well as travel bans. Member States have deployed efforts in promoting democracy and good governance, including through holding free, fair and transparent elections; and upholding of term limits, and their respective constitutions.
- II. ***Despite*** these laudable efforts, over the past two decades, the Continent is still experiencing the increase in the number of Member States which manipulate democratic processes to modify and eliminate constitutional term limits, while others resist efforts to institute term limits in their Constitutions.
- III. ***Africa still faces complex challenges***, particularly gaps in governance and a convergence of vulnerabilities and security challenges such as: terrorism and violent extremism; the surge of foreign fighters and mercenaries; illicit circulation of arms/weapons; corruption; illicit financial flows; transnational organized crimes, drug trafficking and psychotropic substances, human trafficking, siphoning of benefits from natural resources away from the population; manipulation of government accountability mechanisms; foreign political and military interference; electoral fraud; outbreaks of epidemics and pandemics; impact of climate change, youth unemployment and a slow process of ratification of AU instruments as well as implementation of AU Assembly and PSC decisions. These challenges continue to hamper continental and regional efforts to address socio-economic governance, peace and security issues, including the resurgence of unconstitutional changes of government.
- IV. ***In responding to the challenges***, it is critical to ensure political commitment and active engagement of all Member States and citizens from the grassroots level, including taking all necessary measures to strengthen AU’s common positions on peace and security issues and address people’s legitimate concerns to ensure that root causes are addressed as

means to prevent conflicts, including tackling the resurgence of unconstitutional changes of government.

AND ACCORDINGLY DECLARE THAT:

Steadfast obligation to the full implementation of the relevant AU and RECs/RMs instruments guiding the Continent and designed to prevent and end any form of unconstitutional changes of government on the Continent, is a compelling and shared task for all stakeholders.

In this regard, participants in the Reflection Forum commit to:

1. ***Continue to strongly condemn*** all forms of unconstitutional changes of government in Africa, coup perpetrators and manipulation of democratic processes to effect constitutional amendments or revisions for entrenching power of the incumbent in violation of the national democratic principles, and stipulated rules and procedures for constitutional amendment, and, in this regard ***urge all those interested parties*** to address political concerns through the available national legal mechanisms with a view to finding solutions in a constructive, peaceful and constitutionally acceptable manner; ***emphasize*** that unconstitutional changes of government, in any circumstances, should not be entertained or justified;
2. ***Fully implement*** the existing national, regional and continental legal tools, the African Peace and Security Architecture (APSA) and the African Governance Architecture (AGA) as well as the African Peer Review Mechanism (APRM), to enhance national ownership of governance processes and consolidate democratic, governance, prevent, manage and resolve conflicts; and ***undertake*** post-conflict stabilization, reconstruction and development; in this regard, ***underscore*** the need to increase continental efforts to mobilize political and financial resources for more ratification of the AU and RECs/RMs governance and human rights instruments, especially those aimed at promoting social justice;
3. ***Effectively Address*** development challenges, particularly socio-economic inequalities reflected in opportunity gaps; lack of diversity management across gender, age religion, race and ethnic identities; and politically partisan instrumentalization of critical state institutions leading to institutional decay, deep-seated corruption and insecurity, ***call for*** opening more civic space for the population, including civil society and media, to share concerns and to pro-actively respond to the population's legitimate concerns, aiming at enhancing transparency, inclusivity and public participation in governmental decision-making processes, including military sectors, as well as building trust and confidence between the government and the people;
4. ***Comprehensively address*** factors which lead to unconstitutional changes of government, including manipulation of democratic processes to tamper with constitutions and effecting amendments to electoral laws within a short span before the elections and without the

- consent of the majority of political actors and in violation of the stipulated national democratic principles, rules and procedures for constitutional amendment;
5. **Call on** African Leaders to take into an account the implications of the digital revolution on communication imperatives between the State and citizens, particularly the youth, in order to effectively steer political transitions away from disruptions, due to communication gaps and misinformation via social media;
 6. **Also call for** the decriminalization of opposition party legitimate activities and enhance closer collaboration for the common national and continental shared goals; while respecting human and peoples' rights and upholding separation of powers and the independence of judiciary;
 7. **Urge** our Leaders and Institutions to design mechanisms and programmes for governance capacity building among political parties, parliamentarians, public servants and Non-State Actors in order to enrich leadership qualities and Statecraft with a special focus on youth and women's empowerment;
 8. **Strongly reject** any form of internal or external interference on peace and security matters in Africa and **warn** those who finance coups, foreign fighters and mercenaries in Member States that their nefarious actions will not be tolerated; **encourage** Member States to address peace and security challenges through mutual support within the continent as well as advancing the concept of African solutions to African problems; in this regard, **underscore** the need for the full operationalization and deployment of the African Standby Force(ASF) to effectively undertake its mandate;
 9. **Mobilize** resources from within the Continent, to ensure predictability and sustainability of funding for our peace and security activities, within the spirit of enhancing our ownership and leadership in the implementation of the continental agenda;
 10. **Appeal** to Member States to respect their respective Constitutions, especially adherence to presidential term limits and to organize free, fair, transparent and credible elections in line with national laws and international norms, as well as respecting the outcomes of elections; **underscore** the need for Member States creation of governance structures that allow smooth transition processes, inclusivity in national engagements to address lack of fidelity to transitional justice in the community;
 11. **Further urge** Member States and key stakeholders to work collaboratively in insulating national and local level strategic institutions like the traditional authorities, the judiciary, security agencies and public services, from partisan political activity and enhance institutional professionalism, as well as integrity;
 12. **Appeal** to Member States to take due cognizance of communication in the digital age and the comparative advantage of youth (in using digital tools) in order to bridge any gaps in inter-generational dialogue and tackle the risks of misinformation;

13. **Underscore** the need for the AU and RECs/RMs to promote synergy in addressing issues of unconstitutional changes of government, in line with the principles of subsidiarity and complementarity, provide common signals of early warning and subsequent effective response support to Member States, including the use of the good offices of the Chairperson of the Union and the Chairperson of the AU Commission, the Panel of the Wise and the existing regional mechanisms;
14. **Ensure** that the AU, through the RECs/RMs, in consultation with and approval of the concerned Member State, have adequate access to assess the level of compliance of a Member State with the constitutional principles and values enshrined in the regional normative framework, with a view to organizing an objective and impartial evaluation of a Member States' compliance with the regional normative framework while duly respecting its legal, political and institutional context;
15. **Consider** enhancing the already existing mechanisms of the AU Commission, particularly within the Department of Political Affairs, Peace and Security with a view to providing impact-oriented technical assistance in African constitution building processes to Member States and RECs/RMs;
16. **Stress** the need for the AU to finalise and adopt the AU guidelines on the amendment of constitutions in Africa based on the AU's existing laws, policies and practice relating to constitutionalism and rule of law, with particular reference to the African Charter on Democracy, Election and Governance, to guide constitutional amendment processes adhere to formal rules and procedures, taking place in a peaceful environment, fully respecting democratic rights and are based on a national consensus;
17. **Consider** the strengthening the African Peace and Security Architecture (APSA), African Governance Architecture (AGA) and African Peer Review Mechanism (APRM), to facilitate the consolidation of constitutionalism in Africa through multi-level engagement; enrich the institutional measures and processes undertaken by the Department of Political Affairs, Peace and Security and relevant Organs;
18. **Also ensure** that the AU, particularly the Peace and Security Council, is consistent in the implementation of the normative frameworks to uphold constitutionalism at the national level and enhance its cooperation, where appropriate, with African civil society organizations to more effectively enforce the normative frameworks and to demonstrate collective commitment to the respect for and protection of fundamental values and principles of the Union;
19. **Take all measures** in collaboration with RECs/RMs to develop a comprehensive framework establishing different categories_of sanctions that may be gradually applied, upon the approval of the relevant AU policy organs, in accordance with the gravity of the violation or threat to the constitutional order without compromising the well-being of ordinary, especially vulnerable, citizens; and to be monitored by the PSC through its Sanctions

- Committee; in this regard, **reiterate** the need for the reactivation of the PSC Sub-Committee on Sanctions; **underscore** that sanctions are imposed to correct and not to harm the civilians of a non-complying Member State; **emphasize** that the framework should also include procedures to gradually remove sanctions in accordance with progress made to restore constitutional order;
20. **Urge** the AU Commission, in close collaboration with RECs/RMs, to provide clarity and elaborate on the constitutional principles adopted in their normative frameworks to ensure clear and precise standards that allow for a substantive assessment of member states' constitutional orders; to that end, **applaud** the ECCAS and ECOWAS Leaders for including in their Joint Summit Declaration of July 2018 in Lomé, the need to develop guidelines on constitutional convergence principles for their member States;
 21. **Continue to create** a conducive environment for the effective participation of women and youth in the peace and development processes at national, regional and continental levels, with a view to enhancing the important roles and contributions of women and youth in the promotion of democracy, good governance, sustainable peace, security and development in the Continent, as well as addressing the impact on unconstitutional changes of government on children; **consider** creating continental youth programmes/clubs to enable the youth to engage and participate in governance matters;
 22. **Encourage** the AU Commission, APRM and ECOSOC to develop a collaborative mechanism with the All African Students Association (AASU) and youth groups in general, in order to leverage the energies of youth in support of the promotion of good governance; and reignite the ideological concept of Pan-Africanism and African Renaissance amongst African Youth.
 23. **Underscore** the need to adhere to the criteria on the elections of the Members of the PSC provided in the PSC Protocol in order to promote the efficacy of the Council;
 24. **Accelerate** the implementation of the call by the PSC and the recommendations of the Eighth High-Level Seminar on Peace and Security in Africa, held in Oran, Algeria from 2 to 4 December 2021, to **review** the African Governance Architecture (AGA) and the 2000 Lomé Declaration on unconstitutional changes of government; and for the AU Commission to undertake in-depth analysis of the 2000 Lomé Declaration on unconstitutional change of government and the AGA, with a view to ensuring that these frameworks and instruments address the gaps and respond appropriately to the challenges that the Continent is currently facing and submit them to the relevant AU policy organs of the African Union, including the PSC;
 25. **Acknowledge with appreciation**, the fruitful collaboration between the Government and People of Ghana with the AU Commission in co-organizing a successful Forum; to that end, **acknowledge** the support of strategic partners of the AU for their continued assistance, in particular, the United Nations, United Nations Development Programme (UNDP), United Kingdom- Foreign and Commonwealth Development Office (UK-FCDO) through the

Institute for Sustainable Democracy in Africa, the International Institute for Democracy and Electoral Assistance (IDEA) and the Institute for Security Studies (ISS); in this regard, emphasize the need for holding Reflection Forums after every three years on governance issues, including through the Annual AGA High Level Dialogue on Governance Trends scheduled to take place in September 2022;

26. **Acknowledge with appreciation** the planned UNDP/AUC-PAPS collaborative facility for anticipatory analysis of risks to support countries going through complex political transitions by supporting those with inclusively established and nationally owned roadmaps for resilience building; and accordingly appeal to other strategic partners to buy into it;
27. **Commend** the African Union Assembly of Heads of State and Government, for its leadership and particularly the initiative to convene an Extraordinary Session in May 2022, pertaining urgent continental security issues relating to Humanitarian action, Terrorism and Unconstitutional Changes of Government (UCG);
28. **And accordingly, submit** the Accra Declaration to the PSC for its adoption and subsequently to the upcoming Extraordinary Session of the AU Heads of State and Government in May 2022, in Malabo, Equatorial Guinea, for consideration and adoption while looking forward to the outcome of the said Extraordinary Summit.

Adopted by the Participants of the AU- convened Reflection Forum, on 17 March 2022, in Accra, Ghana.