

## Report from the Niamey Declaration in Support of Constitutionalism for Democratic Consolidation and the Peaceful Transfer of Power -- Niamey, Niger, 2-October 4, 2019

The Conference on Constitutionalism and Term Limits that took place in Niamey from 02 to 04 October aimed to provide a platform through which former African Heads of State -from Benin, Central Africa Republic, Liberia, Niger, Nigeria and Sao Tome and Principe- civil society leaders, and non-State actors could extend the discussions on democratic processes in Africa and draw recommendations to strengthen the rule of law, justice, and reconciliation at both national and continental level. Democracy and peace, two key concepts necessary for the growth and stability of African States, are determining factors to establish the rule of law and enhance justice and reconciliation.

The panel on Justice and Reconciliation for which I was the moderator gave an opportunity to participants to discuss on these central themes, and more specifically on the following needs:

- Include in peace agreements or transitional periods mechanisms of justice, especially transitional justice;
- Think about establishing references to particular mechanisms, prevention, and regulation of political or social conflicts;
- Ensure real leadership to lead national programs of reparation, institutional reforms, and synergy between initiators, actors, and activities;
- Understand and accept that the process of justice and reconciliation is inevitably long and that it is essential to work in the long term with evaluation breaks.

These discussions contributed to the development of the different commitments taken at the end of the Summit on the promotion and defense of the Constitution and the rule of law; the peaceful transfers of power; and continental consensus on presidential term limits.

These recommendations showcased the need to engage in more substantive discussions regarding elections and peace on the continent in order to change the lens through which current and former political leaders interact with their citizenry and their States. Indeed, through such fora liberal democracy as it should be promoted (majority rule and minority rights) will be able to hatch and bloom throughout the continent. Additionally, it will serve as an incentive to have more former Heads of State willing to attend the discussions and be more effective in their participation on the different deliverables. Niger, through the NDI and especially the President, paved the way for other countries on the continent to align along this goal of political renewal. Whilst, the effective participation of civil society organizations from all regions of the continent, media presence, as well as communication tools put at the disposition of the stakeholders that were present demonstrated the active roles played by African populations on the political agenda as drivers, participants, and recipients.

### **Highlights from the Conference**

Throughout the Conference, leaders and participants heavily contributed to discussions on the benefits and disadvantages of not respecting term limits. This step proved that contributions towards strengthening democracy and upholding the rule of law is no longer an issue that can solely be found within academicians. In fact, throughout the Conference, leaders and participants discussed and contributed tremendously to ways and mechanisms to uphold the rule of law and respect the Constitution. As outcome, there is a declaration in writing about the need to uphold the principles of constitutionalism and, specifically, term limit the declaration is holistic, and appreciates that constitutionalism can be achieved only when all institutions (such as governance, justice/law) are strengthened in tandem.

The declaration specifically acknowledges the role of youth, which shows that the objectives will take time and will be entrusted to not only this generation, but also future generations. However, because the declaration was made by former head of states, the declaration is non-binding, and therefore it is not clear how it will be effective. It can serve as an advocacy tool if a credible and highly respected former head of state is behind it. There is power in the moral authority that some of those former heads of states possess, and this power can be capitalized.

The role of women should have been mentioned in the declaration. Women have historically been excluded from all pillars of public life, including civil service at the highest levels, and continue to be so. Their unique role in society and as advocates for social change should be capitalized in the pursuit of constitutionalism.

The Conference did not take into account the need to propose ways and means which will help outgoing Heads of State to imagine a life after power, in terms of assistance, security, protocol, etc. These various issues will have to be discussed at national level with legislators. Coupled with that was the total absence of countries from Northern Africa, which raised questions from many participants on their inclusion in this exercise.

### **Discussions with NDI**

At the margins of the Summit, I held a separate meeting with the head of NDI for Africa and his deputy and the following points were raised:

- Need to highlight the strengths of this exercise particularly the involvement of civil society, through traditional and non-traditional media (e.g. blogs) in order to reach the millions of citizens of the continent;
- Seek ways and means to reach a larger number of former Heads of State or have them endorse the conclusions and recommendations;
- Consider the possibility of involving Heads of State in power, by video or in exchanges of this kind;
- Indicate the availability of the KAF to engage in monitoring the implementation and related activities of the Summit Declaration.

Thank you for your attention

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