



A Joint Institute for Security Studies (ISS) and Hanns Seidel Foundation (HSF)

Human Security Forum

Theme;

'Unconstitutional Changes of Government in Africa; unraveling the tide'

Concept Note

Venue: Hotel Intercontinental, Nairobi

Date: 19th November 2009

Concept Note

Unconstitutional changes of Government are with good reason described in the African Union (AU) Charter on Democracy, Elections and Governance in Africa as one of the essential causes of insecurity, instability and violent conflicts in Africa¹. This basic statement beams a light on the contentious nature of this phenomenon which has according to analysis defined much of Africa's public sphere. A further elaboration of Unconstitutional changes of Government would support this thesis.

This phenomenon could be defined as: military coup d'état against a democratically elected Government; intervention by mercenaries to replace a democratically elected Government by armed dissident groups and rebel movements; and refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections². From this definition unconstitutional changes could be mapped out on the political and social instability context of much of Africa's public domain. Unconstitutional changes are one of the causes of political and social instability or conflict including structural woes –like skewed development patterns in a country, contestation of resources, closely connected to ethnographic or ethnic woes, somatic concerns like human rights violations, all which are a main ingredient for instability in Africa.

A conflict mapping of Africa further simulates these realities. Between 1961 and 1997, 78 unconstitutional changes of government took place in Africa³. According to the Heidelberg Institute for International Conflict Research, as of 2008, similar unconstitutional and political instability and violence scenarios were experienced in sub-Saharan Africa⁴. Most of these scenarios centered on unconstitutional change of Government variables namely resource contestations defining much of a political system's modus operandi, national power contestations and regional predominance. Whereas 2006 and 2007 had seen certain de-escalation in Africa of this phenomenon, the number of political tussles as a result of unconstitutional change of government rose dramatically in 2008.

Regional and sub-regional organizations have voiced their concerns over these developments with treaties dealing with unconstitutional changes of government and related phenomenon having a play in geo-political zones in Africa-there is the

¹ See the Preamble of the Charter on Democracy, Elections and Governance which reads as follows; 'Member states are concerned about the unconstitutional changes of government that have generated profound insecurity, instability and violent conflicts'; and also as cited by Sekei Saungwene, 'A critical look at the Charter on Democracy, Elections and Governance in Africa', In Open Society Institute, *African Governance Monitoring and Advocacy Project*. May 2007.

² This is as adopted by the *African Union's Constitutive Act* based on the provisions of the historic Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government.

³ See Sekai Saungwane Op Cit

⁴ The Heidelberg Institute for International Conflict Research. *Conflict Barometer 2008. 17th Annual Conflict Analysis* (Heidelberg: Department of Political Science, University of Heidelberg)

protocol on democracy and good governance of ECOWAS (Art 1) and the dominant AU Constitutive Act (Art 4 (p)), all which address the phenomenon. However, the question beckons on how to reverse this trend and realize the ideals and spirit of these regional conventions. This forum seeks to investigate;

- the structural realities that actually prompt for these unconventional changes to occur and speakers will critically analyse the political risk factors that characterize much of these rising trends or political tides. The human security concerns that characterize much of what may constitute a democratic zone of politics and government will by and large be investigated.
- how far also, do the institutions of the New Peace and Security architecture realize the ideals of constitutional and democratic security and ordering in the continent?

These are the critical and provoking questions that this human security forum will seek to address within the backdrop of elaborate international and legal instruments addressing the same and institutions like NEPAD and others which lie stark in murk of the subject matter at hand. In all, how does Africa unravel and manage this unsettling tide of unconstitutional changes of Government?

The Institute for Security Studies (ISS)

As a leading African human security institution, the ISS works towards a stable and peaceful Africa characterized by sustainable development, human rights, the rule of law, democracy, collaborative security and gender mainstreaming. The ISS realizes this vision by: undertaking applied research, training and capacity building; working collaboratively with others; facilitating and supporting policy formulation; monitoring trends and policy implementation; collecting, interpreting and disseminating information; and networking on national, regional and international levels.

Hanns Seidel Foundation (HSF)

HSF is an independent, non-governmental foundation, whose mission is to promote democracy, peace and development. HSF has programs in more than 50 countries and is affiliated to the Christian Social Union (CSU), the ruling political party in Bavaria/Germany.