



AU Interventions in Addressing Democratic Recession and Strengthening Resilience of
Election Management Bodies to Safeguard Democracy in Africa

By

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Introduction

On the back on devastating effects of COVID-19 pandemic, the continent of Africa continues to record mixed picture of progress and regression in its trajectory of democratic and participatory governance. Whilst there are notable cases of peaceful and democratic transitions in the recent past, the continent is also experiencing some of the most pressing challenges of our time on multiple fronts which pose direct threats to democracy, peace and security. These threats have a direct bearing on the realization the continent's aspirations envisioned in Agenda 2063, *the Africa We Want*. In response to these threats, the African Union (AU), the continent's premier institutional bulwark for democratic governance, peace and security has spared no efforts to adaptively foster democracy, human rights, rule of law and constitutionalism including through strengthening electoral processes in the Member States.

This paper identifies challenges of democratic recession on the continent of Africa as well as the responses pursued by the AU to address recent resurgence of Unconstitutional Changes of Governments on the continent. The paper further highlights measures undertaken by the AU to strengthen electoral processes including by building resilience of Election Management Bodies (EMBs) in the Member States.

The Challenge of Democratic Recession in Africa

Since the advent of multiparty democracy in the past three decades, the continent of Africa has made significant strides in entrenching democratic governance. With an average of fifteen elections in a calendar year, the advent of multiparty democracy in the early 1990s has situated the continent of Africa at the forefront of electoral processes. Africa holds the highest number of elections than any other continent, thus underscoring that political power based on popular

consent has become the norm. By glance at the past decade alone, between 2012-2022, the continent of Africa has witnessed peaceful and democratic transitions in a remarkable number of countries including in Lesotho, Liberia, Senegal, Niger, Tunisia, Nigeria, Ghana, Seychelles, Malawi, Zambia, Kenya, Sierra Leone and Madagascar, among others. These democratic political transitions signaled renewed prospects towards consolidation of democratic and participatory governance in Africa.

However, the above progress pales in view of recent experiences of resurgence of Unconstitutional Changes of Governments (UCGs) which have unearthed the challenge of democratic consolidation (Abrahamsen, 2018; Institute Security Studies, 2022). Since 2012, the continent of Africa has experience most than ten military coups in Egypt, Guinea, Guinea Bissau, Mali, Burkina Faso, Chad, Sudan and Mali as well as attempted coups in Guinea Bissau and Niger. Amongst these countries, Mali, for instance, was notably the first country in the world to have a military coup following botched elections during the surge of COVID-19 global pandemic in 2020 (Gerenge, 2020). Since April 2021, the continent has experienced seven coups (including double/counter-coups), averaging a coup d'état per quarter. This unprecedented coup surge is taking place at a particular juncture in the political evolution of the continent characterized by generalized democratic recession or regression, warranting urgent and commensurate responses. While this phenomenon is hardly new, its concentrated reoccurrence and defiance in the face of growing continental endeavours to entrench democratic values with demonstrable dividends is certainly concerning.

Armed conflicts including violent extremism have also had negative compounded on democracy, especially in the Sahel, Lake Chad Basin as well as the Horn of Africa; where there is cross-pollination of democratic deficits and armed conflicts. In some of the countries in these

regions such as Mali, Somalia, South Sudan, among others, elections have been postponed due to the challenges of insecurity including activities of terrorist groups, thereby regenerating new conflict dynamics (Iheonu et al, 2022).

The problem of democratic governance deficits in Africa was aggravated by the recent shocks of COVID-19 pandemic which had a direct negative impact on governance processes and institutions, beside the devastating socio-economic. A number of countries, by prioritising public health, governments installed emergency legislations to implement lockdown regulations, which in some cases constituted crucibles for human rights violations (International IDEA, 2021).

The above multi-pronged causes and effects of democratic governance deficits in Africa were highlighted by the AU during the High-Level Reflection Forum on UCGs in Africa held in Accra, Ghana from 15-17 March 2022, to address the resurgence of unconstitutional changes of government in Africa. In the Accra Declaration (page 2), the AU acknowledged the myriad threats to democracy by noting that:

“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”.

The overall effect of the above effects on democracy, as noted by Opalo (2022) is the disconnect between elections and the lived experiences of voters. The failure of electoral politics to produce tangible improvements in living standards risks pushing voters in the region to consider alternative forms of government (ibid). This quest for alternatives is taking place in the midst of a global democratic recession, with potentially significant consequences on peace and security (IDEA 2021).

Review of AU Interventions in Addressing Democratic Rollback

The AU together with Regional Economic Communities (RECs) have made significant progress in the past three decades in developing norms on democratic governance, peace and security. The AU, besides its Constitutive Act, which outlines binding principles and values of democracy for its Member States, has also developed specific norms and standards to govern the conduct of democratic elections, and upholding of constitutionalism, rule of law and human rights. These core instruments include:

1. *OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – 2002*
2. *Protocol Relating to the Establishment of the Peace and Security Council of the African Union – 2002*
3. *OAU/AU Memorandum on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) - 2002*
4. *African Union Guidelines for Electoral Observation and Monitoring Missions – 2002*
5. *African Charter on Democracy, Elections and Governance – 2007 (came into force in 2012)*

Other complementary instruments developed by the AU are:

1. *NEPAD Declaration on Democracy, Political, Economic and Corporate Governance – 2002*
2. *Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa - 2003*
3. *AU Convention on Preventing and Fighting Corruption – 2003*
4. *Memorandum of Understanding on the African Peer Review Mechanism – 2003*
5. *African Youth Charter – 2006*
6. *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) - 2009*
7. *OAU/AU 50th Anniversary Solemn Declaration - 2013*
8. *Agenda 2063 – 2015*
9. *Protocol to the African Charter on Human and People’s Rights on the Rights of Older Persons – 2016*
10. *Protocol to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities in Africa – 2018*
11. *Johannesburg Declaration on the Silencing of the Guns Initiative and the AU Roadmap on the Practical Steps for Silencing the Guns in Africa by 2030*

Aspirations envisioned in Agenda 2063 encapsulate all the dimensions of the above core and complementary instruments. Aspiration 3 and 4, specifically focus on democracy governance and a peaceful and secure Africa. In recognition of the centrality of elections to democratic governance, the AU and RECs have incrementally channelled their efforts in the past two decades towards value-premised and principle-driven quality of elections. Through active involvement in norm-setting, the AU and RECs have adopted and promoted democratic standards for elections, which have also informed their interventions in electoral processes on the continent. Through the African Charter on Democracy, Elections and Governance, for

instance, the AU is cognisant of the reality that fostering effective management of elections, is indispensable for sustainable democratic governance, peace and stability in Africa and crucial towards realizing the *“Africa We Want”* as envisioned in Agenda 2063.

However, despite the numerous aforementioned instruments developed hitherto in assisting Member States to pursue Aspirations Agenda 2063, the AU acknowledges that challenges still persist in entrenching a culture of democracy and sustainable. In the context of chequered challenges signified by progression and regression in democratic governance, peace and security, the continent of Africa is now at a critical juncture of challenges and opportunities. How the AU addresses this growing concern will define the course of democracy and constitutionalism in Africa for, at least, the next decade. Coupled with ongoing challenges such as violent extremism, climate change and security, the aftershocks of the covid 19 pandemic and deepening food insecurity, the recent resurgence of UCGs and its effects on democratic governance has been a recurrent item on the African Union’s peace and security agenda. In this vein, in 2022 alone, the AU has undertaken several counter-initiatives, four of which are worth highlighting in this context: in 2022 alone, three important interconnected strides made by the AU are noteworthy;

Accra Declaration on Unconstitutional Changes of Government in Africa: This Declaration embodied the outcomes of an African Union “Reflection Forum on Unconstitutional Changes of Government in Africa” organized March 2022. The Forum was convened as a response to the directive by the AU Peace and Security Council (PSC) during its open session on “promoting Constitutionalism, Democracy and Inclusive Governance to Sustain Peace and Security in Africa,” held on January 27, 2022 in the wake of coup resurgence. The Reflection Forum offered a platform for PSC and other senior officials from AU Member States address fundamental questions around the comprehensiveness and effectiveness of its response

frameworks and mechanisms to threats on democratic governance, peace and security on the continent.

Therefore, the Accra Declaration reinforced existing instruments on UCGs, reiterated AU's stance against UCGs and also added value in its recognition of inherent gaps in AU's conceptual, strategic and operational frameworks against UCGs; and called for their review/update to align with emerging forms of UCGs. The Declaration also called for the development of 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. The Declaration also redefined the priorities for the AU Summit of Heads of States and Government held in May in 2022 which further explored concrete pathways for addressing the democratic deficits brought about by UCGs. As the newest AU statement on UCGs, the Declaration offers potent advocacy tool for continued mapping of options to forestall and manage UCGs as part of broader efforts to entrench a thriving democratic and constitutional order. Decision of the May 2022 16th Extraordinary Session Extraordinary Summit on Terrorism and Unconstitutional Changes of Government (Malabo) called for the creation of a PSC Sub-Committee on Sanctions as a deterrent to UCGs.

Further to the above initiative, the communiqué of the 1100th Meeting of the Peace and Security Council held on 15 August 2022 on Sanctions and Enforcement Capacities called for the full operationalization of the PSC Sanction Sub-Committee and the development of the requisite technical capacities to ensure its effectiveness, including the holding of appropriate capacity-building training programmes for the Sub-Committee in line with the Decision of the May 2022 16th Extraordinary Session of the AU Assembly of Heads of State and Government in Malabo, Equatorial Guinea. It directed the Committee of Experts to urgently develop the

Terms of Reference (ToRs) for the PSC Sub-Committee on Sanctions. It also directed the AU Commission to put in place a solid sanctions infrastructure using, the available resources in the Political Affairs, Peace and Security Department that will effectively support the work of the PSC Sub-Committee on Sanctions, as well as a monitoring and evaluation group, to assess the implementation of the sanctions imposed against the Member States.

Another measure undertaken by the AU relates to the finalization of a Guideline on amending national constitutions in African union Member States. Over the past two decades, constitutional amendment processes have either been initiated or carried out in more than half of the African Union Member States. While some have dilated tight political spaces and enriched democratic governance, a nonnegligible portion of these amendments (in the light of their initiator, content, timing and procedure) have been variously perceived by scholars and policy analysts as a “coup,” “unconstitutional,” “illegitimate,” “undemocratic” or “regressive” (Abebe 2019; Masterson and Meirotti , 2017)). The recent spate of extension of presidential term-limits and elections-related conflicts and violence provide additional evidence of constitutional precarity on continent. It is also illustrative democratic deficits and inherent structural conflicts. The African Union has not been indifferent to this cascading phenomenon.

Against this backdrop, during its 791st meeting of the Peace and Security Council (PSC), held on 22nd August 2018, the PSC, building on the relevant AU normative frameworks, mandated the AUC to expeditiously develop guidelines for amending national constitutions, which will be universally applicable to all Member States. Consequently, the Guideline development process kickstarted in 2019. It finds double relevance in its bid to strengthen the place of the constitution; and to address increasingly contentious questions surrounding constitutional amendments in Africa notably: what, why, how, when and by who. Although stalled by the onset of the COVID-19 pandemic, it is currently in its final stages of validation. After the validation process, the

Guidelines will be submitted to the AU decision-making organs for adoption. The validated guidelines will serve as a canvas for advancing constitutionalism, rule of law and democracy on the continent, in line with relevant AU instruments, in particular the ACDEG.

AU Interventions in building resilience of Election Management Bodies

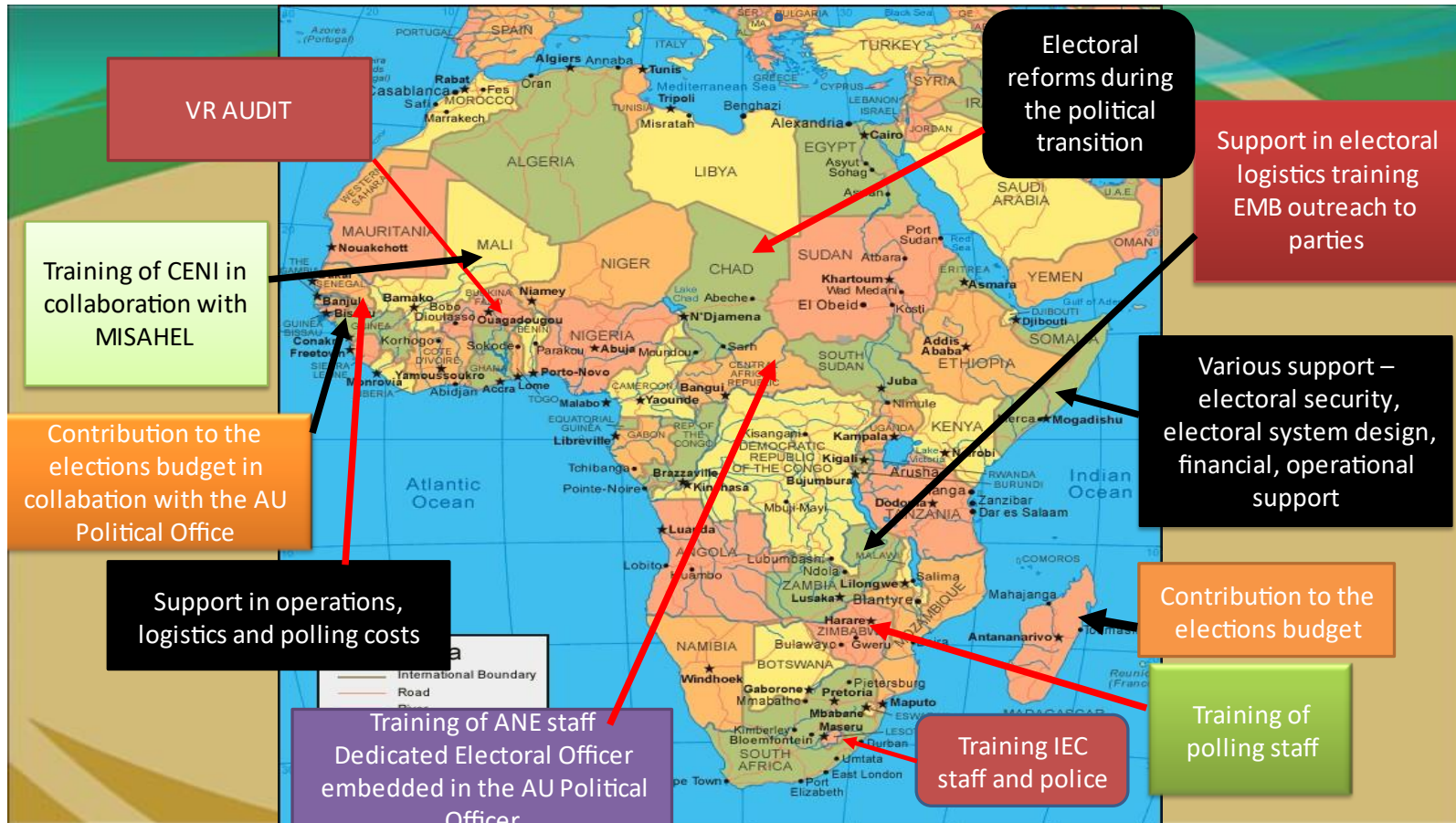
The AU, through Chapter Seven of the African Charter on Democracy, Elections and Governance, is cognizant of the role played by Election Management Bodies (EMBs) not only in fostering democracy but also in safeguarding peace and security. The role played by EMBs, therefore, is anchored on both Aspirations 3 and 4 of the Agenda 2063. The AU's approach to electoral assistance is multi-pronged and straddles from continental, regional to national levels. At the continental level, the AU works with the Association of African Electoral Authorities to continuously enhance the capacities of EMBs through serving as a conduit of cross-national peer-learning and lessons-transfer. In this regard, the AU organizes annual peer-learning forum tackling issues affecting EMBs in delivering elections that meet international standards.

At regional levels, the AU works closely with Regional Networks of EMBs such as SADC Electoral Commissions Forum, EAC National Forum of EMBs and ECOWAS Networks of Electoral Commissions. Through this approach, the AU channels cross-regional cooperation amongst EMBs networks.

At national levels, the AU provides demand-driven electoral assistance to EMBs which ranges from both operational, financial to long-term capacity building throughout the electoral cycle. AU's electoral assistance has exponentially increased over the recent years as it refocuses its resources to building long-term capacity building including in Member States undergoing

political transitions or emerging from armed conflicts and military coups. The infographic below provides a snapshot of AU's involvement in electoral assistance in the past decade to strengthen the capacity of EMBs.

CURRENT EFFORTS ON AU ELECTORAL ASSISTANCE TO MEMBER STATES



The AUC is cognisant of the reality that complexity of the political, socio-cultural, technological, economical, legal, security and ecological context surrounding EMBs has significantly shaped their varying performance in delivering elections that meet international and continental normative standards of democratic elections. Institutional resilience to these dynamics and challenges located within the operational milieu of EMBs has been the overarching determinant of varying performance of EMBs. Institutional resilience is the ability to absorb and recover from external shocks, while positively adapting and transforming to address long-term changes and uncertainty.¹ A recent World Bank Independent Evaluation Group report defined resilience as the capacity to prevent, mitigate and/or respond effectively to shocks.² It is widely understood that resilience is not an isolated characteristic or feature of institutions, but rather is the product or function of a virtuous cycle of institutional performance. It derives from institutional efficacy (or the ability to deliver and enhance results over time), and in turn, engenders trust, legitimacy and credibility, which themselves constitute sources of resilience that act to further reinforce an institution's capabilities.³

Institutional resilience of EMBs suggests marshalling capacities and capabilities to navigate external (but also internal) shocks to achieve sustainable election management over time. It entails developing adaptive election management capacities to effectively respond to emerging and perennial contextual threats beyond an electoral cycle. Leaders of EMBs operate in a unique and challenging space. They steer EMBs to carry out their mandates during complex transitions involving all sectors of society, enormous political pressure and considerable tests of individual and institutional resilience. Effective leadership is also needed to navigate the

¹ Anderson, Catherine, and Marc De Tollenaere. "Supporting institutional resilience." *Development Co-operation Report 2020 Learning from Crises, Building Resilience: Learning from Crises, Building Resilience* (2020): 190.

² World Bank *Building Urban Resilience: An Evaluation of the World Bank Group's Evolving Experience (2007–17)*, Independent Evaluation Group, World Bank, Washington, DC. (2019),

³ Barma, N., E. Huybens and L. Vinuela *Institutions Taking Root: Building State Capacity in Challenging Contexts*, World Bank Group, Washington, DC. (2014)

many different crisis scenarios that can impact an election process, including technology failures, cybersecurity breaches, public health crises, natural disasters and post-conflict flashpoints⁴.

Conclusion

On the back on devastating effects of COVID-19 pandemic, the continent of Africa continues to record mixed picture of progress and regression in its trajectory of democratic and participatory governance. Whilst there are notable cases of peaceful and democratic transitions in the recent past, the continent is also experiencing some of the most pressing challenges of our time on multiple fronts which pose direct threats to democracy, peace and security. The recent experiences of resurgence of Unconstitutional Changes of Governments (UCGs) have unearthed the challenge of democratic consolidation.

In order to promote democratic governance, including electoral processes that meet international standards as well as prevent unconstitutional changes of governments, the AU has incrementally taken the role of norm-setting as well as programmatic interventions in the Member States. These interventions have also included building resilience of EMBs through multi-level approaches that straddle continental-regional-national levels.

However, despite the numerous aforementioned instruments developed hitherto in assisting Member States to pursue Aspirations Agenda 2063, the AU acknowledges that challenges still persist in entrenching a culture of democracy and sustainable. In the context of chequered challenges signified by progression and regression in democratic governance, peace and

⁴ Ellena Katherine, Barnes Catherine, and Szilagyi, Leadership in Crisis: Ensuring Independence Ethics and Resilience in the Electoral Process. IFES. (2020)

security, the continent of Africa is now at a critical juncture of challenges and opportunities. The AU will need to adaptively respond to the multi-faceted challenges which affect both democratic governance, peace and security, of which supporting democratic electoral processes remains integral. This realization is reflected in the ongoing institutional reforms of the AU to enhance its dynamism in order to be more responsive to challenges facing the continent of Africa today.

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