

**Resolution on unconstitutional governmental changes and violations of democratic principles
in Africa**

Presented by the Observatoire congolais des droits de l'Homme

The International Federation for Human Rights (FIDH) meeting for its XXXVIIth Congress in Yerevan, Armenia,

Deeply concerned by the resurgence of coups and attempted coups as well as violence related to electoral processes in many countries in Africa;

Recalling, in particular, the coups in Mauritania in August 2008, Guinea Conakry in December 2008, Madagascar in March 2009, Niger in February 2010;

Recalling the violence which erupted in February 2010 in Côte d'Ivoire generated by the successive postponements of the presidential election, the post-election violence in Kenya in January and February 2008 that killed more than 1,500 people and the violence surrounding the June 2008 elections in Zimbabwe;

Considering that unconstitutional changes of government and that violence related to the electoral process usually mark situations when democratic principles are violated, such as a change in the constitution to extend the presidential term or to withdraw restrictions on the number of terms allowed, the postponement of elections, or electoral fraud and manipulation;

Recalling the decisions of the African Union on the issue of unconstitutional changes of government, notably the decisions Assembly/AU/Dec.220 (XII) and Assembly/AU/Dec.253 (XIII) adopted during its twelfth and thirteenth sessions held respectively in Addis Ababa from 1 to 4 February 2009, and in Sirte from 1 to 4 July 2009 and the Tripoli Declaration on the elimination of conflicts in Africa and the promotion of sustainable peace, adopted by the Special Session of the African Union Conference, held in Tripoli on 31 August 2009;

Recalling the adoption in 2002 of the Declaration on Principles Governing Democratic Elections in Africa, which provides that "the holding of democratic elections is an important aspect in the prevention, management and resolution of conflicts", the adoption in 2007 of the African Charter on Democracy, Elections and Governance and the adoption in November 2008 of a resolution on elections in African countries by the African Commission on Human and Peoples' Rights;

Recalling the provisions of the Bamako Declaration of the *Organisation internationale de la Francophonie* (OIF) in 2000 and the "Harare principles" of the Commonwealth on democracy, good governance and human rights, adopted in 1991;

The International Federation for Human Rights (FIDH) meeting, at its XXXVIIth Congress in Yerevan, Armenia,

Condemns the unconstitutional changes of government which undermine the progress made in the democratisation process on the continent and constitutes a threat to peace and security in Africa;

Condemns the irregularities surrounding electoral processes that can lead to the breakdown of democracy;

Calls on AU Member States:

- to strictly observe Article 25 of the International Covenant on Civil and Political Rights and Article 4 (l) and (p) of the Constitutive Act of the African Union;
- to ratify the African Charter on Democracy, Elections and Governance and to respect its provisions;
- to recognise the right of existence of various political parties and the right to a pluralist democracy in accordance with international protection of human rights instruments;
- to ensure the independence of the body responsible for the management of elections before, during and after the holding of any election;
- to take the necessary measures to enable the courts to respond independently to the right to justice and reparation for victims of violence related to elections;
- to ensure the independence of the judiciary bodies responsible for monitoring the legality of electoral processes.

Calls on the authorities of the African Union, including the AU Peace and Security Council, the Regional Economic Communities, the OIF and the Commonwealth, to strengthen their ability to anticipate violations of democratic principles through more dynamic direct preventive action, with appropriate sanctions against any person departing from these principles;

Deplores the new trends in the development of national unity governments, which in some cases, legitimate undemocratic elections and paralyse political life;

Urges leaders of political parties and candidates to put the interests of the people, the electorate, at the centre of the electoral process.