

Resolution on the resurgence of unconstitutional change of Governments in Africa - ACHPR/Res.564 (LXXVI) 2023

Aug 04, 2023

The African Commission on Human and Peoples' Rights (African Commission), at its 76st Ordinary Session held Virtually from 19 July to 2 August 2023;

Recalling its mandate to promote and protect human and peoples' rights in Africa pursuant to Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Considering the Constitutive Act of the African Union adopted in Lomé on the 11th July 2000 and in particular its Articles 3(h), 4(m)(p) and 30 on the promotion and the protection of human and peoples' rights, on the respect for democratic principles, on the condemnation and rejection of unconstitutional changes respectively;

Noting that the Declaration and Plan of Action of Grand Bay (Mauritius), adopted by the First Ministerial Conference on Human Rights in Africa (12-16 April 1999) recognises that the causes of human rights violations in Africa include unconstitutional changes of government;

Noting further the provisions of the African Charter on Democracy, Elections and Governance, and the ECOWAS Protocol on Democracy and Good Governance;

Recalling the relevant provisions of the Algiers Decision AHG/142 (XXXV) of July 1999 and the Protocol Relating to the Establishment of the Peace and Security Council of the African Union on the unconstitutional change of government;

Reiterating the principles stipulated in its Resolution ACHPR/Res.213 (CCXIII) 12 on the Unconstitutional Changes of Government, which condemns attempts to institute autocratic regimes and the unconstitutional change of Government on the Continent, acts which it considers to be a serious threat to stability, peace, security, development and human rights protection;

Also concerned by the attempted coup d'état on July 2023 in Sierra Leone;

Deeply concerned by the instability that reigns in much of sub-Saharan Africa and by the consequences for the population;

Alarmed by the recent declaration by the Economic Community of West African States (ECOWAS) that had threatened the military junta, led by General Abdourahmane Tchiani, with the use of "force" , if constitutional order in Niger is not restore and the response by Mali and Burkina Faso military juntas that have warned that any military intervention in Niger to restore deposed President Mohamed Bazoum would be considered a "declaration of war" against their two countries;

Furtherconcerned by the instability that is occurring in a large part of the sub-Saharan Africa and the subsequent consequences on the populations;

The Commission:

1. **Urges** all African States to comply fully with the provisions of the African Charter on Democracy, Elections and Governance and the African Charter on Human and Peoples' Rights;
2. **Calls** on ECOWAS to give priority to peaceful methods with a view to preserving the security of the population in resolving the situation in Niger;

3. **Calls** on those States that openly propose to use force in support of the Niger military junta in particular Mali, Burkina Faso, Guinea and Mauritania, to do so by giving priority to negotiation;

4. **Calls** on all foreign parties (in particular France) to refrain from taking initiatives in an area which involves interference in the internal affairs of African states;

5. **Urges** the African Union and the international community to ensure that peace and stability are re-established through dialogue and negotiation with a view to protecting the interests and well-being of the people of Africa.

Done virtually on, 2 August 2023