



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

A conference on Constitutionalism and Term Limits attended by former African heads of state, civil society leaders and media professionals gathered in Niamey, Niger, from October 2 to 4, 2019, at the invitation of NDI and its partners, the Kofi Annan Foundation, OSIWA and the Africa Forum, to discuss constitutionalism, democratic consolidation and the peaceful transfer of executive power across the continent. The participants extend their sincere thanks to the Government of Niger and His Excellency President Mahamadou Issoufou for hosting the conference.

We, the participants, acknowledge the progress made in constitutional frameworks across the continent over the past three decades that have enshrined presidential term limits to facilitate renewal of political leadership in a continent undergoing vast demographic, economic and political changes. This is in addition to efforts at strengthening the rule of law, justice, reconciliation and national reconciliation.

We note, however, that a number of African countries are experiencing democratic backsliding following constitutional changes to remove the presidential term limits introduced in most countries on the continent during their democratic transitions in the 1990s at the end of the Cold War, following the fall of the Berlin Wall. According to the Africa Center for Strategic Studies, of the 21 African countries that have upheld term limits, the executive officeholders have been in power for 4 years, on average. The average time in power for the 10 African leaders who have evaded term limits, in contrast, is 22 years. The abrogation of term limits undermines accountability, increases concentration of power in the hands of one or a few individuals and shrinks political space, ultimately leading to rising risks of political tensions, violence and civil strife.

We celebrate Africa's youthful population which constitutes a significant demographic that is eager to participate and contribute to democratic governance and the development of their respective countries. However, we observe that the obvious reluctance of some leaders to adhere to constitutional terms, limits opportunities for this participation and for the renewal of political leadership and democratic turnover.

We affirm and commit ourselves to the following:

**Promoting and defending principles of constitutionalism, rule of law and respect of term limits**



Combined actions by Africans at both the grassroots and leadership levels serve to promote constitutionalism and the application of term limits. We therefore commit to join our voices to call for the respect of term limits, constitutional rule and the rule of law more broadly which contribute to peace, stability and development across the continent.

Individually and collectively, we pledge to promote the principles of constitutionalism and rule of law set out in the Universal Declaration of Human Rights, the African Union Charter on Democracy, Elections, and Governance (the “Charter”), and the constitutions of various African countries, specifically as relates to presidential term limits and renewal of political leadership.

We support the aspirations of consolidating constitutional rule and entrenching a culture of democracy and peace embodied in the Charter, which seeks to establish continent-wide norms of peaceful political change. The Charter also promotes the holding of regular, credible and inclusive elections and the strengthening of political institutions.

Constitutional revisions or amendments perceived to benefit a single or a few individuals by removing or amending term limits, are counter to these aspirations. Though such changes may respect the letter of the law, they undermine trust and counter the spirit of the original constitution. Beyond a legal instrument, constitutions should be seen as a covenant among citizens. Significant constitutional changes should be adopted by referendum and not by legislative action alone.

### **Facilitating peaceful transfers of power**

We recognize that African heads of state, political parties, civil society, media and citizens at large have a responsibility to facilitate peaceful transfers of executive power and should create environments that promote smooth transitions from one leader and administration to the next.

We believe that effective legal frameworks that provide mechanisms for holding transparent and credible elections and the peaceful resolution of election-related disputes, prevent political disagreements degenerating into violence. At the same time, we commend legislation in several African countries that facilitates orderly transfers of executive power and enables constructive collaboration between outgoing and incoming governments.

We encourage countries to adopt proper procedures for incumbent presidents to carry out an orderly handover to the next government, with effective accountability for the transfer of assets and authority. We urge incumbent presidents to establish early timelines to facilitate adherence to these procedures.

We call on organizations, notably the African Union and the regional economic communities, to intensify efforts at strengthening norms and principles of constitutionalism, rule of law and



respect for term limits to avoid the break-down of institutions, national crises and conflict. We also strongly recommend early, preventive diplomacy by former heads of state, civil society, religious and traditional leaders, labor unions, and especially the media, when sitting presidents initiate procedures to remove term limits.

### **Fostering national and continent wide consensus around respect for term limits**

We urge all Africans to recommit to consolidating democratic progress achieved across the continent by signing on to this Declaration of Principles in support of constitutionalism, the rule of law and the respect of term limits.

We support the ratification and implementation of the African Union Charter on Democracy, Elections, and Governance and of all other relevant legal instruments aimed at strengthening constitutional rule on the continent.

We urge former heads of state, through their good offices and in collaboration with civil society and the media, to continue contributing to strengthening democracy on the continent, and where needed serving as mediators and peace-makers. These actions demonstrate to sitting presidents and the world at large that there is a rich life after State House.

We encourage the use of this Declaration as an advocacy tool to empower Africans to hold their leaders accountable and have them fully embrace constitutional term limits.

Niamey, October 4, 2019