

Gaborone Declaration

Gaborone Declaration in Support of Constitutionalism and
Democratic Consolidation
Gaborone, Botswana, July 8, 2022

Context

An international Summit on Constitutionalism and Democratic Consolidation in Africa gathered in Gaborone, Botswana, from July 6 - 8, 2022, at the invitation of the Government of Botswana and the National Democratic Institute (NDI) with its partners: Open Society Foundations - Africa; Kofi Annan Foundation; Katiba Institute; Afrobarometer; Tournons la Page; Africтивistes; African Network of Constitutional Lawyers; Presidential Precinct; and the University of Botswana. The Summit was attended by former African Heads of State, civil society leaders, academics, university students and media professionals. His Excellency Dr. Mokgweetsi Eric Keabetswe Masisi, President of the Republic of Botswana, chaired the opening ceremony, and two sitting presidents and one prime minister participated virtually in some of the deliberations. The participants extend their sincere appreciation to the Government of Botswana for hosting the Summit.

The vision for the Gaborone Summit was to promote democratic progress and resilience, while countering democratic backsliding and the erosion of constitutionalism across the continent. The Summit also celebrated Botswana's efforts to champion democracy in Africa.

The Gaborone engagement builds on the Constitutional Term Limits Summit held in Niamey, Niger Republic, in October 2019, and its Niamey Declaration of Principles. The Niamey Declaration emphasized support for constitutionalism; called for orderly and peaceful alternation of power; and urged country specific and continent wide consensus on the respect for term limits. In 2020, NDI hosted a virtual gathering on the same subject matter, which brought together participants from several African countries, including political and civic leaders and activists.

Furthermore, in December 2021, Botswana and 17 other African countries participated in the global Summit for Democracy, at which His Excellency President Masisi committed to promote dialogue on the consolidation of democracy in Africa and to solidify Botswana's democratic progress. Recently, African Heads of State at the May, 2022 African Union Summit in Malabo, reiterated their commitment to fully implement existing national, regional and international legal instruments critical to consolidating democratic governance, peace and stability.

Declaration

We, participants of the Gaborone summit:

- *acknowledge* that African citizens support constitutionalism and presidential term limits;
- *applaud* former African Heads of State who have demonstrated a commitment to uphold democratic values and term limits, and continue to actively engage in good office missions as mediators and facilitators in response to constitutional crises and recent military coups in parts of the continent;

- *note* that a growing number of citizen-led movements have emerged in support of constitutionalism and term limits through deployment of innovative strategies that foster peaceful collaboration across national boundaries;
- *commend* the peaceful transfer of executive power through credible and inclusive elections in African countries that have strengthened democratic practice and institutions; but
- *note* with concern that in recent years, the democratic trend across the continent has shifted from one of democratic expansion and consolidation to one of autocratic resurgence and democratic decline.
- *regret* that the hard-earned democratic advances of the early 1990s are being undermined by authoritarian-minded leaders and military regimes that shrink political space, exacerbate social divisions, disrupt economic development, and challenge constitutional norms to maintain their hold on power;
- *regret* that efforts in many countries to strengthen the rule of law, social justice, and national reconciliation have been rolled back, with potentially dire consequences for vulnerable populations; and
- *urge* regional economic communities to formulate legal frameworks that entrench presidential term limits.

In this challenging context, we celebrate Africa's youthful population which is eager to participate and contribute to democratic governance and the development of their respective countries. We regret that reluctance by some leaders to adhere to term limits denies youth opportunities for their participation in the peaceful and orderly renewal of political leadership and alternation of power.

We further affirm and commit ourselves to the following:

1. *Promoting and defending principles of constitutionalism and enhancing democratic consolidation*

We the signatories commit to:

- 1.1. *create* synergies amongst Africans at both the grassroots and leadership levels aimed at consolidating constitutionalism and bolstering democratic resilience;
- 1.2. *add* our voices to efforts in favor of respecting and restoring term limits, constitutional rule, and the rule of law more broadly as vital ingredients for peace, stability, continental integration and equitable development across the continent;
- 1.3. *pledge* individually and collectively to promote the principles of constitutionalism and rule of law set out in the Universal Declaration of Human Rights, African Union Constitutive Act, African Union Charter on Democracy, Elections, and Governance (the "Charter"), and constitutions of African countries, specifically as they relate to presidential term limits and renewal of political leadership;

- 1.4. *support* the aspirations of Africans who embrace the principles of democratic constitutional rule embodied in the Charter, allowing for peaceful political change through regular, credible, transparent and inclusive elections; and
- 1.5. *commit*, through our individual and collective actions, to reject attempts to enact constitutional provisions that weaken term limits, undermine democratic institutions, and subvert citizens' will.

We call on the African Union, the Regional Economic Communities (RECs), and democratic African Governments to enact reforms and adopt guidelines to ensure that constitutional amendment processes foster respect for democratic rights and are based on a national consensus. We strongly recommend early prevention by democratic former Heads of State, civil society, religious and traditional leaders, labor unions, media and other stakeholders, to safeguard democratic practices and institutions, including presidential term limits.

2. *Supporting ethical leadership and thriving societies*

We the signatories commit to:

- 2.1. *recognize* that in democratic societies, leaders are guided by the social contract that binds the people and those who govern within the framework of the constitution and democratic values embraced by society as a whole;
- 2.2. *appeal* to leaders to look not just to the letter but also to the spirit of constitutions and other legal instruments, and aspire to ethical leadership that enhances national well-being;
- 2.3. *believe* that leaders who reaffirm constitutional principles through their conduct and actions, promote continental peace, stability and development, as opposed to those who weaken constitutionalism, tailor national progress to the sole benefit of a single leader or party, and thus contribute to societal division, instability and in some cases violence;
- 2.4. *note* that, in many cases, rifts in the social fabric create a favorable environment for malign external influence, extremist groups and other criminal syndicates that undermine national sovereignty, security, stability and positive youth development;
- 2.5. *commend* sitting Heads of State who respect term limits and the peaceful transfer of power;
- 2.6. *urge* political parties to nurture and promote accountable and responsive political leadership that is inclusive and reflects the makeup of society; and
- 2.7. *applaud* judiciaries that demonstrate independence and oppose attempts to manipulate constitutional and electoral frameworks.

We call on African leaders to build trust and create stable, thriving societies that consolidate constitutionalism and the rule of law and allow for greater predictability in governance, economic and human development, and the peaceful transfer of executive power.

3. *Facilitating inclusive democratic processes and the renewal of political leadership*

We the signatories commit to:

- 3.1. *note* that despite efforts at greater gender balance in the political sphere on the continent, women and girls continue to face political violence and substantial barriers to political participation, including elective office;
- 3.2. *supporting* aspiring women leaders so they make their full weight felt in policy-making and political processes in their respective countries;
- 3.3. *recognize* that collectively we must create and sustain opportunities for young people to contribute through their dynamism and innovative ideas to strengthening democratic governance;
- 3.4. *pledge* to use our positions to work in solidarity with young people, especially those of diverse identities and backgrounds, including young women, to ensure their participation in democratic processes and that they have meaningful opportunities to exercise their political rights; and
- 3.5. *call* on African Heads of State, political parties, civil society, media and citizens at large to take responsibility for creating environments that allow everyone, independent of age, gender, sexual orientation, disability or other individual characteristics, to participate in, and contribute their fullest to democratic governance processes.

We believe that effective legal frameworks that provide mechanisms for holding transparent, inclusive and credible elections will prevent political disagreements and popular discontent from degenerating into violence and armed conflict. We commend gender-friendly and pro-youth legislation in several African countries aimed at facilitating the political engagement of women and youth.

4. Renewing commitment to constitutionalism and democratic progress

As Africa marks 20 years since the founding of the African Union, 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 with a commitment to democratic norms, to continue contributing to the strengthening of democracy on the continent through their good offices, in collaboration with civil society and, where needed, serve as mediators, peace-makers, and mentors to the younger generation. Such actions will demonstrate to Africans of all political leanings that there is a rich life of public service after the State House.

We encourage the use of this Gaborone Declaration as an advocacy tool to empower citizens to hold their leaders accountable and to fully embrace term limits. It is urgent for all Africans to recommit to consolidating democratic progress. We call for the widespread circulation and signing of this Declaration of Principles as a mark of support for constitutionalism, the rule of law and a sustainably stable, secure and prosperous democratic future on the continent.

Gaborone, July 8, 2022