

# Dr Femi Falana urges ECOWAS to Adopt the Amendment to the Protocol on Democracy and Good Governance

*Leading human rights advocate, Dr Femi Falana, urges Heads of State to adopt Term Limit Proposal and demonstrate evolution of democratic cause in West Africa.*

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*Femi Falana, SAN*

advocate and human rights activist, Dr Femi Falana, calls upon Heads of State and Government of the Economic Community of West African States (ECOWAS) to adopt a proposed amendment to the ECOWAS Protocol on Democracy and Good Governance (“the Protocol”). He goes on to say that such a move would strengthen constitutional and representative government and improve respect for human rights and the rule of law in the ECOWAS region.

Whilst the majority of the leaders are voting in favour of this changes, there are several governments rejecting the

amendments, which is why it is important to act now to show a unified West Africa leadership and the strength of the ECOWAS.

Dr Falana further notes that the move to amend the Protocol is aimed at ensuring that once elected, heads of state do not then go on to change the constitutions of their countries to stay beyond two terms in office. This is the common constitutional requirement in several member states, however, Dr Falana notes that there have been too many instances where the requirement has been ignored. The proposed amendment would require member states to “adopt provisions in their respective Constitutions to ensure that no President of the Republic shall exercise more than two terms or extend his/her term for any reason or in any form.”

Unfortunately, as Dr Falana observes, he is concerned at reports that Cote d’Ivoire, Senegal and Togo are opposing this progressive amendment to the Protocol.

“It is very important for the majority of member states to reject the moves by the minority member states, and to show leadership and political will by swiftly adopting the amendment to

the Protocol as currently proposed, especially given the recent experiences of unconstitutional change of governments in some African countries,” Dr Falana comments who goes on to state “The proposed amendment to the Protocol on term limits is entirely consistent with the ECOWAS foundational treaties, and the African Union Constitutive Act. The timely amendment will be a positive, effective and satisfactory response to the recent unconstitutional change of governments in some member states.”

As the African Charter on Democracy, Elections and Governance (African Charter) states, unconstitutional change of government amounts to “a serious threat to stability, peace, security and development.” The African Charter indeed aims to “promote the universal values and principles of democracy, good governance, human rights and the right to development,” and to “entrench in the Continent a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies.”

Many member states of ECOWAS, including Côte d’Ivoire and Togo have ratified the African Charter while Senegal has signed the African Charter. The ECOWAS and its members should show that they are willing and able to promote and achieve constitutional and representative government and improve respect for the rule of law and human rights in the sub-region.

Rejecting the reported moves by Cote d’Ivoire, Senegal and Togo to truncate the proposed amendment to the Protocol would send a powerful message to rogue governments in the sub-region that the ECOWAS is willing and able to apply its foundational instruments and principles faithfully, consistently, and effectively.

However, in Dr Falana’s opinion, if the reported moves by Cote d’Ivoire, Senegal and Togo are allowed, it will encourage dictators who seek to amend and manipulate their national constitutions to elongate their terms of office. It will also lead to escalating attacks on political opponents and activists who oppose such illegal constitutional amendment.

Femi Falana urges member states of the ECOWAS to remain resolute in the face of opposition by a minority of member states, and to move swiftly to adopt the proposed amendment on term limit to the Protocol. If necessary, member states may invoke Article 20 of the Rules of Procedure of the Conference of Heads of State and Government to ensure that the amendment to the Protocol is adopted without any delay.

“I urge you to use your leadership and influence to push for democracy and full respect for human rights and the rule of law in member states. The ECOWAS leadership should put pressure on all ECOWAS member states to respect, protect, promote and fulfil the human and peoples’ rights guaranteed under the African Charter on Human and Peoples’ Rights”, says Senior Advocate of Nigeria, Dr Femi Falana, addressing West African leaders.

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