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COVID19 and silencing the guns in Africa: Challenges and Opportunities
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Reconciliation, inclusive politics and national cohesion for silencing the guns and securing the right to peace in Africa

Excellencies, colleagues and friends, good morning, good afternoon and good evening.

I would like to thank the Under-Secretary General and the Special Advisor on Africa Advocate Beince Gawanas for the kind invitation that her office extended to the African Commission on Human and Peoples’ Rights (the African Commission), African Union’s premier human rights body.

I am pleased to join this distinguished panel that is made up of people with long years of experience and rich expertise to share some thoughts on the theme of this dialogue series and the particular focus of this particular session.

The new coronavirus (COVID19) presents an unprecedented challenge not only to public health but also to the social and economic wellbeing of many people around the world.

We at the African Commission are among the first organs of the AU to initiate action not long after the first case was reported in Africa. On 28 February, we issued a statement alerting States Parties to the African Charter on Human and Peoples’ Rights, the founding treaty of the African human rights system.

Subsequently in the context of the response measures that States Parties introduced, the African Commission issued another statement on 24 March. This statement outlined in comprehensive detail the particular human rights standards and principles that States Parties are expected to observe in adopting COVID19 response measures and in enforcing such measures. The Commission has initiated various responses to very concerning human rights issues such as excessive use of force and other forms of abuse and spike in gender-based violence arising in the
process of responding to COVID-19 through its country rapporteurs and special thematic mechanisms.

In Africa, fears of major explosion of COVID-19 with high rate of morbidity and mortality have not been borne out by events on the continent. Both the rate of spread of the virus and the mortality resulting from it remain far lower than other parts of the world most affected by the coronavirus.

As the African Commission we are comforted by this.

Actions mobilized at the national level both by the state and non-state actors have been critical. The role of the AU in providing high-level leadership for regional coordination and multilateral action, including through the African Commission, and assisting states through its Africa Centre for Disease Control has been exemplary.

Although Africa may have a chance of escaping the worst of the coronavirus pandemic, I am very concerned about the fact that Africa is unlikely to escape from the COVID-19 socio-economic and humanitarian fallouts.

As the UN High Commissioner for Human Rights Ms Bachellet and myself pointed out in a joint statement we issued two days ago, these fallouts from COVID-19 carry grave risk of pushing millions of people into extreme poverty with catastrophic consequences to the human rights of the most vulnerable unless urgent measures including notably international fiscal and economic relief measures are taken.

With specific reference to the theme of this dialogue series and indeed the focus of this session, I would like to note that these socio-economic and humanitarian fallouts from COVID-19 measures are not without major consequences to the peace and security of the people of the continent.

Indeed and as has been noted by the Peace and Security Council of the AU, the COVID-19 socio-economic fallouts (resulting from disruption of livelihoods of people, job losses, loss of remittances and revenues from weak global demand to commodities and the freeze of flow of tourists) are feared both to exacerbate existing fragilities and sources of insecurities and to give rise to new forms of
fragilities and tension. Similarly, the excessive use of force and other forms of abuse that security forces perpetrated have further strained state-society relationship, eroding the trust of citizens in state institutions and creating conditions for social and political conflicts.

As Commissioner Chergui pointed out on the first day of this Dialogue Series, COVID19 measures have also interfered with ongoing peace processes in the CAR and South Sudan, among others.

All these adverse developments can undermine the quest of the AU for silencing the guns in Africa.

There is a need for ensuring that the worst peace and security impacts of the socio-economic and humanitarian fallout of COVID19 are avoided. This is critical for enabling the continent to sustain its efforts towards silencing the guns, an initiative necessary for ensuring protection of the human right to peace provided for in Article 23 of the African Charter on Human and Peoples’ Rights, the founding treaty of the African human rights system.

In this context and in pursuit of the SG Guterres’s call for global ceasefire and the call of the AU Commission Chairperson for cessation of hostilities in Africa in order to focus all efforts on the lifesaving measures for containing COVID19, it is imperative for the AU and UN to seize the opportunities of announcements of ceasefires in Cameroon, South Sudan and Sudan for bringing various warring parties to the negotiating table.

The right to peace in Africa is in short supply and is challenged in various parts of the continent by conflicts and other insecurities. As the African Commission’s study on human rights in conflict situations established, these conflicts and insecurities are attributable to existing socio-economic and political and associated human rights causes and drivers of conflict.

In countries facing civil wars whether in South Sudan, CAR or Cameroon, the contending armed groups often mobilize using existing societal grievances, ethnic identities, deficient systems of governance and weaknesses in the security sector.
Violence involving terrorist groups continue to affect countries in the Lake Chad Basin region, the Sahel, parts of North Africa, Somalia and most recently in Mozambique. Apart from the ideological and logistical support they mobilize externally, these groups often tap into existing challenges including historical marginalization, regional differences involving ethno-cultural or religious identity, weak presence of state institutions and the absence or inadequacy of the provision of basic services and the resultant vacuum.

Various AU member states have also experienced violent political crisis resulting from electoral disputes and contestations over constitutional term limits. In these instances, as in others, what precipitates violent political crisis are the approach to the contest for political power and the winner-takes all nature of the holding and exercise of government power.

Similarly, peace agreements unravel or face the risk of unravelling forcing post-conflict countries to relapse back to conflict as a result of disagreements over representation and sharing of government power including control over security institutions.

From these various past and contemporary experiences of conflict and the related peace-making efforts on the continent, one of the most recurring or common issues is how to overcome the divisions, animosity and lack of trust among various groups and their constituencies and achieve an inclusive human rights respecting system of governance and arrangements for representation of all significant political forces equitably in government. Thus, for countries facing conflict or those coming out of conflict, the pursuit of national reconciliation and cohesion on the basis of respect for human and peoples’ rights is a critical avenue for silencing the guns.

The AU Assembly decision of 31 January 2014 declared “2014–2024 as the Madiba Nelson Mandela Decade of Reconciliation in Africa” (Assembly/AU/Dec.501 (XXII)). Member states are encouraged ‘to take appropriate measures to promote reconciliation as a means of securing peace, stability and development in Africa, as well as to promote lessons learnt from Nelson Mandela’s indelible legacy in the areas of truth, reconciliation and peacebuilding.’ Within this framework the AU
Peace and Security Council held a number of sessions dedicated to the subject of peace, justice and reconciliation as reflected in its 347th, 383rd, 409th, 525th, 672nd and 726th sessions.

In a landmark normative development, the AU Assembly adopted the AU Transitional Justice Policy (AUTJP) in February 2019. As the AU Commission Chairperson, Moussa Faki Mahamat highlighted in the preface to this Policy, the Policy ‘covers both redistributive and restorative elements of transitional justice, and will be of great assistance to countries in addressing the challenges of reconciliation, social cohesion and nation-building more effectively, all of which are central to peacebuilding and sustainable human development.’

This policy was adopted after the African Commission adopted a landmark study on Transitional Justice and Human and Peoples’ Rights in Africa.

Together, these two normative instruments present an authoritative statement of the AU system advancing a conception of transitional justice reflective of the richness of the AU norms and transitional experiences on the continent. Although these documents draw on useful contributions of existing dominant models and experiences, they also seek to problematise and rectify the major drawbacks of the mainstream discourse and practice of transitional justice.

From the perspective of the focus of this session and the larger theme of the Dialogue Series, there are at least three major takeaways that I wish to share from these AU most current authoritative instruments on transitional justice.

First these complementary instruments advance a conception of transitional justice that entails measures that facilitate “fair institutional, social and economic systems of governance and inclusive development”. In so providing, they enjoin societies facing conflict or in transition to address not only the wrongs done but also the socio-economic and political conditions that made the occurrence of such wrongs possible as necessary measures that help transform victims and perpetrators into citizens and unstable fragile societies into strong ones.

Second, the two instruments highlight restorative justice approaches emphasizing conciliation, community participation and restitution; healing and restoration of
broken social and institutional relationships, as well as bonds of community among individual members of society. Accordingly, going beyond the limited focus on criminal punishment, these instruments, as AUC Chair Faki noted in the preface to the AU policy, “will be of great assistance to countries in addressing the challenges of reconciliation, social cohesion and nation-building more effectively, all of which are central to peacebuilding and sustainable development”.

Third, rectifying the omissions of some of the leading transitional experiences on the continent, these two normative instruments seek to foreground the socio-economic rights dimensions of the governance and conflict problematic in Africa. Accordingly, emphasis is put on the need “to address economic, social and cultural rights violations, historical and structural inequalities, and issues of sustainable development”, as pointed out in the African Commission’s Study. It is here that the source of vulnerability of much of the continent lies not only for facing exposure to the devastating consequences of pandemics such as COVID19 but also for these conditions precipitating or fueling conflicts, hence impeding the agenda of silencing the guns.

Additionally, it is noted that the various experiences on the continent “highlight the importance of taking local conceptions of justice into account, especially in terms of collective approaches to justice and reconciliation” and importantly “acknowledging the differential impact of conflict (and conditions of structural violence) on women and the need for women’s participation in the design and implementation of transitional processes”.

Also of note is the emphasis put on the inter-generational dimension of violence and hence the necessity of not only giving voice and space for the active involvement of the youth in transitional processes but also for creating conditions of socio-economic opportunities, social recognition and role in governance.

It is clear from the foregoing that these instruments not only present rich materials but also push the horizons of the range of policy options that are critical for addressing the fragilities of countries in Africa both to the impacts of public health emergencies and to conflicts and insecurities. In partial terms, the rich materials and policy options that these instruments avail should be mobilized to support and
ensure the success of transitional processes in various countries including the Ethiopia, the CAR, the Gambia, South Sudan and Sudan. It is also important to take advantage of the opportunities in the COVID19 crisis for prioritizing social policies with focus on investment in access socio-economic rights and for strengthening state-society relationship on the basis of human and peoples’ rights of all.

With respect to Africa’s exposure to dire consequences of COVID19 measures, it is incumbent on us to ask why. Why, despite the fact that it has not witnessed major explosions of COVID19 cases, Africa faces grave risks of socio-economic catastrophe?

This question is central to our understanding of why the world should heed the calls of the AU Assembly, the UN Secretary General and Ms Bachellet and myself for global solidarity.

As Secretary General Guterres put it when launching the Africa policy brief two days ago, solidarity with Africa is an urgent imperative. In our joint statement Ms Bachellet and myself underscored that the mobilization of global solidarity, including fiscal and economic relief measures, is a human rights necessity. Indeed, these are critical to avoid catastrophic consequences to the social and economic wellbeing of the most vulnerable, including women and children.

We have all noted in the course of the past couple of days that Africa made notable strides, registering strong economic growth and launching new initiatives. With the arrival of COVID19 and the fallouts from the COVID19 response measures, the fragilities of countries on the continent has been laid bare.

Tens, if not hundreds, of millions of Africans have no access to water and sanitation. Large number of Africans live in highly congested neighborhoods. There are many without shelter and access to basic health care. All of these are conditions that strip people off their basic socio-economic rights, hence their dignity as human beings leaving them at the mercy of COVID19.
The nature of the model of economic development pursued on the continent, dictated by the global financial and economic system, has been such that it has discouraged heavy public investment in socio-economic rights including access to water, sanitation, basic health care, shelter and education treating them as unprofitable. The resultant lack of attention to and the push towards commodification of socio-economic rights has today created a situation in which, according to SG Guterres, “we are only as strong as the weakest health system”.

The lesson from COVID19 is that this wrong has to be righted. In this respect, affirming that socio-economic rights are fundamental rights and prioritizing investment in health for all, water and sanitation, education and social protection is a national and global public good, hence in the interest of all of humanity is a pre-requisite. Doing so is not only a human rights necessity for which governments nationally and the international community bear shared responsibility but also smart policy that will spare the world from the excessive consequences of global pandemics.

This is also an opportunity for redefining priorities. Much of the focus in the practice and discourse on peace and security and transitional justice is on physical security and physical violence. Such focus is for sure necessary. Yet, it is utterly inadequate. The message from COVID19 is we have to go back to basics. We need to address structural violence resulting from social and economic inequalities and discrimination. These are the conditions that leave our societies deeply vulnerable to all forms of ills including physical violence and the scourge of pandemics like COVID19.

We therefore need to bring social policy and investment in social services to the center of AU and UN policy processes. Similarly, we need to also give as much support and attention to socio-economic justice in transitional justice processes with particular focus on the most vulnerable. This is the surest way to limit our weaknesses and put the preparedness of our societies and the world for the next pandemic on solid foundations.

I thank you for your kind attention!