

## ROBERT DOSSOU

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Ladies and Gentlemen, we were waiting for the arrival of His Excellency Sheikh Shakhbut bin Nahyan Al Nahyan. He is the United Arab Emirates' Minister of State for Foreign Affairs and Cooperation.

This is how we will proceed. I will give a short talk to introduce the debates before giving the speakers the floor. First, I will give the floor to His Excellency the Minister of State. I will make a brief introduction before following the order on the agenda. Then there will be a speaker, Alain Antil, and the other speakers will continue.

Mr. Minister, first of all I would like to welcome you to the conference. I was told you would be coming very early on. We are very honored by your presence.

To save time, I am not going to read the entire framework note, which I had planned to do to get the workshop started. I understand that the note has been distributed. I am just going to discuss a key item that was one of the conclusions we drew from the last conference in Marrakech.

We analyzed the African state and some said the African state is weak. Personally, I said there is no state at all: it is an apparatus inherited from colonization that we manage. All of us agreed that if a state has no internal stability, there can be no progress and no African integration.

We have seen that although the charters of various international organizations, notably those of the OAU and ECOWAS, prohibit putsches and breaches of the constitution, history keeps repeating itself. Putsches take place practically every day. In Mali recently, there was even a putsch within a putsch. Even more recently, another putsch took place. We even had a coup d'état. Let me explain the difference.

A putsch is when an organ that has no political function arrives, sweeps away constitutional institutions and takes power. This is what happened in Mali and Guinea.

A coup d'état is when an organ invested with a political function by the constitution eliminates all the others and takes power. This is what happened in Tunisia.

Both models are well known, but in the past few years a new model of constitutional breach has appeared. They take the constitution, take advantage of and water down the amendment procedure and change it to suit what they want to do and increase their power, for example allowing a third or fourth term in office.

I often hear this process called a constitutional coup d'état. I would like to use this opportunity to submit two questions for your consideration. The term constitutional putsch or constitutional coup d'état is inappropriate because, when it is constitutional, it means it complies with the constitution.

**The first question** is whether the right terminology can be found to describe the process, which consists in circumventing the constitution in order to give yourself powers that the constitution did not provide you with at the time you were sworn in as president. I found two words in the French dictionary: "tripatouillage" (rigging) and "tripotage" (tinkering). The grammar and lexicology experts here can help us.

**The second question** is that there are many instruments. I myself drafted one in the 1990s. They worked for a while but are starting to wear thin. What can be done? Last September in Accra, the ECOWAS summit decided to revise the additional protocol on good governance and elections. Are there any texts that must be amended in that regard? That is the big question I ask about this aspect.

The other questions are the following.

First, there is Covid-19. We have seen – and we have heard many talks about this in the plenary sessions – that Covid was less severe than feared in Africa, but it raised the issues of training, health unity and on-site vaccine production. In recent months, we have seen expired or poorly stored vaccines in some countries. What is the answer? Funding. Additional funding is required for African economies.

Second, there is climate change, which threatens food supplies in some parts of Africa. Agriculture is undergoing an upheaval in Africa. This has led some countries to want to change their breeding methods. How can livestock be bred and raised? Today, herdsmen take their animals from pasture to pasture, wherever the grass is green. When it is dry in one place, they take them 100 or 150 kilometers away. This fuels conflicts between herdsmen and farmers, to the point where some countries are thinking of introducing sedentary breeding. Climate change, combined with other phenomena, speeds up urbanization, which leads to a host of problems involving rubbish and other issues.

Lastly, I will ask some questions about terrorism. Why cannot African countries get organized so that their own armies can fight this scourge?

We recently heard that a country is apparently thinking of using mercenaries. As a good jurist and a good internationalist, I ask myself: Can an African state legally recruit mercenaries? I say it cannot, because two instruments prohibit it. The OAU charter bans the recruitment and funding of mercenaries. Adopted in Libreville on July 3, 1977, the charter is still in force. The UN convention on the same issue, adopted on December 4, 1989, is also in force. Mali ratified it.

I submit all this to you for your consideration and the list is not exhaustive. The method is for everyone to speak their minds. We will gather the analyses and proposals and include them in our report.