



Conference on Constitutionalism in Africa, 26 – 27 November 2008 Cotonou, Benin

Speaking Notes Secretary-General International IDEA

*The Importance of Participation in Constitution Building*

- Excellencies, ladies and gentlemen, it is an honor for me and for International IDEA to join you here today for this important conference on constitutionalism in Africa. I am sure discussions over the next days will lead to some important steps forward on developing mechanisms for strengthening democratic practice as well as enhancing participation in the critical exercise of constitution building across the region.
- This conference on constitutionalism in Africa presents us with more evidence of the increasingly important role constitutions are playing as crucial building blocks for democracy throughout the world. *Today* we are witnesses to the fact that the nature of constitutions has changed as have the processes in which they are developed. Indeed, *today we are* observing new and broader roles for contemporary constitutions –they are no longer just a political and legal tool, but also a tool for enhancing democratic development.
- Over recent years much debate and discussion has been dedicated to determining what constitutes good practice in the field of constitution building, not only in terms of substance, but also in the approach to the process of constitution making and subsequent implementation. International IDEA, as a body of member states representing all regions of the world, is very interested in supporting this effort. In fact, for several years now, International IDEA has been supporting knowledge development and regional dialogue in this area. Building on this experience, and on the request of relevant stakeholders, IDEA is now actively involved in supporting constitutional reform processes in countries as diverse as Nepal, Ecuador, Bolivia and Sudan.
- In Africa, IDEA's commitment to supporting the implementation of the African Union Charter on Democracy, Elections and Governance, includes a specific emphasis on constitution building as part of the joint plan to implement the Charter. This conference is a first step towards implementing our joint commitment. It is also an opportunity for the region to develop a community of expertise and practice that draws on national and

regional experience in Africa, and from other regions in the global south; as well as an opportunity to share expertise in African constitutionalism with other regions of the world.

- While serious challenges persist across the continent, many positive lessons in this field have been identified and reapplied time and time again. Most African nations embarked on their journey to democratization through constitutional reform and constitution building. The practice of dialogue and participation comes to mind as a specific lesson learnt from this process of transformation and is a key development in the history of constitutionalism on the continent. In contrast to past practice, more and more countries have opted for participatory and inclusive constitution building.
- The underlying principle of International IDEA's work in supporting democratization is national or local ownership. In this light, participation in constitution building is imperative as it is the means by which traditionally marginalized groups can access political and social life. Across the continent, we remember high turnout for hearings organized by constitutional reform bodies. In South Africa, it is well known that some 2 million submissions were received from citizens many of whom were newcomers to the political mainstream. In other countries, it was observed how even the absence of fully functional state institutions in remote corners did not dampen a yearning of citizens to be included in framing their constitution.
- Political participation is also about tolerance and equality of voice between diverse groups and citizens. It is about structured dialogue through frequent exchanges between citizens and elected leaders. It is about how leaders and officials make decisions that reflect obligations of accountability and transparency. It is also about gender equity and respecting differences. These normative and structural components of political participation are reflected in International IDEA's work. More importantly, they are at the heart of the aforementioned Charter on Democracy, Elections and Governance which has as one of its main objectives the promotion of the necessary conditions for citizen participation in public affairs.
- Participation is therefore a clear message that Africa is sending to well wishers around the globe. Participation in democratization, in development, in constitution building and in conflict resolution are the messages that International IDEA is picking up as we support the AU and individual member states to work towards the goals that they have set for themselves.
- This conference is an opportunity to carry forward the emerging consensus on operating principles into this key component of democracy. Analysts who speak of political participation in constitution building have described the outcomes as a "new constitutionalism". A consensus that emerges from this conference on

operating principles for this new constitutionalism in Africa will undoubtedly be very well received and appreciated. On behalf of International IDEA, I wish you the best in your deliberations and look forward to working with the African Union and other regional and sub-regional bodies in sustaining this democratic momentum.