

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

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**AFRICA'S DEMOCRATIC DIVIDEND AND DEFICITS:
COMMEMORATING THE 10TH ANNIVERSARY OF ACDEG**

EXPERT SEMINAR

CONCEPT NOTE

PRETORIA, SOUTH AFRICA

4 - 5 DECEMBER 2017

1. Introduction

The African Charter on Democracy, Elections and Governance (ACDEG) was adopted on 30 January 2007 during the 8th Ordinary Session of the Assembly of the African Union (AU) and came into force on 15 February 2012. It aims at reinforcing the commitment of the AU Member States towards the promotion and consolidation of democratic governance and human rights on the continent. It takes inspiration and roots from several decisions, declarations, resolutions and normative instruments of the Organisation of the African Unity (OAU) and subsequently AU. These included the 1981 African Charter on Human and Peoples' Rights; the 1999 Algiers Decision on Unconstitutional Changes of Government in Africa; the 2000 Lome Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government; the 2002 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa; and the 2002 Constitutive Act of the AU.

In adopting ACDEG, AU sought to consolidate all past commitments that unequivocally aimed at establishing a culture of democracy and peace, premised on among other things the holding of regular, free, fair and transparent elections; respect for human rights; rejection of unconstitutional changes of government; and strong institutions. In addition, ACDEG embodies within it the ability for the Peace and Security Council of the AU to act positively when there are lapses in democratic governance as may be exhibited in the event of unconstitutional changes of government. The Charter further empowers the African Union Commission (AUC) through the Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund to offer technical assistance to AU Member States towards the strengthening and improvement of their electoral institutions and processes.

Thus far, 45 AU Member States have signed the Charter, of which 30 have deposited their accession instruments. One State Party – Republic of Togo – has since submitted its initial State Report on the implementation of the principles and commitments of the Charter. The implementation of ACDEG is envisaged to take place at national, regional and continental levels, leveraging normative instruments, policies and structures at those levels as stipulated under Article 44 of ACDEG. Specifically, at the national level, the State is obliged to apply the objectives of the Charter by making efforts to guarantee the conformity of its legislations with the Charter, translating the Charter's relevant clauses into domestic law, ensuring dissemination of the Charter at the national level, and integrating its objectives and principles into national policies and strategies. At the regional level, Regional Economic Communities (RECs) are urged to encourage AU Member States to become Parties to the Charter, and in so doing to designate focal points for coordination, evaluation and monitoring of the implementation of the commitments and principles enshrined in Charter. RECs are further urged to ensure massive participation of stakeholders, particularly civil society organizations in the process. At the continental level, AUC is the core system of safeguard for the implementation of ACDEG. It is mandated to develop benchmarks for the implementation of the commitments and principles of ACDEG and evaluate compliance by the State Parties. Specifically, ACDEG designates AUC as the central coordinating structure for its implementation and as such mandates it to receive State Parties reports on the "legislative or other relevant measures taken with a view to giving effect to the principles and commitments of the Charter" (Article 49). In this regard, AUC is obliged to coordinate the evaluation on implementation of ACDEG with key Organs of the AU, which constitutes the African Governance Platform¹.

¹ The African Governance Platform is the institutional mechanism for the African Governance Architecture – established by AUC as a platform for dialogue between the various stakeholders who are mandated to promote and strengthen democratic governance in Africa, in addition to translating the objectives of the legal and policy pronouncements in the AU Shared Values. The African Governance Platform is composed of AU Organs, Institutions and RECs with the mandate to promote democracy, governance and human rights. These include the Pan-African Parliament, AUC, the Peace and Security Council, RECs, African Charter on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, the African Peer Review Mechanism, the Economic, Social and Cultural Council, the AU Advisory Board in Corruption, the African Committee of Experts on the Rights and Welfare of the Child, the African Union Commission on International law, and New Partnership for Africa's Development.

2017 marks the 10th Anniversary of the adoption of ACDEG, offering an excellent opportunity to reflect on the past, present and future democratic governance situation in Africa. As part of the commemorative activities, AUC through the Department of Political Affairs (DPA) as the Secretariat of the African Governance Architecture (AGA) will convene an Expert Seminar under the theme *Africa's Democratic Dividend and Deficits: Commemorating the 10th Anniversary of ACDEG*. The Seminar that is intended to take stock of the achievements, challenges and prospects of the democratization process of Africa through the ACDEG lens is scheduled to take place from **4 to 5 December 2017** in **Pretoria, South Africa**.

2. Rationale

ACDEG has been the impetus for various policy and institutional frameworks and initiatives at the continental, regional and national levels. It has become the yardstick upon which Africa's democratic governance progress is measured. It asserts the eminence of democratic governance as key to achieving the AU continental goals of an integrated, prosperous and peaceful Africa. It fundamentally guides AU Member States on how best to inculcate a culture of democracy and peace predicated on democratic and credible elections, constitutionalism and the rule of law, democratic decentralisation, accountability and transparency, human rights, gender equality, youth empowerment, among others.

Since the adoption of ACDEG in 2012, Africa has recorded modest gains in deepening a culture of democratic and participatory governance, respect for human rights, constitutionalism, justice and the rule of law. Specifically, the continent has made significant inroads towards broadening the democratic space for women and youth, owing to their pivotal roles in democratic governance processes. In addition, State Parties to ACDEG continue to make commendable progress in strengthening democratic institutions, including establishment of independent election management bodies, enhancing the capabilities of the judicial sector and institutions of accountability and transparency mechanisms. Furthermore, regular elections have become a norm in Africa, characterised with peaceful transfer of power as witnessed in States like Benin, Ghana, Nigeria, Tanzania, and Zambia.

However, these achievements notwithstanding, African citizens continue to grapple with democratic governance deficits, which limit their full enjoyment of democratic governance dividends. These include, constitutional manipulations to prolong tenure by incumbents; shrinking political and civic spaces; low participation of citizens in democratic governance processes; refusal to accept election results; and violations of human rights. In addition, Africa continues to be engulfed in intra-state conflicts, which are both violent and protracted, despite the existing continental and regional efforts to silence guns by 2020. These deficits are compounded by the slow ratification and implementation rate of ACDEG, undoubtedly limiting the realisation of the promises of democracy, including improved livelihoods, inclusive popular participation, gender equality, youth empowerment and favourable environment that upholds human and peoples' rights on the continent.

In light of the above, the Expert Seminar is intended to provide a unique opportunity for selected experts to take stock of the achievements made towards the democratization of Africa over the past ten (10) years and examine the challenges faced in the process. In addition, the Seminar will provide an opportunity for exchange among policy makers, academics, practitioners and other experts on ways to improve democratic governance in Africa as part of reflections and commitment renewal to the vision of the charter.

3. Goal and Objectives

Goal

The Expert Seminar is intended to provide a platform for curation of experts' views and perspectives on the democratic governance trajectory on the continent, challenges and prospects as well as policy recommendations towards improved implementation of the principles and commitments in ACDEG by State Parties.

Specific Objectives

The specific objectives of the Expert Seminar are to:

- a) Critically examine democratic governance dividend and deficits in Africa;
- b) Exchange views on how to improve the democratic governance situation on the continent;
- c) Discuss challenges of ratification, domestication, implementation of and reporting on ACDEG from theoretical, empirical and country-specific perspectives and proffer policy recommendations; and
- d) Reflect on the role experts can play towards the universal ratification and implementation of ACDEG.

4. Expected Outcomes

The expected outcomes of the training will include:

- a) Think Pieces and/or Peer Reviewed Papers on democratic governance dividend and deficits in Africa;
- b) Targeted policy recommendations on how to improve the democratic governance situation on the continent;
- c) Expert opinions on the challenges of ratification, domestication, implementation of and reporting on ACDEG; and
- d) Designation of an Experts Working Group on the universal ratification and implementation of ACDEG

5. Methodology

The Expert Seminar will take the format of moderated panel sessions. Selected experts will deliver their perspectives through presentations, which will be discussed by other selected experts, followed by participatory discussions by all. The discussions shall draw on evidence-based knowledge and experiences of participants that will be complemented by insightful policy-focused technical expert submissions and deliberations, all aimed at reaching a consensus on a given agenda item. Sufficient time and opportunity will be given to participants to constructively critique, make concrete suggestions and proposals on how to improve democratic governance in Africa. The sessions shall be facilitated by Technical and seasoned experts that will be drawn from AUC, African Peer Review Mechanism (APRM), International Agencies, Academia, civil society and think tanks/research institutions.

6. Working Languages

The Expert Seminar will be conducted in English and French.

7. Participation

Participants in the Expert Seminar will be drawn from:

- AU Member States;
- Academia;
- Think Tanks/Research Institutions;

- AU Organs and RECs;
- Civil Society Organisations; and
- International Agencies and Development Partners.

8. Date and Venue

The Expert Seminar will take place from **4 – 5 December 2017**, in **Pretoria, South Africa**.

9. Documentation

- Concept Note and Agenda
- Logistical Note
- ACDEG
- Ratification Status for ACDEG
- Guidelines for State Parties' Reports under ACDEG

10. Contacts

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