COMMISSIONER’S FOREWORD

Let us dedicate ourselves to fight together for lasting peace and justice on earth…

The clarion call by the AU anthem reminds us of the raison d’être of the Organization of African Unity and its successor the African Union. We must never lose sight of the vision of our forbearers for unity, solidarity and a better life for all peoples of Africa. The reinvigoration of the Pan African dream through Agenda 2063 calls on each one of us to reflect on our history, take stock of challenges as well as achievements and seize the opportunities that Africa presents.

It is this deliberate and conscious effort that will lead us to realize the aspirations laid out in Agenda 2063. We pledged, in our formulation of the AU theme of 2017, to do more than pay lip-service to the inextricable link between our governance and peace and security. They explicitly acknowledge the imperative of ensuring synergy, coherence and coordination between our governance and peace architectures, namely the African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA) respectively. We must do more than pay lip-service to the synergy between the two.

Ten years ago, the visions now reflected in both Agenda 2063 and Agenda 2030 had been articulated in what we know as ACDEG – the African Charter on Democracy, Elections and Governance. ACDEG is inspired by the objectives and principles enshrined in the Constitutive Act of the AU, particularly Articles 3 (g) and h) and 4 (m), which emphasize the significance of democratic governance, popular participation, the rule of law and human rights. It sets out norms, values and standards agreed upon by AU Member States including universal values of democracy and respect for human rights, rule of law premised on supremacy of the constitution, the holding of regular, free and fair elections conducted by competent, independent and impartial national electoral bodies; prohibition and rejection of unconstitutional changes of government, and promotion and protection of the independence of the judiciary, among others.

ACDEG is today hailed as the yardstick for various policy and institutional initiatives on democratic governance at continental, regional and national levels. It has become the overarching normative framework upon which Member States’ democratic governance progress is to be measured. The establishment and subsequent operationalisation of AGA and its Platform is anchored on the promotion of AU Shared Values instruments, including ACDEG. ACDEG also guides the work of the African Union Commission Department of Political Affairs.

More than ever before, the resources – human, financial, technical and intellectual are within our grasp to fulfill the promises we have made to present and future generations. The contributions in this issue provide insights, lessons and policy proposals for us to take forward. It would behove us to take heed to the advice provided by both young and old – if the Africa that we want and need is ever to be realized.

HE Minata Samaté Cessouma
Commissioner, Political Affairs
African Union Commission

We are honoured to bring you the January – June 2017 Edition of the African Governance Newsletter. This issue is unique for a number of reasons. It is our first issue in five years and is the culmination of our efforts to revive this periodic newsletter and contribute to the body of knowledge on democratic governance on the continent. As the ten year anniversary since the adoption of the African Charter on Democracy, Elections and Governance (ACDEG), 2017 is an opportune time to reflect on Africa’s democratic dividends and deficits, which is why we have chosen this as the focus of this issue of the African Governance Newsletter.

The Director’s Take gives us the backstory of the drafting of the Charter and the individuals who were involved in the early stages. Feature Articles in this issue showcase ACDEG’s state reporting process, women’s political empowerment, youth participation and lessons for Africa from the Gambia. Think pieces, dubbed ‘The People’s Perspectives’ deal with a range of themes relevant to ACDEG including citizen’s perceptions of democracy, transitional justice, addressing corruption in business-state-society relations, stemming illicit financial flows through effective tax regimes and Latin America’s impact on ACDEG. We sat down with Samson Itodo, the driving force behind Not too Young to Run, for our one-on-one interview, Africa Talks DG Trends to discuss young people, politics and mobilization for a more equitable political landscape. Emphasizing the need for greater accountability, the Newsletter includes ‘ACDEG Watch’ providing the most updated information on the status of ratification of the Charter – our focus for this edition.

Considering the AU theme of 2017, Harnessing the Demographic Dividend through Investments in Youth, this edition has purposefully ensured that the majority of articles are written by young people. In fact, out of eleven articles, seven have been authored by young people – a first for the Newsletter. Furthermore, the one-on-one interview which has been a tradition of this Newsletter since its inception is also focused on youth. This is part of both DPAs and AGAs deliberate efforts to create space for young people to articulate their views and perspectives as well as showcase their contributions to a peaceful and democratically governed Africa.

We hope that these pieces inspire further deliberation and thinking amongst citizens, practitioners and policy makers, point to potential areas of research and provide impetus for greater practice as well as highlight the utility of ACDEG to advancing democracy on our continent. We welcome your reflections and thoughts on this issue. Happy reading!

Nebila Abdulmelik
Editor, African Governance Newsletter

January - June 2017
African Governance Newsletter
ACDEG was developed by African experts to address Africa’s peculiar governance challenges. As the lead author, I was commissioned by the Department of Political Affairs (DPA) of the African Union Commission (AUC) through the then Director, Ambassador Emile Ongirima to provide technical assistance in the development of the Charter. Ambassador Ongirima played an important role in the development of the Charter, providing the necessary logistical support, working hand-in-glove with his team.

I was responsible for drafting the Charter alongside a group of eminent African experts, Africa’s best and brightest minds on the subject matter. We worked on ACDEG for three years between 2004 and 2006. One of the key experts who played a pivotal role in the development of the Charter was Dr. Abdallah Hamdok, the current Deputy Secretary-General of the United Nations, who served as the Chair of the Independent Legal Experts from 2004 to 2006.

The African Charter on Democracy, Elections and Governance (ACDEG) was adopted by the African Union (AU) during the 8th Ordinary Session of the Assembly of the Heads of State and Government held on 30th January 2007 in Addis Ababa, Ethiopia. This was a historic development that cemented Africa’s irreversible commitment to democratic and participatory governance.

ACDEG Article 1

The NEPAD Declaration was followed a year later by the establishment of the African Peer Review Mechanism (APRM) which introduced Africa’s own self-assessment and peer review on the state of governance covering four main thematic areas namely (a) Democracy and Political Governance, (b) Economic Governance and Management, (c) Corporate Governance and (d) Socio-Economic Development. While the Charter implores all AU Member States to embrace of popularly and legitimately elected governments and an outright rejection and condemnation of unconstitutional changes of government in line with the 2000 Lomé Declaration. Within the framework defined in these two Articles, the AU upholds the basic democratic principle that elections are a democratic, participatory, representative and responsive governance under conditions of peace, security and stability. It calls for governance that ensures inclusive and equitable socio-economic development.

In 2006, the AU Summit of Heads of State and Government held in Durban, South Africa in July 2006; (f) Council of Ministers Meeting and the AU Summit in June 2006. [f] Council of Ministers Meeting and the AU Summit in July 2006 in Bangui, The Gambia and (g) finally the adoption of the Charter during the AU Summit in Addis Ababa in January 2007. What is the value of the Charter?

Essence

The Charter draws from Africa’s commitment to democratic and participatory governance enunciated in the founding treaty of the African Union, the 2000 Constitutive Act. It commits the 55 AU Member States to democratic, participatory, representative and responsive governance under conditions of peace, security and stability. It calls for governance that ensures inclusive and equitable socio-economic development. The NEPAD Declaration was followed a year later by the establishment of the African Peer Review Mechanism (APRM) which introduced Africa’s own self-assessment and peer review on the state of governance covering four main thematic areas namely (a) Democracy and Political Governance, (b) Economic Governance and Management, (c) Corporate Governance and (d) Socio-Economic Development. While the Charter implores all AU Member States to embrace of popularly and legitimately elected governments and an outright rejection and condemnation of unconstitutional changes of government in line with the 2000 Lomé Declaration. Within the framework defined in these two Articles, the AU upholds the basic democratic principle that elections are a democratic, participatory, representative and responsive governance under conditions of peace, security and stability. It calls for governance that ensures inclusive and equitable socio-economic development.

Khabele Matlosa

Dr. Khabele Matlosa was the lead author in the drafting of the African Charter on Democracy, Elections and Governance (ACDEG). He is currently the Director of Political Affairs at the African Union Commission. Connect with him at khabelem@africa-union.org and/or @MatlosaK.
Specifically, the meeting recommended that:

- The draft declaration contain a series of commitments already made by Member States in the areas of democracy and governance, which the Commission would like to convert into a legally binding text, such as a Charter.
- The document deals with issues of the relationship between democracy and the AU system, democracy and human rights, democracy, sustainable development and poverty alleviation, literacy and conflicts, strengthening and protection of democratic institutions, democracy and free and fair elections, and promotion of democratic culture.
- In view of the legal nature of such a document and the required procedures of a Charter, the Commission should be mandated to convene a meeting of legal and other experts to examine the draft and put it in an appropriate legal language before submitting it to the Policy Organs of the Union for adoption.

Thus, the Charter espouses Africa's firm commitment to democracy. It was adopted in 2007. It came into force in 2012, a year declared by the AU Policy Organs as the Year of Shared Values. The Charter is, indeed, one of the key shared values of the African Union. The fifteenth country to ratify the Charter facilitating its coming into force was Cameroon. What is the future trajectory of the Charter?

Future Trajectory

Although a progressive step forward, the adoption of the Charter, in and of itself, may not be enough for the transformation of the governance architecture in Africa. The 55 Member States of the AU now need to sign, ratify, domesticate and implement the AU Charter. Evidence suggests that the AU has developed numerous progressive normative frameworks to date. However, many of these norms have not been translated into policy practice by way of law reform, reform of governance institutions, transformation of political culture and socio-economic policy reviews and adaptation. AU Member States are implored to ratify, domesticate and implement ACDEG and regularly report on implementation progress.

It is worth reiterating that the Charter was prompted by the adoption on the part of African States to reverse the cancerous culture of unconstitutional changes of government. The Charter has a specific section that deals with this problem in detail and suggests strategies that need to be adopted in order to eradicate this culture. Despite this commitment on the part of AU Member States, which also draws from the 2000 Lomé Declaration, military coups have taken place with the earliest after the adoption of the Charter being in Mauritania. Ironically, Mauritania was the very first country to ratify the Charter and the very first to breach it due to a military coup in 2008.

The Charter has also expanded the definition of unconstitutional changes of government through inclusion of Article 23 sub-section 5 which provides that unconstitutional manipulation of tenure of office of government amount to unconstitutional change of government. Despite this provision, the phenomenon of manipulation of constitutions aimed at prolonging terms of office of incumbents is still with us. This trend led to the AU Peace and Security Council mandating CPA to develop guidelines on constitutional amendments to ensure AU Member States amend their constitutions in line with Article 10 of ACDEG and avoid the possibility of breaching the Charter as per Article 23.

Ideally elections are supposed to ensure democratic governance and facilitate peace and political stability. Democracy cannot prevail in Africa without sustainable peace and political stability are non-existent. By the same token, under conditions of protracted violent conflict and political instability, socio-economic development is impossible. Africa’s diverse societies are often conflict-prone and such conflicts threaten nation-building and social harmony. Whereas these conflicts occur periodically, they tend to be exacerbated during elections. This is so, given that elections are a major political competition over the control of the state and in such contestation, stakes tend to be very high.

The electoral contestation becomes so fierce that elections at times are considered war by other means. In some instances, ballots are disregarded as contests quickly resort to bullets to capture state power. As bullets replace ballots, the main victims are often ordinary citizens who get caught in the cross-fires of power struggles. As the English adage goes, when two elephants fight, it is the grass that suffers most. In the process, politics becomes militarised and the military becomes politicised all in the name of contestation for state power and in the process, elections become meaningless. It is imperative that elections are transformed to become conflict management instruments rather than triggers for violent conflict, war and political instability. Effective conflict management structures, including national infrastructures for peace, should be strengthened and/or established to ensure that electoral disputes are handled amicably and dealt with early enough before they escalate into violent conflict. Africa needs to invest much more in structural prevention of conflicts if the noble goal of the AU to silence gunshots and end all wars on the continent by the year 2020 is to be realised. The AU provides a perfect platform for structural prevention of crisis.

Further, given the socio-economic, religious, ethnic and gender cleavages that mark diversity of African societies, power-sharing arrangements (at both national and sub-national levels) should be institutionalised so as to transform politics from a zero-sum game into a positive-sum game. By encouraging constitutional order, ACDEG has a huge potential to advance constitutionalism and political maturity in Africa as well as to ensure the holding of democratic, credible and peaceful elections. The Charter provides avenues for constructive management of diversity in Africa, including the setting up of national infrastructures for peace. Three main conditions are necessary to realise the promise of ACDEG: (a) transformative and visionary leadership; (b) effective, efficient and resilient institutions and (c) citizen participation and engagement taking due respect to inclusion marginalised groups mainly women, youth, people with disabilities, minorities etc. With these conditions in place, Africa is ripe for a transformative and sustained democratic governance landscape that is responsive to the needs of its people.
Towards Universal Ratification of ACDEG for Africa’s Democratisation

Prof André Mbata Mangu
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On 16 January 2012, Cameroon became the 15th AU Member State to deposit its instrument of ratification with the Chairperson of the AU Commission (AUCC). In line with its Article 48, ACDEG came into force on 15 February 2012, which was the thirtieth day after the deposit of the fifteenth instrument of ratification. The year 2017 therefore marks the tenth anniversary of the adoption of ACDEG and the fifth of its entry into force. This article reflects on the importance of universal ratification of ACDEG and its meaning for democratization in Africa.

Objectives and Principles of ACDEG

The adoption of ACDEG was an important moment in the history of a continent which was infamously known for its unconstitutional changes of government, bad governance and human rights abuses. The objectives and principles of ACDEG are the following:

Promotion of universal values and principles of democracy and respect for human rights

Interdiction, rejection and condemnations of unconstitutional changes of governments

Instauration, reinforcement and consolidation of good governance through promotion of democratic practice and culture

Promotion of the rule of law based on respect and supremacy of the Constitution

Promotion and protection of the separation of powers and independence of the judiciary

Promotion and protection of the prevention and fight against acts of corruption and impunity

Instauration, reinforcement and consolidation of good governance through promotion of democratic practice and culture

Promotion of political pluralism, including the role, rights and duties of the opposition

Promotion of the regular holding of transparent, free and fair elections in order to institutionalise legitimate governments and democratic changes of governments

Promotion of effective and equitable participation of citizens, including women, in the democratic and development processes and in the governance of public affairs (Articles 2 – 3)

Promotion of the rule of law based on respect and supremacy of the Constitution

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Ratification of ACDEG

The Chairperson of the AU plays an important role in the ratification, accession, implementation and reporting on ACDEG. He or she is the depository of ACDEG and shall inform all AU Member States of the signing, ratification, accession, and coming into force, reservations and requests for amendments of ACDEG. The Chairperson shall also register ACDEG with the General Secretariat of the United Nations (UN) in line with Article 102 of the UN Charter and according to Article 51 of ACDEG.

As for the AU, it is the central coordinating structure for the implementation of ACDEG. It shall assist State Parties and coordinate evaluation on implementation of the Charter with other key AU organs, including the Pan-African Parliament, the Peace and Security Council (PSC), the Human Rights Commission, the African Court of Justice and Human Rights, the Economic and Social Council, the Regional Economic Communities (RECs) and appropriate national-level structures (Article 45).

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ACDEG embodies the following elements that can help define a democratic state in Africa:

- Respect for the rule of law and human rights, including the right of women to participate in government on the same footing as men;
- Regular, free, fair and credible elections;
- Separation of powers;
- Fight against acts of corruption and impunity;
- Rejection and condemnation of unconstitutional changes of government;
- Political pluralism.

State Parties are bound to report every two years to the AU on their implementation of ACDEG. Reports are copied to the relevant AU organs for appropriate action within their respective mandates. Through the Executive Council, AU should prepare and submit to the Assembly, for appropriate measures, a synthesized report on the implementation of ACDEG (Article 49). On 17 March 2017, Togo became the first AU Member State to report to AU. As of 31 March 2017, out of the 55 AU Member States, 45 had signed ACDEG but only 30 had ratified it. Ten never signed and 26 have not ratified it and deposited their instruments of ratification.

Ratification Status of ACDEG by AU Member States

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<th>State</th>
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<td>Algeria</td>
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<td>Angola</td>
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ACDEG and Democratisation in Africa

ACDEG aims to advance Africa’s democratisation by, inter alia:

- Promoting African governance standards, which include universal values and principles such as respect for human rights, supremacy of the Constitution and the rule of law, regular, transparent, free and fair elections, interdiction, rejection and condemnation of unconstitutional changes of governments, independence of the judiciary, separation of powers, democratic culture and practice, good governance, fight against corruption and impunity, political pluralism, sustainable development, peace and security (Articles 2-22, 27, 36-43);

- Defining “unconstitutional changes of governments” and empowering the AU PSC and Assembly to impose sanctions on the perpetrators of unconstitutional changes of governments or Member States that would have supported or encouraged them (Articles 23 – 26, 46);

- Stressing the nexus between democracy, governance, sustainable development, peace and human security (Articles 2, 3, 11-13, 36-43);

- Encouraging cooperation between the AUC and RECs on the implementation of ACDEG and massive participation of stakeholders, particularly civil society organisations (Articles 43-45).

Universal ratification of ACDEG will contribute to deepening democratic governance, which is critical for sustainable development, peace, and security. All stakeholders at the continental, regional and national levels should therefore be encouraged to urgently ratify the Charter.

Conclusion: Call for Action

The celebration of the 30th anniversary of the adoption of ACDEG and the fifth anniversary of its entry into force provides an opportunity for AU Member States to renew their commitments under Articles 3 and 4 of the AU Constitutive and achieve universal ratification of ACDEG. The remaining 25 Member States should follow suit by ratifying ACDEG. All 55 AU Member States are required to sign and ratify ACDEG. Signing is not enough when consent to be bound is to be expressed by ratification. Universal ratification and compliance with ACDEG should be encouraged by AUC and RECs.

Nebila Abdulmelik
Victory for ACDEG: The Gambia’s Post-Election Crisis and Lessons for Africa

Sait Matty Jaw

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What was different in 2016 was not the fact that his repressive tactics subsided, rather they escalated! It was the fact that young people decided to use their demographic numbers that brought about change. In the previous elections, young people that make up about 65% of The Gambia’s population were apolitical and had less interest in the country’s political process. However, the death of Solo Sandeng at the hands of Jammeh’s secret agents ignited a sense of patriotism within the youth population. Instead of taking to the streets, young people decided to get their voter card en masse. This new found interest in Gambian politics among young Gambians both at home and in the diaspora started taking effect, primarily within the opposition ranks. Young people demanded the opposition to unite, a call the leaders could not resist. Another reason for greater youth interest had to do with the dire economic situation of the country and the growing unemployment rate that forced many youth to embark on perilous journeys to Europe.

Although the economy was important, the December 2016 elections to many young Gambians was not about what job the coalition government could provide, but rather about ending decades of dictatorship and giving Gambia another chance. It was about a respect for human rights, freedom and democracy. Above all, it was protecting The Gambia’s peaceful coexistence and unity among its various ethnic and religious groups, which Jammeh threatened by firstly declaring the Gambia an Islamic state and secondly by introducing this system in 2001 to avoid going into second round of voting

In a stunning defeat, Yahya Jammeh lost the Gambian Presidency in December 2016 to the relatively unknown Adama Barrow. Jammeh’s defeat at the polls ended his 22 year iron-grip on the tiny West African nation with a population of approximately two million people.

His unexpected initial acceptance of the election results on December 2nd by and large brought The Gambia back to her democratization goal. However, a week later, Jammeh made a melodramatic U-turn, and had the UN in line with the notion of preventive diplomacy. Finally, the Gambian experience is situated within the general framework of the African Charter on Democracy, Elections and Governance (ACDEG). This piece particularly questions how we can assess The Gambia’s democratic prospects in light of ACDEG. While there are many lessons to learn from the Gambian case, the idea of collective security for democratic governance must be promoted on the continent.

Why Jammeh Lost

Jammeh, who seized power in a military coup in 1994, was poised to win his fifth term. The previous four elections he won in 1996, 2001, 2006 and 2011, were speculated not to have been credible and transparent by international observers. ECOWAS boycotted the elections twice. First in 2011 and again in 2016 when the regional body cited “an unacceptable level of control of the electronic media by the party in power and opposition and electorate cowed by repression and intimidation”. In his 22 year presidency, Jammeh vitiated state institutions and reified a personality cult. He enacted laws that stifled human rights, press freedom, unfavorable electoral laws, and forced Gambians to live in a perpetual state of fear.

Social media was particularly instrumental in many respects to the ousting of Jammeh. This was the case as public media was not accessible and amenable to the opposition and divergent views, coupled with the severe suppression of independent media. Consequently, social media became the only space for citizens to access and exchange ideas and information. With scores of Gambian journalists forced to flee, a host of them set up online newspapers and radio stations abroad that had better access to news inside the country than those at home. Hence these online radio and newspapers became the major source of news about the regime. For example, it was observed that many public servants would first log-on to these online media outlets when they get to their offices in the morning to access the latest news about the country. A similar trend could also be noticed across The Gambia, even in villages. This helped to severely damage the reputation of Jammeh’s regime as Gambians began to receive horrible stories of crimes and corruption. What this also meant was that disgruntled civil servants or security personnel and indeed common citizens realized that they could secretly send information to these online media outlets for public consumption. This had a damaging effect on the regime, while also generating huge public discontent hence the resulting voting pattern.

This also meant that various WhatsApp groups begun to spring up, as parties and youth groups as well as ordinary Gambians began to create chat groups to communicate and disseminate information. These WhatsApp groups became influential platforms where targeted voice messages were sent and shared across platforms. With voice messages, the literacy challenge was overcome, as one would see old men and women in the villages listening to these messages. This helped to energize electorates and encourage them to vote. In addition to WhatsApp forums, similar groups were created on Viber and Facebook. The use of the Internet through social media and online media outlets became the single most powerful tool that mobilized and organized the people at all levels to stand up to Jammeh.

With social media, the Gambian diaspora was also able to generate funds for the opposition given that in 2015 Jammeh made it illegal to use the electoral laws by raising fees for contesting the electoral laws for political position to an exorbitantly high rate. It is estimated that funds generated by the diaspora amounted to over 120,000 Euros, which was channelled to the opposition coalition to fund their campaign. Without sufficient financial resources, Jammeh would have had a greater advantage.


*6On 14th April 2016, National Youths of UDP led a youth protest demanding for electoral reforms ahead of the 2016 presidential elections. In 2015 Jammeh changed the electoral act increasing fees for presidential candidates from $5000 to $50,000 for presidency in the constitution forced many politicians including the UDP party leaders to forgo their elections

*7The youth unemployment rate in The Gambia was around 40%

*8The Mandinkas are the largest ethnic group in Gambia with about 46% of the population.

*9Gambian electoral system is a first past the post system. Jammeh introduced this system in 2001 to avoid going into second round of voting

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January - June 2017

16

17
The Political Impasse

On December 9th, in a late night televised broadcast, Yahya Jammeh rejected the December 1st election results that ended his 22-year rule citing the Independent Electoral Commission’s dishonesty and the “unprecedented level of foreign interference” in the election. He called for a fresh election to be officiated by a “God fearing iEC” and led by The Gambia’s only neighbor, Senegal.

Jammeh’s refusal to accept the wishes of the electorate created a refugee situation and Jammeh’s refusal to accept the wishes of the electorates led by The Gambia’s only neighbor, Senegal. Broadcasting immediately generated widespread media, t-shirts and billboards and additional mediums to denounce Jammeh’s antics. The emergence of #GambiaHasDecided solidarity soon after, a movement started to meet the president-elect at his residence in Senegal.

The Gambia Bar association issued a bold and unequivocal statement denouncing the president’s refusal to step down. Several CSOs and Bar associations were quick to follow suit and issue tough statements calling on Jammeh to step down. Several CSOs and communities dispatched delegations to the political impasse in Gambia was a clear test to West Africa in particular and Africa at large. It tested Member States’ commitment to the African Charter on Democracy, Elections and Governance as well as the ECOWAS Protocol on Democracy and Good Governance. However, the seriousness of this commitment was seen in the Gambian case.

Article 9 of the ECOWAS Protocol on Democracy and Good Governance and Article 23 (4) of ACDEG clearly stipulated that losers of elections must concede defeat to the winning party. A refusal to do so is in contravention to both the AU Charter and the ECOWAS Protocol which State Parties are expected to uphold and abide by.

The AU’s commitment to ACDEG did not start during the impasse, but rather started proactive stance as well. Therefore SADC, SAC and other sub-regional blocs must take heed from ECOWAS.

Conclusion

As the AU celebrates 10th Anniversary of ACDEG, it is important to note that ACDEG is being defended by the citizens of Africa on a daily basis. It is also important to note that the Youth Engagement Strategy of AU was well utilized by and against the youth of Gambia even though many of the leaders were in exile. If the Gambian case has taught us anything, it is that promotion and protection of democracy and good governance is the responsibility of all if a small nation such as The Gambia can defeat an entrenched dictator by the mere fact that they have the will and the state of readiness as well as to encourage a free and fair election. AU’s proactive stance was indispensable in finalizing the peaceful election and to resolving the impasse: its commitment to also defend the sovereignty, territorial integrity and independence of African countries as well as eradicate all forms of colonialism from Africa.

In the context of an unprecedented level of foreign interference, AU’s commitment to also defend the sovereignty, territorial integrity and independence of African countries as well as eradicate all forms of colonialism from Africa is the responsibility of all if a small nation such as Gambia can defeat an entrenched dictator through the ballot, the rest of the continent, if the world, can do the same.

The Gambia and ACDEG

The political impasse in Gambia was a clear test to West Africa in particular and Africa at large. It tested Member States’ commitment to the African Charter on Democracy, Elections and Governance as well as the ECOWAS Protocol on Democracy and Good Governance. However, the seriousness of this commitment was seen in the Gambian case. Article 9 of the ECOWAS Protocol on Democracy and Good Governance and Article 23 (4) of ACDEG clearly stipulated that losers of elections must concede defeat to the winning party. A refusal to do so is in contravention to both the AU Charter and the ECOWAS Protocol which State Parties are expected to uphold and abide by.

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AGA and ACDEG

AGA is inspired by the Constitutive Act of the AU that expresses the determination of the Union to “promote and protect human and people’s rights, consolidate democratic institutions and culture, and ensure good governance and the rule of law.” AGA was formally launched by the AU in June 2011, in response to a Decision of the 10th Ordinary Session of the Assembly of AU Heads of State and Government (AU/Dec.304 (XV) held in July 2010, which called for among other things putting in place a “Pan-African Architecture on Governance.” As such, AGA was established as a “platform for dialogue between the various stakeholders” who are mandated to promote participatory governance and strengthen democracy in Africa, in addition to translating the objectives of the legal and policy pronouncements in the AU Shared Values.

AGA’s establishment is further grounded in the AU norms, pronouncements, decisions and instruments, particularly ACDEG. Adopted on 30 January 2007 and having come into force on 16 February 2012, ACDEG has 30 State Parties out of 55 AU Member States. It provides a continental normative framework for the promotion and consolidation of democratic governance, rule of law and human rights. It consolidates commitments in line with the objectives of the legal and policy pronouncements in the AU Shared Values.

The Charter is composed of eleven (11) Chapters, which set out principles and commitments for AU Member States to nurture a culture of democracy, rule of law, human rights and peace through the condemnation of unconstitutional changes of government.

**State Reporting Under ACDEG**

By ratifying ACDEG, State Parties commit to submit every two years, from the date the Charter comes into force for that particular country, a report to the AU on the legislative or other relevant measures taken to give effect to the principles and commitments of the Charter. In line with this provision, 23 of 30 States Parties to ACDEG are due to submit their state report. Thus far, only one State Party - Republic of Togo - has submitted its initial report on the implementation of the Charter.

Critical to the workings of AGA is its institutional framework – the African Governance Platform – which was launched in June 2012 as a basis for facilitating harmonisation of instruments and coordination of democratic governance initiatives in Africa. The Platform is composed of AU Organs, Institutions and Regional Economic Communities (RECs), with a formal mandate for the promotion and sustenance of participatory governance, democracy and human rights in Africa. Specifically, Rule 4 (a) of the Rules of Procedure of the African Governance Platform mandates the Platform, under the coordination of AU, to serve as the evaluation mechanism for the implementation of ACDEG as envisaged under Articles 44, 45 and 49 of the Charter and as elaborated in the Guidelines for State Parties’ Reporting.

Adopted by the Executive Council during the January 2016 Summit held in Addis Ababa, Ethiopia, the Guidelines for State Parties’ Reporting are intended to provide a framework for preparation and submission of state reports on the legislative, or other relevant measures taken with a view to giving effect to the principles and commitments of the Charter.

**ACDEG obliges State Parties to:**

- Take legislative, executive and administrative actions to ensure that constitutional laws and regulations are in conformity with the principles and commitments of the Charter.
- Ensure wider dissemination of the Charter and all relevant legislations among the citizens and other stakeholders.
- Submit a report every two years from the date the Charter comes into force for that particular State on measures taken to implement the Charter.
- Identify obstacles and establish successful collaborative relationships with other State Parties, AU Organs, Institutions and RECs, and national stakeholders.
- Identify challenges encountered in the implementation of the Charter and develop home-grown solutions.
- Promote political will as a necessary condition for the alignment of the goals of the Charter.

The State reporting process under ACDEG provides an opportunity for State Parties to:

- Reflect on their commitments to uphold the provisions of the Charter.
- Report on efforts undertaken to fulfill their obligations under the Charter.
- Measure progress towards the implementation of the Charter and assess the effectiveness of national mechanisms involved in the process.
- Identify obstacles and establish successful collaborative relationships with other State Parties, AU Organs, Institutions and RECs, and national stakeholders.
- Submit a report every two years from the date the Charter comes into force for that particular State on measures taken to implement the Charter.

According to the Guidelines, State Parties are expected to submit two types of State reports – an initial report and a periodic report. The initial report is expected to provide the baseline conditions for a reporting State, which will inform compliance evaluation for that given State. On the other hand, the periodic report will emphasize on the state of law and achievements in the democratic governance situation of a reporting state, focusing on new developments, achievements and challenges. The submission of State Parties’ reports is expected to be made to the Chairperson of the AU, by a national authority that will be empowered by the concerned State Party to do so.

In order to ensure diversity, effective participation and inclusivity of all concerned in the ACDEG State reporting processes, State Parties are required to establish a multi-stakeholder national institutional framework. This will be composed of line ministries, agencies/institutions and non-state actors, including civil society organisations. The framework shall be responsible for the coordination, monitoring and reporting activities on the implementation of ACDEG.

On receipt of the reports, the AU Chairperson is obliged to send a copy of the report to the relevant organs of the AU (that constitute the African Governance Platform) for review within their respective mandates. This process is envisaged to take a maximum of three (3) months. The review process of the State Reports will take the shape of constructive dialogues between Members of the African Governance Platform and reporting State Parties, including non-state actors. The dialogues shall provide an inclusive forum for an interactive review and discussion of a given State Party’s report, including identification of challenges faced in the implementation of ACDEG and practical solutions to the same. The observations and recommendations from the State reports review processes will be compiled in a synthesis report. This will be submitted to the AU Assembly through the Executive Council by the AU Chairperson as per Article 49 (3) of ACDEG.

**Call for Action**

The ultimate purpose of the State reporting process under ACDEG is to ensure effective implementation of and compliance to the principles and commitments of the Charter by State Parties. This speaks directly to Aspiration 3 of Agenda 2063, which envisages “an Africa of participatory governance, democracy, respect for human rights, justice and the rule of law.” As Africa strives to build a culture of good governance, democratic values, gender equality, respect for human rights, justice and rule of law, it is critical for AU Member States to universally ratify and implement the principles and commitments in the Shared Values instruments, including ACDEG. As Africa celebrates the 10th anniversary of the adoption of ACDEG, there is no better time for State Parties to submit their initial reports on the implementation of the Charter, in order to take stock of the achievements and challenges in the democratisation trajectory of Africa.
ACDEG: New Opportunities for Advancing Women’s Political Empowerment

Tsion Belay Alene

Tsion Belay Alene is a human rights advocate who is passionate about gender equality and women’s empowerment. She is currently working as a Governance and Democracy Analyst at the African Governance Architecture (AGA) Secretariat based at the African Union Commission’s Department of Political Affairs. Connect with her at: tsionalene@gmail.com and/or @tsionbelay.

Progressive normative trends towards more equitable political participation of women coupled with women’s improved economic status have also played a crucial role in pushing the women’s agenda forward.

The AU has demonstrated its commitment to gender equality by adopting several important decisions such as the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, the Solemn Declaration on Gender Equality in Africa, the AU-Gender Policy, the African Women’s Decade, and the Fund for African Women. The recently adopted Agenda 2063 also recognises the imperative of gender equality and underscores the importance of meaningful participation and representation of women in decision-making structures as a major driver and enabler for the achievement of its goals.

More importantly, the African Charter on Democracy, Elections and Governance (ACDEG) highlights specific provisions for the effective participation of women in political spaces.

Specifically, Article 29 of the Charter recognises the crucial role of women in development and strengthening democracy. It places an obligation on State Parties to create the necessary conditions for full and active participation of women in decision-making and also in electoral processes. In this regard, ACDEG places additional obligations on AU Member States to broaden the democratic space to enable women to play their rightful roles in political and decision-making processes.

All of these initiatives have created a favorable environment for the advancement of women’s political empowerment agenda. In the last two decades, significant improvements have been recorded with women increasingly taking up key political positions such as presidents, prime ministers, vice-presidents, house speakers, chiefs, justices, and cabinet ministers. Several women now head powerful ministerial portfolios like Finance in Nigeria and Defence in South Africa, among others. Enhanced women’s political participation is demonstrated by the increase in the number of women in national parliaments with Rwanda - 63.8%, Senegal - 47.9% and South Africa - 41.5% among others. Most of these gains are evident in countries that have instituted special quotas for women.

Despite these pockets of progress facilitated by the plethora of progressive norms on gender equality and women’s political participation is still below the threshold, with only a few women holding positions in cabinet positions, political party leadership, and local governance positions. Therefore, it is imperative that we give due attention to other structures of governance - including the judiciary, executive, and also local levels of governance - in order to realize the full political empowerment of women. It is also equally important to understand the persistent challenges hindering women from playing meaningful roles in the political processes. Efforts must be put in place to address these challenges through systemic political and economic transformation for women.

As the AU commemorates the 10th Anniversary of the adoption of ACDEG and its 5th Anniversary of its entry into force, it is important to look at some of the modest gains made so far in broadening the space for women’s political participation. This is also an opportunity to shine the spotlight on the barriers in the way of realising women’s equal leadership and participation in political processes. The AU must call on all Member States to intensify efforts towards the implementation of Article 29 of ACDEG to further enhance women’s access to power and their meaningful participation, representation and leadership at all levels of decision making structures in the quest for the attainment of continental and global gender parity targets.
ACDEG and Youth Participation in Democratic Governance Process

Ibrahim ‘B. Sanusi
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The African continent is currently witnessing a youth bulge with huge ramifications for democratisation prospects on the continent. According to the African Union, about 60% of the total population of Africa is below the age of 24 years, and over 35% are between the ages of 15 and 35 years, making Africa the youngest continent in the world.

Despite this sheer demographic strength, very few young people are able to access the mainstream African political and governance processes. Several others are forced to take informal routes including through protests, civil disobedience etc. Yet, youth participation in formal decision making processes, could accelerate and catalyse the rapid transformation envisaged by the continent in its Agenda 2063. Where then lies the challenge and how can the 10th anniversary of the 16th Ordinary session of the Assembly of the Union to create a framework for democracy, human rights and governance on the continent. The principle objectives of AGA is guided by the Declaration of the 16th Ordinary Session of the Assembly of the Union to create a framework for dialogue among stakeholders with an ultimate goal of harmonisation of AU shared Values and norms.

AGA is an important institution that seeks to advocate for constitutional, legislative and electoral reforms that promote human and peoples’ rights on the continent. It aims at ensuring meaningful participation of Africa’s young women and men in democratic governance processes. This is intended to strengthen efforts towards youth participation in structural prevention of conflicts, peacebuilding and post conflict reconstruction and development as well as achievement of transparent and accountable governance in Africa.

Through the AGA-YES, several programmes have been initiated to enhance the capacities of AGA Platform Members to engage young people in their programmes and initiatives. These include the very successful Youth Pre-Forums to the Annual High Level Dialogue on Democracy, Human Rights and Governance in Africa (DG Trends). The Forum provides a safe space for extra and intercontinental dialogues with the aim of ensuring youth perspectives on continental democratic governance policies are taken onboard in policy and programmatic interventions.

In addition, capacity building and exchange programmes have been organised for youth organisations and networks to foster compliance and implementation of youth participation norms at national, regional and continental levels. Other programmes and initiatives include the AU Youth in Peacebuilding Initiative (AU-YPI), Africa Talks DG Trends as well as its social media engagement initiatives. Through these programmes, several inter-regional linkages and partnerships have been fostered amongst African youth.

Despite this keen interest and enthusiasm, youth participation in democratic governance processes, such as the AGA-YES, is a critical first step in harnessing the youth bulge for development and growth of Africa. Such a continent-wide strategy must ensure an enabling space for youth energies, creativity and passion to be harnessed for the betterment of the society.

Conclusion
Africa has the potential to reap democratisation dividends leveraging the youth bulge. However, taking advantage of this opportunity lies significantly on how AU Member States prioritise meaningful participation of young people through enabling policy directives, incentivisation as well as inter-generational interactions and engagement. Developing a continent-wide agenda for enhancing youth participation in democratic governance processes, such as the AGA-YES, is a critical first step in harnessing the youth bulge for development and growth of Africa. Such a continent-wide strategy must ensure an enabling space for youth energies, creativity and passion to be channelled to coordinated efforts aimed at deepening democracy on the continent. AU Member States must also put in place similar structures that allow for meaningful participation of young people in its democratic governance institutions. To achieve this, efforts must be made to address institutional, legal, policy and capacity gaps as well as socio-cultural attitudes that hinder youth participation. Furthermore, strategic and deliberate
investments must be made to support and scale up impactful youth initiatives and programmes at the national, regional, and continental levels. Africa’s youth have a huge role to play in the democratisation agenda of the continent. The large number of young people on the continent has the potential to either be an asset or a liability for Africa’s governance and development. To avoid the latter, AU Member States, Regional Economic Communities, and other stakeholders must ensure an enabling environment for their meaningful participation and engagement in political and governance processes.
Reason for Hope, Impetus for Action: Citizens’ Perceptions on ACDEG Priorities

Professor E. Gyimah-Boadi
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Afrobarometer, a pan-African, non-partisan research network, has been conducting public attitude surveys on democracy and governance, elections, rights, economic conditions, and related issues since 1999. Its sixth round of surveys (2014/2015), in 36 countries in all regions of Africa, represents more than three-fourths of the continent’s population.

On most indicators relevant to the ACDEG’s mandate, a pan-African, non-partisan research network, has been conducting public attitude surveys on democracy and governance, elections, rights, economic conditions, and related issues since 1999. Its sixth round of surveys (2014/2015), in 36 countries in all regions of Africa, represents more than three-fourths of the continent’s population.

Democracy
Despite warning signs of a democratic recession, public support for democracy is stronger than a decade ago, and most Africans say they want more democracy than they’re actually getting.

- Large majorities of Africans support democracy (67%) and reject authoritarian regimes such as dictatorship (78%), military rule (73%), and one-party government (78%). Smaller proportions (43%) are committed democrats who simultaneously prefer democracy and reject all three non-democratic alternatives, an index we call “demand for democracy.”
- Countries vary widely in their demand for democracy. For example, while three in four Mauritians are consistent, committed democrats, fewer than one in three Mozambicans merit the same description. Women are significantly less likely to demand democracy than men (39% vs 49%).
- Across 16 countries surveyed since 2002, a steady decade-long upward trend in demand for democracy has ended with a downward turn since 2012.
- African countries with high-quality elections are more likely to register increases in popular demand for democracy than countries with low-quality elections.
- In a positive sign for the future of democracy, popular demand for democracy still exceeds citizen perceptions of the available supply of democracy in 26 out of 36 surveyed countries.

Elections
Many Africans are skeptical of the management and quality of elections in their countries.

- Just half say they trust their electoral commission “somewhat” (25%) or “a lot” (25%).
- Two-thirds rate their most recent election as “completely free and fair” (41%) or “free and fair, but with minor problems” (24%).
- More than four in ten say that voters are at least “sometimes” threatened with violence at the polls (44%), that opposition candidates are at least “sometimes” prevented from running (43%), that the news media “never” or only “sometimes” provides fair coverage of all candidates (43%), and that voters are “often” or “always” bribed (43%).
- Only one-third (34%) think that elections “always” counted fairly. Several countries with a history of election-related violence express low levels of confidence in the vote count, including Kenya (26%), Zimbabwe (22%), and Nigeria (6%).
- Half of Africans say that elections do not work well as mechanisms to 1) ensure that people’s views are represented (50%) and 2) ensure that voters are able to remove non-performing leaders from office (51%).

Do Africans want democracy? Average trends | 16 countries | 2002-2015

Among the many ways to measure progress towards a vision as rich and ambitious as the African Charter on Democracy, Elections and Governance (ACDEG), the perceptions of average citizens must be counted as one of the most important.

Afrobarometer conducts face-to-face interviews in the language of the respondent’s choice with nationally representative samples that yield country-level results with a margin of sampling error of +/-2% (for a sample of 1,200) or +/-3% (for a sample of 2,400) at a 95% confidence level. It includes a full suite of tools for data management and analysis as well as free access to all data and an online data analysis tool, see www.afrobarometer.org.
Youth Engagement

Political and civic engagement by African youth is declining and is particularly weak among young women.

- Political engagement is generally lower among African youth than among their elders, particularly in terms of voting (65% of 18-35 year-olds vs. 79% of citizens above age 35 in the last national election).
- Young women are less interested in political engagement, particularly interest in public affairs and measures of civic activism.
- African youth are less likely than their elders to attend community meetings (47% vs. 57%) and to join others to raise an issue (40% vs. 47%). Young women’s participation lags behind that of their male peers (by 9 percentage points, on average).
- Young women are less likely than young men to contact political or community leaders to discuss an important issue (43% vs. 53%) or to attend a protest (8% vs. 13%).
- In 36 countries tracked since 2002/2003, youth engagement has declined, particularly interest in public affairs and measures of civic activism.

Corruption

Based on Afrobarometer data, Transparency International estimates that nearly 75 million Africans paid a bribe in the past year - some to escape punishment by the police or courts, but many to get access to basic services.

- A majority (55%) of Africans say corruption has increased over the previous year.
- Few bribe-payers (14%) report the incidents to authorities. Among those who do, most (68%) say authorities take no action, and many (29%) say they suffered negative consequences.
- Almost two-thirds (63%) say their government is performing badly at fighting corruption. But a narrow majority (54%) says ordinary citizens can make a difference in the fight against corruption.

Who is corrupt? | 36 countries | 2014/2015

Access to justice

Weak public trust, high perceptions of corruption, and difficulties encountered when engaging with the courts make access to justice a challenge in many African countries.

- A slim majority (53%) of Africans trust the courts at least “somewhat.” One in three believes that “most” or “all” judges and magistrates are corrupt.
- African publics are nonetheless convinced of the legitimacy of judicial rulings: 72% say courts have the right to make decisions that people must abide by.
- Among those who had contact with the courts, 54% say obtaining the needed assistance was difficult, and 30% report paying bribes to court officials.
- Common problems in dealing with the courts include long delays, difficulty understanding legal procedures, lack of counsel, judges who do not listen, and high costs.
- Poor, uneducated, and rural citizens are most likely to encounter problems in the courts.
- Democracies and stable countries are doing a markedly better job of providing access to justice for their citizens than autocracies and post-conflict countries.

Freedom of Association

Eight in 10 Africans feel at least “somewhat free” to join any political organisation they want.

- A majority (58%) feel “completely free” to associate as they wish, while one in six (17%) feel “not very” or “not at all” free. Women are somewhat less likely to feel “completely free” than men, 55% vs. 60%.
- In six of 20 countries tracked since 2008/2009, the perception of “complete” freedom declined significantly between 2008 and 2016, led by drops of 23 percentage points in Benin and 21 points in Burkina Faso.

- Despite high perceptions of freedom of association, one-third (32%) of Africans agree that governments “should be able to ban any organisation that goes against its policies.”


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<td>Participation of 18-35 year-olds</td>
<td>71%</td>
<td>69%</td>
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<td>Participation of citizens above age 35 in the last national election.</td>
<td>81%</td>
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Corruption measures of civic activism.
Regional Integration - Freedom of Movement

Many citizens are not yet convinced of the benefits of integration.

- A majority (56%) say they should be able to move freely across international borders in order to trade or work in other countries. But in 15 of 36 surveyed countries, fewer than half of citizens support free cross-border movement.
- Only one in four citizens (26%) says it is easy to cross international borders.

Media Freedom

Amid growing concerns about restrictions on media freedom, Africans overwhelmingly support an independent media that holds government accountable.

- A majority (54%) say the news media should have the right to publish any views and ideas without government control, while 42% say government should have the right to prevent publications that it "considers harmful to society."
- Two-thirds (69%) say the news media should "constantly investigate and report on government mistakes and corruption," and 53% say it is in fact "somewhat" or "very effective" in this role.
- However, more than one-third (36%) - and in some countries more than two-thirds - say the media "often" or "always" abuses its freedom by publishing things it knows are not true.

Tolerance

Contrary to common portrayals, Africans express high degrees of tolerance for people from different ethnic groups (91%), people of different religions (87%), immigrants (81%), and people living with HIV/AIDS (68%).

- Tolerance levels are particularly high in regions and countries that are ethnically and religiously diverse. Similarly, tolerance for people living with HIV/AIDS is highest in countries with high HIV/AIDS prevalence - further evidence that intolerance and stigmatisation can be unlearned through personal encounters.
- More than three-fourths (78%) say they would "somewhat dislike" or "strongly dislike" having a homosexual neighbour. But not all of Africa is homophobic. Majorities in four countries (Cape Verde, South Africa, Mozambique, and Namibia), and more than four in 10 citizens in three other countries, would like or not mind having homosexual neighbours.

Conclusion

If weakening demand for democracy, low trust in electoral commissions, declining youth engagement, and perceptions of increasing corruption are cause for concern, they are also calls to action, fired by hopeful findings: Africans do want more democracy than they are getting. Most want high-quality elections and a free news media. Most want a strong fight against corruption, and think they can do their part.

Giving voice to ordinary citizens, public-opinion survey findings can point us toward problems and opportunities. Highlights that scratch the surface push us to dig deeper into millions of data points illuminating differences and trends by country and region, gender, age group, and other factors - all ready to be mined by those working for a more democratic, equitable, and inclusive Africa.
Africa derives from the $75 billion counterfeit drug industry, which has significant health risks impacts. Counterfeit drugs account for 50% of drug sales in sub-Saharan Africa. Yearly, it is estimated that more than 120,000 people die in Africa solely from counterfeit anti-malarial drugs. With statistical indicators that about 800,000 deaths mostly from Africa - result from these drugs, the need for a response to business-related corruption is a major policy imperative for Africa.

Can the AU Respond Effectively?

It is within this context that the normative response of the African Charter on Democracy, Election and Governance (ACDEG) resonates. Article 33(3) of ACDEG provides that State Parties should combat corruption in fostering corporate governance. What this implies is that State Parties must ensure that measures to combat business-related corruption are part of corporate governance structures, systems and processes. As such, anti-corruption mechanisms must not only exist in the sector corruption but also focus on public sector activities. Article 11 of the African Union Convention on Preventing and Combating Corruption (AUCCPC) lends credence to this assertion in mandating States to adopt legislative and other measures to prevent and combat acts of corruption and related offences committed in and by agents of the private sector.

While anti-corruption agencies are often the first port of call when speaking of corruption, it is pertinent to emphasize the role of national human rights mechanisms in viewing the strong link between corruption and the enjoyment of human rights. As national income lost through corruption affects the progressive realization of economic, social, political and cultural rights, national human rights institutions are important in the narrative on institutional protection. The link between business-related corruption and human rights reverberates in the current draft of the African Union Policy on Business and Human Rights. This policy recognizes that the complicity of same businesses in corrupt activities in Africa has ‘made the realisation of the socio-economic welfare and human rights of the African peoples a pertinent challenge on the continent.’ National human rights institutions can foster compliance with business human rights due diligence also recognized in the AU-BHR Policy as a framework for ensuring that businesses address the adverse human rights impacts of their commercial activities.

However, given the real risk of collusion between business and national officials in the furtherance of corruption, there is a need for regulatory measures beyond the state linking business-related corruption to the institutionalisation of corporate governance, criminal justice, democracy and human rights within the framework of ACDEG. Three sets of African Union Organisations and Institutions are particularly relevant in promoting human rights while at the same time eradicating corruption.

The first set relates to the AU Organs with mandates on human and peoples’ rights. Within this system, the African Commission on Human and Peoples’ Rights, the African Court of Human and Peoples’ Rights and the African Committee of Experts on the Rights and Welfare of the Child are relevant. These institutions have the mandate to protect human rights.

Corruption is a global challenge. As much as $2 trillion is lost globally solely from bribery in the public sector. With the reality of corporate complicity in corruption, not least, through illicit financial flows and secret deals in the extractive industries, the global estimate of $2 trillion does not vividly capture the grave nature of the problem.

The Magnitude of Corruption

In Africa alone, 65% of the $50 billion loss from IFIs derives from corporate commercial activities through tax evasion and avoidance, concealments and circumvention of local levies and customs duties. In Tanzania, for instance, $18.73 billion was lost between 2002 and 2011 due to misinvoicing. From secret deals in the extractive industries, the extractives between businesses and some government officials between 2010 and 2012, the Democratic Republic of Congo lost at least $1.36 billion – twice its national budget for health and education. Another key manifestation of business-related corruption in Africa is the $75 billion counterfeit drug industry, which has significant health risks impacts. Counterfeit drugs account for 50% of drug sales in sub-Saharan Africa. Yearly, it is estimated that more than 120,000 people die in Africa solely from counterfeit anti-malarial drugs. With statistical indicators that about 800,000 deaths mostly from Africa result from these drugs, the need for a response to business-related corruption is a major policy imperative for Africa.
Democratic Accountability in State-Society Relations: The Role of ACDEG

Ikubaje John G.
Ikubaje John is a Governance and Development Expert currently working on Human Rights and Transitional Justice at the Department of Political Affairs at the African Union Commission.

Democratic accountability is usually identified to be one of the hallmarks of representative democracies throughout the world. Democratic accountability takes place when elected leaders and public officials have to answer to the citizens regarding their actions, decisions or indecisions during the time they are or were occupants of public office. Those found to be performing to the required standards are usually rewarded by their continued stay in office while those found to be lacking in one way or another are punished. Broadly speaking, accountability is one of the hallmarks of representative democracies across the world.

ACDEG has an important role in preventing and promoting accountability. Its adoption is a demonstration of commitment on the part of the AU and its Member States to embrace democratic and public sector institutions. Its adoption is a demonstration of commitment on the part of the AU and its Member States to embrace democratic and public sector institutions. Its adoption is a demonstration of commitment on the part of the AU and its Member States to embrace democratic and public sector institutions.

In practice, accountability can take a number of different forms, depending on the institution in question. In general, relationships of accountability have two important components, answerability (the right to get a response and the obligation to provide one) and enforceability (the capacity to ensure an action is taken, and access to mechanisms to redress when accountability fails) are important. Accountability is usually identified to be one of the hallmarks of representative democracies throughout the world. Democratic accountability takes place when elected leaders and public officials have to answer to the citizens regarding their actions, decisions or indecisions during the time they are or were occupants of public office.

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Specific provisions on accountability can also be found in article 32(1), which specifies that State Parties to the Charter shall strive to institutionalize good political governance through accountable, efficient and effective public administration. Other accountability provisions are enshrined in different sections of the Charter. Some of them include article three (3) sub-sections (1-11) dealing with democratic principles; article 27 on horizontal accountability measures; which encourages strengthening of the Legislative and Judiciary for oversight functions and encourages strengthening of the Legislative and Judiciary for oversight functions and accountability inclusive, all democracy and participatory government accountability stakeholders – national, regional, continental and international - must pool the necessary resources together and promote universal ratification, domestication and implementation of ACDEG. In state-society relations in the Charter, despite the above provisions on accountability measures. in a nutshell, the Charter has ample provisions on citizens’ participation and government accountability – vertical accountability measures. In a nutshell, the Charter has ample provisions on citizens’ participation and government accountability – vertical accountability measures.

Conclusion
Despite the above provisions on accountability in state-society relations in the Charter, it remains a critical challenge in Africa’s democracies. If the accountability provisions of the African Charter on Democracy, Elections and Governance are implemented by the state Parties to the instrument as expected, “democratic accountability” would have long been a household name in African democracies. For effective implementation and realization of ACDEG’s objectives - democratic accountability inclusive, all democracy and participatory governance stakeholders – national, regional, continental and international - must pool the necessary resources together and promote universal ratification, domestication and implementation of ACDEG.

Transitional justice represents an important mechanism in addressing violations and injustices, combating impunity, and promoting reconciliation in countries emerging from political crises and violent armed conflicts. When seen through the lens of democratization, transitional justice processes necessitate accountability and responsiveness, transparency, and a level of citizen participation, which works towards the re-establishment of democratic institutions. As such, these processes need to be seen as complementary to AU shared values instruments such as the African Charter on Democracy, Elections and Governance. While the Charter does not explicitly talk about reconciliation or similar transitional justice processes, it sets the broad framework for them in its general principles on participation and representation (Article 3), provisions on a culture of peace (Article 11, 12), and maintenance of political and social dialogue (Article 13). In the past decade, a clear shift in the leadership of mediation efforts in Africa from global actors (be they multilateral or bilateral) to continental and regional ones (regional hegemons or regional organization) has been witnessed. This is significant as peace agreements and political settlements represent one of the key sites for addressing transitional justice. Setting the framework for, if not the precise details for transitional justice, has become increasingly standard in mediation processes. However, to what extent have regional organizations consolidated their thinking and discourse on transitional justice? In the case of the African Union (AU), a draft Transitional Justice Policy is pending adoption by decision makers. Once adopted, the policy will be critical in guiding the organization’s approach to transitional justice in AU-led mediation processes.

Women Centred Initiatives to Promoting Transitional Justice in Africa
Semih Abdulmelik
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When we fought our war for independence, we won and celebrated, but we were not vigilant and we did not ask for accountability from our leaders and ourselves, we did not take time to settle our own differences and reconcile, we did not ask for any justice not even reparations... And here we are again. This time it should not be business as usual. There is a serious need to transform the institutions and we women want to be there and fully represented, our voices should be heard. Not as victims only, not as perpetrators only, but as agents for change. We should not leave it to the instigators of the conflict to bring peace, the people must be involved.

-Women in South Sudan
Gender Equality in Transitional Justice

Given the AU’s normative commitments to gender equality and the broader women, peace, and security agenda, it is equally important to ensure that transitional justice efforts are at minimum gender sensitive and gender responsive. The rationale for women, or a broader gender focus, is three-fold: Firstly, there is the rights-based argument. Women’s rights are human rights, and violations of women’s rights in conflict situations need to be addressed as any other human rights violation. This is a prismatic argument. That is, women’s experiences during conflict are barometers of the nature and extent of conflict-related human rights abuses. They then provide crucial testimonies and data points about the scope of what should be covered under the transitional justice process and selected mechanism. The third is the long-term, durable or sustainable peace argument. As a large constituency, women’s experiences during conflict (and pre-conflict) provide critical perspectives for the design and implementation of peacebuilding.

But what would women-centred transitional justice look like? There are, at minimum, three notions of women centredness: The first is the idea of gender sensitive or gender responsive transitional justice. That is, transitional justice which promotes truth, justice and accountability for gender-based human rights violations. This is a transitional justice that works for women. The AU Gender Policy (2009) is the most explicit AU articulation of this, aiming for “Truth and Reconciliation Structures with a view to bringing to the fore, violations against women and young girls during conflict periods, and accelerating the admission of violation of human rights and find lasting solutions, including the provision of psychological support”. Mandates, and the type/ scope of violations considered under a given transitional justice mechanism are key in this regard. Building on this, the second notion is of inclusive transitional justice. It goes beyond the first notion in that it also focuses on institutional representation of and meaningful participation of women in the transitional justice mechanisms.

The Organisation of American States, the African Union and ACDEG: A Luta Continua

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It is often said that while Lusophone Africans rebelled to secure their freedom, their rebellions ultimately liberated Portugal. Thus, the political movements in one part of the world may have reverberations on the other side of the globe. Latin America and Africa are joined in a way that few other continents are. While the cultural links between the two are well known, the economic and political ties are more of an untold story.

The African Charter on Democracy Elections and Governance (ACDEG), Africa’s first binding regional instrument that attempts to comprehensively address all of the elements necessary for the establishment of deep democracy, is also a tale of this intertwoven history. While by 2003, the AU had developed a relatively comprehensive set of linked Declarations, Charters, and Acts regarding the protection and consolidation of democracy - the moves and documents were disparate. These Acts did however go a long way to reaffirming the interconnectedness of democratic governance, economic development, and sustainability. However there was no single document or normative framework that addressed all these multifarious issues in one single text. The push for what would become ACDEG gained substantial momentum in 2003, after an innovative gathering in Coral Cables under the auspices of the Community of Democracies’ Seoul Plan of Action. ACDEG was Inspired by the OAS Democracy Charter

The conference, the first in a series of dialogues between the Organization of American States (OAS) and the AU, included representatives from the AU and the OAS, representatives from specific African and American states, including Cape Verde, Mali, Botswana, Senegal, Kenya, Ghana, Mozambique, Jamaica, Brazil, Chile, Nicaragua, El Salvador, Peru and the Dominican Republic, and a few civil society organizations. The meeting focused on the role the OAS had taken in promoting democracy through the Inter-American Democratic Charter, and the AU’s experience with their own normative reforms as they related to democratization. A key area of focus was how best to promote democratic institutions and practices within regional frameworks, with a specific focus on “how regional organizations and coordinated efforts can strengthen democracy, and overcome obstacles”.

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The idea of an experience sharing forum was apt because both regional organizations had struggled with supporting post-Cold War calls for strong adherence to democratic principles despite strong institutional dedication to promoting and, more importantly, protecting democratic norms. The 2003 Dialogue, coupled with the impetus created by the Pretoria Conference on Elections, Democracy and Governance, held in April 2003 in South Africa, led to the push to create a single African framework document on democracy, drawing on some of the lessons and more importantly failures in Latin America and the Caribbean. ACDEG was adopted four years later in 2007, at the Ninth Summit of the African Union in Addis Ababa. Why ACDEG?

In adopting the African Charter on Democracy, Elections and Governance, the African Union sought to consolidate all past commitments made within the ambit of the declarations and decisions relating to democracy and governance. Via the ACDEG and the African Governance Architecture (AGA), the AU has underscored the fact that democracy must be understood as more than just a set of specific government institutions. Democracy rests upon a well understood group of values, attitudes, and practices all of which may take different forms and expressions among different cultures and societies around the world. Democratic principles include among others, accountability, transparency, equality, regular, credible and transparent elections, majority rule, respect for minority rights, free private and public press, effective and popular participation of citizens in policy processes, including marginalized social groups including women, youth, people with disabilities, minorities etc.

Conclusion

Despite advances in democratic take up since the end of the Cold War, "the degree of democracy among African states continues to vary considerably, with authoritarian regimes at one extreme, functional multiparty systems at the other, and many forms of imperfect democracy in the middle. The same can be said about Latin America. The two regions, bound by history, now share commitments to entrenching democracy and must ensure that the voices of youth and women are incorporated into governance mechanisms. The OAS can learn much from the AU as it deals with States, which are bent on curbing the democratic rights of its citizens. Through the adoption of ACDEG, the AU reaffirmed its commitment to citizen focused democracy. It is an acknowledgement, similar to that of the OAS, of the fact that what drives a state's internal growth and progression is democratic and responsible institutions. In no area is this more apparent than with the repeated calls and push for increased democratization."

Addressing Illicit Financial Flows through ACDEG

Alexander Eenagu
Alexander Eenagu is a Nigerian lawyer. He is currently completing a doctorate in International Tax Law at McGill University, Canada, and holds a Master of Law degree (LLM) from the University of Cambridge, United Kingdom. Alexander writes on international tax law and policy issues, focusing on the African continent. Connect with him at aeenagu@gmail.com and/or Alexander Eenagu

The UNECA Report asserts that the African continent lost in excess of $1 trillion in illicit financial flows (IFFs) over the last 50 years. It further stresses that the continent loses an estimated $50 billion annually in IFFs.

However, MNEs, by the nature of their cross-border economic activities, are exposed to tax liabilities in more than one jurisdiction: the home state and the host state, and possibly in a third state where it has same form of presence or has obtained economic value. The conflicting tax claims by States leads to a double taxation problem. Beyond the jurisdiction to tax the profit of the MNE, determining the quantum of profit to be allocated to each of the conflicting States poses a second conflict.

One means of IFFs is through transfer pricing of goods and services transferred among related entities of a multinational enterprise. This is significant, as a good number of African economies are dominated, in terms of value of trade, by multinational entities (MNEs), who export capital into Africa in anticipation of repatriating profits to their home countries. To ensure that governments provide the necessary infrastructure for business, these companies are taxed for the use of the infrastructure in the countries, both physical and invisible. A major aspect of this taxation is corporate taxation, that is, the taxation of the MNE on its profit. Many African economies rely heavily on corporate taxation due largely to the prevalence of the informal sector with minimal record-keeping taking place, hampering the effective collection of taxes from the informal sector. This effect is narrowed, the tax base, thereby putting pressure on corporate tax collection.

To resolve the issues, countries, apart from granting unilateral reliefs in their domestic laws, enter into tax treaties. Tax treaties have become the globally-accepted framework by which countries cooperate to avoid double taxation and remove barriers to international business; but they have also become tools used by multinationals to avoid or evade taxation on a global scale.

The current resolution mechanism is largely based on the OECD Model Tax Treaty relied on

http://statelists.state.gov/script/wa.exe?A2=ind0andL=dosfactsandD=1and P=205.


The Mbeki Report...
by countries entering bilateral agreements for the prevention of double taxation. This treaty adopts the "separate entity and arm’s length" approach (SE-AL) which essentially treats subsidiaries of an MNE as separate entities for accounting and tax purposes. These companies are further expected to act at arm’s length, behaving as independent entities would. This treatment is provided for in Articles 7 and 9 of the OECD Model Tax Treaty and the UN Model Treaty. Critics have accused the existing approach of income allocation, of breaching double non-taxation, in its bid to avert double taxation. It has equally been accused of not being fit for purpose and as such should be revised or replaced with a new system of cross-border taxation. Considering the perceived failure of the existing system of income allocation, the G20 and the OECD in 2013 commissioned the Base Erosion and Profit Shifting (BEPS) Project, with the aim to address some of the challenges of the SE-AL approach to income allocation. However, the BEPS Project has been accused of not being inclusive, shying away from the real issue - the right of countries to tax - and paying little or no heed to the demands of African countries. Equally, developing countries have accused the OECD of inviting them to the table after the menu had been decided, leading to famous saying, "if you are not on the table, you are on the menu". It should also be noted that the negotiations for the international tax system occurred when African countries were colonies of imperial masters and as such, had no representation or say in the devolution of tax rights and powers.

The existing Model Tax Treaties - foundations of bilateral tax agreements entered by African countries - are not suitable for the African continent. It is high time the African continent played a leading role in the discussions on taxation of its resources. This is part of the mandate of the African Charter on Democracy, Elections and Governance (ACDEG). Article 2(7) of ACDEG states as one of its objectives, the encouragement of effective coordination and harmonization of governance policies amongst State Parties with the aim of promoting regional and continental integration. It further seeks to enhance cooperation between the African Union, Regional Economic Communities and the International Community on democracy, elections and governance. To achieve these objectives, countries shall institutionalize equitable allocation of the nation’s wealth and natural resources; development of tax policies that encourage investment; and an efficient and effective tax system premised upon transparency and accountability. What is missing from the Charter is the protection of tax bases of African countries and the prevention of profit shifting. However, one could argue that Art. 33(50) of ACDEG incorporates this in its mandate to develop tax policies that encourage investment. The present rush by African countries to attract investment, through tax entry into tax treaties, tax holidays and incentives, must be balanced by the need to obtain the returns from such investment in the form of tax revenue. Tax policies must not only attract investment, but also must lead to the development of the state.

Faced with an evolving world, continuous globalization and internationalization of activities, added further by technological advancements, the African continent must own and hone its tax philosophy. A study on the appropriate allocation formula for African countries must be carried out at the level of the AU, by African jurists and tax experts, in line with what the International Chamber of Commerce and the League of Nations did in the 1920s. If Africa must stop the erosion of its tax bases and shifting of its profit to tax havens, it must harmonize its tax laws and encourage investment. The present rush in its mandate to develop tax policies that encourage investment, must be balanced by the need to obtain the returns from such investment in the form of tax revenue. Tax policies must not only attract investment, but also must lead to the development of the state.

The anomaly of aid in reverse from African countries to the Global North must urgently be addressed by the AU ACDEG provides the legal framework to address this.  

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AFCRICA TALKS - DG TRENDS - ONE ON ONE

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44 African Governance Newsletter

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1 Article 2 (12) of the Charter.
2 Article 33 (9) of the Charter.
3 Article 33 (10) of the Charter.
4 Article 33 (13) of the Charter.
Samson Itodo, YiAGA
Not too Young to Run

Nebila Abdulmelik,
Knowledge Management Expert at the AGA Secretariat and Editor of the African Governance Newsletter, sat down with Samson Itodo, Executive Director of YiAGA and the brain behind the Not too Young to Run Campaign to discuss young people, politics and aspirations.

Who is Samson Itodo? What drives you? What makes you passionate about democratic governance in Africa?

Si: I am a citizen of Nigeria born 1985. I am the brain behind the Not Too Young To Run campaign. I'm a lawyer by profession and a political activist by passion. I believe that the intensified struggle for democratic governance has a lot to do with the popularization of the principle of representation. When we talk about representation, we talk about inclusion. To me, inclusion is the guarantee of the future. It is the guarantee of justice and peace. So, my passion is to make sure that young people, who form the majority of the population, have a say in the governance of their country. That's why I got involved in politics and why I'm always advocating for young people to be included in the decision-making process.

What inspired 'Not Too Young To Run'?

Si: Not Too Young To Run did not start today. It has been a core agenda of the YiAGA since the beginning. Since the YiAGA was conceptualized to be a movement, we have always been fighting for a wholesome democracy and a democratic society that will prioritize the needs and rights of young people. So, the inspiration for the campaign is the belief that young people have a right to participate in the governance of their country. It's a campaign that is about empowering young people to take part in the democratic process and to be vocal about their rights and needs.

What is your vision for the campaign? What do you hope it will change?

Si: Our hope for the campaign is to have the age of qualification lowered so that more young people can effectively participate in the political process. We want more young people with capacity, competence and integrity to hold political leadership positions. This will bring about transparency and accountability in the governance of our country. When young people are involved in politics, they bring a fresh perspective and a new way of thinking. They are not afraid to question the status quo and they are more likely to demand better governance. It's a movement that is about creating a culture of active citizenship among young people.

What successes has the campaign registered so far?

Si: First and foremost, I would like to state that the campaign that was conceptualized to be a movement has now become a platform for young people to engage in politics. We have built a network of young people across the country who are committed to making a difference. Through the campaign, we have been able to influence policy changes, such as the lowering of the age of eligibility to vote. We have also been able to influence the electoral reforms, such as the introduction of the electronic voting machines. The campaign has also been able to influence the appointment of young people to key positions in government. We have been able to push for the implementation of the National Youth Policy and the National Youth Bill. These are significant achievements that have been possible by the relentless efforts of our members.

In January 2017, it was again launched at the UN during the ECOSOC Youth Forum in New York, USA. It was endorsed by the UK Government and the Secretary of State for Northern Ireland. In 2018, the campaign was launched at the UN on Youth Day. The campaign has been transformative for the young people of Nigeria and the African continent.

What inspired ‘Not Too Young To Run’?

Si: YiAGA started as a student group in 2007. We were just a bunch of students tired of poor governance. We decided to do something to change the situation. We didn't know it then, but this was the start of movement building. YiAGA has been transformed into a global movement. We have shifted from a national campaign to a global one. We have worked with all levels of government, from local to international, to achieve our goals. We have lobbied for the implementation of the National Youth Policy and the National Youth Bill. The campaign has also been able to influence the electoral reforms, such as the introduction of the electronic voting machines. The campaign has also been able to push for the appointment of young people to key positions in government.

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What challenges have you faced with the campaign and shifting of mindsets on youth capabilities?

Si: To be sincere, we are so happy that we have not faced as much challenges as we envisaged on the campaign and this is predicated on the approach we adopted, that is movement building and a campaign owned by the people. In Nigeria, several individuals, organizations even politicians and political parties are doing one thing or the other in support of the campaign. The African Union has publicly supported the campaign and is initiating moves to engage Member States on the campaign. Our reality has made it a must so it is an idea being championed at the right time.

What advice would you have for young people, who often feel discouraged, to stay the course?

Si: Young people must know that political inclusion is a right. We are on a continent with over 60 percent of its people below the age of 35 years. This huge demography must be tapped into. Thuggery, the cost of politics, the ugly nature of politics, political violence and all other challenges that scare people from participating in politics must and can be overcome. If we, as young people become a critical mass of those who become part of the political make up of our countries, we can change these perceptions and realities of politics. We must as a generation of young people, discover our mission and fulfill it so as not to betray it.

What message do you have for the leaders of Africa in this regard?

Si: It is time for African leaders to realize that politics is service to the people. They must approach governance from this prism. It is important they jettison primordial sentiments in the running of government. They must realize that power is transient and power held is held on behalf of the people, so promoting sustainable development and looking out for future generations must be a priority.

Transport yourself to the future - more specifically 46 years later in 2063 - What do you think you will be sure to witness, celebrate about this continent? What do you envision for the future?

Si: I envision an Africa, where human rights are protected, where women, youth, people living with disabilities are considered as assets. An Africa where women are not treated as second class citizens, when men and women are equal. An Africa where our votes count, an Africa where ethnicities, religion no longer defines us as a people. An Africa where solutions to our problems are locally designed and adapted. A borderless Africa, an Africa where irrespective of country, language and colour, you can live in any of its countries without fear. An Africa where politics becomes a service to the people. An Africa where the riches of the continent are equitably distributed amongst its people. An Africa where equity prevails. That is Africa of my dream, the Africa our Agenda 2063 evokes in me and I am so confident that this shall come to pass.

Si: It is a farce, which is no longer tenable that young people are incapable of leading. On the political front, we have seen how the politicalimpasse of over 22 years in The Gambia was decided by the youth through #GambiaHasDecided. Today the President of Inter-parliamentary Union (IPU) Forum of Young Parliamentarians is a 26-year old Ugandan MP Mourine Osoru. In businesses, social enterprises, think tanks, government, we are witnessing youth effectively taking charge and demonstrating capacity to engender social transformation and democratic development. Together with youth and older generations, we must infuse new ideas and ways of doing things to lead Africa to greater heights.

What do you say to those who argue that young people are not yet ready to lead? To the unconvinced, what would you mention as some of the benefits of allowing young people to lead?

Si: To be sincere, we are so happy that we have not faced as much challenges as we envisaged on the campaign and this is predicated on the approach we adopted, that is movement building and a campaign owned by the people. In Nigeria, several individuals, organizations even politicians and political parties are doing one thing or the other in support of the campaign. The African Union has publicly supported the campaign and is initiating moves to engage Member States on the campaign. Our reality has made it a must so it is an idea being championed at the right time.

Si: Young people must know that political inclusion is a right. We are on a continent with over 60 percent of its people below the age of 35 years. This huge demography must be tapped into. Thuggery, the cost of politics, the ugly nature of politics, political violence and all other challenges that scare people from participating in politics much and can be overcome. If we, as young people become a critical mass of those who become part of the political make up of our countries, we can change these perceptions and realities of politics. We must as a generation of young people, discover our mission and fulfill it so as not to betray it.

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FOR THE RECORDS:
- 2017 Election Calendar
- ACDEG Watch
- Understanding AGA
- DPA at a Glance
**ACDEG Watch**

Ratification Status of the African Charter on Democracy, Elections and Governance

- **Ratified:**
  - Algeria
  - Benin
  - Burkina Faso
  - Cameroon
  - Chad
  - Comoros
  - Côte d’Ivoire
  - Djibouti
  - Ethiopia
  - Ghana
  - Gabon
  - Gambia
  - Gabon
  - Congo
  - Democratic Rep. of Congo
  - Equatorial Guinea
  - Gabon
  - Gambia
  - Kenya
  - Mozambique
  - Mauritius
  - Senegal
  - Somalia
  - São Tomé & Príncipe
  - Swaziland
  - Tunisia
  - Uganda

- **Signed:**
  - Angola
  - Burundi
  - Central African Republic
  - Cape Verde
  - Congo
  - Democratic Rep. of Congo
  - Equatorial Guinea
  - Gabon
  - Gambia
  - Kenya
  - Mozambique
  - Mauritius
  - Senegal
  - Somalia
  - São Tomé & Príncipe
  - Swaziland
  - Tunisia
  - Uganda

- **Not Signed/Ratified:**
  - Botswana
  - Egypt
  - Eritrea
  - Libya
  - Morocco
  - Tanzania
  - Zimbabwe

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**2017 Election Calendar**

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**Countries that have ratified**
- Algeria
- Benin
- Burkina Faso
- Cameroon
- Chad
- Comoros
- Côte d’Ivoire
- Djibouti
- Ethiopia
- Ghana
- Gabon
- Gambia
- Gabon
- Congo
- Democratic Rep. of Congo
- Equatorial Guinea
- Gabon
- Gambia
- Kenya
- Mozambique
- Mauritius
- Senegal
- Somalia
- São Tomé & Príncipe
- Swaziland
- Tunisia
- Uganda
### List of Countries Which Have Signed, Ratified/Acceded to The African Charter on Democracy, Election and Governance

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**Total countries: 55**  
of signature: 45  
of ratification: 30  
of deposit: 30

Adopted in Addis Ababa, Ethiopia on 30 January 2007  
This Charter shall enter into force thirty (30) days after the deposit of fifteen (15) instruments of ratification.  

January - June 2017  
52 African Governance Newsletter  
53
The African Governance Architecture (AGA) is a framework for dialogue aimed at facilitating the harmonization of AU Shared Values and coordination of initiatives towards the promotion and consolidation of democratic governance on the continent.

AGA is inspired by the Constitutive Act of AU that expresses the Union’s determination to promote and protect human and people’s rights, consolidate democratic institutions and culture and ensure good governance and the rule of law. This determination is buttressed by related objectives and principles contained in Article 3(g and h) and Article 4(m) of the Act on the promotion, protection and respect for human rights, democratic principles and institutions, and good governance. These ideals are further reinforced by norms, pronouncements, decisions and instruments adopted by the AU in particular the African Charter on Democracy, Elections and Governance (ACDEG). The mandate of AGA stems from the Decision of the 35th Ordinary Session of the Assembly of AU Heads of State and Government (AU/Dec.304 (XV) held in July 2010. In order to give effect to the Assembly decision on the Establishment of the Pan-African Governance Architecture, the AU decided to establish AGA 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.

AGA is operationalised through its institutional mechanism – the African Governance Platform – that brings together all AU Organs and institutions as well as Regional Economic Communities with a mandate to promote democracy, governance and human rights. The initiatives of the African Governance Platform are coordinated through five clusters and a Secretariat.

The five clusters are:

- Human rights and transitional justice
- Constitutionality and rule of law
- Democracy
- Governance
- Humanitarian affairs

The AGA Secretariat, based at the DPA, serves as the coordinating arm or catalyst for the achievement of the goals of AGA through the provision of a framework for interaction, active engagement, synthesis and convergence among the Members of the African Governance Platform.

Some of AGA’s flagship programmes include citizens’ engagement in democratic governance processes, realized through the development and implementation of AGA activities. Other initiatives include knowledge management and Annual High Level Dialogues on democratic governance trends, challenges and prospects, operationalisation of the state reporting mechanism under ACDEG, and enhancing AGA-APSA synergy.

The Department of Political Affairs (DPA) of the African Union Commission is responsible for promoting, facilitating, coordinating and encouraging democratic principles and the rule of law, respect for human rights, the participation of the civil society in the development process of the Continent and the achievement of durable solutions for addressing humanitarian crises.

DPA is mandated to promote AU Shared Values, coordinate AU election observation and monitoring missions, provide technical support to electoral bodies and implement sustainable solutions to humanitarian and political crises, including through preventive diplomacy. Considering its mandate, the Department also serves as the Secretariat for the African Governance Architecture.

DPA envisions an integrated, peaceful and democratically governed Africa driven by its citizens and playing a pivotal role in global political and humanitarian diplomacy. DPA is an efficient and effective vehicle for the AU in the promotion of pan-African unity, political integration and durable solutions to humanitarian crises through AU Shared Values.

**DPA AT A GLANCE**

**Divisions of the Department of Political Affairs**

To realise its objectives, DPA is structured thematically into two main Divisions – the Democracy, Governance, Human Rights and Elections Division (DGHRE), and Humanitarian Affairs, Refugees and Internally Displaced Persons Division (HARDP).

**Democracy, Governance, Human Rights and Elections Division (DGHRE)**

DGHRE seeks to enhance democratic governance among AU Member States and the effective realisation of human and peoples’ rights on the Continent. Through various specialized units and programmes, the Division coordinates initiatives on governance and democracy assessments, electoral support and observations, improvement of public service delivery, local governance, anti-corruption and promotion and protection of human and peoples’ rights.

**Humanitarian Affairs, Refugees and Internally Displaced Persons Division (HARDP)**

HARDP seeks to provide continental direction to the achievement of durable solutions for addressing humanitarian crises. This includes pursuing actions to alleviate the plight of refugees, returnees and internally displaced persons (IDPs), including meeting their immediate protection and assistance needs as a result of man-made and natural disasters. HARDP also coordinates the work of the AU on the Special Emergency Assistance Fund for Drought and Famine in Africa (SEAF).