



Q&A

ON THE STATE REPORTING MECHANISM UNDER THE

AFRICAN CHARTER ON
DEMOCRACY, ELECTIONS
AND GOVERNANCE



AGA
African Governance Architecture

Q&A



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This Q&A is a simplified guide on state reporting for State Parties to the African Charter on Democracy, Elections and Governance (ACDEG). It is meant to facilitate State Parties in fulfilling their obligations under Article 49 (1) of the Charter .

A. What is ACDEG about?

ACDEG is one of the Shared Values Instruments of the African Union (AU), which sets out continental standards aimed at consolidating democracy and improving governance in Africa. It was adopted by the Assembly of the Heads of State and Government of the AU on 30 January 2007 and entered into force on 15 February 2012. The Charter is inspired by the objectives and principles enshrined in the 2000 Constitutive Act of the AU, particularly Articles 3 (g and h) and 4 (m) . ACDEG sets out key principles agreed among AU Member States in response to various democratic governance challenges that are affecting peace, security, stability and development on the continent.

These principles are as follows:

- Respect for human rights and democratic principles;
- Access to and exercise of State Power in accordance with the constitution of the State Party and the principle of the rule of law;
- Promotion of a system of government that is representative;
- Holding of regular, transparent, free and fair elections;
- Separation of power;
- Promotion of gender equality in public and private institutions;
- Effective participation of citizens in democratic and development processes and in government of public affairs;
- Transparency and fairness in the management of public affairs;
- Condemnation and rejection of acts of corruption, related offenses and impunity;
- Condemnation and rejection of acts of unconstitutional changes of government; and
- Strengthening political pluralism and recognizing the role, rights and responsibilities of legally constituted political parties, including opposition political parties, which should be given a status under national law.

B. What are the obligations of State Parties to ACDEG?

The obligations that a State Party to ACDEG has relate to the following broad areas:

- Democracy, Rule of Law and human Rights;
- The Culture of Democracy and Peace;
- Democratic institutions;
- Democratic Elections;
- Sanctions in Cases of Unconstitutional Changes of government; and,
- Political, Economic and Social Governance.

A State Party is obliged to:

- **take legislative, executive and administrative actions** to ensure that national laws and regulations are in line with the principles and commitments of the Charter;
- **ensure wider dissemination of the Charter** and all relevant legislations among the citizens and other stakeholders;
- **promote political will** as a necessary condition for the attainment of the goals of the Charter; and
- **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.

C. Who monitors and evaluates the ACDEG implementation?

ACDEG designates the African Union Commission (AUC) as the central coordinating structure for its implementation. To this end the AUC is obliged to:

- Assist States Parties in implementing the Charter; and
- Coordinate evaluation on implementation of the Charter with other key organs of the Union, including the Pan-African Parliament, the Peace and Security Council, the African Human Rights Commission on Human and Peoples' Rights, the African Court of Justice and Human Rights, the Economic, Social and Cultural Council, the Regional Economic Communities (RECs) and appropriate national-level structures.

Thus, organs and institutions of the AU that have a mandate to promote democracy, governance and human rights, including RECs shall be the evaluation mechanism for the State Parties reports. These organs constitute the African Governance Platform of the African Governance Architecture (AGA). Both the RECs and State Parties are obliged to designate focal points for coordinating, evaluating and monitoring the implementation of the commitments and principles in the Charter. This is meant to ensure effective participation of stakeholders in this process, particularly civil society organisations.



D. What opportunities does State Reporting present for a State Party?

State Reporting shall provide State Parties an opportunity to:

- a. Reaffirm their commitments to uphold the provisions of the Charter;
- b. Showcase efforts undertaken to fulfil their obligations under the Charter;
- c. Measure progress towards implementation of the Charter;
- d. Assess the effectiveness of national mechanisms involved in the process;
- e. Identify challenges encountered in the fulfilment of their commitments in the Charter and develop home grown solutions; and
- f. Establish collaborative relationships with national stakeholders, other States Parties, AU Organs and RECs towards the effective implementation of the Charter through provision of technical support, sharing of comparable lessons and experiences.

E. Who is responsible for preparing and submitting a State Party Report?

The preparation and submission of a State Party Report is the responsibility of the reporting State. The drafting process for the State Party Report should be inclusive and participatory. To this end, in preparing its report, a State Party ought to engage all relevant stakeholders, including non-state actors in the process. For practical reasons, State Parties may establish a Multi-Stakeholder National Institutional Framework (where none exist) to act as the Focal Point for the Charter. The Framework may be composed of line ministries, government institutions/agencies and non-state actors including women and youth representatives. Such Multi-Stakeholder National Institutional Framework shall be tasked with the responsibility of coordinating the monitoring and reporting on the implementation of the Charter at the national level. Where such mechanisms already exist, for instance, African Peer Review Mechanism (APRM) National Structures and National Sectorial Committees on challenges of ratification/ accession , they could be given the responsibility of coordinating the monitoring and reporting on ACDEG implementation.

The submission of the State Report shall be done by a “Competent National Authority”, for example the Ministry of Foreign Affairs as may be empowered/designated by the State to do so.



F. What kind of reports are State Parties supposed to submit?

All State Parties are required to submit an Initial Report, which shall be used to determine the baseline conditions that will be used as a benchmark for a subsequent detailed review and evaluation of the situation and performance of a given State Party over time. The Initial Report consists of two sections:

1. **Section A:** background information, and
2. **Section B:** implementation measures of the ACDEG, including challenges experienced and possible areas for technical support.

Following the Initial Report is the **Periodic Report**, which shall be submitted two years after the Initial Report and subsequently after every two years. The Periodic Report shall follow the order of the Articles of the ACDEG and shall take the form of a progress/status report in the implementation of the principles and commitments of the Charter

G. What is the Report Format?

Both Initial and Periodic Reports on the ACDEG shall be presented in a structured and concise manner, where the former shall not exceed 80 pages and the latter 40 pages. The Reports shall be in A4 format, Arial, with a font size of 12 and line spacing of 1.5, submitted in both soft and hard copy.

H. Are State Parties that have submitted reports to other regional, continental and international treaty monitoring bodies/mechanisms (such as Universal Periodic Review, APRM, African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child) also required to submit a State Report under ACDEG?

Yes, as stipulated under Article 49 (1) of ACDEG. However, the State Parties shall submit together with their Reports all relevant reports made to other regional, continental and international treaty monitoring bodies/mechanisms as supporting documents.

I. To whom is the State Party Report submitted?

State Parties shall submit their reports in a hard and soft copy to the Chairperson of the AUC on the address below:

**African Union Commission
P.O Box 3243
Roosevelt Street (Old Airport Area) W21K19
Addis Ababa, Ethiopia
Email: acdereport@aga-platform.org**

J. How will the State Parties' Reports be reviewed?

Article 49 (2) of ACDEG obliges AUC to submit a copy of the State Party report to the relevant organs of the Union for appropriate action within their respective mandates. These organs include African Governance Platform members. Coordinated by the AUC, the African Governance Platform members shall meet at Technical and Political levels to review State Parties Reports.

At the Technical level, Technical Heads of African Governance Platform members shall review the reports and identify any need for supplementary information (where necessary). Requests for such information shall be made by the AUC to the State Party under review. Upon completion of the technical review of reports, the AUC shall convene a pre-session for African non-state actors, including members of the Economic, Social and Cultural Council with the Technical Heads on relevant elements of the State Party report.

At the Political level, the Heads of the African Governance Platform members will convene an interactive and constructive dialogue with the State Party under review to discuss the report. During the dialogue, the African Governance Platform members may require invited participants to make oral or submit written statements. The Dialogue shall precede the Annual meeting of the Heads of the African Governance Platform members. The meeting shall consider among other things, State Parties reports and make concluding observations and recommendations. It may be open or closed.

It is from the concluding observations and recommendations of the Heads of the African Governance Platform members that the AUC shall prepare and submit to the AU Assembly, through the Executive Council, a synthesis report on the implementation of the ACDEG. The Assembly shall take appropriate measures aimed at addressing issues raised in the report as envisaged under Article 49 (4).

K. How long would the review process of a State Party Report take?

The entire review process of each State Party shall take no more than nine (9) months upon submission of the Report.

L. Will State Parties receive assistance from the AUC in the fulfilment of their reporting obligations?

Upon request from a State Party, the AUC in collaboration with the African Governance Platform members will offer technical support towards the fulfilment of its reporting obligations.

The technical support may take the form of:

- Capacity building workshops for the Multi-Stakeholder National Institutional Frameworks/mechanism on ACDEG and their role in the State Reporting processes;
- Hiring of short term consultants at regional and/or national levels to enhance the State Parties capacity to coordinate reporting processes;
- Avail copies of ACDEG and State Reporting Guidelines;
- Facilitate State Parties' participation in the dialogue with the Heads of the African Governance Platform members to review their respective State reports.



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