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PEACE AND SECURITY COUNCIL  
791<sup>ST</sup> MEETING  
22 AUGUST 2018  
ADDIS ABABA, ETHIOPIA

**CONCEPT NOTE**

**OPEN SESSION OF THE PEACE AND SECURITY COUNCIL ON THE AFRICAN CHARTER ON  
DEMOCRACY, ELECTIONS AND GOVERNANCE: CHALLENGES AND PROSPECTS FOR  
STRUCTURAL PREVENTION OF CONFLICT**

## CONCEPT NOTE

### OPEN SESSION OF THE PEACE AND SECURITY COUNCIL ON THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE: CHALLENGES AND PROSPECTS FOR STRUCTURAL PREVENTION OF CONFLICT

#### **I. CONTEXTUAL BACKGROUND**

1. With the re-democratisation wave that has swept Africa since the 1990s, the continent has undergone positive political developments. Today, the African Union has embraced zero tolerance for unconstitutional changes of government, including military coups. Multi-party elections are the main method of transfer of state power. The culture of constitutionalism, the rule of law and the respect for human and people's rights is universally accepted. Consequently, inter-state conflicts have greatly reduced, thereby enhancing Africa's prospects for reaping the post-Cold War peace dividend. However, the peace dividend is constrained by the prevalence of protracted intra-state conflicts.

2. This calls upon the African Union to redouble its efforts towards structural prevention of conflict. In this regard, the Union has made considerable progress in respect of elaborating agreed shared values instruments for structural prevention of conflict through the lens of governance. These shared values instruments include 2002 Constitutive Act of the African Union and the 2003 African Charter on Democracy, Elections and Governance (ACDEG). The former transformed the Organisation of African Unity (OAU) into the AU. With this transformation came a paradigm shift from the old OAU doctrine of non-interference in the internal affairs of Member States to the new AU doctrine of non-indifference to human rights abuses and crimes against humanity within Member States. This new paradigm is clearly spelled out in Article 4 (h) of the Constitutive Act of the AU. The ACDEG, in its entirety, reinforces the AU's new paradigm of democracy.

3. AU believes that Africa needs democracy. This is because democracy has both intrinsic and instrumental values. Democracy's intrinsic value is that it is good in and of itself as it provides for freedoms and rights. Its instrumental value is that it provides a conducive environment for peace and security to prevail. Both democracy and peace are pre-requisites for socio-economic development and structural transformation of the African continent. These continental efforts at promoting democracy, peace and development have cascaded down to regional and national levels too.

4. At the regional level, the Regional Economic Communities (RECs) have adopted numerous normative frameworks, including protocols of peace and security and democratic governance. In the same vein, they have also adopted and operationalized Regional Mechanisms. At the national level, legal frameworks that promote peace and security and democratic governance have been adopted, reflecting commitments at regional and continental levels. These frameworks have facilitated the establishment and operationalisation of democratic institutions that are the custodians of promoting peace and security and democratic governance at national and grassroots levels.

5. Despite the above notable progress, there are worrying trends on the continent that present challenges. These include, persistence of intra-state conflicts; manipulation of constitutions by incumbents to prolong their stay in power; rampant corruption and illicit financial flows; mismanagement of diversity; militarization of politics; refusal to accept electoral results by candidates, igniting electoral violence; extreme poverty; and human rights abuses and violations. This Open Session of the PSC will create a platform for a frank discussion of progress and challenges for structural prevention of conflict in Africa through the effective implementation of ACDEG.

## **II. RATIONALE**

6. The Heads of State and Government of AU adopted ACDEG on 30 January 2007. The Charter came into force on 15 February 2012. Out of the 55 AU Member States, 46 have signed, 31 have ratified and 6 have neither signed nor ratified the Charter. Thus far, there is only one State Party – the Republic of Togo – that has submitted its initial State report on the implementation of the Charter. 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 good governance, popular participation, the rule of law and human rights. It sets out norms, values and standards agreed among African 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.

7. According to Article 45 (a) of ACDEG, the African Union Commission (AUC) is obliged to act as the central coordinating structure for implementation of the Charter. Under the same Article, AUC is obliged to coordinate evaluation on implementation of the Charter with other key organs of the AU, including RECs. In order to facilitate this important role of AUC, the African Governance Platform was established in 2010 and officially launched in Lusaka, Zambia in 2012. The African Governance Platform is the evaluation mechanism of the implementation of ACDEG.

8. The PSC is one of the key Organs of the AU as far as the structural prevention of conflicts is concerned. One of the objectives of PSC is to promote democratic practices, good governance and the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law as part of efforts for preventing conflicts<sup>1</sup>.

## **III. GOAL AND OBJECTIVES**

### ***Goal***

9. The PSC Session is intended to provide an opportunity for its Members and partners to deliberate on the progress and challenges for the effective implementation of ACDEG as a mechanism for structural prevention of conflict.

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<sup>1</sup> 2002 Protocol Relating to the Establishment of the Peace and Security Council of the AU, Article 3 (f)

### ***Specific Objectives***

- a) Examine the value addition and gaps in ACDEG that may promote or hinder its effectiveness in promoting a culture of democracy and peace in Africa;
- b) Explore ways of strengthening the culture of democracy and peace in Africa;
- c) Analyse the role of the media towards the promotion of a culture of democracy and peace in Africa; and
- d) Discuss the role of Civil Society Organisations, youth and women oriented/focused organisations towards the promotion of participatory democratic governance in Africa.

### **IV. EXPECTED OUTCOMES**

10. The following are the expected outcomes from the Session:

- a) A PSC Decision on the need for a Protocol to ACDEG, addressing the gaps in its provisions and establishing AGA as the structural conflict prevention framework of the AU with complementary status to APSA;
- b) Reaffirmation of the earlier PSC decision for the Commission to develop guidelines on the amendment of constitutions; and
- c) Concrete proposals on practical steps for strengthening synergy and complementarity between AGA and APSA through the PSC.

### **V. METHODOLOGY**

11. The Session will be an Open PSC Session. It will include presentations and deliberations on the state of democratic governance on the continents and plenary discussions on the same, punctuated by expert opinions.

### **VI. PARTICIPATION**

The Session will be attended by:

- PSC Members
- Representatives of the AUC
- Members of the Bureau and the Secretariat of the African Governance Architecture
- Development Partners

- Think Tanks and Academia
- Civil Society

**VII. DOCUMENTATION**

- Concept Note and Agenda;
- ACDEG;
- Rules of Procedure of the African Governance Platform; and
- 2002 Protocol Relating to the Establishment of the Peace and Security Council of the AU

**VIII. DATE, VENUE AND LOGISTICS**

12. The Session will take place on **Wednesday 22 August 2018**, at the AU Headquarters, in the Plenary Hall, Old Conference Centre. The session proceedings will be in English, French and Portuguese.

2018-08-22

# Press Statement of the 791st Meeting of the Peace and Security Council of the African Union Held on 22 August 2018, Addis Ababa, Ethiopia.

Peace and Security Council

African Union Commission

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