

# Advancing the pan-African governance agenda: lessons from fifteen years of the African Charter on Democracy, Elections and Governance (ACDEG)

## Key highlights from the deliberations

### *Background*

1. The Charter Project Africa on 13 April 2022 convened an online event to reflect on the double anniversary of the African Charter on Democracy, Elections and Governance (ACDEG): 15 years since it was adopted by African Union (AU) member states and 10 years since it came into force. This brought together representatives from the AU, a representative from the European Union Delegation to the AU, civil society organisations and members of the general public interested in matters of democratic governance. The objectives were to:
  - Take stock of the overall picture of ACDEG adoption and enforcement on the continent;
  - Help actors involved in this process share their experience, and foster effective collaboration between them;
  - Identify the gaps in policy as well as in research going forward.
2. Specifically, the event was attended by the following dignitaries who reflected on the impact of the ACDEG over the last 15 years and considered its future in the face of contemporary governance challenges:
  - The African Governance Architecture (AGA) Secretariat: **Ambassador Salah Hammad**, Head of Secretariat
  - EU Delegation to the AU: **Alban Biaussat**, Policy and Programme Manager-Democratic Governance and Human Rights
  - African Peer Review Mechanism: **Adv. Batlokoa Makong**, Ag. Chief of Staff
  - Pan-African Parliament: **Gali Massa Harou**, Ag. Clerk
  - African Commission on Human and Peoples' Rights: **Lindiwe Khumalo**, Executive Secretary
3. Their remarks were complemented by further reflections from civil society representatives who included:

- European Centre for Development Policy Management (ECDPM): **Lidet Tadesse Shiferaw** Associate Director, Peaceful Societies and Accountable Governance
- Afrobarometer: **Sibusido Nkomo**, Head of Communications
- *Siasa* Place: **Nerima Wako**, Executive Director
- Code for Africa: **Justin Arenstein**, Executive Director

4. The following are key highlights that emerged from the deliberations:

*On the relevance of the ACDEG moving forward:*

5. The ACDEG remains an essential instrument to realise the AU's goals on sustainable development, peace and security. While some progress has been made in the last 15 years, significant work remains to turn the instrument's principles into tangible progress in the daily lives of Africa's citizenry. There is a need to sustain a campaign targeting member states with the aim of achieving **universal ratification** for the ACDEG as only 35 out of 55 member states have duly ratified the instrument.
6. There is also a need to reflect on and **strengthen domestication and implementation** of the ACDEG by member states. This entails enhancing awareness of the ACDEG provisions among key state entities such as relevant government officials, parliament and the judiciary as well as with non-state actors such as civil society and the private sector. The media stands out as a key stakeholder and potential ally in highlighting concerns on democratic governance and sensitizing the public on the provisions and relevance of the ACDEG in their day to day lives.
7. Member states, as duty bearers, are central to enhancing the prospects for successful implementation. Engagement with them should be informed by in-depth assessments and analysis of the capacity and political will constraints that hinder the successful implementation of the ACDEG's principles at state level. This means taking into account the contextual analysis of individual states which may fall within the spectrums of ongoing armed conflict, post-conflict societies, conflicted democracies or those currently negotiating delicate transitions. Furthermore, research points to the following trends being of urgent concern on the continent:
  - The **breakdown of security in some countries and the internationalisation of some conflicts** has led to hyper-militarization of the state to enhance state security. This may be happening at the expense of socio-economic progress which has in turn accelerated other challenges such as civil unrest and terrorism.
  - **A lack of sufficient political leadership on matters of governance** has eroded public trust in state institutions and systems. African citizens still support democratic norms encapsulated in the ACDEG but they are deeply frustrated by failures to deliver on its promises.

- **Unconstitutional changes of government**, some of which have enjoyed public support due to the failure of civilian governments to live up to the promises on service delivery and good governance and emerged on the back of mass protests and popular uprisings. Beyond military coups as the common manifestation of unconstitutional changes in government, the trend of manipulating constitutions and the pursuit of third-terms or elimination of term limits by some political leaders must also be effectively confronted and addressed. This invites a deeper interrogation on whether the ACDEG's definition of unconstitutional changes of government sufficiently addresses these other aspects.
8. Notably, the AGA platform which is currently chaired by the African Commission on Human and Peoples' Rights (ACHPR), is actively seized of the issue of unconstitutional changes in government and welcomes innovative and transversal interventions that advance the interlinked values of democratic governance and human and peoples' rights.
  9. The advances made in civic technology in the last 15 years, the increased role of technology in democratic processes and the reality of digital democracy requires stakeholders to review the ACDEG's relevance from this perspective and adjust their efforts towards implementation to reflect this digital reality.

*On the need for multi-stakeholder efforts:*

10. Past coalitions have been instrumental in ensuring the uptake of the ACDEG so far. As of 2022, there exists an infrastructure and ecosystem for multi-stakeholder engagement which if further improved and enhanced, can advance the implementation of the ACDEG:
  - The AGA platform provides ample opportunities for synergies among AU organs as well as with member states, Regional Economic Communities (RECs), civil society and the African citizenry at large. **There is a need to further operationalise and maximise the existing citizenship engagement strategy of the AGA platform.**
  - Various AU organs possess within their mandates platforms for sensitization, constructive engagement and accountability with regard to obligations under ACDEG. Some examples include the ACHPR's State reporting procedure; state reviews under the APRM as well as the development of the State of Governance in Africa report; the AU Peace and Security Council (AUPSC); the African Court on Human and Peoples' Rights; the Sub Committee on Human rights, Democracy and Governance within the AU's Permanent Representatives' Committee (PRC); and the PAP's Committee on Justice and Human Rights but to name a few. **These platforms should work collectively and cohesively** to undertake the multi-pronged work of (1) pushing for universal ratification of the ACDEG, (2) sensitising state and non-state actors on the instrument's provisions, (3) enhancing state compliance with ACDEG obligations through periodic reviews and (4) providing technical assistance and enabling citizen engagement through availing space for

dialogue within their procedures and encouraging dialogue between state and non-state actors at the national level. **Member States are further called upon and need to be supported to enhance their compliance with the reporting obligations under Article 49 of the ACDEG.**

- Civil society continues to be a valuable stakeholder in the implementation of ACDEG principles through providing valuable evidence-based research and advocacy to inform policy processes and promote accountability from duty bearers. Civil society is also crucial in furthering citizen engagement by creating spaces that bridge the gap between the African citizenry and duty bearers with a view to promoting participatory and responsive governance. This is true not only of traditional civil society in the shape of registered Civil Society Organisations (CSOs), but also for more informal social movements convened through social media, which play an increasing role as interface with the citizenry. **Therefore, the AGA platform and civil society should continue to work together as natural partners towards a robust citizenship engagement strategy that realises the AU’s vision of “An integrated, prosperous and peaceful Africa, driven by its own citizens”.**
- The future of the ACDEG’s implementation requires stakeholders to embrace innovation in the arena of civic technology and explore the bounds of digital democracy. Civic technology has the potential of creating continental constituencies to campaign for improved democratic governance and increase the prospects for accountability by making crucial information on the state of governance in a given location easily accessible and in an actionable form for those seeking remedies. The youth can act as bridge leaders on the different online platforms. However, **the potential for civic technology can only be fully realised if certain challenges are addressed, including: the rise of misinformation in the digital space; limited penetration of internet connectivity on the continent; restricted access to the internet and state backlash against digital advocacy as part of a wider trend of shrinking civic space.**

*The [Charter Project Africa](#) is a pan-African project focused on the commitments contained in the ACDEG, which promotes the usage of civic technology to amplify citizen voices and opens spaces of collaboration between citizens, civic initiatives and African Union policy makers, at national, regional and continental levels with an emphasis on digital formats. It receives funding from the European Union.*



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# THE JOURNEY SO FAR OF THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE (ACDEG)

