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REPORT OF THE COMMISSION ON GOVERNANCE, CONSTITUTIONALISM AND ELECTIONS IN AFRICA

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"Respect for democratic principles, human rights, the rule of law and good governance", Article 4(m) of the Constitutive Act on Principle of the African Union

"An Africa of Good Governance, Democracy, Respect for Human Rights, Justice and the Rule of Law", Aspiration 3 of the African Agenda 2063

A. INTRODUCTION

1. The above two quotations sum up the commitment of the African Union to the promotion of democratic and participatory governance. The founding treaty of the Union has a specific principle for inculcating a culture of democracy and human rights and in the process advancing democratic governance and the rule of law (article 4m). The African Union Agenda 2063 places high premium on the centrality of the democratic developmental state for the achievement of the Union's noble vision of "An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena". Towards realising this vision, Agenda 2063 proclaims that: "Africa shall have a universal culture of good governance, democratic values, gender equality, respect for human rights, justice and the rule of law".

2. This report validates the AU's firm commitment towards the advancement of democratic and participatory Governance in Africa. It builds on last one presented by the African Union Commission (AUC) to the Heads of State and Government Assembly titled: "*Governance in Africa with a Focus on the African Governance Architecture (AGA) and Elections"* during the June 2015 Summit held in Johannesburg, South Africa. The June 2015 Report focused on the evolution and functioning of the African Governance Architecture (AGA) as the overall framework of the AU in realising the aspiration of "an Africa of good governance, respect for human rights, justice and rule of law" as articulated in Agenda 2063.

3. On the basis of that report the Heads of State and Government adopted a decision Assembly/AU/Dec.585 (XXV), which, inter alia:

a. Encouraged the Commission to continue its efforts towards ensuring synergies and complementarity between the African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA) and for establishing the AU Commission Interdepartmental Conflict Prevention Task Force;

b. Called upon Member States to ratify, domesticate and implement all AU Shared Values Instruments, including the African Charter on Democracy, Elections and Governance (ACDEG);

c. Encouraged Member States to continuously ensure the conduct of democratic, credible and peaceful elections that guarantee peace, security and stability of the continent;

d. Encouraged Member States to intensify measures to strengthen the effectiveness of state institutions in their delivery of public services, ensuring decentralization of governance machinery, improving planned urbanization, combating corruption and reversing illicit financial outflows from Africa;

e. Called upon Member States to redouble their efforts in entrenching a culture of constitutionalism, human rights and the rule of law;

f. Encouraged Member States to put in place institutional mechanisms, where they do not exist, for the constructive management of diversity including the establishment and strengthening of national infrastructures for peace; and,

g. Requested the Commission to report to the Assembly regularly on the implementation of this Decision.

4. This report builds on the above-mentioned Assembly Decision 585. While the previous report focused on AGA and elections, the present report focuses on Governance in Africa, with emphasis on urbanization, constitutionalism, and elections. It aims to tease out salient contemporary trends on the Continent on these three issues. The report highlights the achievements and challenges the Continent is experiencing in these areas. Finally, it makes policy relevant recommendations on how to deal with these challenges as the AU continues in its efforts to deepen democratic and participatory governance for socio-economic transformation towards achieving the Sustainable Development Goals by 2030 in the medium term and Africa Agenda 2063 in the long run.

5. The next section focuses on the historical background and normative framework underpinning the AU's work in constitutionalism and elections as well as urbanization. Thereafter the report discusses deepening effective participatory governance in Africa and evaluates progress and challenges in urbanization, constitutionalism and elections. The report concludes with recommendations to guide effective policy responses by the African Union.

B. BACKGROUND

6. Since the 1990s, Africa has witnessed positive developments in democracy and governance. The early 1990s was triumphantly proclaimed as a new era of democracy in Africa. Except for a few countries, non-democratic civilian or military regimes had ruled countries in Africa, particularly between the 1960s and 1980s. The results of authoritarian rule of the 1960s – 80s were devastating. Inter-State and intra-state conflicts were prevalent accentuating political instability with dire consequences for peace and security. Lack of peace and security adversely affected the continent's socio-economic development hence the persistent challenges of poverty, inequality, unemployment and violence with the youth and women as the hardest hit social groups. Corruption and embezzlement were rife resulting in abuse of state resources and massive outflows of Africa's resources perpetuating the continent's underdevelopment. In response, societies disengaged from the state and

the public realm and deepened their informal and personal ties. Ethnic fragmentation fanned by identity politics entrepreneurs ensued, contributing to the implosion of states, as ethnicity was politicised and politics ethnicised.

7. With the collapse of the Cold War and apartheid, Africa underwent an epoch-making transition from war to peace and from authoritarianism to democracy. Post-Cold War and post-apartheid Africa is relatively more peaceful, stable, democratic and prosperous. There are no more large-scale, violent, inter-state conflicts. However, the continent is still marked by a plethora of intra-state conflicts that require constructive management and resolution once preventive diplomacy would have run its course. Political liberalization introduced in many African states led to the rapid displacement of authoritarian regimes and a complete political renewal for the continent, with few cases of unconstitutional changes of government persisting. Within a few years, half of the continent had held multiparty elections. Today, ballots are the key instrument for transfer of power as against the bullets which were prevalent in power transfer in the 1960s-80s.

8. Most African states have improved political accountability, public service delivery and administration, although corruption and illicit outflow of African resources remains a cancer that is still to be cured. A number of African states have progressively devolved power to local governance structures, thereby empowering citizens and facilitating community development. Transformative governance that would guarantee the realisation of the noble aspirations enshrined in the Africa Agenda 2063 has to be people-centred. A people-centred governance is decentralised governance that empowers people and builds resilient societies and communities. Respect for human rights is on the increase as the AU has embraced the new doctrine of non-indifference. The old doctrine of non-interference that characterised its precursor, the Organisation of African Unity (OAU) has been jettisoned.

9. In promoting human and people's rights, Africa needs to make deliberate efforts to transcend conventional wisdom that rights are confined to mere political rights and civil liberties. Africa should promote political rights and civil liberties, but go beyond these to promote and protect socio-economic rights too. This is where 2016 declared by the AU Policy Organs as the Year for Human Rights with Particular Focus on the Rights of Women would make a fundamental difference by highlighting the significance of the right to socio-economic development.

10. This entails promoting such rights as the right to food, right to water, right to shelter, right to health, right to employment over and above other rights such as right to free speech, assembly etc. As the AUC Chairperson aptly proclaimed during the opening ceremony of the 2016 Pre-Summit Gender Forum, "we must talk about all rights, because we can't expect someone who is hungry or ill, to fully exercise their right of assembly. Socio-economic rights must therefore be at the core of our human rights agenda".

11. In their recent report which was launched in Addis Ababa, Ethiopia on 22 January 2016, Afro-barometer presents interesting data on lived poverty in 35 African countries. According to this report, poverty remains pervasive in Africa. In 2014/2015, "more than four in 10 survey respondents say they went without food (44%) or clean

water (46%) at least once or twice in the year preceding the survey, and large proportions say the same thing with regard to needed medical care (49%), cooking fuel (38%) and cash income (74%). The high percentage of people going without cash income speaks to the alarming rate of unemployment in Africa especially among the youth. At the time of writing this report, a wave of violent protests were taking place in Tunisia and protestors raise concerns about unemployment and the Tunisian government is currently addressing this issue.

12. The AU governance mandate is defined as the African Shared Values Agenda. This agenda is generally conceived as those norms, principles and practices that have been developed or acquired, which provide the basis for collective actions and solutions in addressing the political, economic and social challenges that impede Africa's unity, integration and development. These values are embedded at the individual, societal, regional, continental and global levels. They are not mutually exclusive and often complement and reinforce each other as individuals and communities interact.

13. Shared values are reflected in all its programmatic activities. At the operational level, the shared values agenda is advanced through peace and security, integration, development and institutional building activities. These serve to reinforce the overall shared values framework, which encompasses areas, such as Governance, Urbanisation, Anti-corruption, Decentralisation, Democracy, Elections, Constitutionalism, Rule of Law, Human Rights, Transitional Justice, Humanitarian issues, Civil Society Participation, Gender Equality, Youth Empowerment, and Cultural Renaissance.

14. At the continental level, shared values of the Union are conceived as providing the framework for interactions between and within Member States. They reflect and govern the ways in which leaders and citizens relate to each other, and they also serve as the normative framework for the Continent's interaction with the global community. In addition to the values shared within the Union, the concept is also used to facilitate dialogue with the global community and to highlight the realities of Africa, as it pertains to the application of universal values. It is these shared values that have facilitated Africa to speak with one voice on various global issues such as the United Nations Reform through the AU Committee of Ten (C-10). The AU shared values also informed the development of the Common African Position on the Post-2015 Development Agenda which represented an African perspective in relation to the evolution of the Sustainable Development Goals (SDGs). The table below sums up the Shared Values at individual, state or regional, continental levels.

Table 1: Shared Values at individual, state or regional, continental levels

At the individual level	At the state or regional level
1. Basic rights to life, identity and opportunity	1. Sovereignty and the interdependence of states
2. Basic Freedoms (Expression and worship)	2. Adherence to the rule of law
3. Tolerance	3. Democracy and Representation of the popular will
4. Participation in governance	4. Care for the weakest
5. Solidarity with each other in times of joy and in times of sadness	5. Self-reliance (economic and social)
6. Dignity and Respect	6. Justice
7. Justice	7. Law and order
8. Sense of Fairness	8. Equity and equality
9. Equality of persons (Gender, race, sex etc)	9. National determination
10. Respect for age	10. Solidarity of states (brother's keeper)
11. Integrity	11. Stability of environment
12. Community spiritedness	12. Security
13. Self determination	

15. Shared values instruments on democracy, human rights and governance have underpinned the continent's overall progress even in its socio-economic arena, the most recent ones being the 2007 African Charter on Democracy, Elections and Governance (ACDEG), the 2012 African Charter on the Values and Principles of Public Service and Administration, and the 2014 African Charter on the Values and Principles of Decentralisation and Local Governance. Similar instruments have also been adopted at the level of the Regional Economic Communities (RECs) and Member State levels. Progress on implementation of these shared values instruments at the national level, however, remains mixed. The yawning gap between norm setting and implementation calls for visionary and transformative political leadership combined with vibrant citizen engagement if the noble ideals of Agenda 2063 are to be realised. The table below depicts some of the key AU Shared Values instruments.

Table 2: Selected African Union Shared Values Instruments

NAME	ADOPTION	NUMBER: SIGNATURE	NUMBER: RATIFICATION
Constitutive Act of the African Union	July 2000	53	53
AU Convention Governing the Specific Aspects of Refugee Problems in Africa,	September 1969	40	45
Cultural Charter for Africa	July 1976	0	34

African Charter on Human and Peoples Rights	June 1981	44	53
African Charter on the Rights and Welfare of the Child	July 1990	44	47
Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	June 1998	48	36
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	July 2003	52	27
Protocol on the African Court of Justice and Human Rights	July 2008	30	5
African Union Convention on Preventing and Combating Corruption	July 2003	48	35
Charter for African Cultural Renaissance	January 2006	31	7
African Youth Charter	July 2006	38	22
African Charter on Democracy, Elections and Governance	January 2007	46	24
Protocol on the Statute of the African Court of Justice and Human Rights	July 2008	30	5
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)	October 2009	40	24
African Charter on the Values and Principles of Public Service and Administration	January 2011	32	7
African Charter on the Values and Principles of Decentralization, Local Governance and Local Development	June 2014		
Protocol to the Constitutive Act			

of the African Union Relating to the Pan-African Parliament	June 2014		

16. The objectives of the AU regarding democratic and participatory governance are clearly defined in the ACDEG. Member States are obliged to implement the Charter provisions in which they re-affirmed their commitment to hold regular democratic, transparent and peaceful elections as prerequisites to fostering democracy, rule of law and human rights;[1] the culture of democracy and peace;[2] and strengthening democratic institutions.[3] Other normative frameworks that codify the values and principles by which African nations operate include the African Union Guidelines for Electoral Observation and Monitoring Missions, the Declaration of Principles for International Election Observation and its accompanying Code of Conduct, as well as international instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR).

17. In addition to creating the enabling regulatory framework to promote democratic and participatory governance, the AU has consistently provided support to Member States in their bid to achieve these goals. This includes technical support for domestic implementation of decentralization and local governance policies as well as electoral support and observation missions. Irrespective of the gaps in adoption of various Charters, the AU has adhered to the provisions of Article 44(2)(A) of the ACDEG that imposes the responsibility on the Commission to develop normative frameworks and create an enabling environment to promote their practical efficacy. For instance, it has, through the Department of Political Affairs, provided technical support to promote democratic, credible and peaceful elections on the Continent.

18. Nonetheless, the Continent is still facing challenges in the bid to strengthen participatory governance. Democratic governance in Africa remains fragile due to various factors including contested transfer of power, election-related violence (ERV), mismanagement of diversity, failures of decentralisation policies, unplanned urbanisation and Unconstitutional Changes of Government (UCG) that have the potential to scuttle, or at least hinder, democratisation, peace-building and sustainable human development on the Continent.

C. DEEPENING DEMOCRATIC AND PARTICIPATORY GOVERNANCE IN AFRICA

19. The creation and sustainability of a capable and developmental state requires a peaceful and democratic environment. Two of the seven popular aspirations of Agenda 2063 stakeholders are a peaceful and secure Africa and an Africa of good governance, democracy, and respect for human rights, justice, and the rule of law. States deliver better public services, fight against poverty, inequality, and unemployment under peaceful and democratic settings. Deepening and promoting effective participatory governance in Africa is one of the key drivers of Agenda 2063. The three topics highlighted in this report viz; governance (with emphasis on

[1] Chapter 4 ACDEG.
[2] Chapter 5 ACDEG.
[3] Chapter 6 ACDEG.

urbanization), constitutionalism and elections are key for nurturing and consolidating democratic and participatory governance in Africa going forward.

20. The AU's commitment to constitutionalism and democratic elections is demonstrated by its relentless efforts towards the promotion, recognition and protection of fundamental rights and freedoms of citizens; promotion of the principle of separation of powers; ensuring judicial independence and promotion of rule of law; the review of the constitutionality of laws; as well as conducting credible and transparent elections; strengthening institutions that support democratic and participatory governance; inculcating a culture of peace and democracy; establishing and strengthening infrastructures for peace. The AU is committed to entrench constitutionalism and electoral democracy by promoting the values of peaceful transfer of power following democratic elections; adherence to democratic principles based on shared values; strengthening of electoral institutions and processes which ensure peaceful, credible, democratic election outcomes; as well as advancing popular and inclusive political participation.

Decentralization and Urban Development

21. Deepening and promoting effective participatory governance in Africa is one of the key drivers of Agenda 2063. Two areas of work carried out by the STC No. 8 Subcommittees on Decentralization and Urban Development that are key for nurturing and consolidation of participatory governance in Africa going forward are Decentralization and Local Governance as well as Human Settlement and Urban Development.

22. Decentralization enables the people of Africa to control their own development. Local governance increases citizen control of government, involving local actors in choosing priorities, allocating resources, and monitoring and evaluating governmental processes, while improving the provision of basic services. A majority of Member States have adopted decentralization and devolution of power as a means of bringing governance closer to the people and promoting popular participation, particularly at the local level.

23. With regards to urban development (urbanization), Africa has made slow progress on decentralization for the purpose of community empowerment thus rapid and unplanned urbanization and human settlements remains rife. It is imperative that the Continent aligns with the global agenda on planned urbanization. In this regards, UN Resolution 66/207, which calls for the convening of Habitat III, also calls upon Member States to include discussions on Habitat III in planned regional meetings, to facilitate the provision of regional inputs to the preparatory process for the conference.

24. The Third United Nations Conference on Housing and Sustainable Urban Development (Habitat III), which will take place in Ecuador in October 2016, will be a defining event for the future of housing and urban development. The objective of the conference will be to secure renewed political commitment for sustainable urban development, assessing accomplishments to date, addressing poverty, and identifying and addressing new and emerging challenges, with a focus on the theme, "Sustainable Urban Development: The Future of Urbanization".

Constitutionalism

25. Constitutionalism and elections are interrelated and mutually reinforcing. Both deal with how state and governmental power is accessed, controlled and used. They both entail how state and governmental institutions interact in discharging their governance mandates. This is what horizontal accountability or the power map is all about. Horizontal accountability ensures checks and balances and separation of powers among key state institutions such as the executive, the legislature and the judiciary. Constitutionalism and elections define parameters for mediating power between the state and society, i.e. how governors relate with the governed. This is what vertical accountability or state-society relations entail. While constitutionalism provides the basis for, and, the process by which democratic governance is entrenched, elections are a prerequisite to ensure the sustenance of constitutionalism. Indeed, both determine the credibility and legitimacy of the State and its regime whilst providing the requisite space for democratic and participatory governance. The AU takes cognizance of the importance of constitutionalism in entrenching electoral democracy and driving socio-economic transformation on the Continent.

26. While constitutionalism is inter-related with the constitution, the two are distinct from each other and are, therefore, not synonymous. The constitution is defined as a document, written, or unwritten, which governs and allocates power, functions and duties among different agencies within the state and between the governed and government. The main purpose of a constitution is to limit the use of governmental power in a manner that prevents anarchy and authoritarianism. Constitutionalism, on the other hand, is broader and complex.

27. As with the constitution, constitutionalism denotes limited government. It also entails protection of citizens against arbitrary rule. It is about the existence of clearly defined mechanisms for ensuring that the limitations on state power are legally enforceable. The core elements of constitutionalism include: (a) the recognition and protection of fundamental rights and freedoms; (b) the separation of powers; (c) an independent judiciary; (d) the review of the constitutionality of laws; (e) the control of the amendment of the constitution; and (f) institutions supporting constitutional democracy and accountability.

Elections

28. Elections denote a process of choosing leaders at all levels of social organization of a country. It is the central plank of representative democracy. It also entails political participation of citizens in the process of governance. It is a legitimizing mechanism for governments. It is the glue that binds people (voters) and their leaders (government) together over a specified duration of time (often between 4 and 7 years) per tenure. It is an expression of popular sovereignty, i.e. people have the right to elect their own government; renew its mandate for additional tenure of office if satisfied with how it manages national affairs or change it with another one if not satisfied with its performance.

29. It is worth noting that elections are not synonymous with democracy. Democracy means much more than mere electioneering. Beyond elections, democracy denotes observance, protection and promotion of human rights; it entails constitutionalism and rule of law; it encompasses popular participation of citizens in all spheres and at all levels of the governance and development processes; it also entails constructive management of diversity and management and resolution of conflicts; it also entails balancing state security with human security and above all, democracy denotes fair and equitable distribution of national resources addressing the perennial problems of inequality, unemployment and poverty which often-times form the structural root causes of insecurity and political instability on the continent.

30. Thus, reducing democracy to elections is tantamount to the fallacy of electoralism, i.e. a false impression that the mere holding of elections amounts to democracy and that a country is democratic by merely organising regular elections. It is easier to organise and hold regular elections every so often. It is much harder to entrench a culture of representative and participatory democracy in between elections. In fact, elections are a double-edged sword: under favourable conditions, they do promote democracy and peace; under unfavourable conditions, they can easily become a shield or veil for autocracy or authoritarianism.

31. That is why it is strategically important for each African country emanating from a protracted violent conflict to determine when it is appropriate to hold a transitional election. If the timing of such an election is not appropriate a transitional election can have an unintended effect of relapse into war and authoritarianism instead of ensuring durable peace and sustainable democratic governance. If the timing is appropriate, the country concerned has a better chance for a successful transition to democracy and peace, both of which are critical pre-requisites for sustainable socio-economic development.

32. Elections, as a core institution of representative democracy, are one of many procedural mechanisms of effecting the people's participation in changing regimes in a political system. Elected political leaders are key decision makers on processes including the recruitment of electoral, judicial and other independent national institutions. Thus, elections are linked to the structures, systems and institutions of governance thereby underpinning politics and the pursuit of constitutionalism. Against the above backdrop, elections are a cornerstone to the constitution of government and also a means underpinning how governance institutions function.

33. The credibility of elections is influenced largely by the degree to which society displays certain democratic features. Where the rule of law is not respected and adhered to, the frequency of Election-Related Violence (ERV), coups and attempted coups, insurgencies, Unconstitutional Change in Governance (UCGs) or popular uprising are some indicators which show how fierce competition for the highest executive or legislative leadership position can become. These are some of the challenges that have continued to undermine democratic principles and consolidation on the Continent.

34. As noted previously, the two fundamental issues of Election-Related Violence (ERV) and Unconstitutional Changes of Government (UCG) are highlighted with respect to elections in Africa. ERV has direct impacts on the conduct of elections as it

may lead to postponements and/or cancellations. ERV denudes the democratic nature, transparency and credibility of elections. It also leads to low voter turnout, apprehension and fear among the electorate with consequences including the manipulation of votes. ERV also adversely affects a country's socio-economic progress accentuating poverty, inequality and unemployment. With very few exceptions, fortunately, many elections held during the period under review witnessed no major incidences of protracted violent conflicts.

35. Furthermore, the emergence of party-leaning youth vigilante/militia groups whose activities could spark negative anxiety and reactions that are beginning to emerge on the Continent are worrisome. Further evidence from the Continent reveals that unresolved electoral grievances have led to citizen protests; coup and attempted coups, as well as political crises with serious ramifications on peace, stability and human security on the Continent. With respect to UCGs, although the tendency for military intervention is almost completely eliminated, undemocratic tenure elongation has become the notable contemporary challenge.

ACHIEVEMENTS

Decentralization and Urban Development

36. The Year 2015 was remarkable for progress made on decentralization and local governance. The Subcommittee on Decentralization and Local Governance coordinated the Stakeholders Consultative Meeting on Financing of the AU High Council of Local Authorities (AU-HCLA) within the African Union Governance Architecture. It finalized proposals on the proposed structure, budget, and a transitory financing mechanism for 2016 and 2017 fiscal years and submitted them to the relevant AU policy organs for consideration before submission to the Assembly for approval. The AU-HCLA Statutes and Organogram Concrete was reviewed and refined, while concrete recommendations were made on sustainable funding mechanisms for its operationalization.

37. Notably, the Government of Senegal has re-emphasized its commitment to host the Secretariat of the AU-HCLA and to provide the funding of the Organ from January 2016 - December 2017. Also, Fifteen (15) Member States have instituted fundamental reforms at an institutional level and made net progress in the devolution of power to local authorities. While the above number reveals Member States' commitment to promote and achieve decentralization and local governance as envisaged in the African Charter on the Values and Principles of Decentralization, Local Governance and Local Development, adopted in June 2014, greater effort is required to push this goal towards continental reality.

38. Africa has undergone profound transformation at the level of population growth and demographic composition, urbanization, and human settlements development. Though the Continent remains the world's least urbanized continent, with only one third of the population residing in cities, Africa's urban growth rate of 4.6% is the highest in the world, while its rate of urbanization at 1.5% is second only to Asia. The continent's urban population has almost doubled during the past 20 years, while the rural population has continued to increase by almost 50% during the

same period. Projections indicate that the trend will continue with increased intensity, with half of Africa's population residing in urban areas within the next 20 years.

39. The African Union needs to urgently address an "urbanization agenda" rather than an "urban agenda", which tends to over-emphasize the binary distinction of rural-urban. Structured investment in infrastructure, improved business systems, and pro-poor urban polices will help create productive, compact, and resilient cities and towns. Sustainable structural change is of utmost importance. The AU should focus on the development and adoption of the proposed African Charter on the Principles and Values of Urban Development, Housing, and Human Settlements to improve urban governance and development in Africa, as proposed by the AU-STC No. 8.

40. In response to UN Resolution 66/207, the AU-STC No. 8 Subcommittee on Human Settlements and Urban Development, along with the AUC, is collaborating with stakeholders and partners to develop the Common African Position for Habitat III, a framework for collective negotiation that will help ensure African priorities are reflected in the outcome of the Habitat III Summit and the development of the New Urban Agenda and associated policy recommendations.

41. To build on the gains already made with regard to urbanization on the continent, Africa's engagement into the Habitat III process must ensure that the ultimate outcome is an agenda for urbanization and human settlements that bolsters and enhances the continent's quest for structural transformation. A transformative urban and human settlements agenda will be based on eight pillars:

Pillar 1: Harnessing the potential of urbanization to accelerate structural economic transformation and inclusive growth by:

- Deploying adequate financial resources in the productive urban sectors for planning and management of urban areas, investment in infrastructure, basic services for human settlements development, and provision of decent and affordable housing, particularly to low income populations;

- Promoting inclusive economic growth that translates to decent job creation as well as improved living standards for all ;

- Promoting connectivity between rural and urban areas to harness the full potential of the urban rural linkage;

- Transforming the urban economies into high productivity and value adding activities;

- Promoting planning and investment for sustainable urban mobility systems that link people, places, and economic opportunities.

Pillar 2: Linking sustainable urban and human settlements development with resilience through:

- Fostering resilience of human settlements, including social and economic resilience, along the rural-urban development continuum, and enhancing rural-urban linkages;
- Adoption and domestic implementation of the International Guidelines on Urban and Territorial Planning, and effective land use planning;
- Active partnerships with the private sector as the key actors of land development, for the greater public good in human settlements;
- Enhancing participatory slum upgrading and prevention programmes;
- Building and enhancing institutional capacity for urban safety, resilience, and disaster risk management, recognizing that urban areas are particularly vulnerable to climate change risks;
- Installing early warning systems and urban observatories for disaster risk management and mitigation;
- Preserving ecosystems and increasing urban public spaces;
- Addressing urban pollution, promoting renewable energy utilization, and improving waste management.

Pillar 3: Enhancing people-centred urban and human settlements development through:

- Provision of basic services to all, including water and sanitation, for equitable, inclusive, and sustainable urban and human settlement development;
- Promoting gender equity;
- Ensuring safety and security in human settlements;
- Facilitating access to urban services and housing for migrants and refugees;
- Promoting consultative frameworks among all urban and human settlements stakeholders as well as promoting a participatory approach in urban project implementation;
- Ensuring accessibility to housing and urban basic services for all, including vulnerable groups such as people with disability, children and the elderly.

Pillar 4: Strengthening institutions and systems for promoting transformative change in human settlements through:

- Adoption of integrated National Urban Policies, including the review of planning curriculums in line with UN-Habitat Resolution 25/6 on the International Guidelines for Urban and Territorial Planning;

- Adoption of integrated National Urban Policies, including the review of planning curriculums in line with UN-Habitat Resolution 25/6 on the International Guidelines for Urban and Territorial Planning;

- Supporting pre-emptive spatial and programmatic planning as an effective mechanism for responding to rapid urbanization and for directing sustainable human settlements development;

- Promoting effective decentralized urban management by capacitating technically and financially local authorities to deliver adequate shelter and sustainable human settlements;

- Strengthening urban governance through legislative capacity and law enforcement for efficient and effective service delivery.

Pillar 5: Enhancing the contribution of urban and human settlement development to the continental integration process by:

- Promoting sustainable planning and management systems of border cities and urban corridors within and across international boundaries;

- Expanding continental spatial development programmes as well as regional and interregional infrastructure, facilities, and initiatives that would promote cross boundary interaction and leverage urban and human settlements assets.

Pillar 6: Enhancing Africa's global competitiveness through urban and human settlements development by:

- Promoting specialization among Africa's major cities with a view to maximizing the continent's value addition;

- Promoting inclusive cities as articulated in the African Agenda 2063 through advocacy and outreach;

- Striving to promote strategic synergy and forge within the continent's integration framework a dynamic network of urban and human settlements that are competitive on the global platform;

- Developing smart cities with improved urban systems for improved functionality, efficiency, and effective delivery of urban basic services and infrastructure.

Pillar 7: Enhancing environmental sustainability and effective response to climate change in human settlements by:

- Strengthening capacities for strategic response to climate change adaptation;
- Developing infrastructure for mitigating the impact of floods and inundations, coastal erosion, drought, as well as increasing heat in human settlements especially in slums and informal settlements;
- Promoting green building and infrastructure technologies as well as the application of designs which mitigate climate change and adapt to its impact;
- Fostering the utilization of sustainable renewable energy and resources as well as investment in low carbon production systems in urban centres;
- Developing systems for sustainable solid and liquid waste management, including promoting the principle of reducing, reusing, and recycling of resources.

Pillar 8: Instituting a global partnership for sustainable urban management to facilitate implementation of the new global urban and human settlements agenda in Africa, which:

- Recognizes the importance of continued implementation of the unfinished business of the relevant MDGs and Habitat Agenda;
- Acknowledges the importance of addressing human settlements continuum as a driving force for structural transformation;
- Establishes an operational fund for facilitating implementation of the new urban and human settlements agenda;
- Strengthens existing institutions and arrangements for implementation;
- Strengthens UN-Habitat to make it politically visible, as a key player in mobilizing all relevant actors, state and non-state, in implementing the outcome of Habitat III as well as the urban and human settlements component of the 2030 Agenda for Sustainable Development.

Constitutionalism

42. Zero **tolerance by AU and RECs to military coups d'état:** Relying on its normative framework, the AU maintained its zero-tolerance stance on coup d'états. The AU summarily and unequivocally condemned coups where they occurred and immediately suspended erring MS from the Assembly. The role of the AU in this regard has contributed immensely to the successful reduction in the number of coup d'état's on the continent. During the reporting period, the AU intervened decisively

jointly with ECOWAS and supported by the United Nations system in reversing a military coup in Burkina Faso, which seriously threatened the transition to democracy and peace in that country. The reversal of the military coup in Burkina Faso set the stage for a successful transitional election, which took place during the review period.

43. Development of clear normative framework against unconstitutional changes of government: The AU and RECs have developed a robust normative framework aimed at combatting unconstitutional changes of government. The African Charter on Democracy, Elections and Governance, for instance, provides a framework on how AU member states can go about amending their constitutions in a democratic, consensual and participatory manner which in the final analysis will be deemed to be responsive to citizens' aspirations. At the same time, the Charter also provides those circumstances surrounding constitutional amendment which lead the process to be deemed to amount to an unconstitutional change of government and therefore against the will and aspirations of the citizens.

Elections

44. Inculcating a culture of peaceful transfer of power: There were 7 general elections during the reporting period namely; Burkina Faso, Central African Republic, Cote d'Ivoire, Egypt, Guinea, Seychelles and Tanzania). All the elections resulted in successful and peaceful transfer of power. The role of the AU in this achievement cannot be overstated. The deployment of missions, as required, to these MS contributed to the credibility of the elections, a prerequisite for peaceful transfer of power. Furthermore, the AU interacted with some MS where there were tensions that may have marred the peaceful transfer of power to avert political crises.

45. Member States' commitment to democratic, transparent and credible elections: Elections pose a major litmus test for a country's democratic fabric. During the period under review, a number of elections were conducted on the Continent, albeit with mixed outcomes. A majority of MS demonstrated an increasing level of democratic maturity by organizing relatively transparent and peaceful elections deemed democratic, transparent and credible by the AU and other international observers. However, relying on elections to decipher democratic governance under such conditions may be a flawed approach. Genuine democratic regimes also pass the test on aspects such as the effective functioning of government, political participation, respect for human rights and cultural diversity. This has been witnessed in some MS that have demonstrated the will to make their governments more effective by promoting equal participation of men and women in politics and government; respect for human rights, etc.

46. The role of AU and RECs in promoting credible elections: the AU has played a significant role in all elections that were held on the Continent in the second half of 2015. Election observation missions were deployed to all MS that held general elections during the period under review, except in Burundi where the AU was unsatisfied that the (then) prevailing circumstances could not permit the conduct of credible elections. Nevertheless, the AU interacted with Burundi and deployed a transparent Pre-electoral Assessment Mission (PAM) and two High-Level Political Missions to the country in a bid to promote an atmosphere conducive to the conduct of credible elections. Instead of deploying the AUEOM to Burundi, the AU deployed

nine (9) Human Rights Observers to be increased to a total of 50. The AU works closely with RECs in its election observation mandate. AU and RECs have shared ideals in their promotion of democratic, transparent and credible elections. AU and RECs need to do much more to harmonize their election observation methodologies and strengthen their practical cooperation on the field in countries holding elections.

47. The AU also interacts and provides technical assistance and support to Member States' Election Management Bodies (EMBs) to enhance constitutionalism and democratic elections. Notably AUC interacts with EMBs and provides technical assistance and support to them. In 2015, the AUC deployed short-term experts to EMBs, conducted training and capacity building of staff of EMBs using the Building Resources in Democracy, Governance and Elections (BRIDGE) curriculum, promoted the application of the Electoral Risk Management Tool (ERMT) by EMBs to address election-related violence, and offers support to regional EMB networks such as the Association of African Electoral Authorities (AAEA). These activities promote an avenue for the AU to interact with EMBs while providing them the space to network and share ideas and experiences to better prepare them for future elections.

CHALLENGES

48. Despite efforts made by the AU, RECs and Member States to advance constitutionalism and electoral democracy on the continent, there are emerging trends and challenges, which began to be eminent in recent years.

Decentralization and Urban Development

49. A recent assessment of local governments in Africa shows that there is commendable level of devolution of power to the local level, but commitment to implementation of decentralization policies and programmes by Member States remains a fundamental challenge. The ratification of the African Charter on the Values and Principles of Decentralization, Local Governance and Local Development, adopted in June 2014, that aims to deepen decentralization and promote local democratic governance and effective public service delivery at the local level remains low. So far, only four Member States have signed the Charter. Ratification by at least 15 Member States is required for it to enter into force.

50. Approximately 63% of Africa's urban population still resides in intermediary or secondary cities of less than one million inhabitants. "In situ urbanization," the proliferation of smaller agglomerations and settlement clusters evolving out of rural settings with populations of less than 20,000 people, is changing the geography of human settlements. Beyond the megacities, metropolitan centres, secondary cities, and small towns, these emerging smaller agglomerations have the potential to become the nuclei of urban growth in the next twenty years, and can contribute to changing division of labour as well as revitalizing rural-urban linkages.

51. This phenomenon, coupled with urban sprawl, non-adherence to planning regulations and standards, ineffective and inappropriate urban governance systems, infrastructural deficiencies and capacity limitations, has generated negative externalities, including proliferation of slums and informal settlements, congestion, unemployment, crime, and mobility challenges, as well as infrastructure and resource

inadequacy. An estimated 55% of Africa's urban population lives in informal settlements or other inadequate housing conditions. Over 50% of urban dwellers lack access to improved sanitation.

Constitutionalism

52. Constitutional Amendments: Some AU Member States have witnessed contested constitutional amendments, most of which related to extension of tenure of head of state in office. Without doubt, the principle of state sovereignty supposes that a government is at liberty to govern its people within the ambit of its extant laws. Where such laws are to be amended, especially where fundamental provision such as those on tenure extension, are to be amended, they must be done with the full consultation with and participation of the citizenry.

53. As a baseline, the provisions of the ACDEG on constitutional amendment must be adhered to. There are two provisions of the ACDEG that are pertinent to understanding and determining when constitutional amendments to elongate tenure may be considered legal and when they may be considered unconstitutional change of government. These provisions are Articles 10 and 23.

54. Article 10 (2) stipulates that State Parties shall ensure that the process of amendment or revision of their constitution reposes on national consensus, obtained if need be, through referendum. This provision envisages a situation wherein the government must consult its citizens who should determine whether or not to amend the constitution. It should be noted that national consensus presupposes that the citizens are able to participate actively in the decision making process without being unduly influenced or coerced to obtain the bidding of the government.

55. However, the provision of Article 10 should be read in consonance with Article 23 (e) which provides that State Parties agree that the use of any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government is tantamount to unconstitutional change of government and shall draw appropriate sanctions by the Union. Thus, where a constitution is amended to prevent credible elections from holding or the process of amending the constitution itself is not democratic, then the amendment process falls foul of Article 23, is considered a UCG and will draw sanctions from the Union.

56. Notably, the ACDEG does not provide a list of such instances wherein a Member State may be considered to fall foul of the Charter thus each circumstance will have to be considered on its merits taking relevant issues into cognizance. This may include the freedom of interested parties to campaign for or against the proposed amendment prior to the referendum; the credibility of the referendum; tolerance of the political opposition; and, the political climate in the country amongst others. This is an issue that the AU ought to prioritize in order to tackle to the rising number of Member States that are keen to amend their constitutions to permit tenure elongation. Experience across the continent reveals that tenure elongation, where unsupported by national consensus leads to dire consequences including political turmoil, deepening political and ethnic tensions, human rights violations and potential humanitarian crisis.

57. It should be noted that tenure elongation is just one of several pertinent issues regarding constitutionalism on the continent. Others include for instance, hyper-presidentialism and executive dominance over the other organs of the state (the legislature and the judiciary) undermining separation of powers and horizontal accountability; and, a less conscious and less organised citizenry which undermines popular participation in governance processes beyond elections resulting in poor vertical accountability. The AU needs to urgently address these and other broader issues of constitutionalism to further entrench a culture of democracy and peace on the continent.

58. Popular uprisings: Popular uprising has emerged as one of the new challenges for governance, constitutionalism and the rule of law in Africa especially in North Africa since 2010 to date. They began in Tunisia and spread to Egypt and other parts of the Middle East such as Yemen. The latest protests have recently happened in Burkina Faso and were underway in Tunisia again at the time of preparing this report. It should be noted that the AU does not have a definitive normative framework dealing with popular uprising as this issue is not covered adequately in the existing norms especially the ACDEG. Given this situation, popular uprisings pose a two-pronged challenge for the AU. They are people-driven and thus the AU has to be extra-cautious how to approach these political events. But, they often do not have a clear-cut leadership and thus may be abused by other actors (internal and external) to destabilize and/or change governments in an unconstitutional manner.

59. Noticing the above conundrum that faces its doctrine on unconstitutional changes of government in the face of popular uprisings, the AU made the most definitive statement ever on popular uprisings. Following the Summit of Heads of State and Government held in Addis Ababa in May 2013, African leaders committed themselves to deepening democratic governance through, inter alia, "rejection of unconstitutional change of government, including through any attempts to seize power by force *but recognise the right of our people to peacefully express their will against oppressive systems*". While this progressive stance of the AU is commendable, the Union needs to revisit and review its normative framework to ensure that the popular protests are not used by other undemocratic forces within and outside the continent to instigate regime changes for purposes other than the common national purpose of citizens.

60. In his two opinion pieces on this matter which appeared in the Al Jazeera online library and in the Cape Argus, Solomon Ayele Dersso, one of the Commissioners of the African Commission on Human and People's Rights, suggests that for the AU to determine the 'democraticness' or lack thereof, of the popular uprisings and their outcomes, it has to take into account four considerations or factors. The first is whether or not the democratic space was totally closed for citizens to remove an unpopular regime. If it was closed and people therefore opted for street protests that led to change of government, such a situation should not be considered by AU as unconstitutional change. The second, which is closely related to the first, is the extent to which other constitutionally open spaces were attempted before popular uprisings and desired results not achieved or the regime remained intransigent, thus opening up the protest option as the last resort. The third is the

popularity of the uprisings as a vivid demonstration of the legitimacy crisis of the regime which led to its downfall. The fourth and final factor is the role played by the military in the uprisings. The military is not supposed to be involved in politics in a partisan manner. Once this is the case, this ought to influence the AU determination on unconstitutionality of the protests and their outcome. This debate needs to be continued and sharpened further so that we are able to provide the AU with concrete proposals on how best to refine and tighten its normative framework on unconstitutional changes of government.

61. It is debatable whether popular uprisings amount to unconstitutional changes of government or are a legitimate expression of the people's will. It is against the backdrop of popular uprising in North Africa that the AU Assembly requested the African Union Commission, the African Union Council on International Law (AUCIL) and the African Court on Human and Peoples' Rights to provide a legal definition of unconstitutional change of government and submit concrete recommendations on the appropriate measures in response to the issue.

62. Undue political influence on the security establishment: Despite the noticeable progress on the democracy front, a number of African countries are still beset with the challenge of undue political influence of the security establishment by the political class. This trend manifests in various ways. First, the political elite interferes in the security establishment for partisan party-political interests which at times are at variance with national/security interest. Second, the top brass of the security establishment tends to dabble into party-political activities thereby undermining the professionalism of the security apparatus. Third, the security establishment is not accountable to parliament, but rather to the executive especially the head of state and/or government thereby undermining the principle of civilian control over the security establishment.

63. The unhealthy inter-relationship between the executive and the security establishment is more glaring in some countries in respect of civil-military relations. This results in the militarisation of politics and politicisation of the military. There is no doubt that once politics is militarised and the military is politicised, constitutionalism and the rule of law are bound to be compromised. The military is supposed to remain impartial and professional in undertaking its mandate of ensuring security of nations from external threats. Politicians are supposed to respect the impartiality and professionalism of the military. The security establishment is supposed to be accountable to the state through elected people's representatives in the legislature.

Elections

64. Towards gender equality: While considerable progress has been made towards gender equality over the years in Africa, enormous challenges still persist. Elections present an important avenue for the improvement of gender equality and women's empowerment. Women constitute more than 50% of the populations of each one of the 54 AU Member States. They make up the largest majority of registered voters. Their participation rate in elections is also often higher that of men. However, women are less represented as candidates in elections compared to men. Thus, women are poorly represented in elected offices such as councils and legislatures. Women (compared to men) are also poorly represented in other organs

of the state, such as the executive and the judiciary. Part of the problem with women's participation in elections and representation in the executive relates to their poor representation and participation in political parties. Political parties still remain the strongholds for patriarchal culture in which men dominate and act as gatekeepers against women's entry, influence, power and authority.

65. Women's representation and participation in high-level decision making structures enhance the chances of removing the barriers they face as well as reducing inequalities in accessing education, health and employment, for examples. Through its Agenda 2063, the AU envisages an Africa with full gender parity, with women occupying at least 50% of elected public offices at all levels, and half of managerial positions in the public and the private sector**.** By the year 2063, the economic and political glass ceiling that restricts women's progress would have been shattered. In that same vein, the AU declared the year 2015 as the year of women's empowerment and development towards Agenda 2063. Women (and children) who bear the most of the brunt of REVs have a significant role to play in the management and eradication of these forms of violence.

66. While a number of countries have registered impressive record of women's representation and participation in decision making structures, the regional and continental record remains poor overall. Statistics from the reporting period suggest that the percentage of women elected into parliament in Member States is neither commensurate to the percentage of women's population in the countries nor is it a reflection of their involvement in the electoral processes. According to the MDG Report (2015) the overall representation of women in national parliaments in Africa as of 2014 is estimated at 20% (an encouraging improvement on 7% in 1990). The regional record of women's representation in national parliaments during the same period is as follows: Central Africa, 20% (improving on 11% in 1990); East Africa, 27% (as against 8% in 1990); North Africa, 15% (compared to 3% in 1990); Southern Africa, 23% (as against 5% in 1990) and West Africa, 16% (an improvement on 9% in 1990). While statistically, this amounts to progress, the continent is still a long way from achieving true and genuine gender equality. Against the backdrop of the realization that women play an integral role in African societies, it is important that they are provided with ample opportunities to be front-runners for parliament (and other political offices). In table 3 below, results of recent elections in terms of representation of women in national parliaments are illustrated. Only Seychelles (44%) and Tanzania (36%) have achieved more than 30% representation of women in their national parliaments. The rest of other countries have recorded less than 30% representation of women in their national parliaments with Guinea only about 8% shy of reaching the minimal threshold of 30%.

Table 3: showing the percentage of elected women in national parliament's where elections held in the reporting period

	Country	**% Women in Parliament in 2015**	**% Women in Parliament in previous elections**
1	BURKINA FASO	13	16% (2012)

2	CAR	N/A	13% (2012)
3	COTE D'IVOIRE	9%	9.2% (2012)
4	EGYPT	14%	2% (2012)
5	GUINEA	22%	21.9% (2013)
6	SEYCHELLES	44%	44% (2014)
7	TANZANIA	36%	36% (2010)

67. The AU has also noted the important role women can play in conflict mediation and resolution and has taken positive steps to enhance them in the democratic process. In line with various AU commitments on increasing the participation of women in mediation and other political processes, there are deliberate initiatives to train and deploy more women as election observers and Mission Heads, as well as improve their capacities in dispute resolution skills and training, given the recognition of election observation as a mechanism for conflict prevention.

68. Various and targeted forms of violence against women in politics and elections was a major impediment to women's political participation, including the declining rate of women's participation in elections in certain contexts. The AU engaged fully with initiatives such as ECOWAS' Women's Situation Rooms, which sought to undertake real time incident reporting and mediation in pre and post-election periods to monitor and mobilize timely responses to incidents. While the AU has shown its commitment to support this sort of initiatives, it also takes cognizance and is encouraging the active inclusion and involvement of women in the full cycle of the electoral monitoring processes.

69. Youth Empowerment through elections: The young people across the continent are becoming increasingly aware of their political surroundings and are actively engaging with political processes. For instance, the youth's grasp of and use of information technology to monitor and share real time information during elections enhances the credibility of the electoral process. It is also important for the youth to be involved in the political process to gain the requisite experience as "leaders of tomorrow". Thus, it is important that the youth are recognised as important stakeholders in politics and political processes and be empowered to engage as such. But the challenge with youth in politics in Africa is simply that the youth are disengaging from the democratic process as they seem disenchanted and disillusioned. The youth comprise more than 70% of the population of each one of the 54 AU Member States. This youth bulge can become either a blessing or a curse depending on how each country taps this resource. The worst case scenario is where the youth are mobilised to engage in election-related violent conflicts. The best case scenario is where the youth are mobilised to advance democracy and peace as responsible citizens and "leaders of tomorrow".

70. Voter Turnout: Voter turnout was varied in the elections that held in the reporting period. The continental average of period under report was 66.08% with the

highest turnout being 90.06% recorded at Seychelles' second round and the lowest being 26.5% from Egypt. The table below highlights the figures from the elections held during the reporting period.

Table 4: Voter turnout for countries that held election in the second half of 2015

	COUNTRY	**REGISTERED VOTERS**	**TOTAL VALID VOTES**	**VOTER TURN-OUT IN %**
1	BURKINA FASO	5,517,015	3,309,988	60.0%
2	CAR	1,954,433	1,527,975	78.18%
3	COTE D'IVOIRE	6,301,189	3,330,928	52.86%
4	EGYPT	27,402,353	7,261,623	26.5%
5	GUINEA	6,042,634	4,131,046	68.36%
6	SEYCHELLES (1st R) SEYCHELLES (2nd R)	70,943 70,943	62,004 63,891	87.4% 90.06%
7	TANZANIA	23,254,485	15,193,862	65.34%

71. Administrative and Logistical challenges: There were administrative and logistical challenges in most of the countries: the common issues related to late arrival of voting materials, late opening of polling stations, credibility of voters' register and problems with electronic voting card readers in countries where they were newly introduced. However these challenges, where they occurred were not considered significant enough to compromise the integrity of the electoral process and the legitimacy of its outcome. Nonetheless, it is important to encourage, and enhance the EMBs' capacity to conduct credible elections in the future.

72. Election Boycotts and Non-Acceptance of Results: One glaring observation from elections held in 2015 is the negative attitude of candidates and parties losing the election towards the electoral process. All but two parties that lost the election in 2015 reacted negatively to the electoral process even where they were declared credible. They threatened to boycott the elections, or did boycott; challenged the credibility of the elections without providing evidence to support their underlying claims; neglected to seek recourse to laid down legal procedures to resolve disputes; and/or sought to appeal public sentiments by asking their supporters to engage in protests.

73. In many of the elections held, the opposition challenged the veracity of the official outcomes declared by the EMBs and verified by the AUEOM and other international EOMs. Challenging election process and results are part of the political process but these should be done following laid down procedures to avoid ERV. An example in the reporting period is Seychelles where the opposition has challenged the outcome of the election in court. Unfortunately, across the continent, losing parties still call on their supporter to the recourse to protest against election results. The latter must be discouraged to avoid the cycle of ERV that has far reaching negative consequences for the countries concerned and the continent as a whole.

74. In some Member States, the main opposition political parties boycotted the general elections. The boycotts were predicated upon alleged government

interference with the electoral process and shrinking political space. These conditions, according to them did not promote the principle of inclusivity for conducting credible elections. Boycotting elections does not only dampen the oppositions' chances of entrenching participatory democracy in their respective countries, but it also denies their supporters their suffrage. Making claims that are not substantiated challenging the credibility of the elections potentially incites the public and heightens political tensions. Aggrieved stakeholders in the electoral process should always refer and adhere to electoral laws as the basis for resolving resulting disputes.

75. **Vigilante/militia groups**: There is a rising tendency for political parties to form and deploy vigilante and militia wings (by whatever name called) to advance their party interests. The use of organized political thugs contravenes not only national constitutions and ACDEG but it also risks triggering and escalating electoral violence particularly where electoral outcomes are disputed. Furthermore, the use of militias, particularly during electoral processes, taints the credibility of such elections while posing a danger to citizens.

D. CONCLUSION AND RECOMMENDATIONS

76. The goals of governance, constitutionalism and elections are critical for the realization of Agenda 2063. Constitutionalism and elections provide the fundamental basis upon which democratic and participatory governance structures are built and developed towards the attainment of socio-economic transformation. Critical to economic growth and sustainable human development as envisioned in Agenda 2030 and Agenda 2063 is the ability of cities and other settlements to evolve as hubs of cultural and economic activities. If well managed, cities are engines of economic growth and can propel the continent towards socio-economic transformation and industrialization. Urbanization will be a defining element of Africa's future growth; successful urban governance will harness the power of this growth for equitable development and manage its negative consequences.

77. Notably, while Africa has made progress on advancing constitutionalism, electoral democracy and adopting a common position on urbanization, there are still a number of challenges that hamper their optimal attainment. A fundamental stumbling block is the slow rate at which Member States ratify relevant instruments that provide the normative framework upon which further initiatives and practical activities are predicated. Thus, the prioritization of the ratification and domestication of the relevant AU Shared Values instruments is one particular area for immediate action.

Decentralization and Urban Development

78. The AU Member States should accelerate the signing, ratification, domestication and implementation of the African Charter on the Values and Principles of Decentralization, Local Governance and Local Development which was adopted in 2014.

79. The AU Member States should prioritize the continued operationalization of the AU-HCLA, including validating the proposal of Senegal to host the Secretariat

and inaugurating the AU-HCLA Assembly and Secretariat. This body will provide an important mechanism for communities to cooperate and ensure that the voices of local governments and the African population are heard at the continental level.

80. The AU should ensure the development and adoption of the Common African Position for Habitat III. The AU-STC No. 8, its subcommittees, and other related bodies, like the High Council of Local Authorities and the Habitat III Bureau, will be important institutions for future action in areas of effective local and urban governance and should be fully operationalized and empowered to work within their respective domains.

Constitutionalism

81. AU Member States must make deliberate efforts to ensure professionalization and depoliticisation of the security establishment by building constructive civil-military relations. This should entail ensuring accountability of the security establishment through the relevant portfolio committee of parliament.

82. AU should take cognizance of the growing trend of the formation and use of youth/militia arms of political parties. The AU must firmly discourage this trend in its Member States as it undermines democratisation and peace-building. The AU should call upon Member States to take immediate steps to discourage political parties from establishing such groups and disband them where they already exist.

83. In line with the ACDEG, the AU has been consistent in its stance in condemning UCGs throughout the Continent. It should maintain its tough measures against perpetrators of UCG including asset freeze and travel ban and take legal actions depending on the context of each case.

84. The AU needs to engage with Member States to encourage them to ensure that constitutional amendments are done in accordance with the provisions of the ACDEG (as a baseline) and the active participation of their citizens.

85. The AU should note take cognisance of the practical implications of the difference between the provisions of Articles 10 and 23 that define circumstances that characterise a democratic and consensual when constitutional amendment process on one hand (Article 10) and circumstances that a constitutional amendment process that may be tantamount to Unconstitutional Change of Government (UCG).

86. The AU Member States must establish permanent, impartial and independent Constitutional Review Commissions whose mandate should be to oversee all constitutional review processes. Such commissions should act as democracy promotion bodies akin to the human rights commissions and independent electoral commissions. Such commissions will play a critical role in entrenching a culture of constitutionalism and rule of law in Africa.

Elections

87. Progress has been made since the adoption of the ACDEG in January 2007; still, of 54 Member States, 46 have signed the Charter, while only 24 have ratified

and deposited it. All the 54 AU Member States must sign, ratify, domesticate and implement ACDEG in order to entrench a culture of democracy, constitutionalism and peace.

88. The AU should continue to provide technical support to EMBs and other stakeholders, especially political parties, the media, judicial institutions and law enforcement bodies and civil society in Member States to boost their institutional capacity and human resource to enhance effective and efficient management of electoral and democratic processes. This includes conducting Pre-election Assessment Missions, high-level political engagement with Member States, deployment of AUEOMs and implementing post-election follow-up programmes.

89. With the view to support AU commitments and roles in entrenching democratic and participatory governance on the continent, Member States are encouraged to fulfil their financial and other obligations to the AU especially contributing to the Democracy and Electoral Assistance Fund.

90. In recognition of the need to be gender sensitive and the important role that women play in political processes, the AU should strongly encourage the integration of women in national and regional politics. This is more so that their active participation in politics and elected offices will reduce inequalities they suffer.

91. The AU needs to devise initiatives to encourage youth participation in political processes across the continent. The AU should encourage National EMBs and other development institutions to keep and disseminate disaggregated data on youth participation.

92. The AU Member States emerging from protracted violent conflict and in the process of transition to democracy and peace should pay particular attention to the timing of elections. Transitional elections in post-conflict countries should take place only when key institutions have been established and functional; when a peace agreement is in place and effectively implemented by all the belligerent parties; peace and stability exists throughout the length and breadth of the country etc.

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