

Summary

The African Union (AU) has developed a comprehensive mandate that encompasses the creation, protection and support of democracy in its Member States. Since 2000 the AU has continuously expanded its mandate in the field of democracy support, and developed new mechanisms to fight unconstitutional changes of government and support the establishment of democratic institutions. This Policy Brief outlines the AU's normative framework for conflict prevention and the support of democracy. It includes a number of policy recommendations which, if adopted, would help strengthen the AU's work in these fields.

About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with a mission to support sustainable democracy worldwide.

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Promoting democracy and peace in Africa: the role of the African Union

Key recommendations

1. *Broaden the legal framework:* The African Union (AU) needs to adequately address the needs and aspirations of citizens in the implementation of its progressive normative framework on unconstitutional changes.
2. *Domesticate and implement norms:* The AU needs to invest more effort in encouraging its Member States to ratify and implement the shared values and instruments which they have adopted.
3. *Promote the integrity of elections:* The AU will need to invest more energy and resources in promoting the integrity of electoral processes as a strategy to prevent electoral violence and support peaceful post-election transitions.
4. *Partner for peace with like-minded organizations:* To successfully create, protect, and promote democracy in AU Member States, the institution has to coordinate and identify synergies with other international actors with similar mandates.

Background

Democracy and peace are both prerequisites for sustainable human development. The mutually reinforcing interlinkages between democracy and peace in Africa are indisputable. However, support for democracy and sustainable peace in some African countries is hindered by protracted and violent conflicts, including civil wars. The AU has set itself aspirational goals on this issue, stating that 'by 2020 all guns will be silent. A culture of peace and tolerance shall be nurtured in Africa's children and youth through peace education' (AU Commission 2015: 32).

In its mission of democracy promotion and peacebuilding, the AU has built an expansive and robust normative framework, coupled with mechanisms and institutions to implement this framework. These mechanisms and institutions have been instrumental in strengthening democratic governance in AU Member States emerging from violent conflict. The normative framework can be seen as part of the AU's efforts to promote democratic governance and the rule of law, both of which are critical for people-centered socio-economic development.

Unlike the Organization of African Unity (OAU) Charter (1963), which embraced the doctrine of non-interference in the internal affairs of Member States, the AU Constitutive Act (2000) embraces a new doctrine of non-indifference to human rights abuses within the territory of AU Member States. This doctrinal shift has emboldened the AU in its democracy-promotion and peacebuilding mandate, especially in fragile and conflict-affected states.



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African Union Commission, Agenda 2063: The Africa We Want

The Constitutive Act—together with the 2000 Lomé Declaration and the 2007 African Charter on Democracy, Elections and Governance—constitutes one of the building blocks of the AU framework for the protection and promotion of democracy. Article 3 of the Constitutive Act outlines the objectives of the AU, specifically citing the promotion of ‘democratic principles and institutions, popular participation and good governance’. In order to fulfil this objective, the AU has developed a specific institutional set-up, the Peace and Security Council, which deals with conflict prevention and unconstitutional changes of government in a systematic and firm manner.

The Peace and Security Council has a broad mandate that ranges from the promotion of peace, security and stability in Africa, to the creation of an enabling environment for sustainable development. This mandate includes conflict prevention, peacebuilding and post-conflict reconstruction. The Council has also a mandate in the field of democracy promotion, demonstrating the intrinsic links between democracy, security and peace.

Another important mechanism for peace and security in Africa is the African Peace and Security Architecture (APSA). Established in 2002, the APSA was conceived as a set of functional tools for the prevention, management and resolution of conflicts. Its mandate encompasses early warning and conflict prevention, peace support operations, peacebuilding and post-conflict reconstruction and development.

Bodies set up under the auspices of the APSA include the Panel of the Wise, the Continental Early Warning System and the Peace Fund.

Furthermore, the Department for Political Affairs within the AU Commission has a strong mandate on democracy support, the promotion of human rights and humanitarian affairs. The Department is increasingly focusing on the prevention of election-related violence and conflicts, and implements preventive actions throughout all stages of the electoral cycle in order to address the root causes of election-related conflicts in Africa. It promotes good governance, democracy, respect for human rights and transparency, and ensures the implementation of the African Governance Architecture (AGA).

The AGA is the overall political and institutional framework for the promotion of good governance in Africa. Together with the African Peer Review Mechanism, a voluntary self-assessment mechanism for African states aimed at institutionalizing and consolidating democratic governance, the AGA is one of the most prominent tools at the AU's disposal in its promotion of democratic practices, good governance and respect for human rights, and humanitarian action and disaster management.

Achievements

Since its creation in 2001, the AU has experienced mixed success in its efforts to promote democracy and sustainable peace in Africa. For the most part, the AU has succeeded in galvanizing attention and mobilizing pressure in cases where violations of constitutional

Box 1. Regional Economic Communities in Africa

Currently, the African Union recognizes eight Regional Economic Communities (RECs):

1. The Arab Maghreb Union (UMA)
2. The Common Market for Eastern and Southern Africa (COMESA)
3. The Community of Sahel-Saharan States (CEN-SAD)
4. The East African Community (EAC)
5. The Economic Community of Central African States (ECCAS)
6. The Economic Community of West African States (ECOWAS)
7. The Intergovernmental Authority on Development (IGAD)
8. The Southern African Development Community (SADC)

Each REC has been established under a separate regional treaty.

www.au.int/en/organs/recs

norms are relatively uncontested, such as instances of the military seizing power unlawfully, or leaders arbitrarily and flagrantly amending constitutions in defiance of popular will.

The provisions on unconstitutional changes of government form the core of the AU's peace, security, and governance architecture. In addition, remarkable progress has been made in democratization throughout Africa. This can be seen in recent peaceful electoral transfers of power, the relinquishing of power by leaders, and the widespread constitutional reforms that most countries have embarked on in order to broaden political pluralism and participation.

Challenges

The evolution of the AU's normative framework on unconstitutional changes of government has been hindered by selectivity, inconsistencies and variations in the concrete implementation of some of its aspects. In addition, while the AU remains at the forefront of the articulation of democratic norms, the effective implementation of democratic ideals depends on the actions of the AU's Member States.

Recommendations

Several policy recommendations have been identified which, if implemented, would help strengthen the effectiveness of the AU's work. These recommendations relate specifically to broadening the legal framework, strengthening the implementation of norms, promoting the integrity of elections and creating more comprehensive partnerships for peace.

Broaden the legal framework

While the fact that the AU has developed a strong and fairly progressive normative framework on unconstitutional changes of government is both encouraging and gratifying, this framework has not yet adequately addressed the needs and aspirations of citizens.

Popular uprisings and protests represent a positive driving force of democratic transitions. However, there is a need to include such popular

protest in a clear and unambiguous reformulation of the AU normative framework, and to do so in a comprehensive manner. The AU should clearly and unambiguously reformulate its definition of unconstitutional change, taking popular uprisings across the African continent into account.

Domesticate and implement norms

The AU should invest more effort in encouraging its Member States to adopt and implement the shared values and instruments on which they have agreed, including the African Charter on Democracy, Elections and Governance. Furthermore, it is imperative for AU Member States to sign, ratify, domesticate and implement all of the AU's instruments aimed at deepening democratic and good governance on the continent.

Member States' ownership of these instruments is crucial to efforts to prevent unconstitutional changes of government and implement the legal provision contained in the Charter. As long as the current gap between norm-setting and norm-implementation exists, the AU will not be in a position to effectively assist its Member States in the strengthening of democracy.

Promote the integrity of elections

The AU, together with the eight Regional Economic Communities (RECs) and their individual Member States (see Box 1), should invest more energy and resources in promoting the integrity of electoral processes as a strategy to prevent electoral violence and support peaceful post-election transitions.

Troubled elections, often generating serious conflicts, have taken place in a number of AU Member States in recent years. Understanding and preventing electoral violence is crucial to avoiding the occurrence of large-scale human rights violations.

As a first step towards a sustainable strategy for the prevention of electoral violence, the various RECs should ratify, domesticate and implement the relevant AU instruments, including the African Charter on Democracy, Elections and Governance.

The Inter-Regional Dialogue on Democracy

The Inter-Regional Dialogue on Democracy (IRDD) is a platform for engagement among regional organizations on democracy, and is facilitated by International IDEA.

Regional organizations participating in the IRDD include the African Union, the Association of Southeast Asian Nations, the Council of Europe, the European Union, the League of Arab States, the Organization of American States, the Pacific Islands Forum and the South Asian Association for Regional Cooperation.

International IDEA acts as the IRDD Secretariat and also hosts the Inter-Regional Democracy Resource Centre, a virtual resource for democracy at the regional and inter-regional level.

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In addition, the AU and the RECs need to move towards a more sustainable strategy for the prevention, management and resolution of election-related conflicts. Risk mapping and preventive and early-warning mechanisms need to be strengthened, for instance by institutionalizing collaboration with civil society organizations.

An example of good practice in this context is the Memoranda of Understanding signed by the Economic Community of West African States and the West Africa Network for Peacebuilding (WANEP), which allow for a continuous collaboration and exchange of information on the prevention of electoral violence.

Partner for peace with like-minded organizations

One main condition for the successful creation, protection, and promotion of democracy in AU Member States is coordination with other international actors with similar mandates. While the European Union and the United Nations are certainly important partners for the AU in this respect, the African RECs are the AU's most important partners for peace.

In this context, the signing of a Memorandum of Understanding (2008) between the AU and the RECs has provided a solid basis for institutionalizing the exchange of experiences and enabling a learning process that will lead to increased collaboration and coordination in the future.

The level of cooperation between the AU and the RECs could benefit from further advancement, including additional joint activities. For example, the AU could work with individual RECs in the field of conflict analysis in order to deepen understandings of the root causes of conflict.

Additionally, the creation of opportunities for information exchange, round-table discussions, the sharing of analysis, joint monitoring and learning would help create a shared understanding of the conditions on the ground, and better coordinated and more effective action.

Finally, joint activities between the AU and the RECs and other international actors offer important opportunities to build trust and strengthen collaboration, highlighting the synergies and complementarities of their mandates.

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