

**AFRICAN UNION**  
**الاتحاد الأفريقي**



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*Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone 517 700 Cables: OAU, ADDIS ABABA*

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**DRAFT AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND  
GOVERNANCE**

## **DRAFT AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE**

### **PREAMBLE**

The African States, members of the African Union (AU), parties to the present convention entitled 'The African Charter on Democracy, Elections and Governance';

**INSPIRED** by the objectives and principles of the African Union enshrined in the Constitutive Act of the African Union, particularly Articles 3 and 4, which emphasize the significance of democratic governance, popular participation, human rights and human security;

**RECOGNIZING** the contributions of the African Union and Regional Economic Communities in the promotion, nurturing and consolidation of democratic governance in Africa;

**BEARING IN MIND** the importance of the Universal Declaration of Human Rights adopted in December 1948 as well as the International Covenant on Civil and Political Rights adopted in December 1966, which recognized that the will of the people should be expressed through free and fair elections so as to constitute the basis for legitimate and credible authority of government;

**RECOGNISING** the importance of the 1965 International Convention against all Forms of Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which provides that the participation of women in decision making at all levels free from discrimination strengthens the legitimacy and credibility of democratic institutions; and the Beijing Declaration and Platform of Action of 1995 which sets out an agenda for gender equality;

**REAFFIRMING** the African Charter on Popular Participation in Development in Africa of 1990 which promotes citizen participation in democracy and development;

**COGNIZANT OF** the significance of the African Charter on Human and Peoples' Rights adopted in Nairobi, Kenya, in June 1981, which provides for the right of every citizen to participate freely in the government of his or her country whether directly or through democratically elected representatives and the establishment of the African Court on Human and Peoples' Rights as well as the Court of Justice of the African Union; and the Protocol on the Rights of women in Africa adopted in Maputo, Mozambique which provides for gender equality and parity;

**CONSIDERING** the relevance of the of the Declaration of the Assembly of Heads of State and Government of the of the Organization of African Unity on the Political and Socio-Economic Situation in Africa and the Fundamental Changes taking place in the World adopted in Addis Ababa, Ethiopia on the 11<sup>th</sup> July 1990 which provides that it is necessary to promote popular participation in the processes of governance and development;

**RECALLING** the Cairo Agenda for Action adopted in Addis Ababa, Ethiopia, in 1995, which stressed the imperative of ensuring democracy through popular participation, respect for human rights and dignity, free and fair elections, peace, security, stability and justice as key factors for socio-economic development;

**RECALLING FURTHER** the Algiers Declaration of July 1999 which recommitted Member States to the protection and promotion of human rights and fundamental freedoms and strengthening of democratic institutions representative of the aspirations of the African people;

**COGNIZANT OF** the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) Solemn Declaration adopted by the Assembly of Heads of State and Government of the OAU in Lomé, Togo, in July 2000, which laid down a set of common values and principles for democratic governance and a mechanism to promote and protect democracy as well as the resolution of conflict;

**TAKING INTO ACCOUNT** the Declaration on the Framework for an OAU Response to Unconstitutional Changes on Governments, adopted by the Assembly of Heads of State and Government of the OAU in Lomé, Togo in July 2000 committing Member States to adopt a series of effective, timely, and expeditious procedures to ensure the promotion and defense of democracy, with due respect for the principle of nonintervention and establishing a mechanism for collective action in the case of a sudden or irregular interruption of the democratic process or of the legitimate exercise of power by the democratically-elected government in any of the Member States, thereby fulfilling a long-standing aspiration of the Continent to be able to respond rapidly and collectively in defense of democracy;

**CONVINCED** of Lomé Declaration adopted by the 36<sup>th</sup> Ordinary Assembly of Heads of State and Government in July 2000 which provides for the promotion and protection of human rights and fundamental freedoms, democracy, rule of law as well as the increased participation of women in all levels of management of public affairs;

**CONSCIOUS OF** the socio-economic development programme of the African Union, the New Partnership (NEPAD), adopted in Abuja, Nigeria in October 2001 and its Declaration on Democracy, Political, Economic and Corporate Governance adopted in Durban, South Africa in July 2002 as well as the African Peer Review Mechanism (APRM) to which Member States recommit themselves with a view to promoting democracy and its core values of a just, honest, transparent, accountable and participatory governance and probity in public life as a *sine qua non* for sustainable development;

**MINDFUL OF** the Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa, agreed at the Head of the State and Government at the AU Summit in July 2002, Durban, South Africa, which recognizes democratic governance, the unhindered exercise of and respect for human rights, the rejection of unconstitutional changes of government and transparent and credible elections as a basis for sustainable peace and security and a pre-requisite for economic development, cooperation and integration;

**REITERATING** Member State's commitment to the OAU Declaration on the Principles Governing Democratic Elections in Africa, adopted in Durban, South Africa, in July 2002, which articulates Members States commitments as well as the rights and obligations under which democratic elections should be conducted in conformity with the Constitutive Act of the African Union and the universal principles of democracy;

**COGNIZANT OF** the importance of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa adopted during the 38<sup>th</sup> Ordinary Session of the Heads of State and Government which commits Member States to embracing democratic elections as a legitimate means of forming governments given that only elections are a foundation for legitimate authority and representative government, conflict prevention, management and resolution so crucial for sustainable socio-economic development;

**CONSCIOUS OF** the AU Solemn Declaration on Gender Equality in Africa which institutes parity between men and women in all spheres of decision-making in the continent, in Addis Ababa, Ethiopia;

**MINDFUL OF** the Protocol relating to the establishment of the Peace and Security Council of the African Union adopted in Addis Ababa in 2003, which provides that democracy and strong democratic institutions underpin sustainable security for the Continent;

**REAFFIRMING** the African Union Convention on Prevention and Combating Corruption and related offences adopted by Heads of State and Government in Maputo, Mozambique in July 2003 which sets out measures for eradicating corrupt practices that weaken the governance process and threaten the social fibre of our countries;

**HAVE AGREED AS FOLLOWS:**

## **Chapter 1 Definitions**

### **Article 1**

In this Charter, the following terms are used:

“Assembly” means the Assembly of the Union;

“Commission” means the Commission of the Union;

“Constitutive Act” means the Constitutive Act of the Union

“Charter” means the African Charter on Democracy, Elections and Governance;

- “Member States” means the Member States of the Union;  
 “State Parties” means states that have ratified this Charter;  
 “Peace and Security Council” means the Peace and Security Council of the Union;  
 “Union” means the African Union;  
 “Department” means the Department of Political Affairs of the African Union  
 “The EAU” means the Electoral Assistance Unit of the Department of Political Affairs of the African Union;  
 “The EAF” means the Electoral Assistance Fund of the African Union.

## **Chapter 2**

### **Objectives**

#### **Article 2**

The objectives of this Charter are to:

1. Promote adherence, by each State Party, to the universal principles of democracy and respect for human rights;
2. Ensure the rule of law and separation of powers premised upon the respect for, and the supremacy of, the Constitution and constitutional order in the political arrangements of the State Parties
3. Reject and condemn unconstitutional change of government in any State Party as a serious threat to stability, peace, security and development in Africa;
4. Nurture and consolidate democratic governance by promoting democratic culture and practice, building and/or strengthening governance institutions and inculcating political pluralism and tolerance;
5. Coordinate and harmonize political traditions and systems between State Parties with the aim of advancing regional/continental integration;
6. Promote State Parties’ sustainable development and human security, thereby removing obstacles to the enjoyment of economic, social and cultural rights as well as civil and political rights;
7. Eradicate corruption which retards State Parties’ sustainable development by putting in place effective measures actions to prevent, detect, punish corrupt practices and related offences;
8. Establish the necessary conditions to foster citizen participation, decentralization, transparency, access to information, freedom of the press and accountability in the management of public affairs;
9. Promote the holding of regular free and fair elections to institutionalize legitimate authority and representative government;
10. Promote gender balance and equality in the governance and development processes; and
11. Strive for best practices in the management of general and local government elections for purposes of political stability and advancement of democratic governance by State Parties.

### **Chapter 3 Principles**

#### **Article 3**

State Parties shall implement this Charter in accordance with the following principles:

1. Respect for human rights (civil, political, economic, social and cultural) including freedom of expression, freedom of opinion, right of association, freedom of the press and freedom of religion and conscience;
2. Access to and free exercise of power in accordance with the rule of law;
3. The holding of periodic free and fair elections based on secret balloting and universal suffrage, managed by independent electoral authorities, freedom of association including the right to form political parties;
4. Separation of powers and checks and balances between the key organs of government i.e. the executive, the legislature and the judiciary;
5. Gender equality in the management of public affairs;
6. Citizen participation through active civil society;
7. The constitutional subordination of all state institutions, including the military & police forces, to the legally constituted civilian authority are all essential elements and hallmarks of democracy.
8. Transparency in government activities, accountability, probity, and responsible public administration on the part of governments,
9. Combating corruption in the management of national affairs.
10. The strengthening of institutional capacity of political parties, parliaments, local government authorities, the judiciary, civil society and other institutions of political participation for the enhancement and sustenance of democracy.
11. The institutionalization of the status of opposition parties;
12. An embedded political culture of peace, tolerance, regular free and fair elections to institutionalize democratic governance.

### **Chapter 4 Democracy, Human Rights and Rule of Law**

#### **Article 4**

State Parties recognize democracy as a basic right and are committed to promote democracy, human rights, rule of law as a means towards achieving development and human security. State Parties recognize popular participation as the fundamental right of the people to fully and effectively participate in the determination of the decisions which affect their lives at all levels and at all times.

### **Article 5**

State Parties shall embrace democratic political, economic and social governance as a critical ingredient of sustainable development, stability, peace and security. Among its basic tenets, democracy must entail regular free and fair elections, government based upon consent of the governed, respect and protection of human rights and constitutional transfer of power.

### **Article 6**

State Parties shall promote the respect of human rights in line with the African Charter on Human and Peoples Rights. In their broad dimensions human rights shall be taken to include civil liberties, socio-economic rights and cultural rights.

### **Article 7**

State Parties shall adhere to democracy as an indispensable political system for the effective exercise of fundamental freedoms and human rights in their universality, and interdependence, embodied in the respective constitutions of Member States of the Union, regional and international instruments.

### **Article 8**

State Parties shall reaffirm their commitment to strengthen and to comply with the Organs of the Union for the protection of human rights in conformity with the African Charter on Human and Peoples' Rights and other relevant international instruments to which they are Party for the consolidation of democracy in the Continent.

### **Article 9**

1. State Parties shall eliminate all forms of discrimination; especially those based on gender, ethnic, religious and racial discrimination as well as diverse forms of intolerance and promote inclusion and protection of rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons or any other marginalized social groups.
2. State Parties shall respect for ethnic, cultural and religious diversity in Africa shall contribute to strengthening democracy and citizen participation.

### **Article 10**

State Parties shall improve standards at the workplace, enhance the quality of life for workers and promote social policies in general to improve lives of the majority of the African peoples.

### **Article 11**

1. State Parties shall protect the right to equality before the law and equal protection of the as a fundamental precondition for a just and democratic society.
2. In pursuit of universal principles of democracy, State Parties shall institutionalize the rule of law in conformity with the Constitutive Act.

## **Chapter 5 Culture of Democracy and Peace**

### **Article 12**

The State Parties shall put in place the necessary legislative and policy frameworks to entrench democratic culture and practice including parliamentary reforms, judicial reforms, constitutional reforms and electoral reforms where need be.

### **Article 13**

The Member States shall carry out programs and activities designed to promote democratic principles and practices and strengthen a democratic culture in Africa, bearing in mind that democracy is a way of life based on liberty, freedom of choice, freedom of association, freedom from want and fear and the enhancement of economic, social and cultural conditions for the peoples of Africa.

### **Article 14**

State Parties shall promote democratic governance, transparent and accountable administration, democratic values, and the strengthening of political institutions and civil society organizations.

### **Article 15**

State Parties shall integrate in the formal educational curriculum special programmes aimed at building democracy and peace. State parties shall also promote informal programmes and activities in the form of civic education for democracy and peace.

### **Article 16**

State Parties shall promote partnership, trust and transparency between leaders and citizens with a view to attain democracy, sustainable development and human security based on mutual responsibilities and a commonly shared vision.

## **Chapter 6 Democratic Institutions**

### **Article 17**

1. State Parties shall establish and institutionalize civilian control over military, paramilitary and police forces to ensure that they protect democracy and constitutionality and through their actions do not undermine democratically elected regimes.
2. State Parties shall deal with insurgents against democratically elected governments in a lawful and constitutional manner.

### **Article 18**

State Parties shall uphold the principles of democracy, strengthen and protect democratic institutions. Strict adherence to these principles and the strengthening of democratic institutions reduce the risk of unconstitutional change of government. Therefore, State Parties shall support all efforts aimed at promoting adherence to constitutional order and legitimate authority.

### **Article 19**

State Parties shall ensure transparency and accountability through such statutory, albeit autonomous, public institutions such as the Human Rights Commission, the Anti-Corruption Commission, the Ombudsman/Public Protector, the Independent Electoral Commission and the Gender Equality Commission.

### **Article 20**

As part of promoting continental and sub-regional political integration State Parties shall harmonise their political institutions, systems and cultures and share experiences, lessons and best practices on democracy building and consolidation.

## **Chapter 7 Democratic Elections**

### **Article 21**

1. State Parties shall institutionalize legitimate authority and representative governance by organizing and conducting free and fair electoral processes, managed by independent authorities.
2. State Parties shall hold regular elections in accordance with the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa which include the following:

- democratic elections are the basis of authority of any representative government;
- regular elections constitute a key element of the democratization process, and therefore, are essential ingredients for good governance, rule of law, the maintenance and promotion of peace, stability and development;
- the holding of democratic elections is an important dimension in conflict prevention, management and resolution; and
- Democratic elections should be conducted:
  - i. Freely and fairly;
  - ii. Under democratic constitutions and in compliance with supportive legal instruments;
  - iii. Under a system of separation of powers that ensures in particular, the independence of the judiciary;
  - iv. At regular intervals, as provided for in National constitutions; and
  - v. By impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics.

#### **Article 22**

State Parties shall request the Union to provide advisory services or assistance for strengthening and developing their electoral institutions and processes, including preliminary assessment, observation, monitoring and supervisory, or technical assistance missions for that purpose.

#### **Article 23**

1. Electoral missions, in support of free and fair elections, shall be carried out at the request of the State Party concerned. To that end, the government or appropriate agency of that State Party and the Chairperson of the Commission, or his or her deputy, shall enter into an agreement establishing the scope and type of electoral mission in question in accordance with established guidelines.
2. The concerned State Party shall guarantee conditions of security, free access to information, non-interference, freedom of movement and full cooperation with the electoral mission.

#### **Article 24**

1. The Union shall ensure that these missions are effective and independent and, together with the State Parties, shall provide them with the necessary resources for that purpose.
2. Electoral missions shall be conducted in a professional, objective, impartial, and transparent manner and with the appropriate technical expertise.
3. All electoral missions shall present a report on their activities in a timely manner to the Chairperson of the Commission.

### **Article 25**

1. The electoral missions shall advise the Commission, if the necessary conditions and environment for free and fair elections as agreed in Union's principles governing democratic elections have been satisfied.
2. The Commission, may, with the consent of the State Party concerned, send special advisory missions with a view to creating or improving the said conditions.

### **Article 26**

State Parties shall create a conducive environment for independent national monitoring and observing mechanisms by civil society organizations.

## **Chapter 8**

### **Measures to be Taken in Cases of Unconstitutional Changes of Governments**

### **Article 27**

State Parties agree that the use of the following illegal means of accessing power constitute an unconstitutional change of government and shall draw appropriate sanctions and intervention by the Union:

- 1 A military coup d'état against a democratically elected government;
- 2 Intervention by mercenaries to replace a democratically elected government;
- 3 The replacement of democratically elected government by armed dissidents and rebels;
- 4 The refusal of an incumbent government to relinquish power to the winning party after free, fair and regular elections; and/or
- 5 Manipulation of constitutions and legal instrument for prolongation of tenure of office by incumbent regime.

### **Article 28**

When a situation arises in a State Party that may affect the development of its democratic political institutional process or the legitimate exercise of power, the Commission, at the behest of any State Party, the Chair of the Union or the Commission itself, may arrange for visits and/or other actions in order to analyze the situation. The Commission shall submit a report to the Assembly, which shall undertake a collective assessment of the situation and, where necessary, may adopt decisions for the preservation of the democratic system and its strengthening as agreed under the security and stability pillars of the CSSDCA Solemn Declaration and the Protocol relating to the establishment of the Peace and Security Council. These decisions may include, but shall not be limited to, the deployment of diplomatic missions and good offices, mediators, peace monitors, peacekeepers, peacemakers and peace-enforcers.

### **Article 29**

Based on the principles of the Constitutive Act and subject to its provisions, and in accordance with the Declaration of Lomé, the rules of procedure of the Assembly and the Protocol relating to the establishment of the Peace and Security Council, an unconstitutional interruption of the democratic order or an unconstitutional alternation of the constitutional regime that seriously impairs the democratic order in a State Party, constitutes, while it persists, an insurmountable obstacle to its government's participation in sessions of the Assembly, the Executive Council, the Permanent Representatives Committee, Specialized Technical Committees, Economic, Social and Cultural Council, the Financial institutions, the conferences, commissions, working groups, and other bodies of the Union .

### **Article 30**

In the event of an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a State Party, the Chairperson of the Assembly or the Chairperson of the Peace and Security Council shall request the immediate convocation of the Assembly to undertake a collective assessment of the situation and to take such decisions as it deems appropriate.

### **Article 31**

State Parties shall, through the Peace and Security Council, depending on the situation, adopt decisions for the restoration of the democratic system and its strengthening as agreed under the security and stability pillars of the CSSDCA Solemn Declaration. These decisions may include, but shall not be limited to the deployment of diplomatic missions and good offices, mediators, peace monitors, peacekeepers, peacemakers and peace-enforcers.

### **Article 32**

If such diplomatic initiatives prove unsuccessful, or if the urgency of the situation so warrants, the Peace and Security Council shall immediately convene an extra-ordinary session of the Assembly. The Assembly shall adopt the decision it deems appropriate, including the undertaking of diplomatic initiatives, in accordance with the Constitutive Act, the Protocol relating to the establishment of the Peace and Security Council and other relevant international instruments as well as the provisions of this Charter. The necessary diplomatic initiatives, including good offices, to foster the restoration of democracy, shall continue during the process.

### **Article 33**

1. When the Assembly determines that there has been an unconstitutional interruption of the democratic order of a State Party, and that diplomatic initiatives have failed, the special session shall take the decision to suspend the said State Party from the exercise of its right to participate in the activities

of Union by an affirmative vote of two thirds of the State Party eligible to vote in conformity with its Rules of Procedure.

2. The suspension shall take effect immediately. The suspended State Party shall continue to fulfill its obligations to the Union, in particular with regard to human rights obligations.
3. Notwithstanding the suspension of the State Party, the Union shall maintain diplomatic and other initiatives to restore democracy in that State Party.

### **Article 34**

Once the situation that led to suspension has been resolved, any State Party or the Chairperson of the Commission may propose to the Assembly that suspension be lifted. This decision shall require the vote of two thirds of the State Parties eligible to vote in accordance with the Rules and Procedure of the Assembly.

## **Chapter 9 Political, Economic and Social Governance**

### **Article 35**

State Parties shall commit themselves to:

1. Strengthening the capacity of parliaments and political parties to perform their core functions;
2. Fostering popular participation and partnership with civil society organizations;
3. Deepening legal and judicial reforms;
4. Improving public sector management;
5. Improving delivery of public services and eradicating corruption;
6. Removing bottlenecks to private enterprise development;
7. Tapping the potential of information and communication technologies;
8. Fostering credible and responsible media;
9. Maximizing contributions of the traditional modes of governance; and
10. Confronting the governance dimensions of chronic diseases such as Malaria, TB and HIV/AIDS.

### **Article 36**

State Parties shall ensure and promote strong partnerships and dialogue between government, civil society and private sector in the process of institutionalization and sustenance of democratic governance.

**Article 37**

1. State Parties shall create conditions for full and equal participation of women in the political structures at all levels as a fundamental element in the promotion and exercise of a democratic culture. Full participation of women in political structures is one of the key elements for equality in all spheres of society, including participation in the decision-making process and access to power. Gender equality is fundamental to the promotion of democratic culture and practice.
2. State Parties shall take possible measures to encourage the full participation of women in the electoral process and increased representation of women at all levels, including legislatures.

**Article 38**

State Parties shall promote citizen participation in the governance process by enhancing civil society engagement in democracy and development, through ECOSOCC, the RECS and appropriate structures at the national level.

**Article 39**

1. State Parties shall promote participation of special social groups such as the youth and people with disabilities in the governance process. Democracy and development cannot be sustainable without active participation of all the citizens including the youth and people with disabilities.
2. State Parties shall ensure systematic and comprehensive civic education in order to encourage full participation of the youth and people with disabilities in the democracy and development process.

**Article 40**

State Parties shall strive to institutionalize political governance through accountable, efficient and effective public services; functioning parliaments; independent judicial systems; security sector reforms and smooth civil-military relations; effective checks and balances; sustainable multiparty political systems; regular multiparty elections and the rule of law.

**Article 41**

State Parties shall strive to institutionalize economic and corporate governance through effective and efficient public sector management; promotion of transparency in public finance management; eradication of corruption and related offences; cost-effective public debt management; Prudent and sustainable utilization of public resources; fair

distribution of the nation's wealth and natural resources; poverty eradication; enabling support for private sector development; providing a conducive environment for foreign capital inflows; devising pro-investment tax policies; combating crime; promoting private-public sector partnerships; efficient and effective tax system premised upon transparency and devoid of corrupt practices.

#### **Article 42**

State Parties shall decentralize power and authority through effective and efficient local government structures elected periodically as provided in national laws.

#### **Article 43**

The promotion, protection and observance of economic, social and cultural rights by State Parties are inherently linked to commitment towards continental and sub-regional socio-economic and political integration aimed at democratic consolidation, sustainable development and human security.

#### **Article 44**

State Parties shall promote and deepen democratic governance by implementing the principles and core values of the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance as well as actively participating in the implementation of the African Peer Review Mechanism (APRM).

#### **Article 45**

Given the enduring and vital role of traditional authorities, particularly in rural communities, the State Parties shall strive to find appropriate ways to increase their efficiency and effectiveness within the larger democratic setting. Traditional governance systems can compliment modern systems in providing such services as health, education and infrastructure.

#### **Article 46**

State Parties shall pursue democracy, sustainable development and human security through achievement of NEPAD objectives and the United Nations Millennium Development Goals.

#### **Article 47**

State Parties shall advance sustainable human security in Africa by establishing and strengthening democratic structures, accountable and transparent governance based on the rule of law and the elimination of corruption.

**Article 48**

State Parties shall promote peace, security and stability in their respective countries, regions and in the continent by fostering participatory political systems with well functioning inclusive institutions, promoting solidarity with other countries and by supporting the conflict prevention and resolution initiatives that the Union may undertake in conformity with the Protocol establishing the Peace and Security Council.

**Article 49**

State Parties shall embrace democracy through compromise and accommodation as a universal means to mitigate conflicts, promote political stability and security and harnessing the creative energies of the African peoples for a common African cause.

**Article 50**

State Parties shall adopt and implement policies and strategies required to generate productive employment, mitigate the impact of chronic diseases and eradicate extreme poverty and illiteracy, taking into account the different economic realities and conditions of the countries of the Continent. State Parties shall undertake to provide basic services to the populations at all times.

**Article 51**

State Parties shall review periodically the actions adopted and carried out by the Union to promote dialogue, continental and sub-regional integration, and the fight against poverty, unemployment, illiteracy, chronic diseases and corruption in the Continent, and to take the appropriate measures to further these objectives.

**Article 52**

State Parties shall implement policies and strategies to protect the environment, including application of various treaties and conventions, to achieve sustainable development for the benefit of the present and future generations.

**Article 53**

State Parties shall ensure that quality education is made available to all, especially girls and women, rural inhabitants, minorities, people with disabilities and other marginalized social groups with a view to strengthen democratic institutions, promote human development, alleviate poverty and foster democratic culture.

## **Chapter 10** **Mechanisms and Scope of Application**

### **Article 54**

State Parties commit themselves to the following framework of implementation as a means of carrying out the objectives, principles and commitments enshrined in this Charter:

#### **National level**

- a. To initiate appropriate actions including legislative, executive and/or administrative actions to bring State Parties' national laws and/or regulations in conformity with this Charter;
- b. To take all necessary measures in accordance with the constitutional arrangements and procedures, in each State Party, to ensure the wider dissemination of the Charter and all relevant legislation as may be necessary for the implementation of its fundamental principles;
- c. To consolidate and foster political will among the State Parties as a necessary condition for the attainment of the goals set forth in this Charter.
- d. To incorporate the commitments and principles of the Charter in the national institutions (focal points) of the State Parties that would have responsibility for the monitoring of the activities related to the Charter;

#### **Regional Level**

- a. To provide, within all the RECS, appropriate institutional framework for the effective and efficient implementation of the Charter;
- b. To designate regional (through the Regional Economic Communities-RECs) focal points for coordination, implementation and monitoring of the commitments and principles of this Charter ensuring broad stakeholder participation and representation of key organs of government and civil society organizations;

#### **Continental-Level**

- a. To establish and enhance the institutional capacity of the Electoral Assistance Unit (EAU) as the central planning and implementing structure for the election aspects of this Charter at the level of the African Union Commission within the Department of Political Affairs;
- b. To put in place measurable benchmarks for implantation of the commitments and principles of this Charter and independent monitoring of compliance by State Parties;
- c. To create favourable conditions for democratic governance in the African Continent, in particular by harmonizing State Parties' political systems

- and taking firm remedial action in respect of unconstitutional change of government in anyone of the State Parties;
- d. To provide appropriate institutional framework to specify a clear complementary role for various Organs of the Union, including the Pan-African Parliament (PAP), the Peace and Security Council, ECOSOCC, African Human Rights Commission, in the implementation of the commitments and principles of this Charter; and
  - e. To liaise closely with other important institutions such as the African Development Bank (ADB) and the United Nations Economic Commission for Africa (UNECA) in the implementation of the commitments and principles of the Charter.

### **Article 55**

The Commission, through the Department of Political Affairs, shall be the Central Coordinating Structure for the implementation of this Charter. The Department shall plan, monitor and evaluate all activities related to this Charter. It shall coordinate implementation of the Charter with other key organs of the Union including the Pan-African Parliament, Peace and Security Council, Human Rights Commission, Human Rights Court/Court of Justice, Economic, Social and Cultural Council as well as the Regional Economic Communities and appropriate national level structures.

## **Chapter 11 Final Clauses**

### **Article 56 Signature, Ratification and Accession**

1. This Charter shall be open for signature, ratification and accession by Member States of the African Union in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission.

### **Article 57 Entry into force**

This Charter shall enter into force thirty (30) days after the deposit of fifteen (15) Instruments of Ratification.

### **Article 58 Reservations**

1. Any State Party may, at the time of adoption signature, ratification or accession, make reservations to this Charter provided that each reservation concerns one or more specific provisions and is not incompatible with the object and purposes of this Charter.

2. Any State Party which has made any reservation shall withdraw it as soon as circumstances permit. Such withdrawal shall be made by notification to the Chairperson of the Commission.

### **Article 59 Reporting**

Every State Party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other relevant measures taken with a view to giving effect to the principles and commitments herein enshrined.

### **Article 60 Amendments**

1. Any State Party may submit proposals for the amendment or revision of this Charter.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit same to State Parties within thirty (30) days of receipt thereof.
3. The Chairperson of the Commission shall circulate the proposed amendments to all State Parties. The proposed amendments shall not be considered by State Parties until a period of six (6) months from the date of circulation of the amendment has lapsed.
4. The Assembly, upon the advice of the Executive Council, shall examine these proposals at its session following notification, provided all Member States have been notified at least one (1) month before the beginning of the session.
5. The amendments or revisions shall be adopted by the Assembly by consensus or failing which, by two-thirds majority.
6. The amendments shall enter into force when approved by a two thirds majority of the Member States of the Union.

### **Article 61 Depository**

1. The Chairperson of the Commission shall be the depository of this Charter and the amendments thereto.
2. The Chairperson of the Commission shall inform all State Parties of the signature, ratification, accession, entry into force, reservations, requests for amendments and approvals thereof.
3. Upon entry into force of this Charter, the Chairperson of the Commission shall register it with the Secretary General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

**Article 62**  
**Authentic Texts**

This Charter, drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit certified copies of same to each signatory State Party and the United Nations Secretariat.