

ACHPR/Res.184 (EXT.XIX) 11: RESOLUTION ON ELECTORAL PROCESSES AND PARTICIPATORY GOVERNANCE IN AFRICA

The African Commission on Human and Peoples' Right (the African Commission) meeting at its 9th Extra-ordinary Session held in Banjul, The Gambia, from 23 February to 3 March 2011;

RECALLING its mandate under the African Charter on Human and Peoples' Rights (African Charter) to promote and protect human and peoples' rights in Africa;

CONSIDERING Article 13(1) of the African Charter which stipulates that *"every citizen shall have the right to participate freely in the government of his/her country, either directly or through freely chosen representatives in accordance with the provisions of the law"*;

MINDFUL of the significant progress made by the African Union through the adoption in 2002 of the Declaration on the Principles Governing Democratic Elections in Africa which stipulates that *"the holding of democratic elections constitutes an important dimension in the prevention, management and resolution of conflicts"* and also by the adoption of the African Charter on Democracy, Elections and Governance in January 2007;

AWARE OF the decisions of the African Union on unconstitutional changes of government, notably the decisions of the Assembly: Assembly/AU/Dec.220 (XII); and Assembly/AU/Dec.253 (XIII), adopted during its twelfth and thirteenth Sessions held respectively in Addis Ababa from 1 to 4 February 2009, and in Sirte from 1 to 4 July 2009;

RECALLING Resolutions: *ACHPR/Res.133 (XXXXVIII) 08 on Elections in Africa* adopted at its 44th Ordinary Session held in Abuja, Federal Republic of Nigeria, from 10 to 24 November 2008; and Resolution *ACHPR/Res.164(XLVII) 10 on 2010 Elections in Africa*, adopted at its 47th Ordinary Session held in Banjul, the Gambia from 12 to 26 May 2010,

NOTING that the primary purpose of elections is to achieve participatory governance without violence;

NOTING that many countries on the continent are embracing multi-party systems of government and other political and economic reforms, making it increasingly imperative that the objectives and principles set out in the African Charter on Democracy, Elections and Governance should be respected and implemented;

DEEPLY CONCERNED by the resurgence of electoral fraud, unconstitutional changes of government and violence related to the electoral irregularities, and violence that have led to enormous loss of lives, as well as the intransigence of incumbent regimes to relinquish power in some countries in sub-Saharan Africa;

BEARING IN MIND that presidential elections are due in Benin, Cameroon, Chad, The Gambia, Liberia, Madagascar, Nigeria, Niger , Zambia and Zimbabwe;

CONDEMNS the unconstitutional changes of government which undermine the progress made in the democratization process on the continent and constitutes a threat to peace and security in Africa;

FURTHER CONDEMNS the irregularities surrounding electoral processes that can lead to the breakdown of democracy;

DEPLORES the new trends in the development of national unity governments, which in some cases, legitimise undemocratic elections and paralyze political life;

URGES States Parties to ratify the African Charter on Democracy, Elections and Governance and to respect its provisions and especially:

- **Recognize** the right of existence of various political parties and the right to a pluralist democracy in accordance with international protection of human rights instruments;
- **Ensure** the independence of the body responsible for the management of elections before, during and after the holding of any election;
- **Take** necessary measures to enable courts to respond independently to the right to justice and reparation for victims of violence related to elections;
- **Ensure** the independence of the judiciary bodies responsible for monitoring the legality of electoral processes;
- **Ensure** that they create conditions conducive for free, fair, transparent, democratic and credible elections, and that contesting parties in particular, opposition parties are given equitable access to state controlled media and resources.

FURTHER CALLS on States Parties of the African Union to condemn African leaders who lose elections and refuse to concede defeat and hand over power peacefully;

APPEALS to the authorities of the African Union, including the AU Peace and Security Council, and the Regional Economic Communities, to strengthen their ability to anticipate violations of democratic principles through more dynamic direct preventive action, with appropriate sanctions against any person departing from these principles.