



AFRICAN PARLIAMENTARY UNION

APU

R.138/38/15

PROMOTING DEMOCRACY AND THE RULE OF LAW TO ENSURE PEACE AND DEVELOPMENT IN AFRICAN COUNTRIES

Resolution adopted by the 38th Conference (Bissau, 6 December 2015)

The African Parliamentary Union (APU), meeting at its 38th Conference in Bissau, Guinea Bissau, on 5 and 6 December 2015,

Recalling the relevant provisions of previous resolutions of the African Parliamentary Union and other inter-parliamentary and international organizations on the promotion of rule of law and democracy,

Subscribing to the “2030 Sustainable development agenda” adopted at the United Nations Summit on 25 September 2015 – a programme comprising 17 Sustainable Development Goals (SDGs), Goal 16 of which stipulates: “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”. These goals are designed to complement, the efforts started under the Millennium Development Goals (MDGs) by the year 2030,

Reaffirming the importance for States to respect human rights and fundamental freedoms in compliance with international law under the United Nations Charter, the Universal Declaration on Human Rights (1948), the International Covenant of Civil and Political Rights (1966) and the African Charter on Democracy, Elections and Governance, which entered into force in February 2012,

Recalling the commitment of States contained in the Millennium Declaration to spare no effort to promote democracy and the rule of law, as well as the respect for human rights and fundamental freedoms,

Stressing that the rule of law, democracy and sustainable development are highly interdependent and mutually reinforcing,

Convinced that promoting the rule of law is indispensable to economic growth and sustainable development,

Considering that the rule of law, democracy and State institutions develop in an environment of peace and security,

Reaffirming that situations of conflict are a major obstacle to promoting democracy and the rule of law, and thereby sustainable development for countries,

Considering that the rule of law, democratization and economic development must go hand-in-hand, and that they are factors of sustainable peace,

Aware of the need for the rule of law and democracy as key elements for preventing conflicts and maintaining peace,

Stressing the importance of the rule of law, on the one hand, in ensuring the respect for human rights, democracy, security and stability, good governance, security of investments, economic exchanges and trade; and on the other, in fighting corruption, organized crime and all types of illicit trafficking, including drugs and arms, as well as human trafficking, in an effort to ensure the political, economic, social and environmental development of States,

Stressing that the rule of law fosters the elimination of poverty and ensures protection of human rights and fundamental freedoms,

Reaffirming that democracy, as a political system based on the defense of rights and freedoms, is a factor of redistribution of growth products,

Considering that civil society is an indispensable actor for peace, democracy and economic and social development,

Affirming also that the rule of law is the very essence of democracy and develops through independent justice, representative institutions, an administration, which is accountable for its actions, a participatory civil society and an independent media,

Emphasizing the need to enhance judiciary systems and fight corruption with a view to promoting the rule of law,

Convinced that democracy, in fostering the integration of social and economic development stakeholders, and in allowing most citizens to participate in decisions and access public credits, is a decisive factor in sustainable development,

Underlining the major role women and the youth play in strengthening democracy,

Affirming that women, the youth and children are always the first victims where the rule of law and democracy are absent, leading to marginalization, which has a negative impact on economic growth, social well-being and sustainable development,

Considering that anti-constitutional changes are a serious breach of the rule of law and democratic governance,

Noting the importance of transparency and accountability of electoral systems, as well as the independence of the organs responsible for the conduct and verification of free, fair and regular elections, based on good governance,

1. *Calls upon* African States to create the conditions to ensure the respect for fundamental freedoms, which are the essential elements for the emergence of pluralistic societies and representative governments, which are the foundations of every democracy;
2. Commits African parliaments to strengthen their legislative power and system of control and checks and balances to ensure the development of democracy and the rule of law;
3. Urges parliaments to add to their priorities, the development of education and technical training for the acquisition of know-how, to meet the needs of the economy and trade; thereby affording African countries the possibility to forge partnerships, remain competitive, ensure sustainability and improve the livelihoods of their people;
4. Calls upon parliaments to adopt electoral laws designed, on the one hand, to improve electoral mechanisms by using information and communication technologies, and on the other, to guarantee true impartiality, promptness and independence of action by institutions, tribunals and other bodies responsible for conducting, supervising and checking elections;
5. *Urges* the Governments of African countries to take the necessary measures to provide services that would ensure fair, efficient and non-discriminatory rule of law. women, the youth, children and all vulnerable groups ought to have full access to these services, in compliance with their rights and needs;
6. *Urges* African countries to engage in politics aimed at promoting democracy and the rule of law by:
 - Promoting good governance and democratic norms;
 - Peaceful changeover of power;
 - Ensuring institutional strengthening and capacity development at the level of governments and parliaments;
 - Deepening respect for fundamental freedoms and human rights;
 - Introducing administrative and public sector reforms;
 - Adopting an effective decentralization and deconcentration policy in central government and at the local level;
 - Guaranteeing an independent judiciary and equal justice;

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- Ensuring the participation of civil society, private sector and citizens, particularly young people and women, in political, economic and social life;
 - Fighting against corruption and impunity;
 - Developing the culture of peace;
 - Rejecting unconstitutional changes in government;
 - Protecting the environment;
 - Security of domestic and foreign investments;
 - Promoting flourishing agriculture that guarantees the people sustainable food supply in quantity and quality;
7. *Calls upon* governments to establish, strengthen and develop mechanisms designed reduce poverty, taking into account the rational use of resources;
8. *Invites* States to push for the participation of women in decision-making, and ensure gender balance in representation at all levels;
9. *Encourages* action among civil organizations, which play a major role in enhancing the rule of law and helping citizens to assert their rights with public authorities;
10. *Urges* States to incorporate the principles of democratic governance such as participation, transparency and accountability in the management of public affairs in their sustainable development policies;
11. *Calls upon* governments to ensure that the judiciary system is independent, efficient and competent, and offers legitimate and peaceful means of settling disputes, establishing responsibilities and ensuring reparation of damages;
12. *Requests* States to ensure that all laws and justice systems are consistent with international standards and rules;
13. *Encourages* African States to further promote the rule of law by strengthening the judiciary institutions and ensuring that they are accessible, respond to the needs and rights of all citizens and foster social cohesion and economic prosperity;
14. *Stresses* the importance of the rule of law as an important element in conflict prevention, maintenance of peace and conflict settlement;
15. *Urges* States to take the necessary and appropriate measures to ensure that constitutional order is respected, in particular, with regard to transfer of power;
16. *Invites* African States to resort to the virtues of dialogue and peaceful resolution of conflicts, in order to preserve and reinforce the rule of law and the democratic gains made at the national, regional and international levels;

17. *Calls for* the strengthening of international cooperation so as to combat money laundering, drug, human and arms trafficking, and against all criminal activities that undermine sustainable development and go against the rule of law;

18. *Calls upon* the international community and international and regional financial institutions to support African States engaged in democratic processes to normalize political and economic life by increasing official development assistance (ODA) on the one hand, and on the other, by introducing programmes designed to help the countries concerned, to achieve their sustainable development goals and promote democracy and the rule of law.
