

African Union, African Regional Bodies

African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development

Legislation as at 27 June 2014

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African Union

African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development

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We, Member States of the African Union (AU):

Guided by the objectives and principles enshrined in the Constitutive Act of the African Union, particularly Articles 3 and 4, which emphasise the significance of good governance, popular participation, the rule of law and human rights;

Inspired by the Yaounde Declaration adopted by African Ministers in charge of Decentralisation and Local Development on the 29th October 2005;

Recalling the AU Executive Council Decision EX.CL./Dec.677 (XX) adopted in Addis Ababa, Ethiopia on 28th January 2012 as endorsed by the Assembly of Heads of State and Government relating to the development of an African Charter on the Values, Principles and Standards of Decentralisation and Local Governance;

Inspired by the vision of the African Union of an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena;

Recalling the African Charter on Human and Peoples Rights (1981), the AU Convention on Preventing and Combating Corruption (2003), the African Charter on Democracy, Elections and Governance (2007), the African Charter on the Values and the Principles of Public Service and Administration (2011);

Recognising the contribution of regional organisations, Member States, local authorities associations, civil society organisations and traditional leaders in promoting, protecting, strengthening and consolidating decentralisation, local governance and local development;

Determined to promote the values and principles of decentralisation, local governance and local development in Africa as a means for improving the livelihood of all peoples on the continent;

Convinced that local governments or local authorities are key cornerstones of any democratic governance system;

Reaffirming our collective will to deepen participatory democracy, citizens and community empowerment; to promote accountability and transparency of public institutions, promote and protect cultural diversity, and promote gender and trans-generational equity at the local or sub-national level;

Committed to ensure access to basic services for all people on the continent;

Cognisant of the various forms of decentralisation, including devolution, deconcentration and delegation in the political, administrative and financial spheres;

Have agreed as follows:

Chapter 1 Definitions, objectives, scope and values

Article 1 – Definitions

In this Charter, unless otherwise stated, the expressions below shall have the following meaning.

"**AU**" means the African Union

"**Assembly**" means the Assembly of Heads of State and Government of the African Union

"**Charter**" means the African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development

"**Commission**" means the African Union Commission

"**Constitutive Act**" means the Constitutive Act of the African Union

"**Decentralisation**" means the transfer of power, responsibilities, capacities and resources from national to all sub-national levels of government with the aim of strengthening the ability of the latter to both foster people's participation and delivery of quality services.

"**Local development**" means the mobilisation of local, national and global human, economic, socio-cultural, and political and natural resources for the improvement and transformation of livelihood, communities and territories at the local level.

"**Local economic development**" means an element of local development which emphasises the mobilisation of endogenous resources and local knowledge and skills in a manner that attracts investments to generate inclusive economic activities and growth and promotes the equitable redistribution of resources.

"**Local Governance**" means governance processes and institutions at the sub-national level, which includes governance by and with local governments or local authorities, civil society, and other relevant actors at the local level.

"**Local Public Official**" means a locally elected representative of a local government or local authority.

"**Member States**" means Member States of the African Union

"**Ministers**" means Ministers of the central government or any authority of the central government responsible for decentralisation, local governance and local development

"**Regional Economic Communities**" means regional integration blocks of the African Union

"**State Party**" means any Member State that has ratified or acceded to the Charter and deposited the instruments of ratification or accession with the Chairperson of the African Union Commission

"**STCs**" means the Specialised Technical Committees of the African Union

"**Sub-national level**" means all levels of government below the national level

Article 2 – Objectives

The objectives of the Charter are to:

- a) Promote, protect and act as a catalyst for decentralisation, local governance and local development in Africa;
- b) Promote and champion local governance and local democracy as one of the cornerstones of decentralisation in Africa;
- c) Promote resource mobilisation and local economic development with the view to eradicating poverty in Africa;
- d) Promote a shared understanding and a common vision of Member States on matters relating to decentralisation, local governance and local development;
- e) Promote the core values and principles of decentralisation, local governance and local development;
- f) Guide policy formulation, implementation, monitoring and evaluation at the continental, regional, state and sub-national levels on decentralisation, local governance and local development;

- g) Encourage effective coordination, harmonisation and knowledge sharing within Member States and among regional economic communities on decentralisation, local governance and local development;
- h) Promote the association and cooperation of local governments or local authorities at the local, national, regional and continental levels; and
- i) Promote civil society, private sector and people participation in decentralisation, local governance and local development initiatives.

Article 3 – Scope

This Charter covers:

- a) Decentralisation
- b) Local governance
- c) Local development

Article 4 – Core values

This Charter shall be informed by the following values:

- a) Community-based participation and inclusiveness
- b) Solidarity
- c) Respect for human and peoples' rights
- d) Diversity and tolerance
- e) Justice, equality and equity
- f) Integrity
- g) Civic responsibility and citizenship
- h) Transparency and accountability
- i) Responsiveness

Chapter II Principles

The following principles shall underpin the approach to decentralisation, local governance and local development in Africa:

Article 5 – Local governance

1. State parties shall enact domestic laws/regulations, recognising different levels of government with the mandate to exercise their competencies through clearly defined regulatory mechanisms.
2. Local governments or local authorities shall in accordance with national law, have the powers, to in an accountable and transparent manner, manage their administration and finances through democratically elected, deliberative assemblies and executive organs.
3. Geographical boundaries of areas falling within the jurisdiction of local governments or local authorities shall be modified in accordance with the provisions of the law.

4. Local governments or local authorities shall be consulted through clearly defined regulations on national or sub-national legal instruments, sectoral policies, programmes, or projects that directly or indirectly affect their competencies to impact on the lives of local populations.

Article 6 – Subsidiarity

1. Central government shall create enabling conditions for decision-making, policy and programme initiation, adoption and implementation to take place at lower levels of government where local governments or local authorities offer a better guarantee of pertinence and efficacy.
2. Central governments shall create enabling conditions for cooperation and coordination between national and all sub-national levels of government and shall empower local governments or local authorities to discharge their duties and responsibilities.
3. Local governments or local authorities shall cooperate with central governments and other local actors to achieve increased efficiency and effectiveness in public action for the delivery of public services.

Article 7 – Resource mobilisation and local economic development

1. Central governments shall adopt legislation, measures and establish relevant mechanisms to give local governments the authority to mobilise and disburse resources at the local level for local economic development.
2. Central governments shall adopt legislation and create the necessary oversight and evaluation mechanisms to ensure that the percentage of revenue raised at the national and local levels are effectively transferred to local governments or local authorities for local economic development.
3. Central governments shall work in close collaboration with local governments or local authorities to promote private sector and community development investments or initiatives through legislative, financial and institutional frameworks.
4. Local governments or local authorities shall, in accordance with the law, and in an accountable and transparent manner, raise, manage and administer local resources in consultation with central government, civil society and the private sector through legislative, institutional and clearly defined and regulated participatory mechanisms.
5. Local governments or local authorities shall encourage and ensure that civil society, private sector, communities, national and sub-national entities pay local taxes and user fees through clearly established, transparent and efficient mechanisms.

Article 8 – Diversity and differentiation

Without prejudice to observance of this Charter:

1. Local governments or local authorities shall exercise their powers having regard to local realities, values, and customs as well as national principles, norms and standards.
2. In accordance with the law local programmes, projects or initiatives shall be implemented in consultation with stakeholders and carried out in such a manner as to recognise the cultural, religious and gender diversity of the people within its territory in urban and rural areas.
3. Central and Local Governments or Local Authorities may establish consultative mechanisms, informed by local conditions to make proposals or give opinions concerning guidelines or decisions on local development. However, the role of local elected authorities shall remain primary.

Article 9 – Legality

1. Local governments shall adopt by-laws, develop and implement local programmes, projects or initiatives in a manner consistent with national laws and regulations.
2. States which are party to regional, continental and/or global treaties and policy instruments shall support and ensure local governments to comply with such instruments and treaties at the local level.

Article 10 – Inclusion, equity and equality

1. Local governments or local authorities shall discharge their responsibilities and duties in a manner that it is inclusive, equitable and gives equal treatment to all local residents to ensure that citizens and local residents have equitable access to quality services.
2. Local governments or local authorities shall ensure that historically marginalised groups and poor communities in both rural and urban areas shall be included and given priority in service delivery.
3. Local governments or local authorities shall develop pro-poor initiatives and pay particular attention to women and the youth, as well as vulnerable groups including but not limited to the elderly, persons with disability, HIV/AIDS-affected households, child-headed households, street children, the indigent, the illiterate, slum dwellers, poor rural households, the unemployed and underemployed, refugees, the homeless, the displaced minorities in programme or project development, implementation and service delivery.
4. Local governments or local authorities shall not discriminate on the basis of sex, age, disability, social status, religion, place of origin, ethnic or racial origin, linguistic association and political ideology in exercising their functions, setting policies, planning, implementing, monitoring and evaluating programmes or projects.
5. Local governments or local authorities shall discharge their duties and responsibilities having regard to sustainable development, which includes the development of future generations, inter-generational development and environmental sustainability into account.

Article 11 – Shared responsibility and complementarity

State Parties shall ensure that:

- a) Local governments or local authorities promote and improve the livelihoods and environment of local communities.
- b) Local governments or local authorities, in the spirit of good local and central government relations, involve all relevant national, sub-national, private sector and civil society actors in the development and implementation of local development plans and programmes, and ensure consistency with national, regional or continental development policies.
- c) Local governments or local authorities specify their local development plans and programmes in operational cooperation frameworks, such as a Commitments Charter, which shall be adopted by all relevant actors.
- d) Central and local governments or local authorities are bound by law to establish mechanisms to cooperate and support each other to attain global, continental, regional, national, and local development priorities.
- e) They establish mechanisms of cooperation between national development agencies, public institutions, private sector and civil society on the one hand with local governments or local authorities on the other hand, to support the implementation of local development priorities.
- f) Local governments or local authorities are accountable to local communities regarding local development decisions and policies, the implementation of such decisions and policies and the management of

financial resources. Local community and citizen responsibilities in this respect shall be clearly defined to facilitate collaboration with local governments or local authorities.

- g) Local governments or local authorities, in accordance with national legislation and in the spirit of good cooperative governance, are accountable to central governments and communities as regards the discharging of their duties and responsibilities and in the implementation of programmes, projects or policies.

Article 12- Participation

1. National legislation shall guarantee the rights and outline responsibilities of citizens to participate in public life at the local level.
2. Democracy shall be the foundation of local governance and shall take a participatory and representative form.
3. Local governments or local authorities shall promote participation of all segments of society in the planning, implementation, monitoring and evaluation of policies, programmes and projects through structured community platforms and other forms of participation to ensure the delivery of quality services.
4. Local governments or local authorities shall promote the development of innovative democratic and peaceful public expression platforms.
5. Local governments or local authorities shall make provision for the meaningful participation of communities, civil society and other actors in local governance and development.
6. Central governments, in collaboration with local governments or local authorities, shall invite and encourage the full participation of the African diaspora in the promotion of decentralization, local governance and local development through clearly defined policies and mechanisms.
7. National legislation shall be enacted to empower and encourage local governments or local authorities to adopt appropriate forms of popular participation, civic engagement and other forms of expression.

Article 13 – Representation

1. Election of local public officials shall be enshrined within the legal framework of State Parties, which shall clearly define the modalities and timeframes for such elections.
2. Central governments shall enact electoral laws that promote regular, democratic, free, fair and transparent local government elections.
3. Central governments shall establish innovative measures and appropriate mechanisms to ensure the full participation of all eligible citizens, including specific measures for the representation of women and marginalised groups in local government elections within the framework of national legislation.
4. Local public officials shall duly represent the interests of local communities and shall consult with their populations on an on-going and regular basis through clearly specified mechanisms and timeframes.
5. Central governments shall adopt legislation and establish administrative and financial mechanisms and use Information and Communication Technology (ICT) to encourage local residents and communities to provide feedback to their locally elected representatives, make their grievances heard, and seek redress.

Article 14 – Transparency, accountability and ethical behaviour

1. Measures for the promotion of transparency and accountability by local governments or local authorities shall be clearly outlined in national legislation. Such legislation shall clearly define the respective roles

and responsibilities of national and sub-national governments, public agencies, service providers, elected and administrative officials, and civil society organizations.

2. Central governments and local governments or local authorities shall make provisions for community participation and establish accountability systems in local governance and local development programmes by publishing annual local government performance reports and disclosing financial statements in full.
3. Central governments and local governments or local authorities shall establish mechanisms to combat all forms of corruption.
4. Central governments and local governments or local authorities shall establish innovative mechanisms in the resolution of grievances to promote and protect whistle-blowing relating to all forms of corrupt behaviour and practice, including bribery, patronage and nepotism, as well as the resolution of grievances.
5. Local public officials shall display ethical behaviour and integrity in discharging their duties.
6. Central governments shall adopt legislation and create mechanisms to monitor standards of ethical behaviour by local governments or local authorities.

Article 15 – Mainstreaming gender, youth and disability

1. Local governments or local authorities shall integrate gender, youth and disability issues in the overall process of formulating policy, planning for development and providing services, as well as in implementing, monitoring and evaluating development programmes and projects.
2. Local governments or local authorities shall promote and ensure the equal and effective participation of women, youth and people with disability in public life, leadership and management positions on all matters relating to local governance and local development.
3. Local governments or local authorities shall promote and increase participation of women, youth and people with disability in all matters relating to local governance and local development.

Article 16 – Efficiency

1. Local governance administration

- a) National legislation shall be adopted to empower local governments to determine and manage the organization of local public administration within a common national framework of standards, in order to ensure effective and enhanced delivery of quality and affordable services to local communities.
- b) Local governments or local authorities shall identify and implement innovative service delivery modalities to local populations within a framework of national legislation.

2. Resource mobilisation and utilisation

- a) Local governments shall be provided with the required human, financial and technological resources to effectively and efficiently discharge their responsibilities.
- b) Information and Communication Technology (ICT) shall be made accessible and effectively used to make local governance and local development more effective and efficient.

3. Capacity development

- a) Local governments or local authorities, as well as local government associations, shall undertake comprehensive and continuous capacity development initiatives to enhance the performance of locally elected representatives and officials to effectively and efficiently carry out their duties and functions.
- b) Central governments shall establish civil service institutions, create special programmes and develop special curricula on local government and local public administration

- c) Central governments shall encourage such initiatives to share experiences and best practices at the bilateral, regional and continental level.
- d) Communities, civil society and citizens shall benefit from capacity development in order to effectively contribute to local public administration and local development.
- e) State Parties shall promote voluntary peer review processes within and between countries.

4. **Natural resources**

- a) State Parties shall adopt national legislation and establish mechanisms which include local government, civil society and local populations to ensure adequate protection and sustainable use of natural resources at the local level.
- b) State Parties shall adopt national legislation and create mechanisms which include local government, civil society, and local populations for local communities to benefit from natural resources exploited in their communities.
- c) Central governments shall be responsible to equitably redistribute natural resource benefits acquired from natural resource exploitation in given localities and communities to all sub-national governments and local communities.

5. **Local governance financing, financial management and local development**

- a) Central governments shall enact national legislation which strives to entrust local governments with the full responsibility to manage financial resources at the local level.
- b) Central government shall ensure, through appropriate support and oversight, that allocated financial resources are managed effectively and efficiently without undermining the principle of local financial autonomy.
- c) National legislation shall be adopted to ensure the financial sustainability of local governments.
- d) Central governments shall define local resources as well as conditional and unconditional financial transfers.
- e) Conditional and unconditional financial transfers from central government to local governments or local authorities shall be transparent and predictable.
- f) Conditions under which local governments shall gain access to loans, financial markets, and development assistance shall be defined by law.
- g) Local governments shall implement accounting, auditing and management systems for the effective, efficient and transparent management of financial resources in strict compliance with national financial and accounting laws, norms and standards.
- h) Local governments or local authorities shall identify and establish mechanisms and processes for the efficient or optimal use of financial resources in the delivery of quality services as defined by law.

Article 17 – Solidarity, cooperation and partnership

1. National laws shall be adopted to regulate conditions under which local governments or local authorities may form partnerships or cooperate with local governments of other African countries to achieve common local, national and regional development and continental integration objectives.
2. Local governments or local authorities may enter into appropriate partnerships with non-African local governments to promote cooperation, especially South-South cooperation.
3. National legislation shall be adopted to recognize the right of local governments or local authorities to form a national association to co-operate and collaborate.

4. Such national association shall be governed by public law and shall be integrated into the decentralisation management institutional mechanism.
5. Local governments or local government associations at the national level shall be free to join regional, continental and global local government associations.
6. Central governments shall encourage, support and ensure the full participation of local government associations as the collective voice of local governments in national, regional and continental development matters or decisions.
7. Central governments shall encourage and support the independent and effective functioning of local government associations.
8. Regional integration initiatives shall promote local government or local authority cooperation among Member States; the framework for cross-border cooperation shall be established by Member States and Regional Economic Communities.
9. Central governments shall support local governments to fully participate in processes, mechanisms and programmes at the regional and continental levels.

Chapter III

Mechanisms for implementation

Article 18 – Follow-up mechanisms

To give effect to the commitments contained in this Charter, the actions listed below shall be taken at the following levels:

1. Implementation at Individual State Party Level

a) Local government or local authority level

Local governments or local authorities shall:

- i) Equally be responsible and accountable to their local populations for the implementation of the objectives of this Charter, and the adherence to its values and principles;
- ii) Cooperate with central government and other sub-national levels of governments to realise shared development priorities;
- iii) Participate in national Local Government Associations and collaborate with civil society and the private sector to achieve the objectives of the Charter;
- iv) Demonstrate the political will to advocate for and ensure the implementation of the objectives, values and principles of this Charter, together with the central government;
- v) Commit to create favourable conditions for the dissemination and implementation of this Charter; and
- vi) Commit to participate in the monitoring, evaluation and reporting of the implementation of this Charter.

b) Central government level

To ensure and facilitate the implementation of this Charter, State Parties shall:

- i) Adopt appropriate legislative, executive and administrative measures to align their national laws and regulations to the objectives of this Charter and adhere to the values and principles contained therein;
- ii) Integrate commitments, objectives, values and principles of this Charter in national policies and strategies;

- iii) Take all necessary measures to ensure the broader dissemination of this Charter;
- iv) Undertake a coordinated effort to place decentralisation and local development at the centre of governance and development;
- v) Demonstrate the political will, through *inter alia*, the allocation of appropriate resources, for the realisation of the objectives, values and principles of this Charter in a concrete manner; and
- vi) Take the necessary steps to develop cooperation and share experiences in the areas of decentralisation, local governance and local development in accordance with the objectives, values and principles of this Charter.

2. Implementation at Commission level

a) Regional level

In accordance with their constitutive instruments, Regional Economic Communities shall:

- i) Encourage Member States to ratify, accede, implement and monitor this Charter;
- ii) Integrate and take into account the objectives, principles and values of this Charter in drafting and adopting regional policy and legal instruments; and
- iii) Support and facilitate the establishment of an appropriate advisory regional platform or forum for the collective voice and action of local governments.

b) Continental level

To ensure and facilitate the implementation of this Charter, the Commission shall:

- i) Develop guidelines for the implementation of this Charter;
- ii) Facilitate the creation of favourable conditions for good local governance and development for the delivery of quality public services on the continent at the local level through the harmonisation of policies and laws of State Parties;
- iii) Support and facilitate the establishment of an appropriate advisory continental platform or forum for the collective voice and action of local governments within the AU framework;
- iv) Assist State Parties to implement this Charter and coordinate its evaluation;
- v) Mobilise the necessary resources to support State Parties to build their capacity to implement this Charter; and
- vi) Undertake periodic review of the Charter and make recommendations to the Policy Organs of the African Union.

Article 19 – Reporting

1. State Parties shall, from the date the Charter comes into force, submit to the Commission, every three years, a Report to the Commission on the legislative or other measures taken with a view to giving effect to the principles and commitments of this Charter.
2. The Commission shall prepare and submit to the Assembly, through the Executive Council, a synthesised Report on the implementation of this Charter, for consideration.

Article 20 – Recognition, award system and commemoration

1. State Parties shall institutionalize a transparent and an impartial system for recognizing outstanding performance, creativity and innovation in decentralisation, local governance and local development.

2. State Parties shall promote a continental recognition and award system to acknowledge and emulate excellence in decentralisation, local governance and local development.
3. The Commission shall promote innovative experiences and institute a system of awards for innovation in decentralisation, local governance and local development.
4. State parties shall commemorate the "Africa Day on Decentralisation and Local Development", on the 10th of August of each year as a means to promote the values and principles of this Charter.

Chapter IV Final clauses

Article 21 – Safeguard provisions

1. The provisions of this Charter shall not be interpreted in a manner that is inconsistent with the relevant principles of international law, including international customary law.
2. None of the provisions of this Charter shall affect more favourable provisions relating to decentralisation, local governance and local development contained in the domestic law of State Parties or in any other regional, continental or international agreement applicable in these State Parties.
3. In the implementation of this Charter, the specificities and special needs of island states shall be taken into account.

Article 22 – Settlement of disputes

1. Any dispute relating to this Charter shall be amicably resolved through direct negotiations between the State Parties concerned.
2. Where the dispute is not resolved through direct negotiation, the State Parties shall endeavour to resolve the dispute through other peaceful means, including good offices, mediation and conciliation, or any other peaceful means agreed upon by the State Parties. In this regard, the State Parties shall be encouraged to make use of the procedures and mechanisms for resolution of disputes established within the framework of the Union.

Article 23 – Signature, ratification or accession

This Charter shall be open to all Member States of the Union, for signature, ratification or accession, in conformity with their respective constitutional procedures.

Article 24 – Entry into force

This Charter shall enter into force thirty (30) days after the date of the receipt by the Chairperson of the Commission of the African Union of the fifteenth (15th) instrument of ratification.

Article 25 – Amendment

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 of the African Union, who shall transmit the same to State Parties within thirty (30) days of receipt thereof.

3. The Assembly of the Union, upon recommendation of the Executive Council of the Union, shall examine these proposals at its next session, provided all State Parties have been notified at least three (3) months before the beginning of the session.
4. The Assembly of the Union shall adopt the amendments in accordance with its Rules of Procedure.
5. The amendments or revisions shall enter into force in accordance with the provisions of Article 24 above.

Article 26 – Depository

1. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the African Union.
2. Any State Party may withdraw from this Charter by giving a written notice of one (1) year in advance to the Chairperson of the Commission of the African Union.
3. The Chairperson of the Commission of the African Union shall notify the Member States of any signature of this Charter, any deposit of an instrument of ratification or accession, as well as its entry into force.
4. The Chairperson of the Commission shall also notify the State Parties of the requests for amendments or withdrawal from the Charter, as well as reservations thereon.
5. 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.
6. This Charter, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit a certified true copy of the Charter to each Member State of the African Union in its official language.

Adopted by the twenty-third Ordinary Session of the Assembly, held in Malabo, Equatorial Guinea

27th June 2014