



## AFRICA IN CONVERSATION SERIES

# Accountability and Justice for Democratic Resilience in Africa

### Concept Note



# 01 | Context

Eighty years ago, the world declared “Never Again” following atrocities that prompted the adoption of the **Convention on the Prevention and Punishment of the Crime of Genocide** and the **Universal Declaration of Human Rights** in 1945. These milestones laid the foundation for modern international justice, reinforced by the **Rome Statute of 1998**, which established the **International Criminal Court (ICC)** to prosecute genocide, war crimes, crimes against humanity, and the crime of aggression. To date, 33 African countries are State Parties to the Rome Statute.

The African Union’s 2025 theme, “*Justice for Africans and People of African Descent through Reparations*,” calls for redress for historical injustices and the strengthening of justice mechanisms across the continent. This context demands renewed efforts to end impunity, support victims, and pursue meaningful accountability. As UN High Commissioner Michelle Bachelet stated, “Impunity is an enabler of genocide; accountability is its nemesis.”

To enhance continental accountability, the AU has adopted legal instruments such as the AU Transitional Justice Policy and the Statute of the African Court of Justice and Human Rights (2008) which merges the AU Court of Human and Peoples’ Rights and the AU Court of Justice into a single court (Art. 2). The Protocol has been ratified only by 8 member states against the 15 ratifications needed to enter into force. Another instrument is the Protocol on Amendments to the Protocol of the Statute of the African Court of Justice and Human Rights (Malabo Protocol), which, upon entry into force, will grant criminal jurisdiction to the Court essentially transforming it into a formidable institution capable of addressing genocide, crimes against humanity, war crimes, the crime of unconstitutional change of government, piracy, terrorism, mercenaries, corruption, money laundering, trafficking in persons, trafficking in drugs, trafficking in hazardous waste, illicit exploitation of natural resources and crimes of aggression (Art 28 A). The Protocol has been ratified by One (1) member state only against the 15 ratifications needed for its entry into force. The Protocol’s immunity clause from prosecution for AU Heads of State and Government or other senior state officials (Art. 46A) contradicts ICC provisions (Art. 27), raising concerns about consistency and effectiveness.





## 02 | Accountability, Justice, and Democratic Resilience

Democracy is a continuous process. Democratic resilience—the capacity of a system to prevent or recover from erosion—depends on strong accountability and justice mechanisms. A lack of justice undermines trust, enables impunity, and fuels conflict, weakening institutions.

The AU emphasizes **transitional justice** as central to peace, human rights, governance, and development. Implementing the AU Transitional Justice Policy is critical to addressing both past and ongoing crises.





## 03 | Rationale

**Unaddressed atrocities**—past and present—undermine democratic institutions, fueling **democratic backsliding**.

The absence of accountability contributes to a fragile state-society contract, weakened rule of law, politicized security forces, and increased risks of unconstitutional change of government, violent extremism, and repression of civil society.



## 04 | Objectives

1. Assess the effectiveness of Africa's accountability and justice mechanisms.
2. Recommend measures to strengthen the ratification and implementation of key AU legal instruments on accountability and justice in Africa.
3. Provide a platform for multi-stakeholder dialogue and advocacy around transitional justice and accountability.



## 05 | Key Questions



What is the status of AU's home-grown solutions for addressing crimes against humanity?



How can Africa balance engagement with the ICC and its own judicial legal frameworks?



What lessons can be drawn from the **Hissène Habré trial** and how can they be replicated?



How does the AU's normative framework shape national, local, and hybrid transitional justice initiatives?

## 06 | Expected Outcomes

- » Concrete advocacy strategies for ratifying and implementing AU accountability and justice instruments.
- » Increased awareness of Africa's accountability and transitional justice frameworks.

## 07 | Target Audience

African Union  
Commission

Regional  
Economic  
Communities  
(RECs)

AU Member  
States

Diplomatic  
Community

UN  
Agencies

Civil Society  
Organizations

Academia and  
Think Tanks

## 08 | Date & Venue

The event will be held on June 5 2025 at UNDP Regional Service Centre for Africa  
Fiesta Building, Meskel Flower Road, Addis Ababa

## 09 | Interpretation

Interpretation will be provided in English and French.



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