

chapter 2

Institutional opportunities for civil society engagement

2.1 Towards a People-centred Union

Optimism abounds as to the opportunities for civil society engagement around the AU. “The AU operates now with a unique style, with consultations at every level”, asserts Ayokunle Fagbemi, who has been engaging with the OAU and AU for several years. As an example, he cites the Abuja Summit on HIV/AIDS, Tuberculosis and Malaria in May 2006. Civil society was so active in shaping what eventually became the main document that “...by the time the document was reviewed, some days before the Summit was held, you had such a completely refined product that our Heads of States had no choice but to agree to it”.

Fagbemi also points to civil society engagement around the policy framework on Post-Conflict Reconstruction and Development being discussed at the AU Commission as yet another manifestation of the opportunities that abound. “The civil society input has been significant ... the framework reflects the reality and the wishes and aspirations of our people”.

For Jibrin Ibrahim, a former academic now leading a prominent sub-regional CSO based in Nigeria, what is clear is that “...a lot of the advocacy that has been going on has been pushing NEPAD and AU at the level of their principles towards more participatory, more inclusive, more rights-based approaches. And although there's very little at the level of implementation, the fact that the principles themselves have been accepted is very important. For us in civil society that's our point of entry, because we can say: well, you've adopted ABCD, so you need to implement it.”

The question then becomes: if it is useful to engage with the AU, as respondents have asserted, what are the relevant institutional entry points and where is the room

for manoeuvre? This chapter seeks to answer precisely this question, and in doing so to provide a critical assessment of the institutional opportunities for civil society engagement with the AU system.

2.2 The Road to ECOSOCC

Before looking at the specific spaces that exist for civil society engagement around the AU, it is important to look briefly at the evolution of relations between the OAU/AU and non-state actors and the background to the establishment of the Economic Social and Cultural Council (ECOSOCC). Mirroring the near-absence of citizen participation in policy making in OAU member states, space for civil society participation in the organs and initiatives of the OAU was virtually non-existent. The OAU Charter itself made no reference to civil society (Houghton, 2005a). The late 1980s and early 1990s, marking the end of the Cold War, were seen by many as ushering in a renaissance of African civil society, and OAU decisions, declarations and resolutions – notably the African Charter for Popular Participation in Development (1990) – articulated the role of non-state actors in governmental decision-making (OAU, 2003)¹⁵. Nevertheless, it was not until the demise of the OAU and dawn of the AU that anything resembling official space for civil society began to open up.

In June 2001, a month after the Constitutive Act of the AU came into force, outgoing Secretary General Salim Ahmed Salim convened the first OAU-Civil Society Conference in Addis Ababa on the theme ‘Building Partnerships for Promoting Peace and Development in Africa’, to discuss ways of strengthening OAU/CSO relations. A number of important recommendations emanated from the conference, among them: the need for a follow-up mechanism to ensure dialogue between the OAU/AU and African civil society; the importance of the

¹⁵ Other OAU documents that underlined the popular participation requirement included the Declaration on the Political and Socio-economic Situation in Africa and Fundamental Changes Taking Place in the World (1990), the Abuja Treaty establishing the African Economic Community (in particular Articles 90 and 91, which noted the need for a mechanism for consultation with African socio-economic organisations and association), the Grand Bay Declaration of the OAU Ministerial Conference on Human Rights, and the Sirte Declaration of 1999 (OAU 2003).

OAU/AU harnessing civil society's technical capacity to help deliver its programmes; and the need for an OAU/AU civil society focal point. Almost exactly a year later, shortly before the inaugural session of the AU, a second OAU-Civil Society conference took place, again in Addis Ababa, this time to flesh out the mechanisms and modalities for CSO engagement with the nascent AU.

A key outcome of the second conference was the establishment of a Working Group, to be made up of members of civil society and the OAU Secretariat, to develop the ECOSOCC statutes, which would spell out the composition, procedures for election and accreditation, and ECOSOCC structures. Another important objective for the Working Group was to come up with a plan for popularising ECOSOCC as an idea throughout Africa. The 20-member Group, which included 3 representatives from each sub-region of Africa, as well as sectoral experts and Diaspora representatives, was given two years from July 2002 to deliver on its mandate. The Group's draft, submitted to the AU Commission, failed to make it past the PRC and Council of Ministers, and was not considered, as had been expected, by the July 2003 Summit.

According to Charles Mutasa, a member of the Working Group, the draft sparked a number of concerns from AU policymakers. "One was ... they felt that civil society was going to have a big number of people unnecessarily represented in this ECOSOCC organ. We initially proposed 600 members of ECOSOCC, but this was felt to be too big and financially not sustainable for the AU. And also the issue of the emphasis on quality versus quantity was put across. A second was the issue of the Diaspora. 'What is this Diaspora and how many people should come from the Diaspora', they asked? The third issue was that a number of NGOs were saying to their governments that they had not heard about this document, and they needed time to reflect on it".

The Working Group's tenure was extended until the July 2004 Summit in Addis Ababa, where the statutes were then tabled before the Heads of State, who adopted them and gave orders that they should go ahead and implement

ECOSOCC, but only as an interim assembly. The concern remained that ECOSOCC existed only in the abstract, and needed to be popularised and grounded in African sub-regions and countries.

2.3 Mechanisms, Structures and Spaces – an Assessment and Critiques

2.3.1 The Interim ECOSOCC

As currently constituted, the Economic Social and Cultural Council (ECOSOCC) is an interim body, with its full functioning contingent on its popularisation in the different sub-regions and member states of the AU, and on the holding of elections. A five-person Interim Bureau, constituted in March 2005 and headed by a Presiding Officer and including four Deputy Presiding Officers nominated from different sub-regions, has the overall responsibility of operationalising ECOSOCC. There is also a Standing Committee with three members from each sub-region, which works closely with the Interim Bureau and is responsible for thematic clusters, fund-raising and the establishment of ECOSOCC chapters in each country. The design of ECOSOCC also provides for some 12 sectoral cluster committees, mirroring the AU Commission's work programme. The intention is that these cluster committees, to be populated by experts in the relevant areas, will be the vehicle for civil society members' input into AU policy.

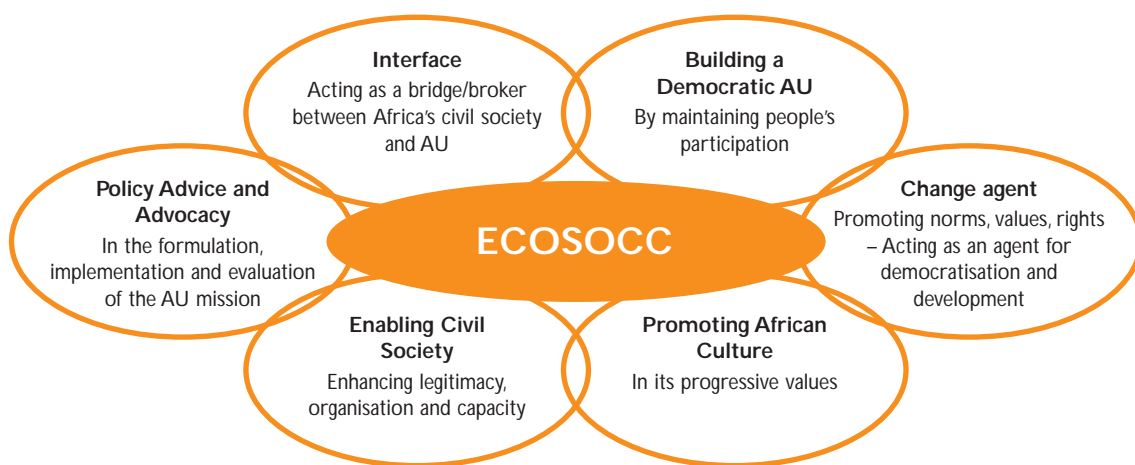
At a meeting in Nairobi, Kenya in June 2005, the Interim Bureau and Standing Committee developed a 2-year strategy (2005-2007), which spells out the steps to be taken to bring ECOSOCC to life. Charles Mutasa, a deputy presiding officer representing Southern Africa, reported that the interim Bureau, with its two-year mandate due to expire in March 2007, is at least 10 months behind

"There's a rapid opening up of space for CSO engagement on the official side. Correspondingly, when space is opened up, what we've found is that CSOs are unable to effectively occupy that space".

Neville Gabriel of the Southern Africa Trust

Figure 3: Key Roles of the Economic Social and Cultural Council

Adapted from AU Commission 2006



schedule, due to a lack of money to implement the US\$3.5 million strategy. "The problem was there were no resources to kick off the process. The resources are supposed to be provided by the AU, as ECOSOCC is an organ of the AU. Also, as civil society, we are also supposed to fund-raise and supplement AU resources, and by and large this has not been forthcoming".

The AU has now made US\$1 million available to the interim Bureau to begin implementing its strategy, and activities are now underway. So far consultations have been held and mechanisms and committees set up in 4 of the 5 sub-regions – Southern Africa, West Africa, Central Africa and East Africa. A key input for discussion in these consultations are drafts of a 'Code of Conduct and Ethics for African CSOs Accredited to the ECOSOCC' and 'Criteria for Accreditation and Observer Status to the AU' both developed by Working Group.

According to Mutasa, the plan is to "... undertake national popularisation, getting the national NGOs to convene meetings, sensitise people about ECOSOCC and the AU, and elect their own representatives that are supposed to lead them in the process. And once that is done, we will

move to another stage, where the countries will have to choose two members who will be part of the 150 members of ECOSOCC".

As highlighted in Chapter 1, an important dimension of ECOSOCC's role as an AU organ is that it is, and will remain, advisory. It will make proposals and submit recommendations to the various AU bodies, with no certainty that the views of civil society will be taken into account in the final analysis. According to Mutasa, this is because the role of ECOSOCC, and the role of civil society at large, is not to make policy, only to influence it. "The most we can do is influence the direction of policymaking, to seek policy changes through lobbying and advocacy. I don't see how anyone would think we should really be doing more than that. We seek to influence the policymakers; we don't seek to make policy ourselves. Otherwise what would be the role of the Pan-African Parliament? What is the role of the Heads of State?"

For Mutasa, ECOSOCC provides a co-ordinated way of influencing AU policy, and constitutes an important window. "We should not look to ECOSOCC as the panacea to all our ills, but as an opportunity. What we do with that

opportunity, and what the outcome is, is something else. But the point is there is a window, which we are considering using. And if it doesn't work we close it and do something else".

Fagbemi, who is involved in popularising ECOSOCC in Nigeria, argues that the litmus test of inclusiveness is at the national level. In each AU member state, he points out, civil society will elect two representatives to take the national agenda to the continental level as ECOSOCC general assembly members. That, in his view, is ECOSOCC's strength as an accountable institution. "All of us are so excited about the photo finish. The AU-ECOSOCC Assembly meeting in Addis is the photo finish. But the real place where you have to engage is at the regional level, at the national level...".

Even before it fully takes shape, ECOSOCC has attracted criticism from civil society organisations who believe it is neither representative of non-state actors, nor transparent in the way it has been established and representatives selected. One view is that the election of Nobel Laureate Professor Wangari Maathai as Presiding Officer while she was a serving Minister in the Kenyan Government constitutes a violation of the spirit of the Constitutive Act.

"ECOSOCC is supposed to be an independent civil society forum", says Abdul-Raheem. "And yet what happens? The AU bureaucrats wanted high visibility, somebody that was more amenable to their own control and agenda and acceptable and recognisable to the Heads of State. We wanted someone independent of governments but unfortunately the AU bureaucrats won so the whole process leading to the formation of the ECOSOCC was engineered, controlled and managed at every stage – even the elaborate consultative process".

Ultimately, argues Abdul-Raheem, inter-governmental institutions such as the AU Commission have difficulties dealing with non-governmental forces. "The dynamism of civil society, its complexities, contradictory role and sometimes chaos, that's what makes civil society civil society. But this is not predictable to bureaucrats. We may

have the African Union, but the OAU culture is still very much in place, and civil society is still seen as the enemy."

Gabriel argues that ECOSOCC is a very important development, "something we must promote and a space we must consolidate". Beyond that, however, "we need to be saying: 'How do we ensure it has more impact, besides having CSO people who are in the 'in-club'?'".

Another view is that while ECOSOCC can play an important role, its advisory status limits it to research and public information about AU developments. "Since ECOSOCC is not a lobby group, you cannot push human rights issues through it", says Nobuntu Mbelle, a legislative activist who works for a coalition of legislative lobbyists advocating for an effective African Court on Human and People's Rights. "It's limiting. In fact, as much as it is a good idea, what the AU has actually done – inadvertently perhaps, or perhaps by design, I don't know – is limited the role, the ability for NGOs to work within the system".

This, argues Mbelle, is because the ECOSOCC process operates on the presumption that national and sub-regional level consultations are open, transparent and fully inclusive, and that those elected to ECOSOCC truly represent civil society in their countries. Given that many of the NGOs prominent in African countries are more likely to be pro-government, independent civil society actors working on policy, political and human rights-related issues may not find their way into those two that are chosen. "You may find that you've got more of the youth and the developmental type of organisations, which perhaps don't deal with contentious issues – for example, access to anti-retrovirals", says Mbelle.

Civil society activists also point to the AU's failure to organise and hold AU-Civil Society Forums in Sirte, Libya in June 2005 and in Khartoum, Sudan in January 2006, as a manifestation of the weakness of relying on official mechanisms such as ECOSOCC. Where such forums have taken place, such as in Banjul in July 2006, they have constituted important opportunities for CSO networking and advocacy (for further perspectives and analysis on

this issue, see section on the AU/CSO Pre-Summit Forum). From the evidence, it is clear that as the main official channel for civil society engagement with the AU system, it will take some time before the problems highlighted will be resolved so that ECOSOCC is fully functional. In the meantime, as long as the process of formation is ongoing there is a degree of room for CSOs to influence the shape, form and membership of the substantive ECOSOCC.

2.3.2 The AU Africa Citizens Directorate (CIDO)

The role of CIDO is to broker and facilitate CSO interaction with the AU Commission and other organs of the AU system. The idea of a civil society focal point within the AU was first mooted at the inaugural OAU-Civil Society conference in June 2001, and a Civil Society Unit was soon established in the Bureau of the Chairperson of the new AU Commission. Initially, it was named the CSSDCA Unit, after the Nigeria-led Conference on Security, Stability, Development and Co-operation in Africa (a framework adopted by the then OAU), which many credit as being among the first to recognise the important role of citizen participation. Working closely with the Directorates, the Unit organised parallel civil society activities alongside AU Ministerial meetings in 2002 and 2003, which enriched the official meetings.

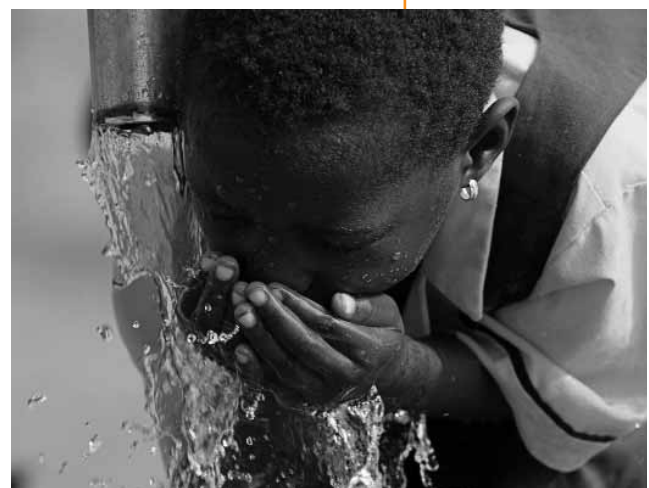
The Civil Society Unit has recently been upgraded to a full Directorate, and renamed the African Citizens Directorate (CIDO). Recruitment for new staff is underway. According to its Head, Jinmi Adisa, the expansion of the AU civil society function attests to the critical importance of the role of non-state actors in constructing an African Union. CIDO develops AU policy on civil society, is actively involved in the process of incubating the substantive ECOSOCC, and seeks to broker partnership between NGOs wanting to collaborate with the different AU Directorates. As its title suggests, CIDO considers the African Diaspora a key constituency. The Directorate was involved in organising the 2nd Conference of Intellectuals from Africa and the Diaspora, held in Bahia, Brazil in July 2006. It also planned the Africa-South America Summit,

that took place in Abuja, Nigeria in December 2006. Together with the Peace and Security Directorate, CIDO is pioneering a policy framework that will create further space for civil society input into the development of AU policies at technical level. If the pilot is successful, says Adisa, the approach will be institutionalised across the AU Commission

Experienced civil society actors have varying views about the efficacy of the civil society focal point and the value-added of CIDO. "In successful institutions the role of the civil society unit has been to leave NGOs to deal directly with the substantive departments, and to document, profile and flagship the collaboration as needed", says Irungu Houghton of Oxfam GB. "But they should not under any circumstances try to be a gatekeeper. Because from gatekeepers after a while you get a classic management response: 'I can't cope with all these demands, and therefore I'm going to start prioritising'. So people start feeling excluded, marginalised, and so on. Whereas if you looked at the entire spread of the organisation and you said each department must set its own objectives, then you're much more influential".

Life has been transformed by the installation of a borehole water pump in Gbun-Gbun Village, Ghana.

photo: Jon Warren



The official AU response to fears that CIDO is stage-managing the development of ECOSOCC in particular and AU-civil society relations in general, is that CIDO is run by civil servants who ultimately have no power in determining ECOSOCC's future direction. Furthermore, say officials, NGOs are free to go directly to AU Directorates and are not obliged to pass through CIDO. Evidence gathered in the course of preparing this paper suggests that CIDO, whether intentionally or otherwise, is playing a distinctly interventionist role in the establishment and evolution of ECOSOCC. Adisa admits as much, emphasising however that CIDO's role in helping incubate an important institution, is a positive one which should not be seen as being in any way political or untoward. Whatever the case, CIDO remains an influential gateway and a potential first port of call for CSOs seeking to engage with the various AU institutions (although Houghton's comments on the gate keeping mentality of institutional CSO focal points may be cautionary in this regard).

2.3.3 Bilateral Engagement with AU Directorates

By and large, the most successful examples of collaboration with the AU have been issue-driven, resulting from direct approaches by civil society to the relevant Directorate in the AU Commission. To a greater or lesser extent all the Directorates invite civil society representatives as observers to different meetings – including expert level meetings, Ministerials and pre-Summit Forum events. Trade Director Nadir Merah reports routinely inviting civil society representatives to meetings organised by the Trade and Industry Directorate – whether they be externally oriented to World Trade Organisation (WTO) issues, for example, or internally focused on, say, the plan to develop an African Commodities Exchange.

“Our role is to advocate to our governments”, says Yetunde Teriba, Acting Director of the AU Directorate for Women, Gender and Development. “The most effective way we have found to get the message across has been



Community members drawing a portrait of their community mapping out prominent landmarks. Mpohor Wassa East, Ghana.

photo: Faustina Boakye

to partner with NGOs working on gender issues". The Directorate focuses on getting norms and standards enshrined as AU policy. However, given its weak capacity and lack of a presence in African countries, it relies heavily on civil society organisations with greater reach and a stronger resource base to ensure the domestication and implementation of these norms and standards.

The most widely cited success story to date is the collaboration between Solidarity for African Women's Rights Coalition (SOAWR) and the Gender Directorate, which took ratifications of the Protocol on the Rights of Women in Africa from 1 to 15 in less than 2 years (see Chapter 4 for more detail on this initiative). "The Gender Directorate could choose to operate like the other Directorates who have tokenistic participation in consultations", says Houghton of Oxfam GB, a member the SOAWR coalition. "The difference with the Gender Directorate is it recognised the Commission's lack of capacity and was willing to work with others as equal partners".

Aside from advocating jointly, another strategy Oxfam GB employs to build AU confidence is to try and project the AU alongside civil society organisations. "So simple things, which are symbolic only, like having on the AU website a co-hosted event, is extremely important", explains Houghton. "In that sense the Gender Directorate has probably done more to bring in civil society in a constructive manner than several of the other Directorates. And the question for us now is, how do we take this experience, document it and very consciously push it through the other Directorates?"

However, argues Teriba, the Gender Directorate does not simply cede space to civil society to conduct advocacy on its behalf. Rather, it works on the basis of a division of labour that is symbiotic. Without the AU Commission's access to national policymakers – based on its central role in drafting norms and standards, and on its ability to

convene these policymakers in sectoral meetings – it would be difficult for civil society to engage at country level. An example is the efforts the Gender Directorate has undertaken to push national policymakers to implement the Solemn Declaration on Gender Equality in Africa¹⁶. "We're glad that the Gender Directorate of the AU has actually engaged the Ministries of Gender to come up with an implementation framework for the Declaration on Gender Equality", says Caroline Osero-Ageng'o of Equality Now, which serves as the secretariat for the SOAWR coalition.

The Gender Directorate example shows that CSO-AU Commission collaboration is possible, despite the institutional constraints. To a greater or lesser extent collaboration happens with most of the Directorates around thematic issues, particularly where the AU Commission sees a role for CSOs in amplifying its advocacy message or substituting for its lack of power to implement. However, one major cause for concern emanating from the research is that well-resourced and highly-motivated CSOs run the risk of overwhelming the weak AU bureaucracy and promoting their own agendas in the name of collaboration. The perception is that this phenomenon can have negative, as well as positive, consequences – positive in the sense of bolstering weak AU capacity, and negative in the sense that CSOs may occupy too much space and end up setting, rather than supporting, AU agendas.

2.3.4 The AU-CSO Pre-Summit Forum

Of increasing importance as a space for civil society engagement are the events that take place in the week or so before the AU Summit meetings begin in earnest. One regular event is the AU-Civil Society Forum, a two-day meeting organised by the AU Commission's CIDO, with the aim of rallying civil society around the AU mission. The idea is to use the theme of the Summit as an opportunity to engage civil society on the issues at hand. As such, at the Banjul Pre-Summit Forum, participants

¹⁶ Issued by Heads of State in July 2004.

listened to briefings from AU Commission staff on progress in the discussions on rationalisation of the RECs. The meeting also constituted an opportunity for CIDO to provide an update on the state of AU-civil society collaboration, including progress with ECOSOCC.

In Banjul, the best-attended and most substantive AU Commission-organised activities were those on gender, attended by a large community of civil society experts and activists looking at how to advance the implementation of the AU commitments on gender. “The adoption of the Solemn Declaration on Gender Equality is the tool we are using to have our concerns taken into account in the AU”, explained Femmes Africa Solidarité President, Marie Louise Baricako. “The pre-Summit forums are crucial to taking the Declaration to country level. We are planning a two-day meeting here in Banjul to agree on how to campaign... to disseminate that Declaration so that the women in the countries are aware of it, and then to devise some tools for monitoring and evaluation so that we can also be watching that this Declaration is implemented in the countries”.

For Thelma Ekiyor of the Cape Town-based Centre for Conflict Resolution, the pre-Summit forum is a place where different views and processes meet, and can have a domino effect. “It’s about trying to make the AU more of an African institution... You have women who work at grassroots level as well as policymakers, academics as well as practitioners, in one forum, exchanging ideas on how to bring gender into the AU’s core work. I think it is a worthwhile process”, says Ekiyor. The pre-Summit is also a place where civil society organisations and NGOs who have active partnerships with AU Directorates come to network, take stock and advance their collaboration.

“We have to look at where we’ve come from,” adds Ekiyor. “It is progress, it never used to happen like this. We never had these processes or these opportunities to meet before Summits. And although the Heads of State don’t attribute the policies they decide to develop to any organisation, we do know that we have some leverage. It

may be give and take, it’s not the best system – we all realise that – but we have to acknowledge that we’ve come a very long way. It’s better than it’s been in the last few years and it can only get better”.

“The pre-Summit forum is important because you have to use the regional instruments and international ones, to provide a framework for the women to articulate their demands,” says Comfort Eshiet of Alliances for Africa. “So that is basically why we are here... updating what you have, to be able to impact on women, keeping them updated on the new structures in the AU, the frameworks they can also use in making their demands, so that they don’t make their demands in isolation”.

“When we come to fora like this, there’s that danger of coming up with declarations which we go home and forget and make the next one in six months”, says Osero-Ageng’o. “But the Summit and the pre-Summit forum help in the sense that... we tease out what’s key in those declarations we make at the NGO forum level, and we then use these at country level with the country partners”.

A number of participants polled in the course of this research process also expressed concerns about the process. One concern was that the AU-Civil Society Pre-Summit Forum was “packed with some of the usual suspects”, implying that participation was carefully selected to exclude those likely to be critical. Another was that there was poor co-ordination, with events being held in remote locations and the AU Commission failing to provide sufficiently clear information in good time, with the result that the impact of pre-Summit events was dispersed. Yet another concern was that – as in previous Summits – the host government was able to prevent meetings it considered critical from taking place – as in Banjul, with the banning of a meeting organised by Article 19 on media freedom.

In the view of one veteran Pan-Africanist who has attended many OAU and AU Summits, AU efforts to organise the pre-Summit are endangering rather than enhancing the participation of non-state actors, leading to more and

Timing and Profile: Key to influencing the AU process

"It took me 2 years to understand that if you wanted to get something approved in a Summit you needed to work at least 6 months, maybe even a year before. And then you'd have to walk it through the Commission, Addis-based ambassadors, then all the structures – PRC, Council of Ministers, etc. There are two cycles at play in Summits. The first cycle is a policy influencing cycle, so if you want to get stuff approved or text into the final resolutions, there's that cycle. There's also cycle of public opinion shaping. So if you want to do media work to influence the way in which the public perceives what is happening in a Summit, that's a different cycle. There's one on the inside and one on the outside, and it takes a lot of resources to do both effectively. For example, the rules of procedure for the Summit are being revised as we speak. I don't think any NGO is either aware of this or has submitted memoranda to propose changes, including ourselves".

Irungu Houghton, Oxfam GB.

more strident civil society criticism and conflict with the AU. "That is the problem with invited space!" says Tajudeen Abdul-Raheem. "When we did not have this formality, we'd get the teacher's union or the women's union to host us and we'd be there... The tendency now has been to organise this pre-Summit well in advance of the Summit, even before the ambassadors meet... So that you make your noise get out of town before the Ministers and the Heads of States come – because very few will have the resources to remain. Either that or you're brought to engage on a limited agenda of the AU".

In response to these criticisms, ECOSOCC officials say CSOs run the risk of fetishising the Summit, at the expense of other important spaces for engagement. "The Summit is just a one-off thing," insists Mutasa, "so why should everyone zero in only on it? And in any event, in

our relations with the AU we have come from very far. It has not been an event, it has been a process. Just to have civil society here at the Summit is not a coincidence by itself. It's taken people time to understand and appreciate its relevance".

What has clearly emerged is that there is no direct correlation between CSOs taking part in the pre-Summit process and their positions being reflected in Summit declarations. However, as Houghton and Mutasa have emphasised, the Summit constitutes only one event, and not the be-all and end-all of the AU process. As such, influencing policy outcomes of AU Summits requires patient strategy spanning several months, if not years. The pre-Summit forum should therefore be seen as a work in progress, and a space that will become increasingly relevant as CSOs organise themselves in such a way as to maximise the opportunities at hand. It is to this end that the Open Society AfriMAP initiative, Oxfam GB and AFRODAD commissioned collaborative research to better understand the processes and linkages between national and continental decision-making processes related to the six-monthly AU Summits and related ministerial meetings.

2.3.5 CSO Mechanisms in the Regional Economic Communities

This report has highlighted the increasingly influential role the RECs are playing in the building of an African Union. What is also becoming clear is that to differing degrees the RECs have recognised the value-added that civil society can bring to the delivery of their mandates, and have put in place mechanisms and created spaces for engagement with NGOs and civil society networks. These mechanisms either take the form of pre-Summit forums, civil society standing assemblies or parliaments, with the most active of these to be found in ECOWAS, The Southern African Development Community (SADC) and the East African Community (EAC).

The West African Civil Society Forum (WACSOF) markets itself as the umbrella body for civil society engagement in West Africa. It was established jointly by the ECOWAS

Secretariat and civil society in 2003 to serve as a structured interface between civil society, ECOWAS and member states, to allow civil society to provide systematic input into crucial decision-making processes at the sub-regional level. “Before the establishment of WACSOF, the engagement of civil society in processes at the level of ECOWAS, at the level of member states, was rather *ad hoc and a la carte*,” explains WACSOF Secretary-General Richard Konteh. “So now it’s a way of saying let us make that engagement more structured. And in line with the calls from NEPAD, the APRM processes for civil society involvement, this just responds to that need at the sub-regional level”.

Of interest is that it was collaboration between an international NGO (International Alert) and a sub-regional African NGO based in Nigeria (The Centre for Democracy and Development) that sowed the seeds for the birth of WACSOF. In 2001, the two NGOs initiated contact with ECOWAS. Two years later a first consultative meeting was held that set up an ad hoc committee, which then developed the WACSOF charter that was formally adopted and WACSOF launched in December 2003.

WACSOF follows and monitors all ECOWAS activities, is present in all the Community’s major meetings and follows its processes closely. An important space for engagement is the annual WACSOF Forum, held alongside the annual ECOWAS Summit. Four have been held so far, each bringing together 150 civil society representatives from across the sub-region.¹⁷

WACSOF operates on an issues basis, and has established a number of thematic groups, including on Peace and Security, Human Rights, Democracy and Good Governance, Health, Social Development, Trade and HIV and AIDS. Thematic consultations are held prior to each WACSOF Forum, with a communiqué issued at the end of each meeting to make recommendations, through the Council of Ministers, to the Heads of State.

WACSOF drew its inspiration largely from ECOSOCC, and this is reflected in the fact that many of the statutes in the WACSOF Charter resemble the ECOSOCC statutes. A significant difference, however, is structural: while ECOSOCC is an advisory organ of the AU, WACSOF is not an organ of ECOWAS. “It’s an independent civil society body, but with a structured and institutionalised relationship with ECOWAS that allows for WACSOF’s engagement on issues of relevance, while maintaining its independence”, explains Konteh. “It’s because of the criticisms of ECOSOCC as being close to government that, for us in West Africa, we refused to become an organ. We do recognise the need for us to work together, but we realise that on some issues we could differ. And when that happens, let us differ respectfully, recognising that we have different mandates and constituencies”.

Another crucial difference is that while ECOWAS contributes generously to WACSOF’s programme budget, including providing funds towards the annual forum, WACSOF’s establishment was primarily funded by donors. “ECOWAS has been very collaborative in our setting up, and in enabling civil society to organise ourselves. But the funding for our set up, per se, was provided primarily by DANIDA, and now DFID is also interested. They are our two main donors for now, but we’re trying to diversify to include the EU, Canadian CIDA and other bodies that are interested in supporting our work. And we’re also hoping that we can expand and formalise the level of support from ECOWAS for our work”, adds Konteh.

What is missing in the civil society institutional architecture are concrete ways of linking continental mechanisms and spaces to those at the sub-regional level. Nevertheless, ECOSOCC has recognised WACSOF’s capacity and potential, and recently requested the Forum during the West Africa ECOSOCC consultations, to warehouse¹⁸ the process. Konteh believes WACSOF – which works with the national umbrellas in each West

¹⁷ The 4th Forum was held 15-17 December 2006 in Ouagadougou, Burkina Faso.

¹⁸ Warehousing here is used to mean, “document and act as a repository for”. ECOSOCC asked WACSOF to document and act as a repository for the West Africa consultation process.

African country – is the logical choice to become the West African ECOSOCC. However, “that is up to ECOSOCC to decide. Sure, we’d be more than willing to even host the secretariat for ECOSOCC in West Africa, because we believe that we have to input into the AU ECOSOCC process from the sub-regional level. And we also hope that the other RECs can draw lessons from the WACSOF experience to help inform how they also engage at the sub-regional levels... we know that no other sub-region has taken the initiative that WACSOF has in West Africa”.

2.3.6 The African Commission on Human and People’s Rights CSO Observer Mechanism

In May 1999, at its 25th ordinary session, the ACHPR passed a resolution on criteria for giving CSOs and NGOs observer status at the Commission. Although access to Commission sessions was allowed only for opening and closing sessions, the criteria include a caveat: observers could be invited to closed sessions at the discretion of the chair, on issues of interest to them.

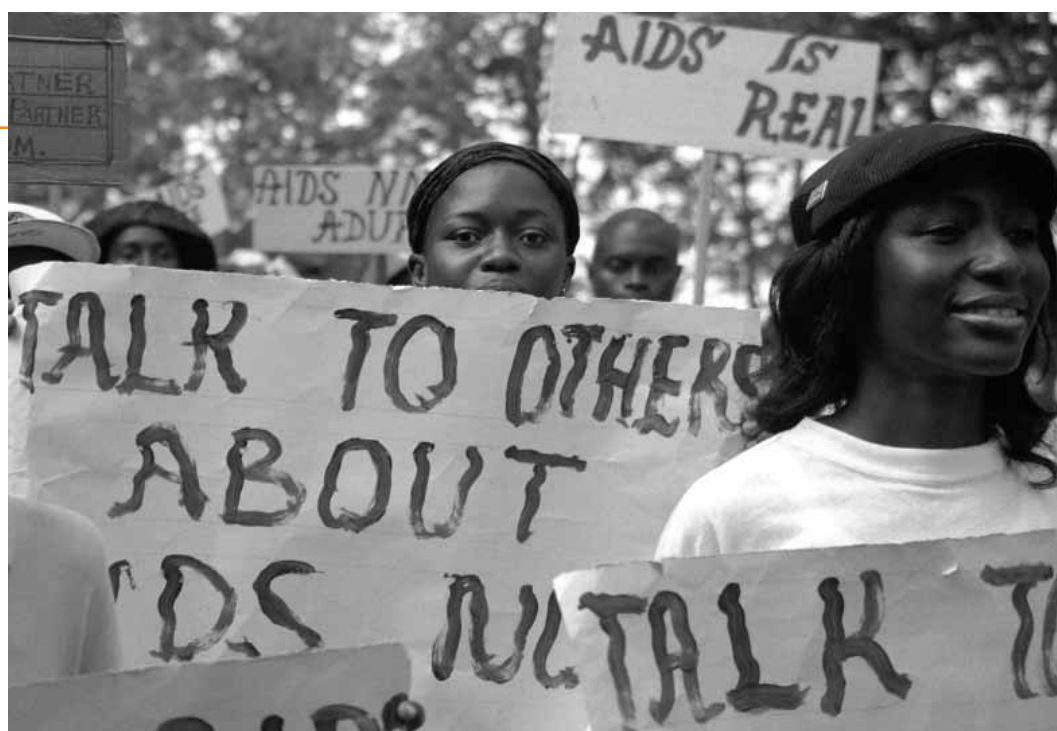
Three other caveats made the ACHPR criteria groundbreaking at the time:

- the chair could give observers the floor to respond to questions directed at them by participants;
- observers could be requested by the chair to make a statement to the Commission session on issues of concern; and
- observers could pro-actively request to have an issue of concern included in the meeting agenda.

The criteria were also innovative in the sense that, in addition to these rights of access, they gave the CSO and NGO observers responsibilities. Each accredited observer is required to present an activity report to the Commission every two years. Observers are also expected to “establish close relations of co-operation” with the ACHPR and engage with it on an ongoing basis. Currently, 342 organisations have observer status with the ACHPR, albeit with some participating more actively than others in the Commission’s deliberations.

Nurses and students celebrate World AIDS Day by carrying placards to promote AIDS awareness and prevention. Agogo, Ghana.

photo: Jennifer Mankatah, Kofi Obimpeh



Coming as they did in 1999, when the OAU was only beginning to wake up to the importance of popular participation, the ACHPR criteria were a decade ahead of their time. Even today, the closed sessions of AU meetings, from the PRC to Council of Ministers to the Summit itself, remain closed to civil society and many other organisations. Many feel the AU should learn from the ACHPR experience. “The [ACHPR] has been very open to NGOs, and even individuals – because it’s not only NGOs or civil society that can bring complaints to the Commission, even individuals can take a case”, reports legislative activist Mbelle. “If one can transpose that system to the AU level that would be good. The minimum should just be the ability to secure accreditation, but beyond that you should be able to engage with the various organs”.

“I think what [the AU] seems to misunderstand”, adds Mbelle, “is that when you allow people to engage with you and criticise you, in effect they’re actually strengthening you. You need people to say, ‘look, there are problems here’. And it’s not pushing and criticising for the sake of criticism: people have an interest in the project”. She points to the fact that for the first time since its inception, as a result of sustained lobbying from observers, the ACHPR now publishes reports on its website.

Fiona Adolu, a legal officer at the ACHPR, believes that to learn valuable lessons and avoid duplication of effort, the AU’s ECOSOCC and CIDO need to work much more closely with the ACHPR. “Why don’t we consolidate some

of these AU institutions and strengthen them to carry out their mandates properly? ECOSOCC might be one way of arriving at that convergence, hopefully. But they have to work with the ACHPR and at the moment I’m not too sure I have seen that happen”.

2.3.7 NEPAD, the African Peer Review Mechanism and Civil Society

After a series of consultations, the New Partnership for Africa’s Development (NEPAD) Secretariat set up an Office of Gender and Civil Society Organisations in 2004. With regard to civil society, the role of the office is similar to that of the AU’s CIDO – to serve as a focal point for requests for collaboration with the NEPAD secretariat; to put in place and ensure implementation of NEPAD civil society policies; to mainstream civil society involvement in NEPAD processes; and to share best practices.

The most visible activity associated with the Office to date has been the December 2005 launch of the NEPAD CSO Think Tank, an ad hoc mechanism intended to prepare civil society organisations for participation in the NEPAD process, including peer review¹⁹. Another role is to build bridges between the NEPAD Secretariat, the AU Commission, the RECs, and civil society organisations both inside and outside of ECOSOCC. The Think Tank organises itself along thematic clusters, and African civil society is represented by sub-region. The All Africa Conference of Churches, for example, serves in the Faith-Based Organisations Cluster and represents Southern Africa in the Think Tank.

¹⁹ The Think Tank’s TORs read as follows: 1. Mobilise and ensure effective participation of CSOs in NEPAD initiatives and regional, sub-regional and national levels; 2. Create a conducive environment at the REC level for CSO involvement, coordination, capacity building and participation in NEPAD and REC issues; 3. Determining CSOs’ various niches, identify their roles in different NEPAD processes, including the regional economic regimes; 4. Work complementarily with CSOs implementing programmes around NEPAD priority sectors and win their support in order to use their networking capabilities to implement and advocate NEPAD at the grassroots level; 5. Ensure all CSO Think Tank initiatives are gender mainstreamed to meet the AU gender party principle; 6. Better understand CSOs and enhance their capacity to support and participate in NEPAD implementation; 7. Strengthen CSOs’ understanding of integration process at regional and different sub-regional levels, within the context of ECOSOCC; 8. Popularise NEPAD and improve relations between CSOs, governments and the private sector; 9. Build the capacity of CSOs to effectively participate in the implementation, monitoring and evaluation of NEPAD; 10. Process and step down knowledge on new ideas rolling out of the NEPAD Secretariat action plans such as African Peer Review Mechanisms to national level; 11. Develop a framework that can identify best practices from CSOs that can be up-scaled and replicated by NEPAD.

According to NEPAD, given that it is smaller and more focused on leveraging expertise, the Think Tank is complimentary to ECOSOCC, and avoids the pitfalls of CSO/NGOs having to be aligned to government to stand a chance of being eligible for membership. Nevertheless, the Think Tank has more or less fizzled out since its inception, prompting questions from civil society actors, concerned that NEPAD is only paying lip service to civil society policy engagement. "The current NEPAD CSO initiative is limited, in that it's not reaching CSOs in the way that it should, it's not engaging the way that it should," says the Southern Africa Trust's Gabriel. "But there is alternative thinking in the Secretariat, at the top and in other places, saying we need to be there where CSOs are, we need to be talking about the issues and really focusing on what difference it is going to make".

Ultimately, adds Gabriel, the problem is that NEPAD "... is still stuck at a fairly high level and needs to link up much more strongly with the regional official processes and regional CSO activity and at the national level". Like the AU Commission, the NEPAD Secretariat clearly has its work cut out to convince civil society of its relevance as a target of engagement.

2.3.8 Proposals to Create Joint CSO Hubs

Recognising the importance of being close to the AU, frustrated by their inability to keep a handle on the burgeoning AU agenda, and concerned that a proliferation of individual agency advocacy positions planned for Addis Ababa would overburden the already weak AU Commission, a group of leading NGOs mooted the idea, in 2004, of a civil society facility to be based in Addis Ababa, to service civil society's information and advocacy needs collectively. The idea was to create a facility along the lines of the Bretton Woods Project in the UK, a completely independent body, with a steering committee with a rotational tenure, initially funded by the major sponsors, with a view to its funding base becoming independent over time. The idea, initiated by Pambazuka, Centre for Democracy and Development, Oxfam GB and ActionAid has not yet been implemented, but remains a live prospect.

In South Africa, largely because of the perceived inadequacy of existing civil society mechanisms, the Southern Africa Trust began a 6-12 month research and consultative process towards the establishment of a CSO focal point, or hub, for the APRM, NEPAD and PAP, all located in or around the Midrand locality in between Johannesburg and Pretoria. The proposed objectives are:

- to provide a CSO focal point for liaison between the civil society units of the NEPAD, APRM and PAP secretariats;
- establish and build working relations between CSOs and NEPAD/PAP/APRM personalities;
- facilitate awareness raising on NEPAD, APRM and PAP to CSOs;
- facilitate access to information by CSOs on NEPAD, APRM and PAP towards more effective engagement in policy dialogue and processes around the three institutions; and
- enhance linkages between and among CSOs on APRM, PAP and NEPAD issues.

"We think physical proximity is an important aspect of this kind of work, and knowing the individual people in each of these secretariats is critical", explains Gabriel. Proposed partners in the initiative include INGOs, African civil society networks, SADC's Council of NGOs and Parliamentary Forum, and the secretariats of the target institutions.

Table 2: Mechanisms, Structures and Spaces

Mechanisms/ Structures/ Spaces	Utility
Interim ECOSOCC	<ul style="list-style-type: none"> • The AU's official mechanism for CSO engagement • Role is advisory • Statutes make INGO membership difficult • Still a work in progress
AU Citizens Directorate (CIDO)	<ul style="list-style-type: none"> • Designated AU Commission office for CSO-AU partnership • Strong focus on harnessing Diaspora • Currently being expanded • Concern over 'gate-keeping'
AU Directorates	<ul style="list-style-type: none"> • Scope exists for direct collaboration • All Directorates welcome collaboration with CSOs • Capacity strong in pockets, weak overall
AU-CSO Pre-Summit Forum	<ul style="list-style-type: none"> • Relatively new innovation • Potentially important for influencing AU Summit • Currently incoherent, no clear strategy
WACSOFF	<ul style="list-style-type: none"> • Independent of ECOWAS but closely associated with it • Proximity to countries makes it potentially important • Parallel process to ECOWAS Summits, issues declarations • Selected by AU to warehouse ECOSOCC West Africa consultative process
ACHPR CSO Observer Mechanism	<ul style="list-style-type: none"> • Long-standing model • CSO observers have rights but also responsibilities • AU Commission appears not to have learned from it; resulting lack of coherence with ECOSOCC
NEPAD Civil Society Hub	<ul style="list-style-type: none"> • Consciously more technocratic • Not yet fully effective • Concern over 'gate-keeping'
APRM – role of CSOs	<ul style="list-style-type: none"> • CSO engagement enshrined in APRM principles • Country processes provide major opportunity • Concern over 'pre-selection' of CSOs in-country
Joint CSO Hubs (proposed)	<ul style="list-style-type: none"> • Proposals for hubs in Addis Ababa and Midrand • Concept varies from knowledge hub to advocacy hub • Consultation process currently on-going