chapter 3
Modes of engagement and tensions in CSO-AU relations

3.1 Different Ways of Engaging

Civil society employs different modes of engaging with the AU, and engagement can be proactive or reactive. "You can engage with them when they are drafting protocols, so you're taking initiative in helping them to write policies and set up their own mechanisms and structures. Or you can engage with them after they've written the policies, and say 'you're not holding your countries to account'," explains World Vision Africa Advocacy Adviser Amboka Wameyo.

3.1.1 Provision of Technical Input

As Wameyo suggests, one important modality is to provide technical input to strengthen and deepen AU thinking. This tends to happen almost exclusively via invitations by the different Directorates to selected CSO/NGO representatives to attend expert group meetings and other technical level gatherings. As specific policy processes evolve, civil society experts may find themselves attending Ministerial meetings as observers, where, although they have no official platform to speak, they can influence the policy process in the corridors or in bilateral meetings. In such cases, civil society can advance its own agenda.

According to Ekiyor, CSOs constantly need to ask the question as to whether collaborating with the AU at the technical level circumscribes their ability to put pressure on it when it's not perceived to be working. "In my own organisation", she asserts, "we critique the AU's work a lot, in all our meetings, but it hasn't hindered our partnerships with them so far – and actually the things we've criticised them on, they've taken up". As such, it is largely a question of the credibility of the specific CSO working with the AU. Research institutions, for example, must remain objective or tarnish their reputations. Another key factor is funding, with resources that are independent from the AU guaranteeing a greater degree of autonomy.

3.1.2 Proxy Advocate

All too often, however, the role of civil society is less to provide expert input than to prepare to advocate on the

AU's behalf. "On debt issues we have worked with civil society, particularly with some NGOs to mobilize African and international opinion to support our position on debt cancellation", says René Kouassi, Director of Economic Affairs at the AU Commission, noting the presence of prominent international NGOs at AU meetings. Here, the AU sees NGOs as key advocacy allies, and seeks to leverage the space occupied particularly by international NGOs and issues-based African networks, such as the African Forum on Debt and Development (AFRODAD) and the Africa Trade Network (ATN).

3.1.3 Partnering in Implementation

A third modality is for civil society organisations to work as implementation partners with relevant AU Directorates, leveraging their advocacy skills and programmatic strengths in African countries to help implement AU norms and standards. "Even though they engage in the regional processes and come up with excellent regional instruments, excellent international instruments which they ratify at every point, they do that for PR purposes", says Osero-Ageng'o. "But when it comes to implementation it doesn't trickle to the ground. So to bring an end to this 'resolutionism', our advocacy at this level involves pressurising the governments to move beyond simply ratifying documents, and to have them actually domesticate them under the bicameral system, or for the unicameral system to get them to actually get down to implementing once they have signed the instrument".

3.1.4 Consulting or Contracting

A fourth modality is consulting or contracting. "Part of the problem with the AU is a lack of capacity", explains Godwin Odo, a programme officer of the MacArthur Foundation in Nigeria. "The AU may not have the resources to recruit the quality of researchers they would want. Some NGOs think this is their area of specialisation – if you want something on international justice you can name 5 NGO people who can sit down and come up with the best possible document. If you want something on women's rights it's the same. There's this high level of capacity within the NGO sector".

Figure 4:   Modes of CSO Engagement with the African Union

Modes of CSO Engagement with the AU

- **Technocrat:** Providing technical input to deepen AU Commission thinking
- **Proxy Advocate:** Advocating on behalf of the AU Commission
- **Implementer:** Working as an AU Commission implementation partner
- **Contractor:** Providing consultancy/contractual services to the AU Commission

The fear among African activists is that because of the lack of capacity, civil society experts end up writing the policy. "You can actually have a Pan-African meeting of Western NGOs without actually missing a single country," complains Abdul-Raheem. "And they have the money, the resources, they can prepare their papers, they can fly anybody in, they have consultants. And yet the AU is not in a position to engage, really".

3.2   Blurred Line, Crisis of Expectations, Tensions

Some analysts of the new Pan-Africanism argue in favour of a "new participatory paradigm" which in their view necessitates "a critical form of engagement"[20]. This implies a mutual respect between governmental and inter-governmental on the one hand, and civil society on the other. The extent to which such a mutual respect exist between AU and CSO actors depends on which side of the fence particular organisations sit – inside or outside.

Houghton identifies two groups, one on the inside and the other on the outside. The first is what he calls the "insider NGO group", made up of CSO representatives that have been closely involved in the ECOSOCC process and have a clearer sense of the spaces that exist around ECOSOCC to engage the AU. "This group is part of the structure", says Houghton. Nevertheless, he adds, "there's still tremendous confusion at a national level about what

an ECOSOCC representative is supposed to do. So what you have is this huge association membership framework, which is probably spending 80% of its positive energy on what I'd call constitutional and rule-based procedures, and less than 10-15% discussing what they want the AU to do. And in many ways it can offer a distraction from a grounded policy engagement with the AU".

The second category is the "outside NGO community", made up largely of "…Pan-Africanists, passionate about issues of justice". The difficulty for this group, argues Houghton, is that "… [there] isn't a clear enough entry point for them to engage with the AU. And they are becoming more and more frustrated with the seemingly arbitrary and ad hoc way in which civil society participation is being organised". This frustration has reached such a point that efforts are now underway to autonomously organise around Summits.

Even though a typology can be discerned, civil society engagement with the AU typically happens along a blurred line, resulting, in the words of Houghton, in "…a form of dependency, with CSOs relying on the AU to invite them into 'appropriate spaces'". An emblematic example of this is the inauguration of the Pan-African Parliament (PAP) in March 2004, when CSO representation was almost exclusively on the basis of AU invitations. Inevitably this has led to frustration, and the emergence of conflictual, adversarial lobbying alongside collaboration.

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20   Landsberg and McKay 2005.

While the refusal of Libya (June 2005) and Sudan (January 2006) to allow the pre-Summit CSO Forum to go ahead (see Chapter 2) is described by one senior AU official as "an internal organisational problem", civil society organisations see governmental intolerance as reflecting a major concern: the perceived attempt by AU member states, organs and bureaucrats to limit their participation in what is supposed to be a people-centred Union. "Despite the important role of civil society at the level of the AU, the AU hasn't respected what civil society is doing," says Odo who is also a human rights lawyer. "You acknowledge on one part that civil society has been good, you respect the work they do. But on the other hand they are not given the kind of recognition and protection that civil society requires to actually function".

According to Houghton, such concerns that the AU is only serious about participation on paper have led to a "crisis of expectation between those on the inside of the Commission and those outside of the Commission in terms of what would be desirable sets of relationships around the AU". Two manifestations of this crisis have emerged. First, civil society activists are proposing that alternative pre-Summit forums be held entirely independently of the AU African Citizens Directorate (CIDO) or of ECOSOCC. Second, in the run-up to the Banjul Summit, a strong sign-on letter was circulated, protesting the exclusion of civil society from Tripoli and Khartoum and urging the AU to desist from closing space for engagement.

The response of Adisa, head of CIDO, is that civil society must stop being adversarial and recognise that building an African Union is an incremental process. "Instead of just making noise these CSOs should realise that we're not going to move from a state-led to a people-centred project overnight. That is just the reality of the matter. So what would be more constructive at this time would be for CSOs to accept the space that exists, and build on it.

It's not that the space is not there. It is. But there is a lack of creativity as to how to best use it."

In defence of civil society, Ekiyor argues that healthy relationships are core to the AU's effectiveness, and civil society is committed to the task of building long-term collaboration. "We have evolved from when it was an antagonistic relationship between CSOs and governments", she asserts. "Now, most CSOs worth their salt actually are looking at how to collaborate with these institutions. I think of it as: what other institutions do we have? If we… let the AU, ECOWAS, IGAD, SADC… become dilapidated, we actually don't have any other institution through which we can get the voices of the people heard".

3.3 Dichotomy between International and African CSOs?

International NGOs are the market leaders in policy advocacy at Pan-African level, and were the first to reorganise themselves to ensure coherence between their Africa and global advocacy strategies[21]. In some cases, internal discussion over the need to undertake Pan-African advocacy led to the allocation of increased resources and the building of a Pan-Africa advocacy network[22]. The result is that today, many thematic partnerships with AU Directorates have either been initiated by or directly involve INGOs in some shape or form. At AU Summits, INGOs are among the most visible and active civil society representatives, taking part in and even organising pre-Summit forum activities, organising press conferences, and lobbying delegates.

Understandably, this has raised concerns that INGOs are not authentically African and may be infiltrating AU spaces with "non-African" ideas. This concern underlies the effective exclusion of INGOs from ECOSOCC membership. While the definition of civil society organisations in Article 3 of the ECOSOCC statutes leaves room for "NGOs, CBOs and voluntary

[21] ActionAid 2004.
[22] Interviews with Brian Kagoro (ActionAid) and Irungu Houghton (Oxfam GB).

organisations", Article 6 stipulates strict eligibility criteria that may pose problems for international civil society organisations wanting to engage via ECOSOCC. Mutasa, a deputy presiding officer of the interim ECOSOCC, concedes that the issue is contentious and that it influenced the drafting of the statutes. "Many people feel that organisations relating directly with the AU should be African; regional in orientation and governance", he explains. "And of course there has been this issue of INGOs overriding these small, moneyless NGOs in Africa, and that is something that people have brought forward and said: 'No, this is our Union, we don't want international NGOs to take a lead. They can support us, but they cannot really be the ones interacting with our Union in this way'."

Ayo Aderinwale, also a deputy presiding officer of the interim ECOSOCC representing West Africa, is even blunter about the issue. "For me there's no dilemma. Let's face it, how can you have an African ECOSOCC peopled by [INGOs]? This is also the problem with the civil society movement in Africa. Close to 99% of the time our agendas are donor-designed, donor-determined and donor-driven. Hardly would you find us pursuing agendas based on our own realities and decisions".

In Aderinwale's view, the membership criteria in the ECOSOCC statutes were designed to enable professional bodies, chambers of commerce, manufacturers associations, and community-based organisations (CBOs). "These organisations may not be very good in advocacy, and they are not your usual noise makers", he says. "But they have to deal with real issues and they are demand driven. They, more than any other organisation, deserve to be in ECOSOCC, and that's the target here. They are much more authentic. What we want is the authentic voice of the African people".

Abdul-Raheem agrees that the intent behind the statutes was to privilege "… the old civil society, the real civil
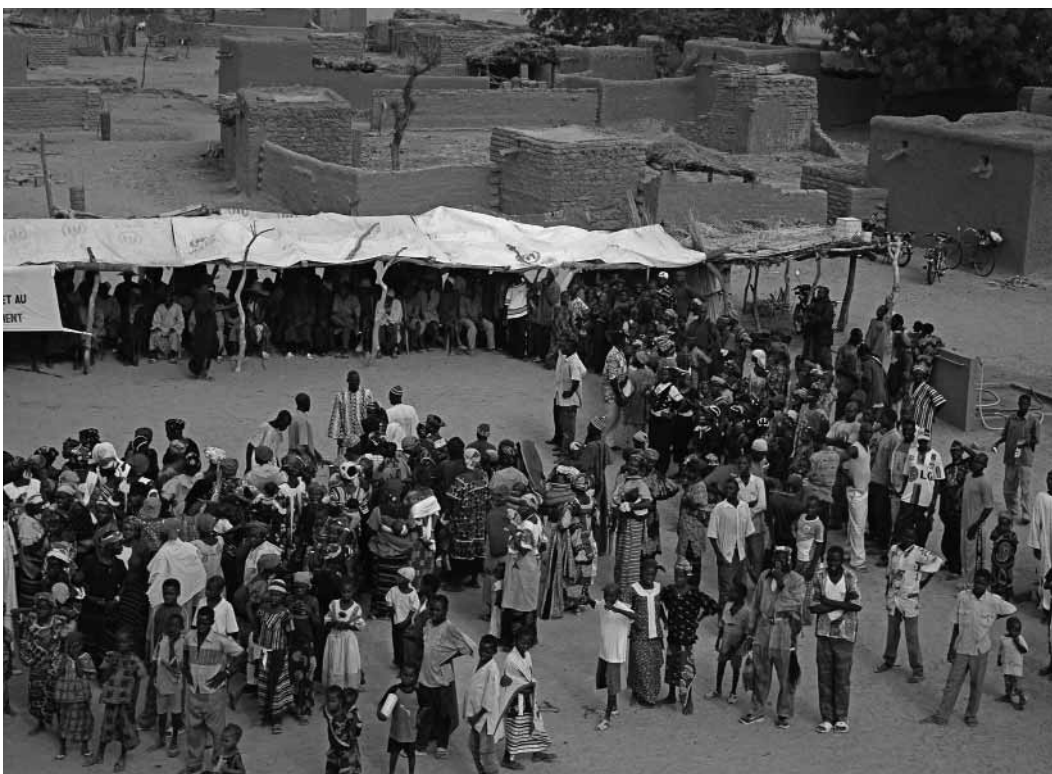
Community members in a village celebrate the installation of a water supply system. Temena, Mali.

photo: Scott Lout

society: trade unions, women's groups, youth groups, and professional groups… things that are usually lumped together as 'private sector', you know… lawyer's associations, students, youth and all that". Because trade unions are in retreat in many African countries, argues Abdul-Raheem, they are no longer able to engage as effectively, and the space has been ceded to NGOs, raising questions of representativity and legitimacy.

Even though many INGOs have recently "Africanised" by decentralising and employing more Africans in the region, this does not make them African, emphasises Abdul-Raheem. El Ghassim Wane, Head of the Conflict Management Division at the AU, shares this view: "One thing is to employ Africans to bring to the fore African issues. Another is to empower Africans and African NGOs to do part of the work. Capacity building and ownership are supposed to be key to development today".

WACSOF's approach is more inclusive, and it allows INGOs to become fully-fledged members of the network as long as they have a strong African presence. The alternative is associate membership, open to any NGO, be it local or international. Ultimately, says WACSOF Secretary-General Konteh, it does not make sense to dichotomise between international and African civil society, since insider and outsider pressure are more often than not complementary. "So even in terms of our advocacy strategy, we believe we can partner with [INGOs], where we do advocacy at the national or sub-regional level, and then they do advocacy at the international level complementary to what we are doing. They can leverage what we are doing and amplify it, and that way we can get more impact". Konteh advocates working in coalitions as the best way of leveraging the respective strengths of South and North.

Equality Now's Osero-Ageng'o agrees, dismissing the INGO-African NGO phenomenon as "a classic strategy that is used to scatter even the work of women's organisations. When you go to the national level… in Kenya and Uganda, I know for a fact that every time that we take on an issue of women's rights we're told: 'oh, you elitist women – who gives you the moral authority to speak on behalf of the woman back home?' Yet the woman back home has no wherewithal to take up a matter and push it to its logical conclusion"

Mbelle believes that it is not up to the AU to determine who is authentic and who is not. Rather, it is up to African NGOs and civil society organisations to start becoming more assertive in their relations with Northern NGOs and CSOs.

In their defence, INGOs put forward a number of arguments. One is that it is possible to have multiple identities, as manifested by the fact that most INGOs working in Africa are registered as NGOs in all the countries they work in, thereby ensuring local accountability. Another is that the experience that INGOs have accumulated in working at service delivery and humanitarian level with the poor gives them the right to engage. "Any NGO that has presence on the ground and has governance structures that are local cannot be deemed to be international and external", says Wilfred Mlay, Africa Vice President of World Vision. "If we divide on the basis of just whether [an NGO] is indigenous or not indigenous, we will be marginalising a lot of the community work that is already on the ground. We will impoverish ourselves".

Wameyo argues the point even more forcefully: "Why is it that at the national level there's legitimate space for these so-called INGOs resulting from the legitimate work they do in the country? If you're legitimately working in a particular country and you know the situation in that country, why can't you be legitimate at the Africa level?"

A third argument mounted by INGOs in their defence is that they routinely seek to build capacity by working in coalitions and alliances with local NGOs and CSOs in Africa – rather that going it alone. A fourth argument has it that African civil society is weak, and that in any event, while many do a tremendous job, a number of indigenous NGOs are less accountable to their constituents and funders than INGOs.

GCAP – teething pains in the building of a movement

The Global Call to Action Against Poverty (GCAP) is emblematic of the promise and tensions within coalitions bringing together disparate international and national civil society organisations. GCAP constitutes a diverse group, in terms of ideology, policy focus, sectoral focus and organisational strategy.

GCAP initially began as a result of a meeting in Maputo in 2003 organised by the Millennium Campaign. However, at GCAP's founding meeting in Johannesburg in September 2004, strong representation emerged from Asia, Latin America, Europe and the Americas. However, the group agreed to issue a common one-page statement, the Johannesburg Policy Platform, which highlighted a common position on 4 themes – governance, debt, aid and trade. GCAP came into its own in 2005, the year of Africa, by mobilising successfully on specific days, harnessing unifying symbols, strategically using the media, associating itself with concerts, rallies and other high-profile events. In Africa, 26 countries recorded the presence of GCAP in 2005. Despite this high visibility, one key weakness identified by GCAP members was the lack of national policy engagement and inclusive campaigning at national level.

By the time of the GCAP March 2006 Lebanon meeting, what had started out with 20 people in Maputo and 50 people in Johannesburg became a gathering of 150 people in Beirut, of which 100 were representatives of national coalitions. 25 of these were national coalitions from African countries, signifying the depth and strength of the African presence within GCAP. Ten of the major policy revisions to the Johannesburg Policy Platform proposed by Africa were adopted in the Beirut Platform of Action. This is the policy platform that now guides GCAP internationally, and includes controversial things like, for example, debt repudiation, a focus on domestic debt as opposed to just external debt, focus on repatriation of stolen assets and funding, focus on Economic Partnership Agreements (EPA) – these are all Southern-based demands.

However, despite the current definitions of which CSOs can be part of ECOSOCC, Mutasa says the issue of INGO involvement is still up for discussion. "I know this is an issue that is going to confront us… it has confronted us before, and it has been thrown out, first because initially, most of these organisations were being run from London and so on... but now that they have begun to reorient themselves and be really African, it raises questions of how we as NGOs, and even the AU are going to handle that".