

# chapter 4

## Key thematic issues for CSO advocacy

### 4.1 Speaking with One Voice

The African Union's 2004-2007 Strategic Plan constitutes an ambitious shopping list of programmatic activities. In line with Konaré's vision, the AU Commission has also made a conscious and concerted effort to centralise management and leadership of initiatives previously led by other secretariats or institutions. NEPAD is emblematic of this trend, with a degree of centralised coordination in this case arguably needed. However, there are a number of other examples, and it is not always clear whether on all themes the AU Commission is the best actor to lead. While on paper it speaks of leading only in areas of its core competence, in reality it wants Africa to "speak with one voice" and sees itself as the African voice in the international community. In practice, however, the AU Commission cannot engage on every issue with the same dynamism, intensity or impact. This inevitably means that there are themes in which the AU is strong, and others in which it is barely competent.

With 2007 the year the AU Commission will develop its second Strategic Plan, there is likely to be pressure from member states as well as from other quarters – including civil society – for the Commission to draw lessons from its first five years and narrow its focus. This elaboration of a new Strategic Plan constitutes potentially the single most important opportunity to influence the AU programmatically. Furthermore, if Chairperson Konaré does not seek re-election, the likelihood is that whoever takes over may opt for a less ambitious work programme.

Landsberg and McKay (2005) identify a number of themes – what they call Africa's "big issues" – at the heart of the new Pan-Africanism:

- Reducing poverty;
- A new trade regime that is both free and just;
- Unemployment and illiteracy;
- Promoting human rights and democratic governance;
- Social development (including addressing HIV/AIDS),
- Ending wars and conflicts;

- Promoting peace-building;
- Fostering regional integration and cooperation; and
- Seeking a 'new' partnership with the outside world, notably the industrialised powers.

The AU Commission engages on each and every one of these themes, to varying degrees. As highlighted earlier in this publication, NEPAD engages on a smaller number of themes. On the basis of the research conducted, this chapter identifies and discusses issues that are considered priority thematic areas by the AU, and on which civil society organisations have engaged, are currently engaging, or are planning to engage. This review is not exhaustive. Instead, is selective, highlighting a cross-section of themes and flagging key advocacy opportunities likely to arise in the next two years (see also Annex A). In doing so, the chapter highlights and draws lessons from successful advocacy campaigns around the AU.

### 4.2 Economic Justice

The evolution of the Africa-G8 and World Trade Organisation (WTO) agendas have led to a flurry of activity among African CSOs and their international counterparts, and their engagement in different regional and global forums to campaign on economic justice. The recognition is widespread that tackling the roots of poverty requires engagement with the multilateral system, towards a more level playing field for Southern countries. Developing and articulating African positions on aid, trade and debt are therefore at the core of the AU Commission's advocacy role. In the coming two years, one way of ensuring that the African policy space is used to the maximum in terms of global impact, will be for civil society to engage with the AU towards robust, nuanced and achievable African positions. The search for alternative paths to development, manifested by the growing rapprochement between Africa and China and plans for an African commodities stock market, will also provide CSOs with much food for thought in terms of how they engage.

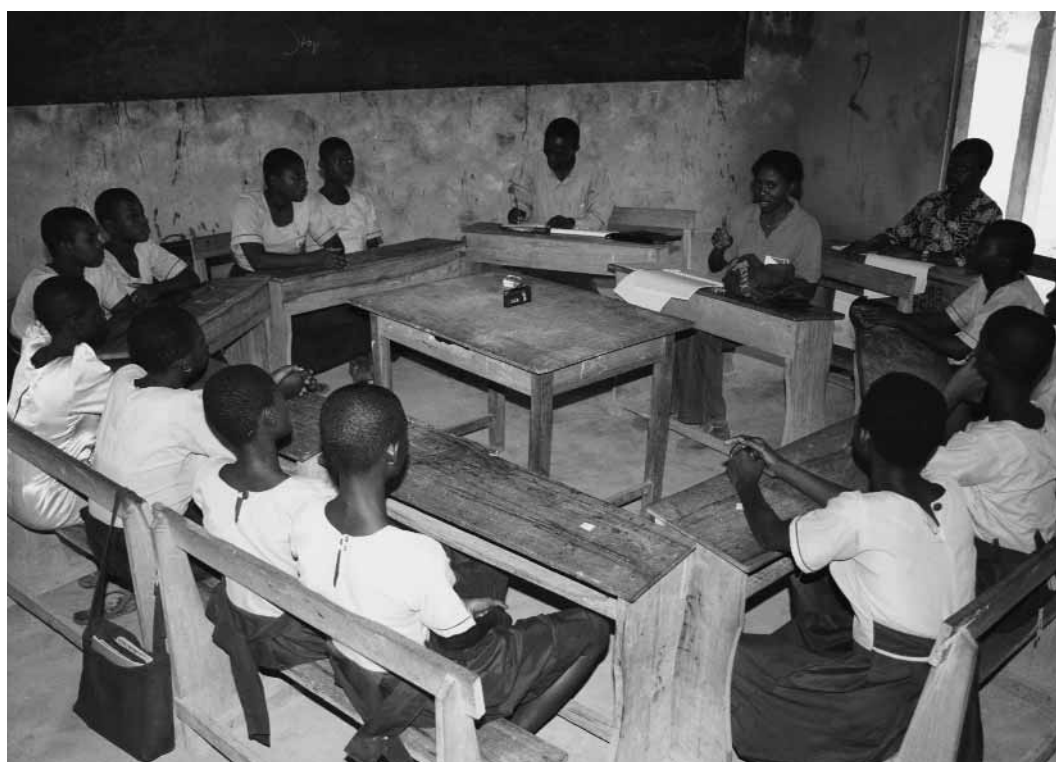
On aid, the generic AU position is that to scale up efforts to achieve the Millennium Development Goals (MDGs),

developed nations need to make good on their Gleneagles 2005 commitment to deliver more and better aid. In addition to the call for increased aid volumes, the emphasis is increasingly on aid quality. The Africa Ministerial Conference on Financing for Development held in Abuja, Nigeria in May 2006, again called for the aid architecture to be more effective, by aligning itself with national development plans. The key message is for aid to be untied and for technical assistance to be reformed.

A key space for engagement is the High-Level Forum on Joint Progress Towards Aid Effectiveness, which brings together developing and developed country finance ministers, aid agency heads and CSO experts. The second High-Level Forum, which took place in Paris from 28 February-2 March 2005, ended with the adoption of the Paris Declaration on Aid Effectiveness, which spells out the mutual commitment of both Africa and its development partners to a more accountable aid relationship. The third high-level forum is due to take place in Ghana in 2008. On

the aid quality issue, UNECA and the AfDB possess enough technical expertise to backstop the AU Commission on what is a very technocratic agenda. However, a number of African and international NGOs are campaigning on aid quality and this will be a fruitful area of collaboration with the AU in the coming years. ActionAid and other INGOs have already developed detailed, nuanced positions on aid which the AU says are critical in supporting its advocacy in the North. One such position is that the Africa Partnership Forum (APF), set up by the G8 and NEPAD as the vehicle for following through the G8 Commitments, needs to be made a more effective mechanism for mutual accountability.

On debt, African campaigners have long maintained that the lion's share of debt owed by African nations is illegitimate, with the All-Africa Conference of Churches dubbing it "a new form of slavery, as vicious as the slave trade". Today, the official AU position post-Gleneagles is that all multilateral debt should be cancelled for all



*A discussion group is used to measure transformational development within a community. Anyinofi, Ghana.*

**photo:** Kofi Odoom

African countries. The AU wants the G8's Multilateral Debt Relief Initiative (MDRI) – benefiting 18 countries categorised as Heavily Indebted Poor Countries (HIPC) – to cover all of Africa's multilateral debt. The AU has initiated research to establish the impact of the MDRI on the economies of the 14 African HIPCs. Also, a piece of analytical work is pending that could provide room for engagement with civil society.

The AU has worked closely with CSOs to mobilise African as well as international support for its debt cancellation position. However, there are two sides to the coin. While the focus to date has been on demanding blanket cancellation, little attention has been focused on the African side – what do countries do with the resources freed up by their debt being cancelled? The debt cancellation agenda provides civil society in Africa with an opportunity to advocate for more effective use of debt, and aid, by African countries. In the meantime, if there is no move by creditor nations and the multilateral system to cancel all of Africa's debt, an increasing number of CSOs will step up the campaign for debt repudiation – whereby African countries are being urged to declare their debt as illegitimate, stop servicing it and set it aside.

Trade is clearly the economic justice theme in which the AU has registered the most progress in coordinating an African strategy. Since it replaced the OAU, the AU has convened four Conferences of African Ministers of Trade, with significant civil society participation each time. In the run-up to the 6th WTO Hong Kong Ministerial in December 2005, the AU and civil society organisations worked closely together in developing positions and preparing for Hong Kong. Subsequently, both expressed major disappointment with the Hong Kong outcomes. The main emphasis in 2006 was on two sets of issues:

- On the WTO agenda, and in anticipation of the end of April deadline for Agriculture and Non-Agricultural Market Access (NAMA) in the negotiations, the 4th Conference of African Trade Ministers, meeting in Nairobi in April 2006, issued the Nairobi Ministerial Declaration on the Doha Work Programme, that

amounts to an African Position aimed at guiding African negotiators in the Geneva process. It contains guidance on all the key issues for Africa, including market access, bananas and cotton. In it, Ministers declare that competition, commodities, aid for trade, services, and trade facilitation are key issues to be addressed in the Doha Round. On NAMA, the Ministers express their concern that “the modalities in NAMA may lead to the de-industrialisation of African countries if their concerns ... are not adequately addressed in the negotiations”. They also reiterated their call for “transparent and inclusive” negotiations, and warned developed countries to desist from putting pressure on African countries to comply with their demands.

- The second issue is the Economic Partnership Agreements (EPAs) currently under negotiation between Africa and the European Union (EU). Civil society has been campaigning on this issue for some time, in the context of the Cotonou Agreement the successor to the Lomé Agreement between the EU and African Caribbean Pacific (ACP) countries. NGOs have long rejected EPAs as inimical to African interests. The AU has subsequently led African negotiations with the EU on EPAs, which were discussed in several forums during the Banjul Summit in July 2006, particularly among the RECs, with whom the EU is negotiating blanket sub-regional agreements. The AU position is spelled out in the Nairobi Declaration on Economic Partnership Agreements, issued in April 2006. Essentially, the AU insists that EPAs should constitute tools for the economic development of Africa, and expresses its profound disappointment with the EU position. In welcoming the evaluations of EPAs in 2006, the Ministers urge that the review “... be inclusive and consultative with all stakeholders, including civil society and parliamentarians and conducted at national, regional and continental and ACP levels...”. This provides further spaces for civil society to work hand in hand with the AU in the coming years.

### 4.3 Gender

The Solemn Declaration on Gender Equality in Africa, issued by Heads of State in July 2004, and Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, adopted in July 2003 constitute the main instruments being harnessed by gender-focused CSOs. The Solemn Declaration on Gender Equality in Africa reflects their success in lobbying for gender parity in all AU organs, and lays out an agenda towards gender equality in Africa.

The most effective case of partnership between CSOs and the AU to date may well be the campaign by SOAWR, a coalition of 25 NGOs, towards the coming into force of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

The Charter is considered ground-breaking by the human rights community, as it spells out a wide range of social and economic rights for African women, including calling for the legal prohibition of female genital mutilation. In July 2004, only Comoros had ratified the Protocol. The SOAWR campaign's objective was to put pressure on African governments to ratify the Charter and lead to its coming into force. This would then create momentum for laws and policies to be enacted within countries, and provide in-country CSOs with the basis to push further for the rights spelled out in the Charter. SOAWR worked jointly with the AU Gender Directorate to identify the problem and develop a joint advocacy and lobbying strategy.

The strategy itself, combining the creation of a sense of outrage with constructive engagement, involved face to face lobbying of the AU Commission and Permanent Representatives based in Addis Ababa, an open petition to Heads of State (with signatures gathered by pen, e-mail, web and text messaging), 'naming and shaming' red cards, and a joint conference with the AU in September 2005. As a direct result of the campaign, and with Togo the 15th country to ratify, the Protocol came into force in November 2005.

The campaign is emblematic for several reasons. First, its success can be attributed to the symbiosis between civil society and an AU Commission Directorate, demonstrating that successful partnership with the AU requires a common interest. "If you look at it from a service point of view, the service we've given the Gender Directorate is that they moved from one ratification to 15 in record-breaking time", says Irungu Houghton of Oxfam GB, a member of SOAWR. "And it's great for us because it was part of the AU that bought into that vision".

Further in hindsight, the SOAWR coalition benefited from other pre-conditions that made the political environment ideal for campaigning on women's rights; FEMNET and Equality Now, both key players in the Coalition, had experience of working on the Protocol. They, and a number of other members in the Coalition, had strong legal and policy analysis backgrounds and had already cultivated effective national networks. The Information Technology expertise provided by another member, FAHAMU, led to the novel experience of IT supported advocacy.

The SOAWR led campaign was multi-phased and did not end with the coming into force of the Protocol. SOAWR is now pushing the more than 35 AU member states that have not yet ratified the Protocol to do so. And it is entering the 'domestication' phase of its work by taking the campaign to country level.

### 4.4 Governance

A highlight of the AU July 2006 Summit Banjul, The Gambia, was the controversy over the draft African Charter on Democracy, Elections and Governance. The draft Charter – presented to the Summit by Foreign Ministers after a painstaking technical process that culminated in a Ministerial meeting some two months before the Summit to further develop the text – was rejected by Heads of State in Banjul. The bone of contention was a clause that sought to outlaw the practice of leaders amending constitutions to extend their rule – an issue that has spurred civil society campaigns in a number of African countries in recent years. The

contentious clause threatened to sanction countries whose leaders violated the spirit and letter of their constitutions to extend their rule indefinitely. The draft was sent back to Ministerial level, and was on the agenda at the January 2007 Summit in Addis Ababa, constituting an important advocacy issue for civil society.

Aside from the draft Charter, Africa's governance agenda is largely being stewarded outside of the AU Commission. With the APRM well underway, opportunities will continue to abound for civil society participation as official stakeholders, contractors and shadow peer reviewers. As at July 2006, 23 countries<sup>23</sup> had signed up to the APRM, with the Ghana review conducted at the 4th NEPAD Heads of State and Government Implementation Committee (HSGIC) in Khartoum in January 2006. The Rwanda review took place only in Banjul, after delays due to disagreements between the Government and the Panel of APRM Eminent Persons over the content of the draft Country Review Report. Next up for review is South Africa, which has completed its self-assessment report and received an APRM Country Review Mission in July 2006. Kenya is also lined up for review, having completed its self-assessment report in 2006. Algeria is in the process of preparing its self-assessment report after completing stakeholder consultations. In Nigeria, the self-assessment process is underway after initial delays.

The APRM explicitly markets itself as a broad-based participatory process, providing significant room for civil society participation along with other stakeholder groups. Experience has however been mixed, with some CSOs reporting a tendency by governments to prefer to involve "state-friendly" NGOs in the country processes. The African Governance Monitoring and Advocacy Project (AfriMAP) views the APRM process as an opportunity to hold governments accountable to their commitments. However, Deputy Director Ozias Tungwarara cautions

that the mechanism is being "seriously undermined by the deference to an archaic notion of national sovereignty, where states are still very reluctant to call a spade a spade in terms of their deficits". For this reason, and because of the bureaucratic nature of the peer review process, AfriMAP has changed tack:

"Initially AfriMAP, was conceived as a shadow reporting exercise to the APRM," explains Tungwarara. "So the intention was to actually develop a parallel process through which civil society could do its own monitoring alongside APRM". However, the project has evolved, primarily because the APRM has proved to be a cumbersome process. As a result, AfriMAP now focuses on monitoring African governments' compliance with commitments in three sectors – access to justice and rule of law; political participation; and effective public service delivery. On that basis, AfriMAP plans to develop instruments, including a comprehensive questionnaire, which CSOs can use to assess their government's compliance.

Despite the teething problems, the APRM constitutes an unprecedented opportunity for civil society to engage creatively and register an impact in the coming years. Like many continental initiatives it is extremely ambitious. The APRM's integrity also depends to a large extent on whether it remains an African-owned and led process. There are concerns among African actors that undue interest from the international community may render it a self-conditionality mechanism administered by Africa to secure more aid, rather than as a real instrument for internal improvement. However, the fact that it is grounded in countries makes it incumbent on CSOs, whether national or continental, to see how best they can engage with it to ensure more robust outcomes. Beyond the outcomes of the peer review per se, the key is to see the APRM as an entry point for a sustained dialogue on key governance issues.

<sup>23</sup> In order of accession, the 23 countries that have signed up for peer review are: Algeria, Burkina Faso, Democratic Republic of Congo, Ethiopia, Ghana, Kenya, Cameroon, Gabon, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa, Uganda, Egypt, Benin, Malawi, Lesotho, Tanzania, Angola, and Sierra Leone.

For more details on the APRM, visit <http://www.nepad.org>



## 4.5 HIV and AIDS

Beginning with the 2001 Abuja Summit on HIV and AIDS, Tuberculosis and other Related Infectious Diseases, which identified priorities for fighting HIV and AIDS, the past few years have seen heightened high-level engagement around the pandemic, with civil society maintaining the momentum in terms of advocacy, and the AU Commission working to ensuring engagement by Africa's leadership. In 2006, the main target for advocacy on HIV and AIDS was the UN General Assembly Special Session on AIDS (UNGASS). In Khartoum in January 2006 Heads of State identified the need to develop a common African position for UNGASS, and this position constituted a key outcome of the Special Summit on HIV and AIDS, Tuberculosis and Malaria (ATM) held in Abuja in May that year.

The African Common Position lists a number of targets to be met by 2010 – including:

- the reduction of HIV prevalence in young people between 15 and 24 years by at least 25% in all African countries;
- a commitment to protect and support 5 million AIDS orphans and ensure that 80% of orphans and vulnerable children (OVCs) have access to basic services;
- access by at least 80% of pregnant women to Prevention of Mother-to-Child Transmission, and treatment for HIV-positive women and children; and
- access to antiretroviral and other HIV and AIDS treatment for at least 80% of those in need, particularly children.

For these and other targets to be met, the Common Position laid out specific actions to be taken at country, regional and continental levels in Africa. A number of CSOs campaigning around UNGASS made use of the African Common Position.

Another important call to action was the *'Brazzaville Commitment on Scaling Up Towards Universal Access to HIV*

*and AIDS prevention, treatment, care and support in Africa by 2010'*, which included a detailed set of action points in a number of key areas. The Brazzaville Commitment influenced the report prepared by the Global Steering Committee for UNGASS. A number of INGOs, including ActionAid, Christian Aid and Oxfam International, now consider HIV and AIDS as an advocacy priority, and this is likely to lead to increase engagement with the AU and other institutions in the coming years.

## 4.6 Human Rights and Justice

The African Charter on Human Rights (1981) is considered the most progressive piece of human rights legislation in all the world's regions, because of its emphasis on economic and social rights. A key institutional outcome of the Charter is the African Commission on Human and People's Rights (ACHPR), which receives complaints from state and non-state parties on human rights abuses and violations. As discussed in Chapter 1, an active civil society community has developed around the African Commission. Attention is now focusing on the African Court on Human and People's Rights, established under the OAU, and the African Court of Justice, mandated by the Constitutive Act as an AU organ. The AU has recognised that the two courts need to merge, but it is only thanks to a combination of civil society pressure through campaigning, and the submission of technical proposals, that led to African leaders signing off in Banjul on the proposal for a single legal instrument to merge the two courts.

The Coalition for an Effective African Court on Human and People's Rights<sup>24</sup>, which conducted the lobbying and is now following the merger closely, constitutes another strong case of how CSOs are influencing continental policy. Established in 2003 and funded by the MacArthur Foundation, Open Society and other donors, the Coalition is campaigning for full ratification of the new instrument on the merged courts; a credible, effective and independent

<sup>24</sup> For more on the Coalition, visit [www.africancourtcoalition.org](http://www.africancourtcoalition.org)

**Why Continental Norms Matter: SERAC Vs Federal Government of Nigeria**

*"Continental norms are important. The problem has always been with implementation, with doing something with the tools that we've always had available to us. In 1996 the Social and Economic Rights Action Centre (SERAC) presented a communication before the ACHPR alleging massive violations of the rights of the Ogoni people. We followed it up very aggressively – for 5 to 6 years we were on the track of the Commission, pushing for them to make a decision. They did so belatedly in 2001, and issued what turned out to be a spectacular ruling which in many ways still stands as probably the most articulate quasi-judicial pronouncement on the validity and applicability of economic and social rights to the African people issued to date by any inter-governmental body anywhere else in the world. That decision – even though the process was so difficult and the history so chequered – proved to be the most useful decision, used not just in Nigeria but also in other countries in the world. Locally, this was the basis on which the struggle in the Niger Delta took on a new legitimacy, in terms of a legal face. The decision emboldened the activists".*

Felix Morka, Executive Director, SERAC

court; ensuring a transparent process for the nomination and election of judges of the highest repute; ensuring gender balance and civil society participation; and providing technical support on accessing the Court.

A number of key features make the Coalition a model for continental advocacy.

- First, it does not happen in a vacuum, but builds on pioneering work in the 1990s by legal and human rights CSOs who successfully campaigned for observer status at the African Commission.
- Second, the Coalition is run by three CSOs on a decentralised model, and is made up of strong national membership, enabling multi-pronged influencing of governments, regional economic communities and continental institutions and mechanisms, including the African Union (AU).
- Third, the Coalition generates accurate, timely and relevant information, disseminated via a newsletter and the internet.
- Fourth, the Coalition invests significant energy in face-to-face influencing, by engaging and networking with African Court judges, Ministers of Justice and civil servants, staff at the African Commission, other civil society actors, and so on.

## 4.7 Peace and Security

Significant progress has been registered in ending some of Africa's conflicts, including in Burundi, the Central African Republic, Comoros, Mauritania, and South Sudan. The spectre of conflict continues to be among Africa's biggest challenges, with war and civil strife continuing to affect the livelihoods of people in and around the Democratic Republic of Congo, Cote D'Ivoire, Sudan, Uganda, Somalia, the Ethiopia/Eritrea border, the Chad/Sudan border, and the Niger Delta in Nigeria, among others. As the human security implications of these conflicts has hit home, and in the past two or three years, civil society has begun to engage with the AU more consistently, bolstering its capacity as needed.

CSOs successfully campaigned, in advance of the Khartoum Summit, to prevent Sudan ascending to the AU Presidency. The campaign was part of a sustained engagement by civil society on the situation in Darfur. Although the Comprehensive Peace Agreement (CPA) signed in January 2005 between North and South Sudan has remained relatively stable, the situation in Darfur (the subject of another pact, the May 2006 Darfur Peace Agreement, or DPA) has deteriorated. The fighting is exacting a high toll on Darfur's long-suffering population and jeopardising

NGO operations in the region<sup>25</sup>. After announcing at the Banjul Summit that the AU Mission in the Sudan (AMIS) would pull out of Darfur at the end of September, the AU later extended its mandate until at least the end of 2006. AMIS was created by the PSC in October 2004 to prevent the killing of civilians. The proposal to replace AMIS with a bigger, better-equipped UN force is being resisted strenuously by the Government of Sudan.

NGOs are already heavily engaged in Darfur, largely in humanitarian work and service provision. Although human rights CSOs have done much to highlight the responsibility of the combatants to protect women, children and other vulnerable civilians, additional engagement is needed in this area. The situation in Somalia – where violence escalated in 2006 – and in other countries warrants sustained engagement by civil society. Along with the ACHPR, the PSC and its subsidiary organs – notably the Panel of the Wise – provide an important opportunity to galvanise the AU membership into taking effective leadership in dealing with Africa's conflicts. The pilot post-conflict framework process also provides opportunities at the more technical

level to influence and help shape AU Commission policy across the board. AU initiatives on child soldiers, small arms landmines also offer room for partnership.

A number of conclusions can be drawn from this analysis. First, despite capacity constraints and the all-embracing nature of its programmes, the AU Commission is providing leadership on some of the key issues of importance to Africa – in particular trade, peace and security, and HIV and AIDS. The example of the SOAWR campaign, demonstrates that AU-CSO symbiosis is possible, around a mutually reinforcing agenda. The Coalition example shows that technocratic advocacy can also yield fruit in bringing to the AU Commission's attention issues it had not taken into account in developing policy. Overall, what has clearly emerged is that CSOs can significantly add value to the Commission's own advocacy role and to the agenda of other Pan-African bodies, as long as the partnership is strategic and issue-specific. Often, it is initiatives led by CSOs that determine whether or not the AU is visible on a given issue.



Nutritional education is provided for mothers and child carers with advice on providing balanced diets for children to help prevent malnutrition. Beni, Eastern Congo.

photo: Horeb Bulambo

<sup>25</sup> Darfur: New violence threatens world's largest aid response. Press release issued by Concern, Goal, International Rescue Committee, Norwegian Refugee Council, Oxfam and World Vision, 15 December 2006.