

DRAFT CODE OF ETHICS AND CONDUCT FOR
AFRICAN CIVIL SOCIETY ORGANIZATIONS

June 2003

The Code of Ethics and Conduct for African Civil Society Organizations

TABLE OF CONTENTS

- 1. BACKGROUND**
- 2. PURPOSE**
- 3. STRUCTURE**
- 4. RATIONALE**

THE CODE OF ETHICS AND CONDUCT FOR AFRICAN CIVIL SOCIETY ORGANIZATIONS

PREAMBLE

ARTICLES

- 1. CITATION**
- 2. DEFINITIONS**
- 3. SCOPE OF APPLICATION**
- 4. ETHICAL PRINCIPLES AND ASPIRATIONS**

CODE OF CONDUCT

- 5. GOOD GOVERNANCE**
- 6. ORGANIZATIONAL INTEGRITY AND INDEPENDENCE**
- 7. FINANCIAL MANAGEMENT AND ACCOUNTABILITY**
- 8. MANAGEMENT AND HUMAN RESOURCES COMMITMENTS**
- 9. COMMUNICATION**
- 10. ENFORCEMENT OF THE CODE**
- 11. REVISION CLAUSE**

1. BACKGROUND:

The predecessor to the African Union (hereinafter called 'the Union' or 'AU'), the Organization of African Unity (OAU) worked in close collaboration with African Civil Society Organizations ((hereinafter called 'CSOs'), albeit in an ad hoc manner. This trend continued until the African Union was inaugurated on 11th July 2002 in Durban, South Africa.

The need for a closer working relationship between the Union and CSOs is not new. It was, for example, emphasized in the Treaty establishing the African Economic Community. Article 90 of that Treaty states *inter alia*:

“The community, in the context of mobilizing the human and natural resources of Africa, shall establish relations of cooperation with African non-governmental organizations with a view to encouraging the involvement of the African people in the process of integrating and mobilizing their technical, material and financial support.”

Article 90 further enjoined the African Economic Community to therefore “set up a mechanism for consultation with such non-governmental organizations.”

Thus, in 1997, the Secretary General of the OAU, before the Council of Ministers and the Assembly of Heads of State and Government, recommended a formal and more effective collaboration between the OAU and Civil Society Organizations in Africa. The convening of the 1st OAU – Civil Society Conference held between the 11th and 15th of June 2001 in Addis Ababa, Ethiopia signaled strong approval of the Secretary General’s recommendation. The theme of the Conference was “*Building Partnerships for Promoting Peace and Development in Africa*”. The main objective of the Conference, apart from improving and consolidating the collaboration between the OAU and CSOs in Africa, was ‘to assist in promoting a homegrown African Civil Society and enhance its contribution to the fulfillment of the Union’s mission.’

At the end of that Conference, a framework for cooperation between the OAU and CSOs in Africa was adopted.

The 2nd AU – Civil Society Conference was held in Addis Ababa, Ethiopia between the 11th and 14th of June 2002 and its theme was “*Developing Partnerships between the OAU and African Civil Society Organizations*”. The Conference was convened to consolidate the progress made at the 1st Conference, to develop modalities and mechanisms of collaboration between the OAU and CSOs in Africa, and to assess actions undertaken so far to implement the framework drawn up at the 1st Conference. Amongst other recommendations, the Conference resolved that a Provisional Working Group (PWG) be established to facilitate the interaction between the Union and CSOs during a 2 year period.

The terms of reference of the PWG include the development a Code of Conduct and Ethics for Civil Society Organizations.

2. PURPOSE

The purpose of this Code of Ethics and Conduct which would mandatorily apply to all CSOs seeking accreditation with the African Union, is to lay down a set of standard and core values which these CSOs must adhere to in order to set gold standards for CSOs in Africa.

The Code would also be recommended for wider usage as a voluntary standard of self-regulation and governance by CSOs in Africa as well as provide a benchmark for CSOs to use for self-evaluation.

3. STRUCTURE

The Code consists of a number of typical components:

- The aspirational section which outlines the principles and ideals that CSOs in Africa should espouse.
- The standards or rules of conduct or behavior which CSOs will be expected to adhere to.
- Enforcement or Compliance mechanism designed to ensure adherence to the provisions of the Code.
- Provision for revision of its contents in order to ensure dynamism.

4. RATIONALE

Civil Society Organizations have, in the last few decades, played an increasingly influential role in promoting social and economic change in their respective countries. In many cases, CSOs have played a prominent role in influencing local, national and regional policy-formulation. They have, in certain instances, taken over roles and duties that traditionally belong to the government and have demanded high standards of transparency and accountability from elected governments. They have influenced in no small measure, local, national as well as international laws and treaties. They have fought for and gained nomination into key international bodies and participated effectively in such positions. In addition, due to their watchdog status, CSOs have become key players in the democracy movement in several African countries.

It is therefore not surprising that the increase in influence of CSOs in recent years has also raised the issue of transparency, legitimacy, accountability and general good management practices on the part of CSOs themselves. In short, many CSOs suffer from the problem of credibility.

Within the context of the AU, Governments that constitute the members of the Union commonly raise the concerns about the proliferation of CSOs, the credibility and acceptability of some CSOs. It is therefore imperative for the CSOs wishing to engage with the AU to set clear standards of accountability, credibility and transparency.

The Code will, amongst other things, improve partnership between Governments within the Union and CSOs by defining accepted and acceptable behavior, help to promote high standards of practice as well as provide a benchmark for CSOs to use for self-evaluation.

THE CODE OF ETHICS AND CONDUCT FOR AFRICAN CIVIL SOCIETY ORGANIZATIONS

PREAMBLE:

WE, the African Civil Society Organizations and the African CSOs in the diaspora:

RECALLING our common vision to promote the engagement of the African people in its political and decision making processes and committing itself to this aspiration through the adoption of the African Charter for Popular Participation in Development in 1990;

RECALLING ALSO the 1st AU-Civil Society Organizations' Conference held in June 2001 as well as the 2nd AU-Civil Society Organizations' Conference held also in June 2002;

GUIDED by our common vision to build a united and strong Africa, and by the need to develop partnerships between governments and all segments of civil society, in particular women, the youth and the private sector in order to strengthen solidarity and cohesion amongst the people of Africa;

CONSCIOUS of the important role that can be played by Civil Society Organizations in Africa and the African diaspora, and the specific role assigned to them in the implementation of the Memorandum of Understanding on the CSSDCA approved by the 38th Ordinary Session of the Assembly of the Union held in Durban, South Africa in July, 2002 as well as the role they are expected to perform in the realization of the objectives of the New Partnership for African Development;

CONVINCED of the need to work closely with the African Union and its Member States in their expressed determination to take up the multifaceted challenges that confront our continent and people in the light of the social, economic, and political changes taking place in the world,

HEREBY commit ourselves to a collaboration guided by the aims and objectives of the African Union set out in Article 3 of the Constitutive Act.

NOW THEREFORE WE, the Civil Society Organizations in Africa and in the diaspora **HEREBY AGREE** to adhere to the principles and standards herein-contained:

ARTICLE 1: CITATION

Formal reference to the Code of Ethics and Conduct shall be **“The Code of Ethics and Conduct for African Civil Society Organizations ”**

ARTICLE 2: DEFINITIONS

In this Code of Ethics and Conduct:

'The Union' refers to the African Union.

'CSOs' means Civil Society Organizations accredited to the African Union.

'The Organization' means Civil Society Organizations.

'ECOSOCC' means The Economic Social and Cultural Council.

'The Code' means The Code of Ethics and Conduct for African Civil Society Organizations.

'WE' means to all Civil Society Organizations who are signatories to the Code

ARTICLE 3: SOPE OF APPLICATION

The Code shall apply to African Civil Society Organizations and African CSOs in the diaspora.

The Code shall also apply to the members, officials, employees and volunteers of those CSOs.

ARTICLE 4: ETHICAL PRINCIPLES AND ASPIRATIONS

In pursuing our aims, objectives and activities, we shall be guided by the following principles and aspirations:

- a. The commitment to the sanctity of human life and to a peaceful and non-violent orientation in all our activities;
- b. The promotion of democracy, human rights, the rule of law, good governance as well as justice for all the peoples of Africa;
- c. Respect for the equality, rights and dignity of all people including those under our control;
- d. The promotion of social justice to ensure balanced economic development;
- e. Rejection of partisan, political, ethnic, cultural racial or religious intolerance and all other forms of discrimination;
- f. Commitment to the promotion of gender equality and social inclusion at all levels;

- g. Exhibition of regional interest that goes beyond the advancement of national or partisan interests;
- h. Maintaining a culture of transparency and accountability particularly in the receipt and management of funds and avoiding corrupt and unethical practices;
- i. Instilling a culture of dialogue and sharing of resources, information, expertise and experiences;
- j. Maintaining a high standard of professionalism in service and interactions and dealing with people honestly and with full integrity;
- k. Rejecting research efforts, programmes, projects and other activities which are directly or indirectly aimed at developing methods of torture, or other forms of techniques that violate and subvert people's and human rights;
- l. Observing clear guidelines on conflict of interest.
- m. Fostering and maintaining mutual trust, partnership and respect between CSOs and the African Union.
- n. Identifying and reporting any breach or violation of the provisions of this Code to the Steering Committee of ECOSOCC.
- o. Respect for the autonomy, independence and diversity of CSOs.

CODE OF CONDUCT

ARTICLE 5: GOOD GOVERNANCE

- a. CSOs shall be legally constituted in their country of operation.
- b. CSOs shall operate under the terms set out in a written Constitution or any other such instrument (the Constitution), which amongst other things shall clearly articulate the organization's vision, objectives and organizational structure.
- c. The members of the apex governing body must set high personal standards for themselves and others within the organization.
- d. The governing bodies shall govern the organizations in a fair, impartial and responsible manner.
- e. The apex governing body shall be the final approving authority for all policy statements and annual program of the organization.

- f. The apex governing body shall, amongst other things, put in place policies that determine the membership of the organization, promote gender and minority equity and social inclusion.

NOTWITHSTANDING the provisions of this section of the Article, nothing shall prevent the members of the apex governing body of an organization from delegating any of their powers herein-contained to its committee of the apex governing body, which shall report periodically to it if it is membership organization.

ARTICLE 6: ORGANIZATIONAL INTEGRITY AND INDEPENDENCE

- a. The constitution or any such document under which a CSO is operating shall stipulate the tenure of members of the governing bodies with provisions for democratic processes for change in tenureship.
- b. The principles of transparency and accountability shall be applied to all the affairs and activities of the organizations, whether with the government, the target population, donors and/or other stakeholders. The activities of the Organization shall, upon request, be open and accessible to scrutiny by its respective donors, except for personal matters, legal matters and proprietary information, as provided by law.
- c. The apex governing body shall establish clear and unambiguous guidelines, which shall serve the purpose of ensuring that the personal interests of the members and volunteers do not conflict with those of the organization or influence, or affect the performance of their duties. In dealing with complaints of misconduct, abuse of office or other irregularities leveled against any member, staff or volunteer of the organization, the equitable principles of fair hearing shall apply.
- d. CSOs shall not discriminate against any person in terms of race sex, religion, and ethnicity.

ARTICLE 7: FINANCIAL MANAGEMENT AND ACCOUNTABILITY

- a. In their fund raising efforts, CSOs shall exercise caution, recognizing the need to maintain their independence and credibility. There shall be openness, honesty and transparency exhibited in the fundraising process, expenditure and accounting for the funds;
- b. It shall be the responsibility of the apex governing body or its designated authority to approve and monitor the annual budget of the organization and to ensure that acceptable and sound financial accounting practices are employed;
- c. Financial prudence shall be maintained on the expenditure of the finances of the organization;
- d. CSOs shall not tolerate any improper influence, bribery or other unethical behavior by their staff, volunteers, suppliers or other stakeholders;

- e. The apex governing body shall ensure that the account of the organization is audited annually by independent professional auditors and that the results are widely circulated and made accessible to all the stakeholders;
- f. CSOs shall strive towards the attainment of self-reliance rather than continued dependence on donor aid or charity.

ARTICLE 8: MANAGEMENT AND HUMAN RESOURCE COMMITMENTS

- a. CSOs shall adopt sound management practices, which shall take into account and consideration the vision, objectives and organizational structure of the CSO;
- b. CSOs shall develop and maintain well-articulated, fair and just policies and guidelines to deal with human resources (including volunteers) of the organization;
- c. CSOs shall endeavor to establish training and educational programmes in support of this Code in order to ensure that its underlying values and expectations become fully integrated into the organization.

ARTICLE 9: COMMUNICATION

- a. CSOs shall provide members of the public, the target population, donors and governments with accurate and adequate information about their activities, finances and other important information that can be disclosed within the limits of law.
- b. CSOs shall nurture the practice of sharing information, such as research outcomes, with other CSOs.

ARTICLE 10: ENFORCEMENT OF THE CODE

1. The Steering Committee set up under the terms of the Statutes of ECOSOCC African Union shall be responsible for the enforcement of the provisions of this Code.
2. In this respect the Steering Committee shall be charged with the following responsibilities:
 - a. Ensuring strict compliance with the provisions of the Code;
 - b. Determining petitions and complaints brought before it about the breach or violation of any part of the Code;
 - c. Hearing petitions and complaints about the accreditation process itself;
 - d. Creating awareness of the provisions of the Code and take steps to popularize its provisions, rendering assistance and explanations whenever required;
 - e. Proposing amendments to the provisions of the Code;

- f. Any other responsibilities deemed appropriate.
5. Any aggrieved CSO or any other person or group of persons, may file a complaint or petition before the Steering Committee with respect to a breach of the Code or file an appeal in relation to any aspect of the process and criteria for the accreditation of CSOs to the AU applied to it.
6. The Steering Committee shall promptly consider and investigate all complaints and petitions brought before it, at all times adhering to the principles of fairness and justice particularly observing the need for full disclosure and to grant the Respondent an opportunity to respond.
7. Where the petition or complaint is made against a member of the Steering Committee, that member shall not take part in the proceedings at which the complaint will be heard.
8. Where the Steering Committee finds that the Respondent has violated the provisions of the Code, or finds that the complaint laid against the process of accreditation process applied to it is inappropriate, it shall have the power to take any of the following measures:
 - a. Educate or counsel the Respondent;
 - b. Reprimand the Respondent;
 - c. Make an Order requiring the Respondent to take certain remedial steps within a stipulated period of time;
 - d. Suspend or terminate the accreditation of the Respondent-CSO;
 - e. Redress the wrong done to the CSO seeking accreditation or grant the specific redress sought by it;
 - f. Take any other appropriate action.
9. Where the Steering Committee finds that the Respondent has not violated or is not in breach of the provisions of the Code, it shall have power to take any of the under-listed steps:
 - a. Exonerate the Respondent;
 - b. Order the Complainant/Petitioner to render a public apology or
 - c. Take any other action deemed appropriate by the Steering Committee

NOTWITHSTANDING the provisions of this Article, nothing shall prevent the Steering Committee from operating under other forms of rules of procedure.

ARTICLE 11: REVISION CLAUSE

Any part of the provisions of the Code shall be revised or amended only by the vote of two-thirds majority of the General Assembly of ECOSOCC.