
Reflections on African Union, NEPAD and African CSO engagement with an eye on Continental Citizenship, Public Accountability and Governance

by Irungu Houghton¹

Jamhuri Day, 12th December 2005

"We continue to interact with civil society groups at various levels. On a generic level, a civil society desk has been established at the NEPAD Secretariat with a view to having a one-stop focal point for civil society. At a sector level, all programmes are being implemented in consultation with relevant civil society groups. However, it must be noted that the level and extent of civil society participation in the implementation of NEPAD programmes is largely dependent on the capacity of civil society groups."

Prof. W.L Nkuhlu, Former Chief Executive, The New Partnership for Africa's Development, June 2005

" The Economic, Social and Cultural Council of the African Union (ECOSOCC) must be against authoritarian regimes, hostile external efforts and the negative waves of globalization ...You should be by the side of those who suffer injustice and are deprived of their basic human rights."

H.E. Alpha Oumar Konare, Chairman, African Union Commission at launch of ECOSOCC, March 2005.

Many colleagues in the NGO sector have cited instances when they have been asked if they would facilitate an interface between civil society and some public institution – at first because the institution wanted to look good in the eyes of some donor or other. More recently though, it appears that creative leaders are starting to recognize the value that comes from engaging broadly and seeking wide participation of all stakeholders

Ezra Mbogori, in Landsberg C. & McKay C, Engaging the new Pan-Africanism: Strategies for Civil Society

Paper Abstract

The establishment of the key facilitating structures for CSO and parliamentary participation within the African Union and NEPAD over 2005 come mid-way in the African Union Strategic Plan (2004-2007). Experience so far, suggests that the vision of a people driven Pan Africanism is yet to be translated into sustainable relationships in practise. The experience so far suggests that partnership between African CSOs and continental institutions would be more mutually respectful if they were re-designed around principles of solidarity, inclusion and autonomy. Until then, partnership will remain stuck at a very minimal level of the more comprehensive project of building a pan African consciousness and citizenship in Africa.

With the completion of the AU Strategic Plan, 2007 marks the first major review moment for understanding the progress towards the union. The year is also very powerfully symbolic in that it also marks the year in which the World Social Forum will take place in Nairobi, Kenya. It will also mark the advent of celebrations towards the 50th anniversary of Ghanaian and Guinean independence and 100 years since the abolition of slavery.

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Making the links with Continental Citizenship, Public Accountability and Governance

Theories of citizenship often draw from the relationship between citizens and their rights and responsibilities and states and their duties and obligations on the other. Good governance is built on the understanding that the state is accountable to the public for the stewardship of public resources, public services and the upholding of the rights of its citizens.² This model is only partially true for the path that the AU, NEPAD and even the RECs have embarked upon.

In the absence of a basic state infrastructure such as the African passport, a Cape to Cairo driving licence, the *Afro* note, payment of taxes and delivery of public services, the concept of a collective Pan African citizenship seems remote. For this reason, it is in the development of a pan African consciousness and the willingness to struggle for the realisation of common continental rights standards such as the African Charter for Human and Peoples Rights and its Protocol on the Rights of Women in Africa that African citizenship can be built.

Nurturing and deepening actions by civil society organisations around the policies and programmes of continental integration is one important way of accelerating pan African consciousness. To illustrate this further, any observer of continental institutions can see the upward accountability to Heads of States. Yet, downward accountability is still very unclearly defined with certain consequences.

Travelling as a Kenyan, in Senegal, South Africa, Tanzania and Nigeria, I used to be struck by the negative comments of ordinary citizens to the travelling of their Heads of States. The Pan African project was often seen as competing for scarce national resources – the attention of the President and senior officials, the national budget and so on. With a number of active Presidents coming to the end of their terms or losing their credibility by refusing to keep to theirs, it is important to think about succession issues. Who will replace Mbeki, Wade, Mkapa and Obasanjo? Will it be Kikwete, Sirleaf-Johnson or Nkurunziza? Will public opinion demand that the new crop of leaders protect and expand the existing path or will it swallow them in a myriad of local and national concerns?

Background and the Promise

It is in the light of the quotes by Nkuhlu, Konare and Mbogori that the establishment of three critical structures namely the African Parliament (May 2004), The Economic, Social and Cultural Council of the African Union (ECOSOCC), (March 2005) and the NEPAD CSO Think Tank launch (December 2005) find their relevance.³ On one hand, the urgency at which Africa must take new and radical steps towards the universal realisation of human rights, economic and social justice and on the other, the critical imperative for a form of governance that is accountable and consistently responsive to Africa's 870 million people.

Elsewhere, Charles Mutasa has provided a useful history of AU-CSO relations going back fifteen years to the *Arusha Charter on Popular Participation (1990)*. Despite its recognition of the need for African governance to fully integrate African civil society in order for them to define the long-term development policies of the continent, "*the charter of the Organisation of African Unity (OAU) made no reference to African civil society and OAU ... invited African Civil Society Organisations (CSOs) to participate in some of its meetings and structures as observers*". This framework did not allow for direct participation of CSO representatives at the meetings and had no reporting or follow-up systems. Furthermore, it enabled the widespread perception of the OAU as a meeting of elite leaders to persist.

More serious attempts to integrate public participation in the public affairs of the continent took form after 2001 with a number of Summit declarations and decisions that sought to make CSOs not be observers of the African Union proceedings but be an integral part of the organization's decision and policymaking process. The Economic, Social and Cultural Council of the African Union (ECOSOCC), established under the founding charter of the African Union, defined African civil society as an advisory organ and explicitly invites African civil society through its various organisations to fully participate in the institutions of the Union.⁴

² See papers within Naila Kabeer (ed) *Inclusive Citizenship: Meanings and Expressions* 2005, Zed Books

³ While this paper largely focuses on the African Union and its specialised organs, the author recognises the importance of avenues for dialogue that have opened up in the ECA, ADB and other regional bodies such as SADC and ECOWAS.

⁴ Mutasa C. Is the African Union ECOSCC: a new dawn and a new deal?

New Energies bring new Possibilities

In 2005, a small but growing number of African CSOs and alliances are at the forefront of advocating continentally and globally on a range of human rights and equity issues. They are currently engaging the African Union Commission, Pan African Parliament, NEPAD, African Development Bank and the offices of other regional and sub regional organisations such as IGADD, ECOWAS, and SADEC.⁵

It is clear over 2004-2005 that CSOs have been able to engage effectively to influence continental policies and practises in as diverse areas as HIV/AIDS strategy development (March 2005), Beijing+10 review (September 2005), WTO Inter-Ministerial Conferences (September 2003) and trade meetings (African Trade Ministers Meetings, 2003-2005). Other important joint advocacy initiatives include work on human rights reporting and the state's responsibility to protect civilians in Darfur, streamlining the establishment of an African Court of Justice, lobbying for greater protection for journalists and calls for an end to impunity for crimes against humanity and the arrests and indictment of Taylor and Habre among others. The coming into force of the AU Protocol on the Rights of Women in Africa (2004-2005) on November 25th within a remarkably short period of time is a good example of what can be done.

THE SOLIDARITY FOR AFRICAN WOMEN'S RIGHTS COALITION⁶

Political Moment

Only Comoros had ratified AU Protocol on the rights of women in Africa by July 2004, is the Protocol only intention?

Objectives

AU Protocol on African Women's Rights ratified by 15 countries, national demand for the Protocol generated in nine countries

Actors

The Solidarity for African Women's Rights campaign, WILDAF-West Africa, Southern Africa Women's Agenda, national campaigns and a pro-gender equality lobby within the African Union Commission

Strategies

Two constituency meetings, pan African steering committee, Equality Now – Nairobi secretariat, publication of two books, press releases

Linkages with the African Union/NEPAD

Face to face lobbying of AUC and Ambassadors, open petition to Heads of States, "naming and shaming" report cards and joint conference with AUC

Impact

Protocol ratified by 15 countries on 25/11, coalition actively involved in six of the ratifying countries, national campaigns initially self-financed now receive six substantive grants from Foundations

"It is incumbent upon organizations and individuals such as yourselves to give real meaning to it... through your concerted efforts you have ensured a speedy ratification process"

Hon. Bience Gawanas, AU Commissioner for Social Affairs

Together with their international allies, African CSOs are also campaigning for global economic and social justice at the various international Summits including the G8 Summit, the World Summit, the Information Summit, World Bank and IMF meetings and the 6th WTO Inter-ministerial. Significant and progressive calls for alternatives to a world economic and political order that keeps Africa disempowered and economically unviable have emerged as part of the World Social Forum. Leading up to the WSF in Nairobi in 2007, their vision that "another world is possible" will become a central theme in Africa.⁷

⁵ Wordofa D., Odete E. and Andipatin P. Report on the Consultative Process for African CSO initiative to establish an independent facility, 20 July 2005

⁶ You can read about and join this campaign at www.pambazuka.org or send an email to fmohamed@equalitynow.org.

⁷ See www.africansocialforum.org or www.enda.sn

2005 saw also the emergence of the largest single anti-poverty alliance in the world, The Global Call to Action against Poverty (GCAP). African civil society leaders have been instrumental in expanding the movement both in Africa to 17 countries and across the world.⁸

GLOBAL CALL TO ACTION AGAINST POVERTY- AFRICA

Political Moment

2005 year of change for Africa on debt, aid, trade and governance, Africa must demand for change

Objectives

Debt cancellation for all who need it, substantive aid increases, trade justice, better national accountability

Actors

17 national coalitions in all regions of Africa, regional and international organisations

Mechanisms

Two constituency meetings, Pan African Steering committee with regional coordinators funded by members (US\$2m)

Strategies

National launches and mobilisation activities in 17 countries, open letters, petitions, poverty hearings, media talk-shows, music concerts, rallies, marches, websites, TV snap adverts involving students, workers, children, religious leaders, celebrities, Ministers, MPs & others. Active participation in the G8 and World Summits and the 6th WTO Inter-ministerial Conference

Linkages with the African Union/NEPAD

Active lobbying of the 2005 January Summit for positions on aid, debt and trade, participation in AU Commission for Economic Affairs Experts meeting on debt, submission of memorandum to NEPAD Secretariat ahead of the G8, denied visas to attend AU Summit, June, Libya

Impact

European commitments to increase ODA to 0.5% by 2010 and 0.7% by 2015, G8 double aid pledge to Africa with the Japanese injecting additional funds, Debt cancellation for 14 African Heavily Indebted Poor Countries and Nigeria

The SOAWR campaign reflects an important lessons for CSO-AU relationships. It is clear that the open door policy by the AUC office of the Cabinet, the Commissioner for Political Affairs and some key Ambassadors enabled an autonomous constituency of women's organisations to amplify the AUC call for countries to sign and ratify the Protocol. The Protocol has now come to force with the fastest record time in the history of the AU/OAU.

Members of GCAP successfully sought access to the working papers of the NEPAD Heads of States position papers for the G8 Summit and presented a memorandum. Furthermore, NEPAD secured space for African CSOs to participate in the African Partnership Forum. This level of exchange and participation catapulted both NEPAD and some CSOs from the model described by Litha Musimi-Ogana as "ad-hoc".

Current Circumstances and Challenges

Despite these new energies, it is clear that we are far from seeing them as mainstream to the affairs of continental institutions. During the middle of 2005, thirty African CSO leaders were interviewed at length on CSO-AU relations. Overall, the study revealed very limited knowledge among CSOs about the AU, NEPAD and other key organs, their roles and policy-making processes. Due to their proximity to the respective offices, Southern African NGOs are relatively more familiar with NEPAD, whilst NGOs in Ethiopia know relatively more about the AU Commission. When asked whether they were aware that the AU has opened political space for dialogue with CSOs most said they were, but had very little knowledge of how this has happened and what the entry points were. Communication between CSOs and continental institutions was described as reactive and ad hoc. It was interesting to note that individuals from CSOs and pan African secretariats spoke about the other in non-institutionalised terms thus; "good communication depends on who you know", but often there is "no feedback". For these reasons, the current accountability mechanisms remain weak.

⁸ See www.whiteband.org or www.gcapsms.org

Despite good intentions, it would not be unfair to say that African CSOs have insufficient capacity to monitor the fulfilment of agreed promises, policies and commitments by the African Union and related institutions on the full range of issues that are vital to the people of the continent.⁹ There are few independent networks and mechanisms for monitoring the effectiveness and impact of the decisions by African institutions.

If this is the case for a particularly well-resourced and better-positioned constituency, then the vision of a people-driven AU is even further. Citizens of Africa have extremely limited opportunities to participate and/or scrutinise strategic continental policy documents and processes during their conception, drafting, implementation and review. Even relatively well-informed and educated individuals working for African CSOs have frankly exposed how little they know about the AU and its functions and the work of other sub regional organisations. Consequently, this has hampered ownership building with wider constituencies and marred the outcome of important policy development.

Currently, important debates on universalising access to essential medicine are taking place without the participation of people living with AIDs. Commitments to increase budgetary allocation to basic social and economic services are made in the absence of associations of teachers, doctors, girls who could help keep them. Farmers Associations are far from the discussions around improving the prices of agricultural commodities and so on. This pattern robs the AU and specialised agencies with the possibility of building public opinion across Africa and safeguarding the emergence of new Pan Africanist leadership long after the current crop of leaders have gone.

Overall, CSOs and citizens in Africa are ill prepared to be able to articulate or express their needs, aspirations and policy priorities. The absence of pan African media (radio, newspapers and television), social and political divisions conspire to keep the pan African project too remote from the consciousness of the majority. Consequently, a large number of African citizens continue to hold onto the stereotypes that characterised the OAU namely, "as too remote", "captured by political elites", largely unaccountable and donor dependent".¹⁰

Old Contradictions strangle new Possibilities

The African Union Fifth Assembly of African heads of States in Sirte, Libya, 28 June to 5th July 2005 brought the momentum that was building up between the political leadership and African CSOs to a screeching halt. Discussions between members of ECOSOCC and the AUC revealed that there were no plans by the AUC to hold a civil society side-event that could feed into the Council of Ministers. Consequently there were no invitations for even leadership of ECOSOCC to attend the event. Through a separate process, Chairperson Hon Wangari Maathai attended and spoke at the meeting, but in the absence of a pre-consultation could not have been speaking on behalf of any specific constituency.¹¹

The failure of other activists to get visas to attend the AU Summit in Libya dislocated them from access to African political leadership three days before the G8 Summit. Attempts to request AUC help were met with this helpless response; "*Dear colleagues, the Director has asked me to inform you that unfortunately due to host government guidelines, the AU will not be able to invite any more NGOs and other partners to the Summit in Libya. We hope to be able to invite your Group to such meetings in future*".¹²

Sankore and Odinkalu had sounded the warning bell nearly a month before the Summit in the following way. It is worth quoting extensively from their correspondence;

Unlike with previous summits, there will be no AU facilitated civil society meeting preceding the Summit in Libya. As there has been no official and public explanation by the AU, it is best not to speculate on why the expected meeting will not be holding.

9 It should be noted that International CSOs with operational presence in Africa are not relatively better poised despite access to more flexible resources.

10 Oxfam GB *From Unity to Union: The Changes we seek*, October 2004

11 In the light of civil society concerns over the capacity of a sitting Cabinet Minister to represent a civil society platform, this had further ramifications.

12 Name of the author of letter withheld

The fact that it will not be holding it however raises important questions. The most obvious of which is - should African civil society be reliant on the AU to fund its pre summit meetings? A No answer - has its implications, the major question being how then will it be funded. A Yes answer - also has implications in respect of independence and ethical questions, especially given that the state, its agents and agencies in many African countries are the main violators of human, political, economic and social rights on the continent. This is not withstanding the fact that the AU as an institution has surpassed the expectations of many cynics in terms of its engagement with civil society and its vision for Africa.

Nevertheless, the fact that the regular AU supported civil society meeting will not be holding will raise a question mark over the relationship of civil society with the AU with regards to summit arrangements. Will this be a one off situation? Will the next one be guaranteed to hold?

How is it that African civil society's major annual meeting will not be holding in the very year when Africa and Africa's problems are the focus of the world? Is it that African civil society is so insignificant in the equation that the governments of Africa, Europe, America and the G8 can decide Africa's future without the input of civil society - even at a time when rock musicians and pop stars across the West can claim to have influence on the future of Africa. The issues of debt; gender equality; human rights and democracy; conflict, peace and security; HIV/AIDS; agriculture and food security and many more are too crucial to be left to drift for another year without African civil society input.¹³

It is partially this lack of engagement that led to the vast gap in the verdicts between African civil society and the African Union minutes after the G8 Communiqué was read.¹⁴ On one hand civil society announced;

Simply put, we are disappointed in the outcomes of Gleneagles. The resolutions fall far short of our expectations for a comprehensive and radical strategy to make poverty history in Africa.

Collective Statement Of nineteen African Networks And Organisations¹⁵

"The people have roared but the G8 has whispered. The promise to deliver by 2010 is like waiting 5 years before responding to the tsunami."

Kumi Naidoo, Global Call To Action Against Poverty

"This is another disappointing result for Africa, we had quite huge expectations of the G8 leaders. The African Union had also made some strong demands at their meeting in Libya this week, but none of these were met."

Caroline Sande-Mukulira, Director for Action Aid International, Southern Africa

And on the other;

"The meeting of the G8 leaders and African leaders in Gleneagles is a great success and we thank and congratulate Prime Minister Tony Blair for the success achieved."

Nigerian President Olusegun Obasanjo, The Chairman Of The African Union,

This experience reveals areas of weaknesses in the relationship of CSOs to the AUC through ECOSOCC. It was unclear whether a budget existed for the pre-consultation or the process for laying claim on resources. There was not an alternative source of financing. The leadership of ECOSOCC were not sufficiently cohesive to act decisively and protect their space. Lastly, the host state was able to impose its very low public record of facilitating the inclusion of people and participation on the entire continent.

As the 6th Assembly approaches in Khartoum, Sudan, in January, many observers will be watching carefully to see whether pan African citizenship and democracy dies a second time. Should this be the case, then our resolve to resist the cynicism of one of my colleague when she says "the African Union only exists in Durban, Maputo, Addis and Abuja, elsewhere, it cannot even operate towards the realisation of its own vision" will be further weakened.

¹³ Sankore R. & Odinkalu C. African Civil Society and the African Union: Time for Self-Organisation? www.pambazuka.org, June 2005

¹⁴ Linda Odhiambo Are the African Union and Civil Society Organisations failing to find common cause in approaching the international community? Unpublished paper, August 2005

¹⁵ Full copy of the statement available at http://www.oxfam.org.uk/what_we_do/issues/panafrica/downloads/african_orgs_statement_g8.rtf

Implications for new ways of working

For the remaining duration of the African Union Strategic Plan 2004-2007, the AU Commission, NEPAD, African Parliament, African Court of Justice and the Heads of State Summits are all expected to involve CSOs in their work. Yet for the AU vision of "an integrated Africa, a prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena" to become a reality, we need to realise some pre-conditions. Firstly, we would all require the principles of transparency and dialogue to become evident in the practise of these institutions. Secondly, we would require the active and meaningful participation of civil society in African governance.

If both pre-conditions were met and sustained, we could collectively, Governments and citizens, claim to have strengthened the accountability of the African Union and NEPAD to continental constituencies. Secondly, we would have increased the credibility of the political and economic integration process underway in Africa today.

Over the next two years, great synergies could be harvested. We could see the Common African Position defined not as the position of African states but as the position of states and their peoples. To do this we must shift the current model of collaboration between continental policy-making institutions and African civil society organisations and their networks.

Firstly, continental policy-making institutions have to see interaction with CSOs less as an opportunity for technical advise, funding and in-put on policy development but rather as the humble beginnings of a process that increases their own accountability to the public. Instrumentalising this relationship subverts the principles of inclusion and participation and reduces the desireability for expanding circles of influence and involvement to key interest groups such as associations of farmers, people living with AIDS, youth, women etc.

Secondly, lessons from ECOSOCC suggest that a more resilient model could be built around democratising information and resources. Bridging structures, in the case of NEPAD the think tank, must be enabled to in-put in the development of the annual planning and budgeting processes. Specific elements of this include the annual calendar, the overall budget and the specific budget for CSO engagement. CSOs need to be aware what spaces exist for participation both at the level of the Secretariat as they prepare documents but also with the political leadership.

Thirdly, it should be recognised that in the light of the vast population of Africa, existing spaces and mechanisms are only minimum arrangements for people to speak at a continental level. Other mechanisms should be established for widening public feed-back. AU and NEPAD could explore with civil society organisations, the use of citizens report-cards, independent reports on the projects performance, public hearings and social audits among others.

The language of roles and stakeholders displaces the language of rights, responsibilities and obligations. Partnerships will be more mutually respectful if we are able to establish greater predictability and agreement on what both parties are obligated to do. Applying this, it should be possible to answer for NEPAD and CSOs that engage it, what obligations must exist for public accountability to be nurtured and sustained? Does the AU and NEPAD have a duty to enable the independent voice of civil society? Do CSOs have a duty to respond the formulation and implementation of policies and programmes? If the answer to these questions is in the affirmative then African citizenship can emerge in this continent.

On the side of civil society, organisations must be more demanding on the continental institutions to go beyond providing *invited spaces* to ensuring that the obligations on public participation enshrined in all the documents that matter are upheld consistently. Making claims on how the institutions think and act (public policies and behaviour) is a tried and tested way of keeping these institutions relevant and responsive to the broader public.

Maintaining an autonomous capacity is a pre-requisite for effective influencing and engagement. At this early stage, relying on the continental institutions to completely manage this engagement will more likely end up in the agenda of civil society being subsumed, subordinated or at best, reduced to what the people managing these institutions think they can manage. Independent budgets, constituency meetings and independent leadership structures are key to this.

Lastly, from an institutional design perspective on future CSO-AU/NEPAD relations, I would propose three values and make some suggestions on processes that would assist thus;

| Values | Policies and Processes |
|------------|---|
| Inclusion | AU/ NEPAD should include guarantees that civil society representatives and non-state actors will have access to establish side-events alongside the formal agenda of Summits and key conferences AU/NEPAD should open up spaces within the formal meetings for civil society to speak directly to various fora including the African Partnership Forum and Summits. Annual calendar of events should be shared in advance CSO participation should look towards widening the space and/or rotating involvement in a manner that consolidates a culture and experience of working continentally |
| Solidarity | Expectations should be clarified in order to identify those that are shared and those that are distinct to either party. These should then be negotiated as agreements. NEPAD and AU Budgets and Plans should be accessible either through arrangements with CSOs or simply placed on the website |
| Autonomy | NEPAD and CSOs should facilitate regular pre-consultations of civil society prior to important decision-making fora, but managed by the latter CSOs should organise themselves to ensure that they have the capacity to deliver on the agreements it makes with NEPAD. |

Conclusion

In the absence of increasing the number of voices and actions and improving the quality of CSO engagement at the continental level, there are two scenarios for us. Firstly, the Pan African project remains an add-on for "five star civil society" alone. AU and NEPAD staff manipulate CSO involvement and constrain them to what they can themselves manage. Secondly, even this privileged group gets frustrated and is inspired by more protest-based models to make their views heard. Insecurity and the fear of external challenges gives rise to eagles in the Secretariat who spend more time defending their institutions than promoting and expanding their interaction with African citizens.

A series of important events towards 2007 give us an opportunity to get things right. With the completion of the AU Strategic Plan, 2007 marks the first major review moment for understanding the progress towards the union. The year is also very powerfully symbolic in that it also marks the year in which the World Social Forum will take place in Nairobi, Kenya. It will also mark the advent of celebrations towards the 50th anniversary of Ghanaian and Guinean independence and 100 years since the abolition of slavery.

Within this context, we cannot but remained inspired that Africa can, and must move to new heights of relationships between its states and its peoples before 2007.

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