CIVIL SOCIETY AND THE AFRICAN UNION: A CRITICAL ANALYSIS OF THE POLICY CONTRIBUTIONS OF CIVIL SOCIETY AND ITS INTERACTIONS WITH THE AFRICAN UNION COMMISSION (2002-2015).

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Dedication

To My Late Parents

Steven Chipo Mutasa, my father

and

Erena Mutasa (Nee Masakure), my mother

From whom I drew inspiration to pursue my studies and the courage to pursue my destiny in life

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Abstract

This thesis analyzes the policy contributions and interactions of civil society organizations with the African Union (AU). The aim of this study is to get an understanding of the framework, methods and mechanisms used by the African Union to create space for civil society organizations within its policy deliberations and programmes as it seeks to transform itself from the Organization of African Unity (OAU) image of a 'club of politicians' to a people-centred and driven regional organization. The thesis also examines to what extent the AU since its establishment in 2002, has been able to increase the inclusion and participation of civil society organizations within its activities as a way of addressing some of the OAU 'democratic deficits'. The thesis also covers some of the challenges surrounding the promotion of active citizens' participation in the affairs of the African Union. It also offers an insight into the process of how African leaders seek to bring citizens closer to the AU through engagement with its different institutions and structures.

The thesis also examines the capacity and organization of African civil society organizations (CSOs) to engage the AU. In so doing, it addresses the issues of CSO relevance, the impact and contributions to both the AU and its member states. The thesis notes that there are areas of conflict and areas of consensus in the engagement, draws lessons from previous episodes and gives recommendations for improving the engagement. Briefly, the findings raise fundamental questions for further broader empirical research as regards the philosophical underpinnings of AU/CSO collaborations. More importantly, the thesis raises the question of whether the interactions are a marriage of convenience or genuine development partnerships for a better and more prosperous Africa.

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List of Acronyms

ACCORD	Africa Centre for Constructive Resolution of Disputes
ACDHRS	African Centre for Democracy and Human Rights Studies
ACHPR	African Commission on Human and People's Rights
AfCHPR	African Court on Human and People's Rights
AEC	African Economic Community
AfDB	Africa Development Bank
AFRIMAP	Africa Governance, Monitoring and Advocacy Project
AFRODAD	African Forum and Network on Debt and Development
AIDS	Acquired Immune Deficiency Syndrome
APRM	African Peer Review Mechanism
APSA	Africa Peace and Security Architecture
AU	African Union
AUC	African Union Commission
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CCP-AU	Centre for Civil Society Participation in the African Union
CIDO	African Citizens' and Diaspora Directorate
CSOs	Civil Society Organizations
CSSDCA	Conference on Security, Stability, Development, and Cooperation in Africa

CSP	Charities and Societies Proclamation
DFID	Department for International Development
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
EU	European Union
FEMNET	African Women's Development and Communication Network
G8	Group of Eight Advanced Economies of the World
HIPC	Heavily Indebted Poor Countries
HIV	Human Immunodeficiency Virus
ICC	International Criminal Court
IMF	International Monetary Fund
INGOs	International Non-Governmental Organizations
ISS	Institute for Security Studies
MDG(s)	Millennium Development Goal(s)
NGOs	Non-Governmental Organizations
NEPAD	New Partnership for Africa’s Development
NPoA	National Plan of Action
OAU	Organization of African Unity
OATUU	Organization of African Trade Union Unity
OSISA	Open Society Initiative of Southern Africa

PALU	Pan African Lawyers Union
PAP	Pan-African Parliament
PRC	Permanent Representative Committee
PSC	Peace and Security Council
RECs	Regional Economic Communities
SADC	Southern African Development Community
SALC	Southern Africa Litigation Centre
SEATINI	Southern and Eastern Africa Trade, Information and Negotiations Institute
SOAWR	Solidarity for African Women's Rights
UN	United Nations
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
EU	European Union
WANEP	West Africa Network for Peace building
WGGD	Women Gender and Development Directorate
WIPNET	Women in Peace building Network
ZLHR	Zimbabwe Lawyers for Human Rights

CHAPTER ONE: INTRODUCTION

The purpose of this study is to critically examine civil society policy contributions to the African Union (AU) since its establishment in 2002 as a successor to the Organization of African Unity (OAU). The African Union is projected as different from its predecessor in that the OAU was preoccupied with both the fight for the independence of the continent and the protection of state sovereignty. By contrast, the AU is driven by the quest to build a people-centred and people-driven continental body capable of spearheading civil society participation in its policy formulation, implementation, and monitoring.

The involvement of civil society in the various policy dialogues and activities of both the AU and its member states is of utmost importance and has always been a significant part of the relationship between state and non-state actors. The growth in transnational citizens' networks and social media have empowered African civil society organizations (CSOs) to the extent of making CSOs more visible and powerful at both national and continental levels. AU policymakers and member states increasingly have to contend with pressure from CSOs wanting to be included in the development policy dialogue. CSOs have expressed their full interest in being involved in the affairs of the AU. On the other hand, the AU's interest in civil society has been revived by the shift from a state–centered to a market–orientated development model. In this model, the primary role of the state is to facilitate the creation of an enabling environment for key non-state actors, namely, the private sector and civil society. Civil society actors have engaged the AU and its work in several ways. The manner in which the CSOs engage the AU and its works ranges from working with AU organs set up to engage civil society and working with different sectoral or thematic committees to attending

various summits and conferences organized by the AU to discuss developmental issues in Africa.

This study seeks to examine civil society participation in the AU in order to draw lessons and offer recommendations on how such engagements can be improved. It also examines the CSOs' mechanisms as well as their opportunities and the participation methods they use to determine the extent to which the participation methods provide for self-reflection as well as the extent to which the prevailing environment allows for their self- enhancement. This study, therefore, attempts to: investigate the level of CSO participation and their effectiveness; assess the nature of AU/CSO relationship and analyze the level of CSO organizations and their capacity to influence the AU and member states in policy-making processes of Africa.

1.1 Structure of the study

This study is divided into six chapters. This Chapter One is the introductory chapter that situates the civil society-AU inter-governmental policy-related interactions currently unfolding on the African continent. It provides the background, the purpose, and scope of the study and identifies the problem that prompted the researcher to undertake this study. The chapter also presents the challenges to the study, a statement of limitations and ethical issues.

Chapter Two is a review of the relevant literature and a discussion of both the conceptual and theoretical frameworks. It explores the work of other authors in the area of civil society policy development contribution, and government and intergovernmental relations, and the limitations of these works.

Chapter Three gives a background to the African Union and its interface with civil society organizations. It traces the origin of the OAU (now AU) and its interaction with civil society,

focusing on how CSOs that worked on Pan-Africanism gave birth to the OAU. The chapter presents an overview of the relationship between civil society and the OAU and the gradual transition from the OAU to the AU. The chapter ends by discussing civil society interactions with the African Union Commission (AUC) through the Economic and Social Cultural Council (ECOSOCC), Specialized Technical Committees (STCs), the Peace and Security Council (PSC), the Africa Peer Review Mechanism, and the Pan African Parliament.

Chapter Four is on methodology. It explains the data collection procedures for this study by explaining the study design, the research methods, the sources of data, the data processing, management, analysis, and interpretation.

Chapter Five presents the research analysis and major findings, discussing the factors that seem to determine the interactions between the AU and CSOs. The focus is on critically examining the practicality, impact, relevance and effectiveness of the interaction of the civil society and the AU.

Chapter Six discusses the recommendations, the conclusion and suggestions for further research on the study topic.

1.2 Background to the Study

Although CSOs in Africa have been in existence since the colonial era, they were in small numbers and limited to certain sectors such as community-based organizations, burial societies, faith-based groups, lawyers associations and trade unions. The early 1980s witnessed the mushrooming of new and diverse types of CSOs that have since grown exponentially and increased in influence both nationally and internationally. The CSOs that

existed in the colonial era played an important but often unsung role in the continent's development and governance. No history of the independence and liberation processes in Africa would be complete without special mention of these CSOs, especially the professional associations of teachers, lawyers, students, trade unions, women's organizations, and youth associations. Following independence, many CSOs continued being active in development and humanitarian work, in reconstruction and peace-building activities.

The proponents of civil society argue that this space is found and thrives best where there is a democracy, development, and human rights. There seems to be some consensus in the literature that civil society is an area of social life bounded on one side by the state and on the other side by families and kinship networks. For instance, Levitt (1973:6) argues that civil society organizations are involved in activities that "business and government are not doing, not doing well, or not doing often enough."

CSOs have become the preferred channel by donor agencies and development practitioners for service provision in a deliberate substitution of the state in Africa and in most Third World countries. The CSOs are classified as the third sector within the development field. The first sector is government, while the private sector is second. Kotter (2007:8) argues that "CSOs form a prominent part of the development machine, a vast institutional and disciplinary nexus of official agencies, practitioners, consultants, scholars, and other miscellaneous experts producing and consuming knowledge about the developing world." Thus, the third sector is composed of CSOs, which are seen as an alternative to the public and private sector. It is a domain for organizations that are neither state, nor profit- making entities. Accordingly, these organizations do not distribute profits to economic owners as market organizations do. In addition, the organizations are formal. This creates contrast

between them and the informal networks of families and communities, although the former may originate in the latter.

Since its inception in 2002, the AU has been instituting mechanisms and legal provisions geared towards promoting popular participation through engaging CSOs. The idea behind this development is for the AU to move in tandem with global developments and the democratic wave that contends that sustainable development should be people-centred and driven. In line with this, the 2000 Constitutive Act of the African Union distinguishes the AU from the OAU, which is based on the 1963 OAU Charter. Some Articles in the Constitutive Act of the African Union point to the organization's commitment to ensuring that it builds partnerships with civil society, harnesses all talent and resources, both in the African continent and in the Diaspora to build a new Africa.

It is important to note that the Constitutive Act of the Africa Union Article 3g refers to the organization's commitment to "Promote democratic principles and institutions, popular participation, and good governance." Article 3h refers to a commitment to "Promote and protect human and peoples' rights by the African Charter on Human and Peoples' Rights and other relevant human rights instruments." In line with these commitments, some proclamations, and declarations were made with the hope of making Africa a strong and united continent. There is a claim that the AU differs from the OAU in that the former is people- driven, and, therefore, gives more space to civil society groupings in its work. This conception arises from the fact that despite its successful mission against colonialism and apartheid, the legacy of the OAU leadership is associated with a lack of popular participation, a dreadful human rights record and military dictatorships. Hence, the AU's interaction with civil society organizations is associated with strengthening democracy, human rights, and

good governance through organized citizen participation in public policy deliberations and program implementation.

Through proclamations and programs initiated, African leaders express their common vision and commitment to African Renaissance through meaningful engagement of their citizens in the promotion of democracy, development, and human rights. AU programs such as the New Partnership for Africa's Development (NEPAD) runs the Peer Review Mechanism, whose objective is to enhance good governance and democracy among member states. However, despite the nobility of efforts and the seemingly good intentions of the AU political leaders, the Secretariat of the African Union Commission (AUC), especially the Citizens Directorate (CIDO), entrusted with making this a reality, does not seem to be pursuing that agenda. Cilliers and Sturman (2004:2) argue that, "space for civil society within the African Union seems to be shrinking than growing." Relations between civil society and certain sections of the AUC seem to give the impression that the envisaged space is closed. This thinking comes from the treatment given to CSOs by some members of the AUC, which in many cases is similar to the old OAU days characterized by long-winding, cumbersome colonial, bureaucratic sluggishness. The AUC seems to be stuck in the old OAU way of resisting than opening up to civil society. Most CSOs and African citizens continue to have limited access to up-to-date information about the AU, its structures, summit agendas and current deliberations. The problem with this is connected with the attitude and mentality of the AUC towards African citizens and CSOs. The AUC Staff still believes that all AU information is confidential and is, therefore, not for public consumption.

This study is a critical analysis of the interaction between civil society and the African Union. The study interrogates the sufficiency and adequacy of spaces provided for civil society

engagement, the relationships, which have developed between the AU staff and CSO activists as well as the way member states have responded to the contribution of CSOs at the AU. The successes, challenges, and prospects of CSOs in contributing to building a citizen–centred rather than government-centred African Union are part of this study's analysis of the AU and CSOs interactions.

1.3 Research Challenges

The term civil society is ambiguous. Studying civil society organizations and their work, especially in Africa, is associated with many challenges. Despite the widespread euphoria and virtues in participatory politics and in the enhancing of citizen democracy, civil society remains a controversial concept, which seems to encompass everything and refers to everything outside the realm of the state. A mention of the term invokes some questions regarding its meaning, role, and legitimacy. How different is it from other sectors of society? Where does it start and where does it end? Are political parties and business part of civil society? The meaning and manifestation of civil society organizations in different societies, especially in Africa has been a difficult subject to tackle.

Various perspectives and governments have taken civil society from different approaches. For some, civil society is a positive idea as citizens come together and make civil claims on the state or intergovernmental institutions. For instance, in Western societies, civil society organizations are renowned as agents of democratization and guardians of good governance as well as being human rights watchdogs. In some non-Western societies, the term often provokes negative sentiments that regard civil society organizations as rogue actors seeking to challenge the legitimacy of the state, and also protesting and disrupting the political order of the day. In Africa, and within the African Union, civil society organizations seem to have

both their advocates and critics. This brings challenges when it comes to measuring their impact on and their relations with other actors regarding fostering development and implementing associated reforms.

1.4 Objective of the Study

This study's major objective is to analyse the contribution of civil society to the AU and its interaction with the AU as well as the implications for the continent's development policy-making. This study particularly examines the capacities of CSOs, the AU/civil society relationship, and CSOs' abilities to participate in the policymaking process within the continental body meant to be people- driven and fostering popular participation. The specific objectives are:

1. To critically assess the relevance of dominant theories on CSOs in Africa to the continent's policy development agenda.
2. To assess whether CSOs are sufficiently well-organized to have an effective capacity to influence AU policy-making
3. To assess the level of inputs and outputs of CSO participation and their influence in the public policy process.
4. To examine the way civil society is organized and how capable it is of widening civic engagement within the AU policy-making process. This involves determining what constitutes civil society at the AU-level, how civil society is involved in AU decision-making processes, what the dangers of civil society involvement are, and the extent to which a truly African civil society exists?
5. To present a critical appraisal of the extent to which the AU and its member states have responded to development policy engagements by CSOs.

6. To make appropriate recommendations aimed at enhancing the AU-CSO relations in development policy-making.

1.5 Justification of the Study

Civil society offers great potential for the consolidation of a people-driven AU. This potential is a subject that has not attracted much scholarly and political/policy research. Thus, it is necessary through this analysis of the interaction of the CSOs and the AU to partly contribute to the debates on the nature, status, importance of civil society and its challenges in engaging the AU. This study provides invaluable up-to-date information on the nature of African civil society and its level of participation in the AU.

Apart from analysing the humanitarian contributions of civil society in Africa, current development literature has little that analyses how CSOs have fared in policy development initiatives, particularly in policy advocacy and lobbying at the inter-governmental level. CSOs are active, among other activities, in development policy issues, gender equality, human rights, governance, debt cancelation and trade reform, to name a few. It is, therefore, important to go into depth in appraising CSO contribution and influence in the area of development policy-making at AU level. It is also important to address more-nuanced questions concerning whether or not it makes sense to involve CSOs in the design and implementation of particular AU development policies? It is hoped that the findings of this study will substantially contribute to ongoing discussions about the impact of social capital and civic participation on the deepening and broadening of the AU's geopolitical position in the 'global village.' The study highlights the debate on the significance and role of CSOs in the AU's development and policy-making processes to empirically verify these roles. I hope

that the study addresses the fundamental issues and underlying assumptions of civil society's significance not only to the AU but also to development policy-making in general.

There is a general acceptance by some researchers (though inadequately documented and interrogated) that the role of various civil society organizations and social formations cannot be under-estimated. As Korey (1998:3) notes,

> Globally, the champions of international development are civic actors, not governments. CSOs constantly remind governments of their obligation to fulfill their international commitments and uphold fundamental rights, and, if necessary, make it difficult if not impossible for them to forget their obligations. By garnering public support of an issue, CSOs can put intense pressure on governments to act.

CSOs continue to take a lead in defining the reforms associated with governance and development in Africa. International organizations have propagated the notion that Africa's strength and unity lie in the partnership between democratic states and their civil society organizations. Increasingly, some African governments such as Ghana now view CSOs as indispensable development partners. As Paul (2000:3) writes, "Former UN Secretary General Boutros-Ghali affirmed that CSOs 'are an indispensable part of the legitimacy' of the United Nations while his successor Kofi Annan said CSOs are 'the conscience of humanity.'" This study involves the interrogation of the extent to which these claims are true for African CSOs and their interaction with the AU.

1.6 The Scope of the Study

This study covers the entire period of the AU's existence since its establishment in 2002 to 2015 as the successor of the OAU. This study focuses on civil society interaction with the AUC as the main organ dealing with CSOs. It also focuses on how civil society has engaged

other organs of the African Union, especially the African Commission on People and Human Rights (ACHPR), and the Peace and Security Council (PSC). The CSOs interact with these AU institutions through the Economic, Social and Cultural Council (ECOSOCC), which is the official AU-CSO interaction platform, and the Centre for Civil Society Participation in the African Union (CCP-AU) which is not an AU organ, but is a CSO independent structure running parallel to the ECOSOCC. This study focuses mainly on the ECOSOCC and the CCP-AU, as these are the only African CSO groupings that have been engaging or interacting with the AU leaders and its Secretariat, the AUC. One of the aims is to critically analyze and establish why the AU agenda to involve CSOs in its decision-making processes and activities seems to be facing resistance and taking long to materialize.

1.7 Statement of Limitations

The study's limitations lie in time constraints and the methodology used, both of which constrain generalization of the findings to the broader population. Although the study population could have covered all AU Institutions, departments engaging civil society in various capacities and levels, resource and time constraints did not permit this to happen. Thus, this study's findings and generalizations are restricted mainly to the African Union Commission and its departments, leaving out some AU organs that seem not to have direct contact with CSOs. The study also confined itself to specific Commissions that have a more direct engagement with civil society, namely the Economic Social and Cultural Council, the Specialized Technical Committees, the African Commission on Human and People's Rights, the Peace and Security Commission and NEPAD's African Peer Review Mechanism. On the side of civil society, the study covered mostly those organizations that seem to have a regional mandate than those that are nationally- based.

Associated to this limitation was the inability to collect the maximum quantity of the targeted data for analysis. This limitation was so because of the hierarchy and bureaucracy involved in following the AU and member states/government officials to conduct interviews. Since some of the research respondents were senior government officials working with the AU secretariat including eminent persons, ambassadors, and ministers, it was difficult to access them because most of the time they were not available for the interviews. In some cases, the researcher ended up getting the information from delegated senior officials who, though knowledgeable, did not have all the details of the required information. It was, therefore, difficult for the researcher to have access to the maximum required data or interviews with senior government officials. An adequate cover of AU institutions implied lots of travel to different places across the continent, which was not feasible. For instance, NEPAD's offices are in South Africa, while the African Commission on Human and People's Rights is in Gambia. Travelling to all these places could have enhanced certain areas of the research outcomes, but the costs and time were prohibitive. Despite these limitations, the interviews conducted provided rich and valuable data for the research agenda.

There was also a limitation of the language used during the interviews. Some of the organizations interviewed were not fluent in English, and the researcher had to work through an interpreter in cases of French and Portuguese speaking respondents. For some important documents that were not accessible in English, I sought translation to avoid leaving out important information. Nonetheless, translation proved costly.

1.8 Ethical Considerations

In conducting this research, I made sure that I followed university ethical guidelines. First, I obtained permission from the African Union Commission chairperson to interview the AU secretariat under his leadership (See Appendix B). Second, I ensured that participants were clear about the purpose and objectives of the research before obtaining their consent to participate in the study. Thirdly, I made sure that participants retained the confidentiality and privacy of the information they provided and rest assured the respondents that their names remained anonymous, and that they would only be mentioned in the study if they wished to be. All interviewees participated on the premise that there was protection for their reputations.

The Belmont Report identified three important ethical principles for all research that involves human subjects. These are respect for persons, beneficence and justice. The respect of persons implies that the researcher must give the respondents full disclosure of the nature of the study, the risks and benefits involved in the exercise of asking questions. Beneficence pertains to the need to maximize the benefits and reduce the risks in carrying out research. Justice speaks to the need for fairness in distribution and the equitable selection of participants (See National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1978).

Interviews conducted with staff or representatives of the African Union; government officials and civil society were in a free atmosphere that allowed them to analyze or praise either the African Union or civil society or both. Data collected during the study and information from interview scripts or recordings were safe and not shared with third parties. I also made efforts

to ensure factual accuracy, and the proper interpretation of data and avoided any unwarranted material gain or loss for any research participants.

CHAPTER TWO: LITERATURE REVIEW

2.1 Conceptual Framework

2.1.1 Civil Society

Civil society is a complex concept. There is no clear consensus in social science on the definition and meaning of civil society. As Hyden (1996:97) acknowledges, "There is no single view of the phenomenon." It means different things to different people. In trying to capture civil society's different aspects and dimensions, Bratton (1989:417) defines civil society as, "an arena where manifold social movements and civil society organizations from all classes, attempt to constitute themselves in an ensemble of arrangements so that they can express themselves and advance their interests." He, however, claims that civil society has five notions, namely that it is the public realm between the state and the family; it is different from political parties; it is voluntary; it is more theoretical than empirical; and it gives or gets legitimacy from the state.

In this regard, Scholte (2002:282) further notes, "Although there is a variety of 'civil society' definitions and meanings, there seem to be some universally agreed to key aspects as to what constitutes civil society." These aspects include voluntarism, popular participation, people-centeredness, and community-driven. Thus, an acceptable definition of civil society should be associated with a space where self-expression, public opinion and open debate aimed at influencing public policy and program implementation takes place.

For purposes of this study, Bratton's definition of civil society is adopted, while the UN definition of civil society organizations(CSOs) is utilized. UNDP describes civil society organizations as being:

> not-for-profit voluntary citizens' groups organized, which is organized on a local, national or international level to address issues in support of the public good…[They] bring citizens concerns to governments, monitor policy, and program implementation and encourage participation of civil society stakeholders at the community level. (UNDP,2002:11)

The concept 'civil society' is a subject for debate at two levels: as a global concept and about its applicability to developing countries, especially those in Africa. This problem is associated with its historical origin and applicability. As Bromwell (1997:19) notes, "some associate the concept to less poverty and equality in society while others relate it to a healthy society with freedoms of speech and association, the rule of law, capable government and the absence of political violence." Others still associate it with an accumulation of social capital, which generates efficiency and productivity in society. The contestation of the concept is also accompanied by the debate on its composition-about who is and who is not part of civil society. Excluded groups include political parties and religious groups, which seem not to be exhibiting 'civil' behavior.

The term civil society stems from different political philosophers. Earlier work on civil society can be traced back to the works of John Locke, Charles Montesquieu, Alexander de Tocqueville, Antonio Gramsci and Jürgen Habermas, among many others. Academic debates on civil society organizations /non-governmental organizations constitute an important component of social theory and development discourse. "Worldwide, it is CSOs and not governments, or the United Nations agents, which are the most prominent advocates for human rights and what one writer calls the 'very soul' of their promotion and protection" (Michael, 2005: 7). CSOs have become

an institutionalized part of society. To cite a few cases, in Bangladesh, a CSO's nutrition and health program covers over 30 million people. "The Grameen Bank model has been replicated or modified and applied in many microfinance organizations across the world." (Gideon, 1996:13). It is accepted that CSOs possess several advantages over governments in the provision of development services. The advantages include "their ability to reach the poor at the grassroots level, to form close and lasting relationships with beneficiaries, and to ensure meaningful participation by beneficiaries, and to empower and strengthen local people and their institutions." (Flower, 1991:54).

The concept of civil society and its interaction with the state gained more momentum after the fall of the Berlin Wall in 1989, which followed a democratization wave in East Europe and much of the Third World. In Eastern Europe, the collapse of bureaucratic socialist regimes (or existing socialism), and the construction of civil societies was seen as returning to 'normal society on the Western model.' In Eastern Europe itself, "the term has been used in as many different ways as contexts." (Shivji 2002:34). Very often, the term CSO is synonymous with NGO. NGOs represented the 'third sector', the other two sectors being the state (power and politics), and the private sector (capital and economics).

The 2008 UN Economic and Social Council (ECOSOC), in its resolution, articulated the importance of CSOs. It encouraged, "member states to strengthen citizen trust in government by fostering public citizen participation in key processes of public policy development, public service delivery, and public accountability." (UN, 2008: 23). As Smillie et al., (1999:2) observe, "Development agencies considered CSOs to be useful vehicles through which donors funds can

be channeled towards development projects aimed at assisting the poor in developing countries." Given the governance problems confronting the post-colonial state in most developing countries, donors found a solution to their problems in CSOs. In the early 1990s, there was a general preference of CSOs to government structures within the donor community. There were strong arguments that, "supporting civil society is good for development and the promotion of democracy." (Kasfir, 1998:9).

CSOs are famous for being visible, accessible and capable of delivering the necessary changes needed in most developing countries. For instance, Loquai et al (1999:5) note in an assessment of the rapid growth of interaction between NGOs and the European Community that "the Commission perceives NGOs as vehicles for targeting the poorest and most marginalised sections of the population, which tend to be neglected by official policies or have difficulties to access bilateral aid." The donors' strong faith in CSOs meant that their call for good governance in Third World countries corresponded to the call for economic reforms. Consequently, CSOs became the darling of Western neo-liberalists helping to promote their ideological persuasions. For this reason, "CSOs were expected to go beyond the constraints of welfare and service delivery and begin to indulge in policy dialogue" (Hyden and Bratton, 1992:32). Within this line of thought, the UNDP also began to speak of sustainable development. "NGOs and civil society were integrated into previously apolitical conceptions of human development" (UNDP, 1992:5). Many resources were devoted to advancing pro-poor growth, sustainable development, and "financing NGOs in Africa as potential agents of democracy should be at the top of donor agendas in the 1990s" (Fowler, 1991:4).

The focus of this study is to analyze the contribution of CSOs to the African Union, the value addition of their interaction with the African Union and the implications for Africa's development policy making and program implementation.It is an attempt to understand if CSOs have a competitive advantage over other stakeholders such as the private sector in helping the African Union attain its vision for a people-centred Union

2.1.2 The African Union

As World Vision (2007:72) notes, the concept of an African Union (AU) is "the articulation of a desire to build a people-centred Union… [and an affirmation] that Africa has put autocratic rule behind it and is ready to proceed along a participatory, democratic and accountable trajectory." For some scholars, "the AU is one of the most ambitious projects that the continent has ever had" (Bogland, K et al., 2008). It is ambitious in the sense that the AU seeks to be distinct from its predecessor, the Organization of African Unity (OAU), by transforming it from being a famous "club of politicians" to a people's union, through implementing far-reaching political and economic changes. More importantly, the AU Constitutive Act seeks to reverse the state-citizens' interaction gap associated with the OAU's failure to tackle bad governance, human rights abuses, and citizens' alienation from their development agendas. President Mbeki of South Africa spoke of the AU as part of "African Renaissance in the 21st century" (Benedict, 2007:3). Some leaders view the AU as a platform for state-citizen interactions aimed at delivering African solutions to African problems as opposed to depending entirely on the international community.

The AU is an intergovernmental organization of 54 countries in Africa established on 9th July 2002 as the successor to the OAU. Of all the African countries, Morocco alone is not a member of the African Union. Morocco withdrew from the AU's predecessor, the OAU, in 1984 after the OAU approved the membership of the Saharawi Arab Democratic Republic (Nzomo, 2002). The AU secretariat is also called the African Union Commission (AUC). The AUC has the mandate to initiate proposals and negotiate in international fora on behalf of the AU, although it does not wield executive authority to do either effectively. Landsberg and McKay (2005:16) argue that, "Unless citizens engage in the AU policymaking process and its programs, the organization remains untransformed and undemocratic like its predecessor, the OAU."

The birth of the AU is a product of both internal and external factors. Internally, the concept of having an AU emerged among African leaders after the realization that with the attainment of independence in the continent and the fall of apartheid in 1994, the OAU needed to revamp and position itself as a global, regional player capable of addressing impending globalization challenges. As Derrick (1999) notes, the changing global environment propelled the OAU leadership to look beyond safeguarding state sovereignty against neo-colonialism and begin to address sustainable development issues, in particular; the consolidation of regional integration, the promotion of popular participation, human rights and good governance. The rationale behind having the AU is to transform the regional body's policymaking and program implementation from a statist approach to a people-centred approach through interaction with CSOs.

On the external front, the collapse of the Berlin wall in 1989 meant that the OAU could not continue to do business as usual; it needed new branding and new approaches to its governance

and development agenda. The international financial institutions, especially the International Monetary Fund and the World Bank's structural adjustment programs laid much emphasis on democratization and participatory development through interactions with civil society organizations. Working with and through CSOs was marketed as the panacea for the development challenges of governments. As Muchie, (2003) notes, civil society participation became "synonymous with good governance." As such, the 2000 Lomé Declaration speaks directly to the need for the OAU to rebrand itself into a regional organization that respects good governance and democracy in member states. (See AU Document AHG/Decl.5 (XXXVI). Tied to these notions was the need for the AU to introduce structures that embrace people's participation, especially women, and youths through constant interactions with CSOs.

2.1.3 Interactions and Policy Contributions

In this study, interactions refer to different methods of relating or working between the AU and CSOs. According to DFID (2010), state-CSO interactions speak to relations between state institutions and civic groups as they negotiate how citizens may influence the exercise of public authority and use of public resources. The two are interdependent, and both have mutual rights and obligations. However, most importantly, on one hand the state derives its legitimacy through its interaction with CSOs. On the other hand, CSOs have only three options when dealing with the state, that is, they can oppose it, complement it, or reform it – but they cannot ignore it (Clark, 1979). AU interactions with different CSOs are either ad hoc or long-term depending on the memorandum of understanding or subject matter. They can also be by invitation, be coincidental or arranged through some AU legal instruments or structures. Some factors

influence AU-CSOs interactions, similar or different from the ones influencing state-CSOs relations at the national level.

Cilliers and Sturman (2004) argue that CSOs often interact with the public sphere either through media campaigns or through their grassroots outreaches. In this sense, they often attempt to ensure that government officials through their policy choices address the needs of social movements. CSOs usually interact with the AU as they seek to augment its programs and activities. It is important to note that AU-CSO interactions are not an accumulation of individual AU member state interactions at the national level. These interactions include CSO policy contributions, which mostly constitute the CSOs' value addition to deliberations meant to address public issues and improve the living conditions. CSOs often play the critical role in influencing public policies and providing information crucial for policy reforms. The AU-CSO interactions are mixed and complex given the variations of individual member state interactions with CSOs at the national level.

In some countries, CSOs have a reputation of being opponents of the state, and relations are therefore adversarial. In other cases, governments and CSOs may share similar goals and work closely with each other. In between are governments that tolerate CSOs without being particularly supportive or governments that may align themselves with some CSOs while opposing others. Authorities tend to appreciate CSO involvement when the organizations can offer services that complement government activities. The same may apply to AU-CSOs relations. As noted in the ADB evaluation (2006:11) on government-CSO working relations, "tensions between governments and CSOs can be solved by front-loaded capacity-building

activities that ensure that national and local governments can effectively manage CSO inputs." Such activities also tend to improve understanding among partners.

Harbeson (1994:4) argues that "given their contribution to opening up or liberalizing state-society relations, CSOs are considered pro-democracy forces. Some CSOs are very close to government and consequently tend to have great influence and impact on their national political leadership." The Confederation of South African Trade Unions (COSATU) and the African National Congress (ANC) government of South Africa are a good example of a close relationship between a government and a CSO. COSATU, ANC and the South African Communist Party (SACP) are all part of an alliance called the Tripartite Alliance. Although CSOs like COSATU are very close to the government, they can still maintain their neutrality when it comes to policy advocacy while government can check their transparency and accountability to their membership. As Malala (2012:1) notes, "the statements and action taken by COSATU during the August 2012 shooting of Marikana Lonmin mineworkers during an illegal strike by police confirmed COSATU's unwavering stance on the state of unequal distribution of income in South Africa." COSATU has in several instances managed to keep the South African government in check on matters affecting the public. These checks are in line with the thinking of John Locke, who views the main responsibility of civil society as being to protect citizens' rights and property against the state and its arbitrary interventions.

CSOs have different priorities, values, and institutional cultures that influence their interactions with either their national government or the AU. Some CSOs do not interact with neither their

national governments nor the AU. They take a confrontational stance against these establishments (Afrobarometer, 2009). Despite their differences, some CSOs like social movements are famous for being passionate advocates of people-centred development. The notion that people must be at the center of human development, both as beneficiaries and as drivers, as individuals and in groups, inspires them.

This study seeks to build on the academic discussions of distinguished scholars on the interaction of the AU and CSOs. It focuses on interrogating the comparative advantages that CSOs interaction with the AU brings to its operationalization and makes it different from the OAU. In line with the already outlined research objectives, a discussion of the main factors promoting or hampering effective interaction between the AU and CSOs takes place.

2.2 Theoretical Framework

The concept of civil society organizations, their significance and interactions has generated a great deal of debate, from theorists such as Hegel and Marx in the European context to Beckman and Mamdani in the African context. Since there is a substantial body of literature in this field, this study restricts itself to review the literature with a perspective that centers on areas of CSO evolution, relevance, effectiveness and impact in interacting with intergovernmental institutions. There seem to be three dominant perspectives of this. A fourth perspective with particular reference to Africa seems to be in emerging. First, is the Liberal theory. Second is the Lockean view (informed by John Lock's theory) also known as the Marxist theory. Third is Habermas' theory. Last, but not least is the African theory.

2.2.1 The Liberal Theory

The liberal theory emphasizes democratic consolidation through state-CSOs interaction and perceives 'civil society' as an instrument to make states more democratic, more transparent and more accountable. Diamond (1994:6) maintains, "CSOs through their interaction with the state help limit its power, exposing it to public scrutiny and pointing out the abuses of state power." CSOs hold government accountable as prescribed by the law and public expectations through a process of checks and balances. Apart from scrutinizing state actions, CSOs socialize citizens in democratic norms. For Liberals, CSOs are a source of legitimation of state power. They welcome CSO interactions with the state as a means of social transformation from below, the key to deepening and strengthening democracy.

The liberal theory derives inspiration from the works of Alex de Tocqueville on democracy and Robert Putnam's writings on social capital. Tocqueville (1945) argues that since civil society occupies the space between the state and private life, it is possible for it to watch over the state and ensure that it does not appropriate more power than the citizenry gives it. Putnam argues that social capital, which deals with issues of civic engagement and community participation, is the foundation for successful economies and stable democracies. Social capital is required to build trust and cooperation between political leadership and the citizenry. A society's interactions with the state are the glue that holds its institutions together and is crucial in building and maintaining its democracy and development (Putnam, 2000).

Diamond, a disciple of Tocqueville, offers a more comprehensive elucidation of the significance of the interaction between CSOs and government institutions within the liberal theory. Diamond argues that CSOs "must be autonomous from the state, but not alienated from it. They must be

watchful but respectful of state authority."(Cited in Hadenius and Uggla, 1996: 15). In his writing, Diamond (1994) argues that CSOs in their interaction with government play the function of strengthening state institutions and citizen participation. In western democracies, CSOs interaction with government includes the function of monitoring budgets and tracking expenditures. CSOs also inculcate within society tolerance and respect for divergent views and cultures. In addition to this, CSOs stimulate citizen participation in governance through civic education and providing platforms for them to interact with policy makers. It is worth mentioning that three variables seem to regulate a positive interaction of CSOs with states, namely conducive government legislation, low levels of perceived threats to the state and funding. Such CSO functions also apply to intergovernmental regional organizations such as the AU. Another role emanating from CSOs' interaction with governmental bodies is information collection and dissemination, which is key to empowering citizens to collectively defend or pursue their interests (Diamond, 1997).

According to Drabek (1987:12),

> One of the fundamental reasons behind the recent attention on CSOs [partnering with governments] is that they are perceived to be able to do something that national governments cannot or will not do. When CSOs interact with the state, they have no intention or desire to supplant or compete with the state in their development efforts. Rather they seek to complement state efforts or fill in the gaps.

In this regard, the interaction between CSOs and the state is progressive, nurturing democracy and development. The proliferation of CSOs under the liberal ideology in the post-Cold War era of the early 1990s centered on the claims that CSOs are capable of responding quickly to grassroots problems of the poor. As Edwards and Hulme (1992:20) notes, "liberals consider

CSOs to be creative, proficient and effectual agents of both democracy and development.'' CSOs fulfill a mixture of roles in society, which include challenging government policy, offering humanitarian assistance, civic education, monitoring government service delivery and private sector performance. Beyond representing the marginalized and voiceless in their engagements with the state, CSOs function as promoters of progressive change.

Diamond (1994) praises the virtues of civil society by arguing that human rights orientated CSOs interact with government as they advocate for the rule of law and seek legal redress of their clients' violated rights. CSOs operating in democratic environments collaborate with government in conflict prevention and the reconstruction phases after conflict. Moreover, in fragile states, CSOs are famous for developing techniques in conflict mediation and resolution. They use these skills to diffuse religious, political and social tensions. Apart from these, they also offer government officials with capacity building through skills training in humanitarian law and conflict management.

According to Dawuni (2010), while CSOs pursue the functions mentioned above through interaction with the state, a democratic state embraces liberal ideals and helps civil society to develop through making favorable laws, creating engagement platforms and encouraging CSOs participation in policymaking. In this regard, state-CSOs interactions within the liberal perspective are indispensable since they provide opportunities for the consolidation of democracy and the fostering of development. CSOs through interacting with the state help make 'rule by the people' feasible.

2.2.2 The Marxist Theory

Contrary to the liberal theory optimism on civil society virtues and contribution to democracy through its interaction with the state, the Marxist theory contends that the liberals overlook the dark side of most CSOs interactions with the state. For the Marxists, there is need to look elsewhere to explain why state-CSOs interactions have fostered little or no change in authoritarian states. Some CSOs undermine democratic norms and create negative social capital when co-opted by the state or indulge in ethnic, religious or partisan conflicts (Encarnation, 2003). The Marxists argue that in some of their interactions with the state, CSOs promote parochial interests instead of broad-based participation and people-centred development. At times, dictatorships and shrewd politicians use CSOs to undermine democracy, good governance and the observance of human rights. Thus, the use of patronage in maintaining authoritarian regimes challenges the liberal perspective depiction of state-society relations (Kasfir, 1998).

Karl Marx understood civil society to be "space that has common characteristics with the market in that it is materially defined and more conflict-ridden than elsewhere" (Hutchful, 1995:13). As such to the Marxists, civil society is an interactive space between the rulers and the ruled. In the space, matters of common relevance are deliberated and evaluated using reason. Public policy is the outcome of the public debate. Thus, according to this perspective, public policy is the prevalence of convincing arguments over the weak ones in public debates. Within this context, civil society organizations interact with the government not to represent the interests of the poor but rather to collaborate with it and reinforce its control and domination.

According to Wood (1991:3), Hegel classifies CSOs as **"**the reign of unbridled competition among individuals solely preoccupied with their material interests. Each is in competition with everyone else for the satisfaction of his egoistic needs." In stubbornly pursuing his self-interest, the individual comes to realize, however, that he is not alone, that to make his interest he has to interact and collaborate with others (e.g. through exchange and commerce or through the division of labor). Thus, most Marxists criticize the CSOs as "a new form of colonizing the 'the others,' or 'the Rest'" (Edwards, 2004:21).

Hegel's understanding of civil society in *Philosophie des Rechts*is is that "it is the space where two things happen. First, needs are created by social interaction, and then the needs are satisfied through economic activity" (Kasfir, 1998:7). Individuals participate in civil society in their private capacities motivated by self-interests and needs. As such, civil society groups are collectives formed to defend specific interests. They are therefore bound to compete and conflict with one another. Civil society acts as a mechanism of resistance and activism to what is political, social and economic hegemony. Hegel concludes "Since conflict and competition are inherent in civil society, civil society needs the state that through the use of the law can mediate and normalize its functions, avoiding explosion" (Kasfir, 1998:7). Thus, in the Hegelian sense, civil society is in a dialectic relationship with the state.

For Gellner (1991:492), "the growth in citizens' associations represented the transition from medieval feudalism to a capitalist society." Thus, for both Hegel and Marx and perhaps even for Weber, it is an ensemble of free, equal and abstract individuals associating in the public sphere of production as opposed to the private sphere of the family. As Friedman (1990:16) puts it, for

Marx, “civil society was synonymous with bourgeois society.” The concept of civil society emerged in opposition to feudal relations where the public and the private spheres emerged. Birth and privileges determine statuses. In this scenario, politics is direct as, “The elements of civil life, for example, property, or the family, or the mode of labor [function] at the level of political life in the form of seignority, estates, and corporations” (Sayers 1991:75).

The Hegelian dialectic positions CSOs and their interactions in a symbiotic relationship with the state. Hegel argues, “The state comes into being because civil society is not self-sufficient, the state does for civil society what civil society cannot do for itself. This [relationship] exposes the reciprocal impact” (Wood, 1991:9). To Hegel, this relationship means that civil society is a means of strengthening the state and that it is desirable and inevitable that the state would co-opt and supersede civil society processes. Thus, according to the Marxist theory, it is a fallacy to think of state-CSOs interactions as aimed at promoting democracy, popular participation, and human rights. The interaction can promote anti-developmental and undemocratic tendencies. There is a tendency for some state-CSOs interactions to frustrate change and progress toward a more just and equitable society

2.2.3 Habermas’ theory

The third and more recent, intellectual line of thinking on civil society comes from the work of Jürgen Habermas. Habermas (1995) describes civil society as the breeding ground where individuals make demands before discussions take place in the public sphere. The state informed by civil society-state interactions translate the presented issues into policies and law-making norms. The state needs CSOs to articulate citizens’ concerns, a function which politicians alone

cannot manage. Habermas does not advocate for limited state power but rather with revitalizing it. Many scholars have applied Habermas' theory to public participation in decision-making. The theory points out that effective public participation takes place when all citizens through CSOs interact with the state influence policymaking. Communicative competence, which enables citizens to influence decision-making, is strengthened through education and access to information through CSOs. In line with this, Warren (2001:15) argues, "there is a link between associationism and the building of democracy. Associations and CSOs are effective in creating more responsive states."

Welber and Tuler (2000:8) maintain that for citizens to be regarded to have participated fairly in decision-making processes they must meet four conditions, "they must be able to attend (be present); initiate discourse (make statements); participate in the discussion (ask for clarification, challenge, answer and argue); and participate in decision making (resolve disagreements and bring about closure)." These conditions are only feasible when there are opportunities for CSOs to interact with the state. Warren (2001) further argues that state-civil interactions are at their best when both parties collaborate and pool resources together in communal projects. He, however, is quick to point out that CSOs have comparative advantages over state agencies since they operate under flexible and efficient systems outside government bureaucracy. Consequently, CSOs by being more connected to grassroots communities than government agencies are in a position to articulate citizens' sensitive issues and provide policy suggestions.

In the Habermasian tradition, civil society is the sphere in which a process of unconstrained communication takes place. Communication aimed not at influencing or gaining power but at

reaching an understanding with others on issues of common concern, takes place. Habermas' perspective advocates for an increase in the role of the state characterized by overconfidence in the regulatory capacities of both the state and the market. According to this view, CSOs need to limit themselves to exercising a vigilance function. Ultimately, government and the market should freely operate according to their logics as they are more efficient than the poorly structured organizations of civil society. As Levitt, (1973:34): "civil society/NGOs are a third sector made up of everything other than business and government. Thus, it cannot be reduced to an appendage of the state or the economy."

2.2.4 The African Perspectives

Some contributions worth considering in studying the interaction between civil society and the African Union is the African perspectives. The African perspectives lie between those who optimistically view civil society engagement as an act of democracy and those who skeptically view it as a Western idea imposed on the African continent. The original African sense of collaborations with civil society is associated with kinship ties, geographical proximity, religious ties, common beliefs, and ethnicity. As Ekeh (1998:13) notes, "the Western views of civil society are compromised in Africa by the failure of individuals to rise above kinship and ethnicity." Thus, in analysing African civil society engagements one must consider the realities, in which civil society is emerging, particularly its struggle to embrace diversity and complexity.

Some African analysts are a less optimistic about CSOs in Africa. They believe that CSOs in Africa lack a common identity and awareness of who they are. The analysts associate the idea of African CSOs with the dominance of Western political thought. In most cases, they claim that

most Western scholars who shower praises on African CSOs are not cognisant of the pluralism of state-civil society interactions in Africa. For Mamdani (1996:24), "civil society is an elite concept borrowed from Europe and never contextualized in the African scenario. It is an intellectual idea emanating from colonialism though it has the potential of benefiting both the rural and urban dwellers in Africa." He believes that peoples in Africa received the concept of CSOs and the need for interaction between CSOs, and governmental institutions without scrutiny in the developing world, and it, therefore, needs scrutiny. He further argues that the CSOs in Africa are not homogeneous and democratic as claimed. Thus, Mamdani urges scholars and development practitioners not to import the concepts of 'civil society' and 'engagements with civic actors' into Africa wholesale.

Habib (2004:10) argues that "CSOs in Africa are not autonomous (i.e. they depend on government, and their funding is not voluntary) as claimed by Western scholars. Different CSO actors penetrate the state in different ways and vice-versa." African CSOs often find themselves wittingly or unwittingly pushing the agendas of their governments or of those who fund them. Thus, African CSOs do not only engage in simple and straightforward relationships about development per se, but they often indulge in complex and controversial relationships with different actors in society. Donors and other Western countries may "bring in funds and consultants to shape civil society according to their agenda," (Muchie 2003: 71). Sturman & Colliers, (2003:5) go further to argue that, "the state itself mirrors the problems within civil society." On the other hand, Osaghae (1994:18) argues that, "civil society in Africa is not sufficiently developed to manage its affairs separate from the state patronage." Most scholars argue that strong states also have a vibrant civil society. For instance, Bratton (1989) argues that

"we can only understand the state if it is about CSOs and to the social-cultural context rather than in isolation from civil society." Keane (1998:27) also argues that,

> Civil society [is] regenerated by restoring a public spirit to national politics that goes beyond the state sphere. At the same time, it is worth noting that the predicament of civil society in industrialized liberal societies is vastly different from that of African countries tenuously moving from some authoritarian rule to democracy.

Many African scholars believe that CSOs' heavy dependence on donor funding increases their vulnerability to external pressures and agenda. Thus, state-CSO interactions have the potential to alienate the leadership from the concerns of their constituencies, and groups are advancing narrow, self-reserving interests instead of the public interest. For instance, Makumbe (1998:305) argues, "their source of funding compromises their legitimacy, representation, transparency, and accountability." Using a global comparative study of CSOs, Reissen (1999:6) argues that, "European CSOs cannot be autonomous when most of them receive almost 80% of their funding from government and the European Union." From such arguments, it is clear that CSOs, more so those in Africa are not autonomous and are largely compelled to maneuvre as directed by their funders. Thus, both African governments and the African Union are not wrong in their suspicion regarding what CSOs claim to be an independent development agenda. This study focuses on the dynamics around the CSOs and African Union interactions.

The concepts and theories discussed in this chapter are useful to achieve the research objectives. This study will use the liberal and Marxist theories, as well as draw from the African perspectives to both analyze the AU-CSOs interactions and determine the policy contributions of civil society to the AU. The liberal theory provides a base for the assessment of CSO policy

contributions and the value addition of their interaction with the AU while the Marxist theory will enable a critique of CSO virtues and mechanisms of engagement. The African perspectives help us to have a balanced and contextualized analysis of the AU-CSO interactions and policy implications. It suffices at this point, to say that since much of the framework for discussion emanates from Western thoughts, it does not easily translate or relate to the African context without difficulty. The notions of AU-civil society interaction are still subject to debate among African leaders, scholars, and citizens.

CHAPTER THREE: BACKGROUND

3.1 Introduction

This chapter gives a brief historical background to the configuration of AU-civil society interactions since the days of the Organization of African Unity (OAU) as a precursor of the AU and allows a more detailed discussion and analysis of the current collaboration. The AU, which replaced the OAU in 2002, has a legal framework, a defined scope of operation, as well as organs and departments set up in a way that seeks improvement on the basis of the experiences of the OAU, its predecessor. The chapter also briefly discusses how civil society through CSOs is seizing the invitation to engage the AU to influence the organization's decision-making and program implementation activities. According to the African Union 2004-7 Strategic Plan, the vision is, "to build an integrated Africa, a prosperous and peaceful Africa, driven by its citizens and representing a dynamic force in the international arena," (African Union, 2004:26).

At Africa level, a discourse on the involvement of civil society in the affairs of the continent's governance and development began in the colonial era and has evolved over time. Civil society groups were vital allies of nationalists in the struggle against colonialism, mostly prompted by the hardships associated with the colonial regime. As Olowu (2002:131) notes, "The nature and character of the imperialist state somehow conscietized the general populace of its shortcomings and lack of legitimacy." The anti-colonial sentiments of the time united both the politicians and ordinary citizens as they collectively used a combination of both passive resistance and violent protests. These took place at work places, in public institutions and even in the churches where the colonialists were keen to maintain their racial supremacy (Osaghae,2010). This collaboration

between politicians and citizens, which seems to have gone into a lull in the first two decades of the OAU, only got resuscitated in its last two decades. The birth of the AU seems to have added more inquisitiveness and debate on the nature and intensity that the interactions between the two should take.

3.1.2 The OAU and Civil Society Relations

In 1963, the OAU was established. The OAU was a product of compromises among African nationalists who wanted to form a supranational federal government on the continent and those who did not want to give up their newly-acquired sovereignty. Those who sought a loose association won the day (Makinda and Okumu, 2008). At the onset, the OAU's commitment to promoting interaction with CSOs was weak and vague. There were no defined mechanisms or space for engaging CSOs. The OAU charter spelled out the following guiding principles for the organization: absolute equality and sovereignty of African states; the right of each African state to exist and not to be annexed by another. It clearly stated that OAU membership was a matter of voluntary union of one state with another, and every member upheld non-interference in the domestic affairs of other African states and no state was to harbour dissidents from another state. It also emphasized intergovernmental relations and state sovereignty in negation of people solidarity and popular participation.

The OAU preamble indicates that the organization's formation failed to demonstrate a bottom-up approach to its vision and mission. It does not emphasize *the peoples* but the *leaders alone*. It states, "We, the Heads of African and Malagasy States and Governments assembled in the City

of Addis Ababa, Ethiopia..." (OAU Charter, 1963:1). This opening statement of the African Charter shows a deliberate neglect of the collective engagement of civil society when compared to charters such as that of the United Nations, which begin by saying, "We, the peoples of the United Nations determined..." (UN, 1945:1). The OAU preamble gives the impression that the ruling elites had taken over the overall guardianship of the people's struggle against colonialism. It also confirms the fact that there were no systems put in place to check the abuse of such power by the ruling elite classes. The problem of the ruling elites usurping complete control and ownership of the liberation movement and ruling by dictatorship without consulting their people were rife. Sadly, the advent of the OAU and the independence of some states en masse in the 1960s were somehow associated with a departure from popular will.

As Jackson (1986:19) notes, "most African leaders became preoccupied with consolidating their national power base and crushing any dissenting voices whether internally or externally." That in a way caused some of the leaders to be tyrannical and used state machinery to silence, persecute and even eliminate some of the civic leaders who had helped them ascend to power. They dumped previously-espoused notions of a people-centred development and peoples' solidarity. The OAU leaders failed to prioritize the importance of establishing a leadership based on a bottom-up approach, which takes care of people's sentiments for unity and empowerment. Ake (1988) notes that most ruling elites claimed to be speaking and acting on behalf of their people even when the people were not aware of what was taking place.Too much emphasis in the African Charter lay on what leaders instead of people could do to build a better continent. The ruling elites and not the masses became the major subject in the Charter (Cervenka, 1977).

OAU member states over-emphasized a lot the idea of supporting each other against the threats of neo-colonialism by safeguarding the sovereignty of the already independent states through the policy of non-interference in another's internal affairs. At the OAU, interaction with CSOs was minimal. The OAU granted observer status to some CSOs, for example the Organization for Africa Trade Unions Unity (OATUU), which represented workers' interest across the continent. In cases where observer status was not possible, the OAU entered into a memorandum of understanding (MoUs) with diverse CSOs for partnership and technical cooperation in various fields of work. As Mutasa (2008:292) notes, "In 1968, the OAU adopted observers' status criterion which was amended first in 1993. This criterion was further amended in 1996 creating some policy space for the CSOs within the OAU."

For an organization to get observer status, the OAU required it to prove that it was African in membership and leadership, and that its funding was entirely from African sources. The strict requirements can easily be associated with the fear of working with neo-colonial agents. The 1996 amendment changed the funding requirement from "wholly" financed to "mostly" because of the funding challenges faced by African CSOs. The OAU also required CSOs seeking accreditation to submit applications six months before its annual ministerial meetings that preceded the summit of heads of state and government (AFRODAD et al, 2007). The applications had to be accompanied by financial statements that were used to help the OAU officials assess the applicant's funding situation. Apart from these requirements, a CSO seeking accreditation also had to be continental, and five member states of the OAU had to agree to support its application for accreditation. The accreditation system categorized the CSOs into four

categories: A for government in exile; B: Intergovernmental organizations; C: NGOs; D: Labour unions and others (ibid).

The participation of CSOs in the OAU was indirect, as the African leaders did not welcome the idea of sitting with CSO representatives at the same table. CSOs could not report or follow up on OAU issues. Most of the OAU engagement with CSOs was done through the OAU secretariat or through lobbying the leaders or government officials in the corridors during summits. Within the thirty-nine years of the OAU's existence, some factors pushed the organization from just offering observer status towards integrating CSOs as an integral part of its policymaking processes. Among these was the pronouncement of resolutions such as the 1990 Charter on Popular Participation in Transition and Development (the Arusha Charter on Popular Participation), which recognized the need for African governments to include CSO participation in the process of defining development and governance policies. Consequently, more CSOs were invited to participate in the meetings and conferences convened by the OAU. The 1990 Abuja Treaty, which called for the establishment of an African Economic Community (AEC), also established the fundamental basis and framework for civil society inclusion and participation in African intergovernmental structures and development processes (Desta, 2013).

At the global level, problems associated with the economic failures of the post-colonial state, especially issues related to administrative inefficiency, mismanagement of resources and corruption, led to the coining of the term good governance. Countries in the Third World, especially those from Africa were notorious for failing both politically and economically due to bad governance (UNDP, 1997). With the notions of good governance came the role of civil

society as a government watchdog tasked with ensuring popular participation, accountability, and transparency in government's developmental programs.

The good governance project emphasized the need for governments to ensure that the voices of the poorest and the most vulnerable are heard in decision-making, especially over the allocation of development resources. With the concept of good governance came the dominance of the liberal theory emphasizing that the constipated post-colonial state should allow non-state actors to implement development programs in Africa (Diop, 1996). Since then, empowerment, people-centeredness, and popular participation began to emerge as a language within the OAU documents and development agenda. Such occurrences and proclamations began to prepare the OAU for a new dispensation in which individual rights and freedoms would be honoured.

In the 1990s, Africa witnessed the formation and proliferation of diverse civil society formations entering the development policy arena to address specific challenges of political and economic governance. The mushrooming of CSOs coincided with Africa's crisis of failed development, deepening poverty, food insecurity, war, and conflict. As Muchie (2003) notes, it became clear to some OAU leaders that the issues of development, democracy and citizens' rights were too important to be handled by governments alone. CSOs needed to chip in and help their governments find their feet in development.

3.1.3 The Road to the AU

In July 1999, members of the OAU Assembly that gathered in Algiers accepted an invitation extended to them by Colonel Gadhafi to have within a month's time a fourth extraordinary

Summit in Sirte (Nzomo, 2002). The extraordinary meeting agenda was precisely to review the OAU status and relevance vis-à-vis the waves of globalization and democracy sweeping across the globe. The Sirte summit was entitled 'Strengthening OAU capacity to enable it to meet the challenges of the new Millennium.'

The Summit declaration pointed to six specific issues that the OAU needed to move on quickly and to address (See OAU 35th Summit held in Algiers, 12-14 July 1999, Decision AHG/Dec. 140 (XXXV). First, there was a need to address the continent's needs in line with current developments in the global village. Second was the need to focus on how to satisfy the African people's desire for peace and regional integration through the implementation of an African Economic Community. Third was revitalizing the OAU to meet the popular expectations of African citizens. Fourth, was to consider what concerted efforts the OAU could exert to end conflicts on the continent. Fifth was how the continent of Africa could respond to the challenges of globalization. The sixth and last issue addressed the question of human and natural resource mobilization aimed at helping to better people's living standards. The Summit declaration paragraph 14 stated, "We encourage the participation and contribution of the civil society in our states to the efforts to bring about further democratization in our continent."

There was a realization that to meet the six basic issues identified by the Sirte Summit there was a need to transform the Organization of African Unity to the African Union. To make this possible, another summit was required to work on the action plans. With these developments, Dr. Salim Ahmed Salim, the OAU secretary-general, proposed a reform and renewal agenda to the sessions of the Council of Ministers and African leaders in Togo in July 2000 (Rufai, 2001).

At the Togo summit, the leaders adopted the Solemn Declaration of the Conference on Security, Stability, Development and Cooperation Solemn Declaration (CSSDCA). The CSSDCA provided for the views of civil society to be conveyed to the OAU summits once in two years via the CSSDCA within the secretariat. At the Lusaka Summit that followed, African leaders allowed for broader consultation and thus created more space for CSOs engagement.

The 2001 Lusaka Summit focused on drawing a road map of the route that the peoples of Africa and their leaders would travel to move from the OAU to the AU. Among the things that were prioritized at the Lusaka summit was the replacement of the African Charter by a new AU charter. In line with the vision of making the AU people-centred and driven, the leaders agreed to the creation of a civil society platform. This platform was later named the Economic, Social and Cultural Council (ECOSOCC), and was similar to the UN structure, but different in that it is exclusively meant for CSOs only with no government representatives provided for. The platform became a vehicle to get the AU leadership and secretariat to easily engage and collaborate with CSOs.

3.2 The AU Constitutive Act and Civil Society

After the heads of State and Government adopted the AU founding document, the Constitutive Act in 2000 in Lomé, Togo in 2001, the Constitutive Act became effective, and by July 2002, an AU inaugural summit had taken place in Durban, South Africa. The 2001 AU Constitutive Act defined nine institutions. These are the Assembly, the Executive Council, the Commission, Permanent Representatives Committee, Specialized Technical Committees, the Pan African Parliament, Economic Social and Cultural Council, the Court of Justice and three financial

institutions. It is worth noting that the African Union Constitutive Act borrowed from both the 1991 Abuja Treaty articles and the European Union model. Soderbaum (2005) argues that those who crafted the African Union Constitutive Act relied heavily on the European Union (EU) template. They even neglected, in some cases, the need to take into cognisance the historical, geographical and contextual differences that exist between Europe and Africa. The Libyan President Gaddafi, one of the AU architects openly admitted that he drew a lot of inspiration for the African Union from the EU experience (Nevin, 2001). A comparison of the EU and AU structures reveals the similarities.

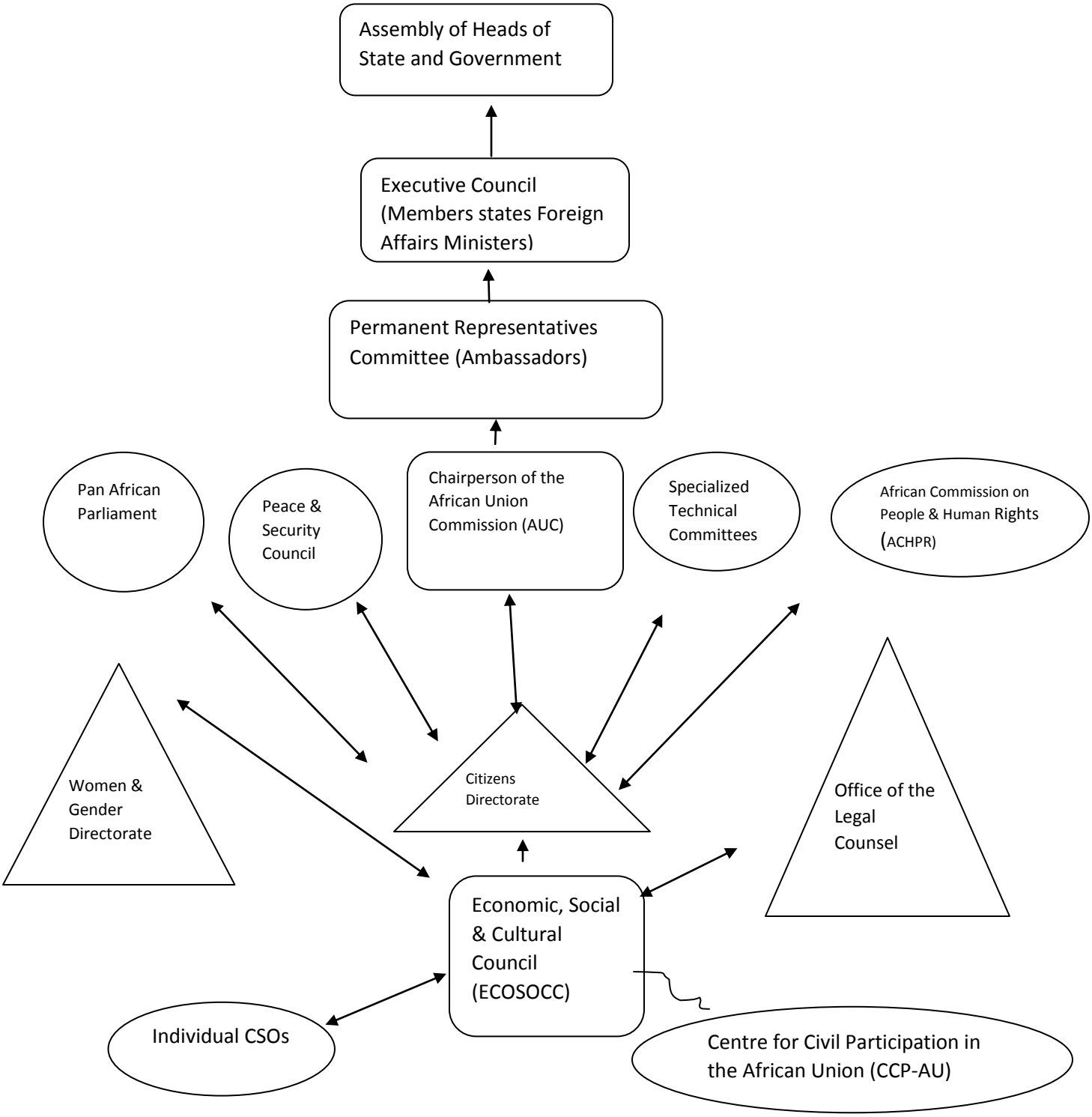
According to Adebayo (2012), many of the institutions of the AU were modelled specifically on the EU. The rationale for this was to try and replicate the idea of having a bottom-up approach to the idea of regional integration and economic development. Citizen participation and institutionalization of CSO involvement was basic for the drafters. Some of the AU structures, especially the Commission and the Council even borrowed their names directly from the EU. The other AU key organs with some similarity to the EU include the Assembly, which is similar to the European Council, the AU Executive Council is similar to the EU Council of Ministers, and the AU Permanent Representatives Committee (PRC) is similar to the Committee of Permanent Representatives (COREPER). The imitation of the EU Economic Commission and Social Council is the AU Economic Social and Cultural Council (ECOSOCC). Other AU- organs similar to EU organs are the Pan-African Parliament (PAP), and the African Commission on Human and People's Rights (ACHPR). Both the EU and the AU seek to use regional integration as a tool to raise their international profiles, promote economic growth and promote solidarity among their peoples and their countries.

Although the AU architecture is similar to that of the EU, the AU inclusion of civil society in its business is not as well-spelt-out and documented as that of the EU. The EU is very explicit on its vision regarding CSOs inclusion in its programs, citizens' consultations and dialogue as put in its 2001 White Paper on European Governance**.** The EU's commitment to participatory democracy from below is contained in several documents and is very specific on the procedures and criteria for CSO engagement. An appeal process is available for those CSOs denied accreditation by the EU secretariat. Besides engaging with CSOs, the EU unlike the AU often conducts referendums with all its citizens as a way of soliciting public opinion on some crucial national and regional issues. Examples of such a provision are the referenda held in different European capitals for citizens to decide if they wanted to adopt the Euro as their regional currency. The African Union leaders seem to lack both the political will and capacity to conduct such referendums. Suffice to note that in the AU architecture, there is at least on paper, some expression of political will to engage ordinary citizens, though the criteria and procedures remain complicated and not easily understood.

3.2.1 The AU Framework for Civil Society Engagement

Figure 1 below presents the relationships and flow of communication between citizens' organizations /individuals and the various African Union organs. These are discussed in detail in the sections below. The figure also illustrates the relationship between the CSOs and AU organs with connotations for making the AU a people-centered and driven continental body.

Figure 1: Key AU institutions for Civil Society Engagement



Source: Author

At the apex of the AU is the Assembly, which is made up of Heads of State and Government from all member states. These have the final say on whatever CSOs are proposing. As per Article 6 of the Constitutive Act, the Assembly meets at least twice annually in ordinary sessions but may convene extraordinary sessions to deal with emergencies. The assembly's responsibilities include forging common positions of the AU, and determining which stakeholders the AU should engage. It also monitors the implementation of its decisions, issuing directives and regulations to the Executive Council, ensuring oversight of the Union; establishing new organs and setting limits to what AU staff can do with stakeholders, including CSOs.

The AU Constitutive Act Article 9 (2) stipulates, "The Assembly may delegate its powers and functions to any organ of the Union.". Below the Assembly is the Executive Council, which is made up of ministers of Foreign Affairs, and is responsible to the Assembly. The Permanent Representatives Committee (PRC) is the member states' ambassadors to the AU charged with preparing for the work of the Executive Council. Procedurally, issues emanating from the CSOs and all organs of the AU for the Assembly's attention pass through the PRC before going to the Executive Council that presents them to the Heads of State and Government. Makinda and Okumu (2008) argue that the only institutions that CSOs may use which go straight to the Executive Council bypassing the PRC are the Specialized Technical Committees (STCs) and the Pan-African Parliament (PAP). Both STCs and PAP give CSOs an opportunity to influence the agenda of the Executive Council.

3.2.1 Specialized Technical Committees and CSOs Linkages

One of the mechanisms believed to make the AU people-centred has CSOs work with the Specialized Technical Committees (STCs) to address sectoral issues. Given the work of CSOs and the issues they engage in, and their constituencies, the AU expects them to add value to the work of sectoral committees. The STCs are made up of senior officials or ministers, who have technical competence in specific thematic areas.

The African Union has seven STCs, which handle the preparation of projects and programs for the attention of its Executive Council. Each Commission works with an STC. The committees are: Committee on Rural Economy and Agricultural Matters; Committee on Monetary and Financial Affairs;Committee on Trade, Customs and Immigration Matters; Committee on Industry, Science and Technology; Committee on Energy, Natural Resources and Environment; Committee on Transport, Communications and Tourism; Committee on Health, Labour and Social Affairs; and Committee on Education, Culture and Human Resources (Harsch, 2001).

3.2.2 The Pan African Parliament (PAP) and Civil Society.

The AU Constitutive Act, Article 17 and the Pan African Parliament Strategic Plans are very precise on the institution's desire to engage and collaborate with CSOs in holding the AU and member states accountable to their citizens. The PAP's select committees, especially the public accounts committee seem to have benefited a lot from their collaboration with research institutions and think tank CSOs like AFRODAD (Africa Monitor, 2012). AFRODAD through its Debt Management and Economic Governance project managed to bring together PAP parliamentarians and civil society activists. It trained both legislators and CSOs in economic

literacy and improved their documentation and profiling of domestic debt (See AFRODAD Annual Reports, 2012, 2013 and 2014).

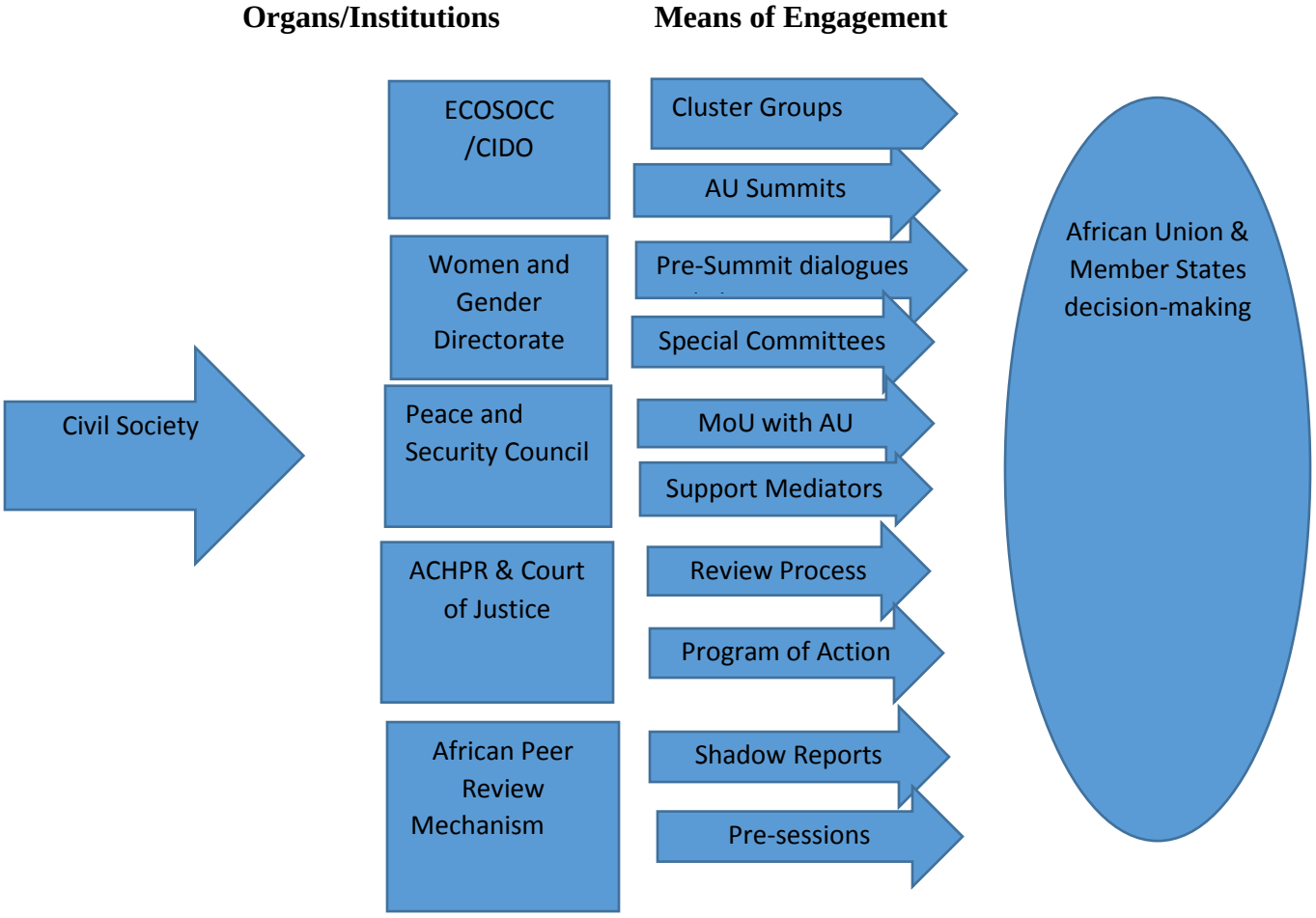
The AU launched the PAP in 2004 and Ms. Gertrude Mongella of Tanzania, was elected as its first president. The PAP is composed of 265 parliamentarians representing the peoples of Africa elected from the national parliaments of all AU member states. The PAP is "a common platform for African peoples and their grassroots organizations to be more involved in discussions and decision-making on the problems and challenges facing the continent." (PAP Protocol Article 3). Apart from ensuring accountability and transparency within the AU and member states, the PAP was established to ensure full participation of the African peoples in the economic development and integration of the continent" (Protocol to the Treaty establishing the African Economic Community, AU Document: CM2198 (LXXIII).

Though created to exercise legislative authority over the continent, like the ECOSOCC, the PAP is still playing both an advisory and consultative role. The "PAP has not yet assumed its legislative role as the modalities of ensuring that its members are elected by universal suffrage across the continent rather than appointed from national parliaments is still work in progress" (Vijoen, 2012:173). Each country that signed and ratified the protocol is entitled to five Parliamentary deputies' seats, and, at least one for a woman. CSOs have a window of opportunity in PAP as it can help them with popularizing the AU at the national level through awareness campaigns and information dissemination. Most CSOs engage various committees of the PAP and participate in its opening sessions.

3.3. The AU-Civil Society Interactions

The AU directly engages CSOs mostly through its secretariat, the African Union Commission, its organs, and departments (see Figure 2 below). The most important five organs for direct AU-CSOs interactions are the Economic Social and Cultural Council (ECOSOCC), the Peace and Security Council (PSC), the African Commission on Human and People's Rights (ACHPR), Women and Gender Directorate, and the New Partnership for African Development (NEPAD). NEPAD is popular with CSOs because of its Africa Peer Review Mechanism (APRM) emphasis on good governance and civil society participation in national affairs. The AU's mandate is dissimilar and more wide-ranging when compared to that of its precursor, the OAU.

Figure 2: Framework for Civil Society interaction with the African Union



Source: Adapted from African Union Commission Pamphlets

Given the centrality of each of the five organs identified in Figure 2 above, the following sections of this chapter will discuss each of them regarding its structure, mandate and interaction with CSOs. Primarily, it is important to note that the main medium for civil society participation in the AU is the ECOSOCC. According to Landsberg and Mackay (2005:9), the ECOSOCC is "A vehicle through which the aspirations of African peoples are met, and the self-understanding, capacities and confidence of African civil society are built and sustained". Nevertheless, it also worth mentioning that CSOs have largely utilized both the ECOSOCC and the other four mediums for popular participation to access the AU and put forward their demands.

3.4 ECOSOCC

The establishment of the ECOSOCC in 2005 was the first practical step taken by the OAU/AU to afford space for civic actors within the continental body's policy-making machinery. For that reason, the ECOSOCC brought in a sense of optimism across the diverse segments of civil society that a channel through which they can give policy advice to their African leaders was now available. Thus, the ECOSOCC is one of the key AU institutions that give it a people-centred and people-driven face and in so doing distinguish, from its predecessor, the state-led and driven OAU. In the AU era, the meaning attached to civil society is somewhat linked to the processes of democratic governance, people's rights and popular participation (Lloyd and Murray,2004). This dispensation is a complete departure from the OAU's self-preservation of both the African rulers and their states in the name of national sovereignty.

Unlike its predecessor, the OAU, the AU has a much broader set of objectives, including, popular participation, conflict resolution, economic progress and competitiveness, democratic principles and institutions. Some CSO leaders feel that the AU was better than the OAU due to these broad objectives. As one CSO activist observes,

> The AU offers a better platform for CSOs than its predecessor. CSOs must collaborate with the regional body in many fronts, using the openings that exist to contribute to its decision-making processes and advocate for people-friendly policies (Afrimap, 2010:2)

As already noted, the 2000 Lusaka Summit underscored the relevance and importance of engaging the different segments of CSOs in the OAU/AU regional integration agenda, policy formulation and implementation (AU Document: AHG Dec. 160 (XXXII)). It also stressed the need to move with the necessary speed and caution in establishing the ECOSOCC, which, it was agreed, would be the main organ for CSOs engagement with the AU. In line with this, Mr. Amara Essy, the interim Chairperson of the AU during its transitional phase from OAU (1999-2001), was issued with a further directive to consult with CSOs and regional experts. He was expected to produce a strategic document for the 2003 AU Maputo Summit deliberations on how the AU will engage CSOs (World Vision, 2007). The Strategic document was also called the ECOSOCC Statutes (see Appendix B). Due to the need for extensive consultations within the CSOs sector, the strategic document was only ready at the end of 2004. The AU launched the ECOSOCC in March 2005 in Addis Abba, Ethiopia after the completion of the ECOSOCC Statues, and the Code of Ethics.

The 2005 ECOSOCC launch preceded the inauguration of an interim leadership. The first ECOSOCC was interim in the sense that all its national and regional structures were still to be

set up. The Interim ECOSOCC was to last until 2007 and had a special task of putting up the substantive ECOSOCC structures at all levels including operationalizing the sectoral clusters. However, the tenure of the interim ECOSOCC did spill into 2008. The Nobel Laureate, Professor Wangari Maathai from the East Africa region, headed the Interim ECOSOCC bureau. Four officers representing the other four regions deputized her. The Interim ECOSOCC Assembly paved the way for the establishment of the first permanent assembly in September 2008.

In 2008, the former AU Chairperson, His Excellency President Kikwete presided over the election of a substantive Bureau of ECOSSOCC. The election ushered in a new bureau headed by a new Presiding Officer, Mr. Akere Muna, a Cameroonian lawyer. The deputy presiding officers were Mr. Hassan Sunmonu (West Africa Region), Dr. Karadja Fatima (North Africa) and Ms. Assetou Koite (Central Africa). Unlike the first Bureau, the second Bureau failed to maintain a regional representation as East and Southern Africa were unrepresented by the end of the election process. Later on, two Bureau members from the ECOSOCC Assembly filled in the vacant spaces for their regions (OSISA and Oxfam GB, 2009). On 22 December 2014, the second substantive ECOSOCC bureau was elected into office, led by Mr. Joseph Chilengi of the Africa Internally Displaced Persons Voice of Zambia, as its Presiding Officer.

3.4.2 The Legal Provisions and Role of ECOSOCC

The Constitutive Act of the African Union defines the following as the organization's key objectives:

> Promote democratic principles and institutions, popular participation, and good governance; …Promote and protect human and peoples' rights by the African Charter on Human and Peoples' Rights and other relevant human rights instruments [African Union Constitutive Act, 2000: Article 3(g) and 3(h)].

Tied to this, Article 22 of the same Act defines the ECOSOCC as an advisory organ created for civil society participation in the policy-making and program implementation. It specifies the procedure and criteria for membership of the ECOSOCC, term of office, its composition, formation; and objectives. It also spells out the relationship between the ECOSOCC and African regional non-governmental organizations and professionals (See Statues of the ECOSOCC in Appendix C).

Based upon the AU architecture, it appears that the ECOSOCC is a confirmation that the AU takes seriously the role of CSOs in broadening and depending sustainable human-centered development for the AU's success. For instance, Mutasa (2008) stresses that the overall aim of the ECOSOCC is not to be a panacea to all ills. It is a means through which the CSOs influence AU policies and programmes, though much progress is still to be realized. Including CSOs in AU structures through the ECOSOCC demonstrates in principle, the transformation of relationships, a departure from a past of hostility between OAU member states and African CSOs. One of the ECOSOCC Vice-Presidents argues that, " although some states still view CSOs with suspicion, the ECOSOCC becomes a platform to build relations that help enhance democracy, development and people's rights." (Interview with Hassan Sonmuna, Secretary General of Organization of African Trade Unions Unity (OATUU) interviewed on 19th April 2013). Thus, the ECOSOCC has opened up the AU public sphere. ECOSOCC- AU relations provide a lens through which the AU's people-centeredness and the inclusion of the people is assessed. Apart from having the political will, a new mindset and resources are required of the AU leaders to broaden ownership of the continental development agenda through drumming the support of African people through organized CSOs.

According to the African Citizens Directorate (CIDO) Director, the idea behind the ECOSOCC is that the active engagement of the CSOs with the AU will help influence continental policymaking, and also reinforce it and share insights. Chief among the ECOSOCC's roles and responsibilities are policy advice, playing a monitoring and oversight role over AU activities and policy implementation. Other roles include building bridges between estranged member states and their CSOs. It is also the ECOSOCC's responsibility to promote dialogue among African peoples from all lifestyles, and also work for the inclusion and capacity-building of the marginalized grassroots groups, community-based and faith-based groups. The advisory role implies that the ECOSOCC has an opportunity be heard and listened to by the AU leaders when it tables its ideas and proposals. Like all other advisors, the AU leaders retain the right to discard some of the ideas but only after consideration (Interview with Jinmi Adisa, CIDO Director, 30 June 2013).

3.4.3 **The Composition of the ECOSOCC and the Election of Members**

According to the ECOSOCC Statutes' Article 4, the ECOSOCC assembly should have 150 members selected from all the AU member states and those from the Diaspora. The first 10 members are representatives of CSOs with a continental coverage (that is, covering the five geographical regions of North, Central, East, Southern and West Africa). CSOs such as the Organization of Africa Trade Union Unity (OATUU) fit into this category since they have members in almost every country. The second category is for eight CSOs operating at regional level in one or more of the five regions above. The third category is for 106 members composed of two national CSO representatives from each of the 54-member states, elected by CSOs from

that country. The third category is for 20 CSO members elected from the African diaspora as defined by the Executive Council. The fourth and last category is for six ex-officio CSO representatives nominated by the AUC based on undefined special considerations.

The election of these 150 members into the ECOSOCC should take care of equal representation of youths, women and the disabled among other criteria. For elected positions, there must be 50% gender equality and 50% of the CSOs elected must be between the ages of 15 and 35years. CSOs themselves shall define the modalities for elections and procedures of operation (Stefiszyn, 2005). The term of office for each CSO in the ECOSOCC Assembly is four years with one chance for re-election. The ECOSOCC is among other things, expected to influence and evaluate AU programme implementation, undertake studies and give research-based recommendations on specific AU development and governance issues. The idea is to establish a people-centred community of practice between AU leadership and citizenry, especially women and youths.

The ECOSOCC has four key structures/hierarchy of authority. The highest decision and policymaking structure of the ECOSOCC is the General Assembly, which is composed of all its 150 members. The assembly approves all activities, committees, membership and budgetary issues. Below the assembly is the five-member Bureau. The Bureau prepares reports to the AU General Assembly and convenes all ECOSOCC meetings. Beneath the Bureau is the Standing Committee composed of 18 members (with three representatives from each region of Africa's geographical regions and three from the diaspora) mandated to coordinate ECOSOCC activities. The Standing Committee plays a key role in coordinating between the assembly sessions. Each

member of the Standing Committee has a two-year term, non-renewable (see ECOSOCC Statutes).

The fourth ECOSOCC structure is the 10-member Sectoral Cluster Committee that is key to the operations and contributions of the ECOSOCC within the AU. It formulates opinions and provides inputs into AU Special Technical Committees (Sturman and Cilliers, 2003). Each member of the ECOSOCC is attached to a Sectoral Cluster Committee in accordance with one's area of expertise, that is, peace and security; political affairs; social affairs and health; human resources, science and technology; trade and industry, rural economy and agriculture; economic affairs, women and gender, or crosscutting programmes such as NEPAD, HIV and AIDS. The organization of the Sectoral Cluster Committees reflects the AU's Specialized Technical Committees. The fifth and last structure of the ECOSOCC is the five-member Credentials Committee, which handles matters relating to the eligibility of CSO representatives to contest elections also examines the credentials for general membership (ECOSOCC Statutes Article 8). Focus group discussions carried out by the researcher with CSO representatives indicate that the role of the Credential Committee was abused by CIDO. In the past, CIDO used this committte to rule out organizations it perceived as 'enemies' or that it regarded as being too radical to cooperate with it (see AFRODAD et al, 2007).

Based upon the OAU experiences, the AU institutional architecture did make provision for CSOs participation. The AU leadership agreed that besides using the ECOSOCC as the major entry point for citizens' engagements, CSOs can also apply for observer status with the AU Commission. They can also sign memorandums of understanding (MOUs) with various AU

organs to provide technical assistance or engage in any form of value addition to the continent. Thus, through the ECOSOCC or their MOUs, CSOs have access to AU Commissions, conferences, seminars, and the open sessions of the Summit. They may also participate in some of the Summmit's closed sessions relevant to their area of expertise. In addition to this, through technical co- operations, other AU directorates and departments may also forward the names of selected organizations to be accredited as observers (See OSISA and Oxfam GB, 2009). To this end, some platforms for civil society participation in the African Union were created through legal instruments and protocols of the African Union.

With the 2005 advent of the ECOSOCC, the Citizens Directory (CIDO) was created within the Office of the AUC chairperson and was entrusted with the role of being its secretariat. The ECOSOCC does not have a secretariat outside the African Union structures. The idea of what is now CIDO began with the establishment of a civil society desk in 2000 under the OAU's Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) unit. This CSO desk was one of the last attempts by the OAU before its demise to depict its official recognition of citizen participation (AU Document: AHG/Dec.175 (XXXVIII)). On the other hand, for the AU, CIDO's existence symbolically means that the AU Commission is more open to African citizens than the OAU Secretariat. Thus, with the birth of the AU, the CCSDCA civil society desk was in late 2005 upgraded to a full Directorate (i.e. CIDO) charged with incubating the ECOSOCC. CIDO is therefore an AU organ, led by AUC officials responsible for citizens' engagement while ECOSOCC is an AU civil society-led mechanism working under CIDO.

One way that CSOs engage the African Union is through pre-AU Summit conferences. At pre-summits, CSOs meet some few days before the AU summit, to discuss AU issues in line with the summit theme and the outcome feeds into the Summit talks. Each pre-Summit normally results in the issuing of the CSOs communique or position statements. After their pre-Summit meetings, CSOs often do advocacy and lobbying in the corridors of the Summits using their research publications, and international media outlets and campaign platforms as a means to convey their messages to African leaders. Pre-summit meetings are supposed to attract citizen participation bearing in mind regional balance, gender equity, sectoral representation, the CSOs' history with the OAU/AU, the theme of the Summit and the CSOs' relevance to the upcoming summit theme. This means that for every summit, CIDO ought to invite different individuals representing different CSOs across the continent to attend the pre-summit.

3.5 AU-CSOs Interactions on Gender Issues

The promotion of gender equality is one of the principles of the AU (see Constitutive Act Article 4 (1)). The AU Assembly and the AUC have both adopted the gender parity principle in their composition. The AU also established an Africa Trust Fund for Women. A civil society research report on the AU by AFRODAD, Oxfam & AFRIMAP (2007) claims that the AU Women Gender and Development Directorate (AU WGDD) is an example of excellent collaboration between CSOs and AU directorates. Two ECOSOCC women organizations, the African Women's Development and Communication Network (FEMNET) and Femmes Africa Solidarite (FAS) are famous for playing strategic and leading roles in lobbying the AU on the issues of gender equality.

In partnership with the AU WGDD, women civil society organizations have been able to launch successful campaigns. This includes the "Gender is My Agenda Campaign" (GIMAC) launched together with the Social Affairs department and is spearheading the Campaign on Accelerated Reduction of Maternal Mortality in Africa (ARMMA). More importantly, before ECOSOCC, women organizations have worked with AU WGDD for the adoption of the AU Gender policy and managed to push for the 2004 AU Solemn Declaration on Gender Equality in Africa (Byanyima, 2008). The 2004 declaration was important in that through it the AU acknowledges the precedents set by UN conventions and resolutions on gender equality and women's development issues. The declaration seeks to address issues of women victimization and the use of rape as a weapon of war during conflicts in Africa. It also advocates for women's effective participation and representation in conflict resolutions and peace negotiations.

In October 2010, women's organizations in collaboration with AU WGDD launched the African Women's Decade, which is 2010-2020. The AU declared the decade key for gender equality and women's empowerment in Africa through access to agricultural inputs, food security and markets. The declaration seeks to motivate AU member states to design national policies and programmes aimed at addressing challenges about women's productive and reproductive roles. All these initiatives have helped raise public and government awareness of gender issues and especially their inclusion in the national development agenda of member states. Another remarkable achievement of women organizations across the continent is their ability to come together under the Solidarity for African Women's Rights (SOAWR) Coalition. The SOAWR is currently leading a massive campaign for the signing, ratification, domestication and full

implementation of the Maputo Protocol (The African Charter on Human and People's Rights of Women in Africa).

Nevertheless, the African women's movement has not been without its challenges in engaging the AU. The biggest challenge is that women's representation in policy-making positions both at the AU and in member states remains unsatisfactory when compared to their contribution to the continent's economic development (FEMNET, 2012). With the worsening global financial crises since 2008, some of the gains of the past were lost through the impoverishment and marginalization of rural women. For FEMNET, problems of entrenched patriarchal traditions and practices such as genital mutilation, early marriages, inheritance of widows, hostility towards gay marriages and denial of property rights continue to haunt the continent (ibid). It is worth noting that CSOs' gender equality campaigns at the AU have always raised debate among African leaders. Many leaders question whether observing these rights imply adopting Western cultures and abandoning traditional practices deemed oppressive to women. These challenges also raise controversies regarding the universality of women and human rights. Most African leaders argue that rights are not universal but context specific.

3.6. The Peace and Security Council (PSC) and Civil Society

Another important AU organ for civil society-AU collaboration is the Peace and Security Council. The Peace and Security Council (PSC) is the AU organ responsible for ensuring peace, stability and security among its member states. A 2012 audit of the ECOSOCC by Prof Adebayo Adejeji and team, indicates that, CSO engagement with the AU via thematic cluster groups

seems to have done well in the area of peace and security (AU, 2012). A core principle of the AU includes a commitment to the "peaceful resolution of conflicts" and "the peaceful co-existence of Member States and their right to live in peace and harmony" (see African Union, Constitutive Act, Article 4 (e) and (i)). The AU Protocol that established the Peace and Security Council emphasizes African leadership and ownership in its activities. Article 20 reads:

> The Peace and Security Council shall encourage non-governmental organizations, community-based and other civil society organizations, particularly women's organizations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required, such organizations address the Peace and Security Council.

In a specific crisis, the PSC can convene a formal consultation or open session and invite CSOs with specific competence and expertise on the matters at hand to take part in their deliberations for a set period of time (Interview with Jalal Abdel-Latif of ECA Civil Society and Post-Conflict Section on 23 November 2013). This enables members of the PSC to dialogue, debate, and engage with CSO experts on specific issues and this would enhance their information and knowledge of particular situations, and thus provide them with a basis upon which to make their decisions on how to respond. Following these meetings, the PSC would then meet in closed session to make decisions based on the discussions that it had in the earlier sessions.

Thus, although the AU and its regional economic communities (RECs) have become renowned with conflict resolution, they have in one way or the other fallen short of the technical know-how and resources to fully implement envisaged peace and security programs. In order to complement the official processes, CSOs come in under Track II diplomacy. Saunders (1999) defines Track II diplomacy as those efforts done by unofficial delegates, especially CSOs to end conflict and sustain peace, while Track I is the official peace-making process efforts by governments,

politicians and military elites. Paffenholz (2012) argues that given their flexibility and independence CSOs have a comparative advantage over governments in guaranteeing success and sustainability in the areas of conflict management, peacemaking, peace building and post-conflict reconstruction.

In line with Track II diplomacy, the New Partnership for Africa's Development (NEPAD)'s African Post-Conflict Reconstruction Policy Framework gives African CSOs plenty of opportunities to engage in the continent's peace and security matters. Opportunities vary from providing early warning signs of conflict to post-conflict reconstruction programmes such as provision of humanitarian assistance, relief and rehabilitation of infrastructure (NEPAD Secretariat, 2001). For instance, CSOs warned the AU of the impending political crisis in South Sudan in 2013 following disagreements between the president and the vice-president. In between, these programs are the research, policy advocacy, mediation support and dialogue facilitation activities. NEPAD recognizes the CSO development policy and capabilities as involving being able to reach out, build trust and confidence among grassroots communities that politicians are unable to reach out to (ibid). Through NEPAD, the AU leaders recognize the role and capacity of CSOs in development policy, in sustaining fragile peace processes and recovery programs.

3.6.1 Peace and Security Council-CSOs Partnership Framework

The 2008 Peace and Security Council retreat, held in Livingstone, Zambia between CSOs and the PSC discussed key modalities for the interaction of civil society and the PSC. The retreat came up with a mechanism known as the 'Livingstone Formula'- a name derived from the

meeting place in the town of Livingstone. The Livingstone Formula recommended that the interaction of the CSOs with the PSC should among other things be a way in which the CSOs give technical support and feed into the African Union decision-making processes in the area of peace and security (AU Document: PSC/PR/(CLX), 5 December 2008). The Livingstone Formula also stipulated criteria to be satisfied and spelt out the conditions for CSOs to gain eligibility and membership of the PSC.

For membership eligibility, the Livingstone Formula adopted Article 6 of the ECOSOCC Statutes, which requires CSOs intending to work with the PSC to be a registered CSO in an AU member state. Eligible CSOs are required to be in support of the objectives and principles of the AU, which include the exercise of impartiality in tackling peace and security matters in the continent (AU PSC Rules of Procedure, Rules 21 and 22). The Livingstone retreat resolved that the PSC would hold annual meetings with the ECOSOCC aimed at discussing current specific peace and security concerns for both the CSOs and the AU. The retreat also identified the following eight areas that CSOs can contribute towards the promotion of peace in Africa: an early warning system, provision of technical support, peacekeeping and mediation, training, advocacy/publicity of PSC decisions, monitoring and assessment of peace agreements, humanitarian support and post-conflict reconstruction (AU Document: PSC/PR/(CLX), 5 December 2008:D).

The Livingstone Formula recognized the fact that the role of African CSOs in peace and security matters within AU member states or regions varies according to historical, political and cultural differences. However, the Livingstone Formula did not work very well for most CSOs as the

ECOSOCC cluster entrusted to lead and follow up peace issues failed to organize itself and contribute accordingly. Some CSOs have developed conflict-prevention experience given the longest protracted civil wars and intra-state civil strife that characterized their region (Engel, 2012).

3.6.2 PSC-CSOs Engagements in Peace Building

CSOs through the promotion of early warning systems have led mediations, post-conflict peacebuilding, reconciliation and the establishment of truth commissions. For instance, the West Africa Network for Peacebuilding (WANEP) is famous for assisting ECOWAS, one of the AU regional economic communities in conflict monitoring. WANEP uses national network members that are grassroots based across West Africa, that is, Burkina Faso, Benin, Cote D'Ivoire, Cape Verde, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and The Gambia (Ayisi and Sall, 2005). The networks help inform ECOWAS on potential conflicts in the region, enhance the local culture of peace, create conflict prevention networks and mechanisms. In West Africa WANEP hosted an AU ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials.

According to Aderinmwale (2013), CSOs led a massive campaign that included advocacy activities against the proliferation of small and light weapons in the region. CSO activities helped to curb the proliferation of light weapons since they enjoyed the respect and confidence of the communities. Governments in the region looked up to the CSOs to raise awareness on the nature and extent of the threats posed. Consequently, the CSOs managed this, proved that they were

aware of community needs, and could easily convince them to give up arms. The AU has also called upon WANEP to assist communities in West Africa with practical training on arms control and disarmament (ibid).

In line with the Livingstone Formula, some civil society groups affiliated to ECOSOCC have been working together with the PSC both at AU level and at member-state level. For instance, between 2008 and 2012, Kenyan CSOs exerted pressure on the politicians to have a new democratic constitution that would usher free and fair elections that are violence free. The role of CSOs in keeping peace in Kenya has involved carrying out demonstrations, civic education campaigns and media communication against politically-motivated violence. They challlenged unconstitutional and security-threatening decisions taken by either the inclusive government's executive or parliament (ISS, Peace and Security Council Report, Issue 43, February 2013:5). The CSOs' "No Reform, No Vote" campaigns managed to drive Kenya through some political, legal and economic reforms that contributed to averting conflict and ensured security, stability and peace.

According to one of the ECOSOCC Bureau members, "Since the formation of the AU, democracy, especially the respect for human rights and the stability of constitutionally elected governments improved, though the pace of change has been slow and some problems still exist in some quarters." (Interview with Hassan Sunmonu, Secretary General of Organization of African Trade Union Unity (OATUU), 29th January 2014). Figure 3 shows that the number of coup d'états declined inside a decade after the birth of the AU. This success is an outcome of the combined efforts of the AU and CSOs. One regional CSO network prominent for its active

engagement with the AU is the African Centre for the Constructive Resolution of Disputes (ACCORD).

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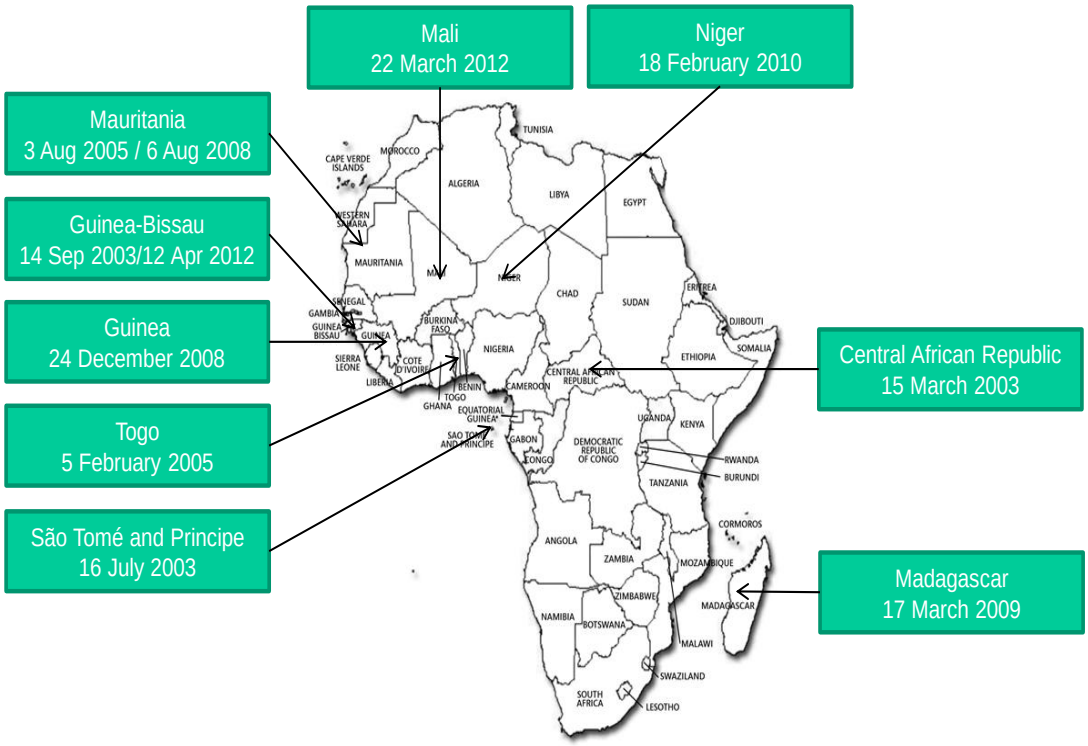
Fig 3: Coups d'etat 2003-2012 (N = 11)



Source: (2012) *Ulf Engel, ed., New Mediation Practices in African Conflicts (Leipzig: Leipziger Universitätsverlag,).*

The case of ACCORD illustrates how a CSO has managed to ride at the back of an AU member state (South Africa's Foreign Affairs links) and used that as an opportunity to reach out to other AU member states as well as engage the AU itself at the continental level. ACCORD stands out as one of the CSOs that has in the past two decades established itself as a peace-making organization liaising with both the political elites and the general citizenry". Its mission is to

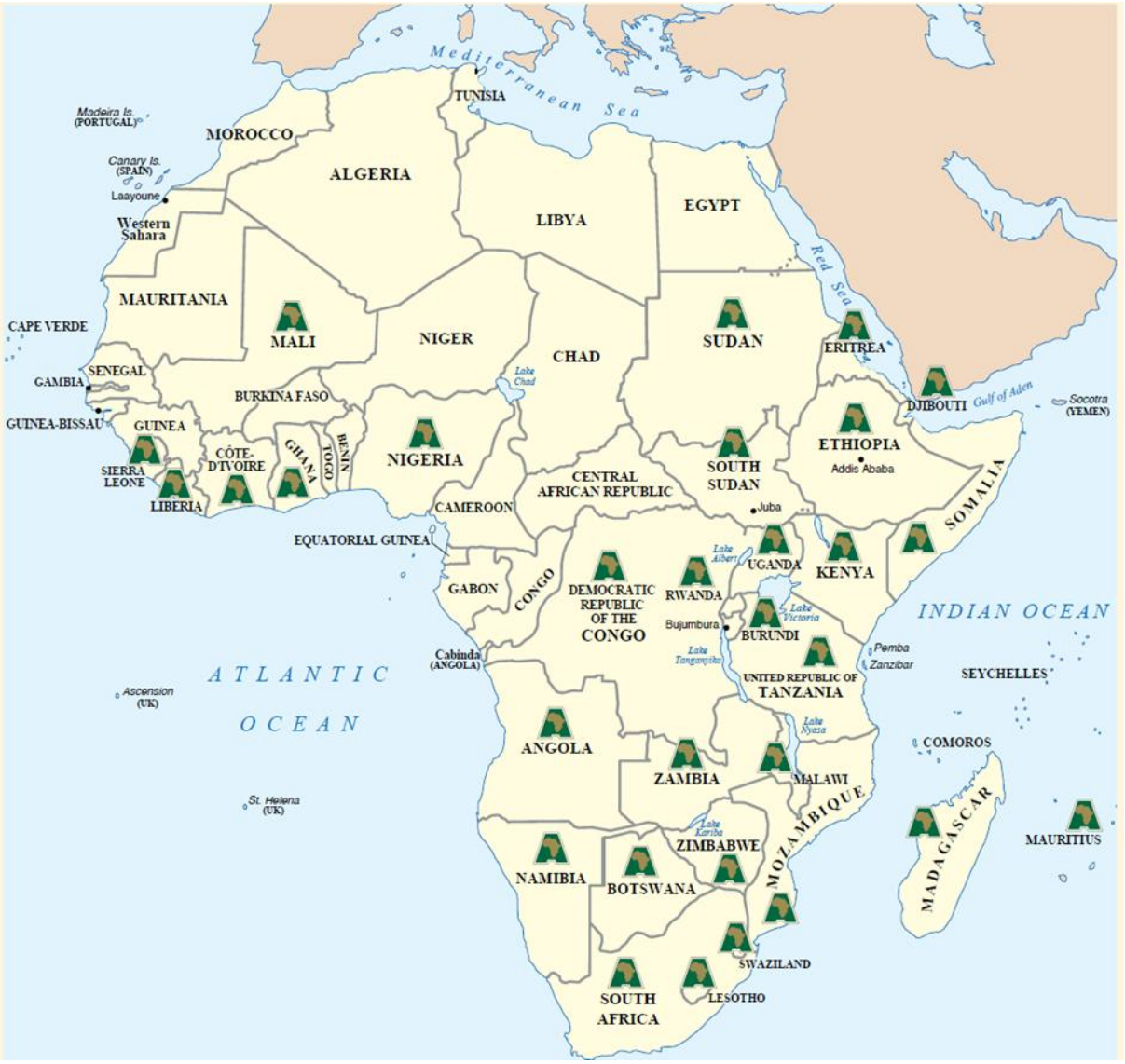
encourage and promote the constructive resolution of disputes among the peoples of Africa and so assist in achieving political stability, economic recovery and peaceful co-existence within just and democratic societies (Gounden, 2012:1).

ACCORD's work has contributed to peace building in some AU member states such as Angola, Burundi, Liberia, Mozambique, Somalia and Sierra Leone. ACCORD has worked with the OAU/AU since 1993 in designing peace-making structures (ACCORD, 2007). ACCORD, which was established in 1992, is through experimental learning and innovation to train peacemakers and promote reflection on interventionist strategies for the peaceful resolution of conflicts in Africa. Figure 4 below shows the areas covered by ACCORD's peace and mediation efforts across Africa. Of the 54 AU member states, 30 of them have ACCORD offices present in their countries including the 2012-2013 hotspots of Mali and the DRC. ACCORD is a very important AU peace and security partner and has helped the AU in its conflict management efforts. It has helped the AU Conflict Management Division (AU CMD) and the Crisis Management Initiative (CMI) in developing and consolidating its mediation capacity introduced in 2009 (Interview with Martha Mutisi, Manager of ACCORD Interventions Department on 23 November 2013). ACCORD has also helped the AU to develop its mediation training curriculum, and to train AU mediation officials.

ACCORD's interactions with the Peace and Security Council involved assisting the AU's Panel of the Wise, special envoys and, in general, the operationalization of the African Peace and Security Architecture (APSA). ACCORD has also worked with AU member states at sub-regional level, especially with regional economic communities (Ibid). For example, in Southern

Africa, ACCORD has contributed to the Southern African Development Community (SADC)'s mediation efforts on the conflicts in Madagascar and DRC. Similar intervention programs took place in other RECs including the Economic Community for West African States (ECOWAS). ACCORD's peacemaking efforts include bringing conflicting parties together.

Figure 4: ACCORD Presence across AU Member States.



Source: ACCORD, 2007. Conflict Trends Journal.

Apart from ACCORD, other civic players have engaged both the AU and its member states on issues of peace and security in Africa. These include the Institute for Security Studies (ISS), Nairobi Peace Initiative- Africa (NPI-Africa); Centre for Conflict Resolution (CCR); Centre for Humanitarian Dialogue (HD Centre); and Femmes Afrique Solidarite (FAS). These CSOs have assisted in enhancing community participation in peace processes (ISS, Peace and Security Council Report, Issue 43, February 2013:5).

In March 2014, a PSC–civil society conference was held in Maseru, Lesotho to review progress under the Livingstone Formula. As noted before, a number of shortcomings related to the PSC working with the ECOSOCC were identified. This included CIDO, which was responsible for overseeing CSOs engagements with the PSC having no record of what and which CSOs were engaging. The conference agreed that the Maseru Conclusions should replace the Livingstone Formula. The Maseru Conclusions allowed CSOs to have observer status during both the PSC and Permanent Representatives Committee meetings. The Maseru Conclusions also tasked CIDO to develop a database for CSOs engaging the PSC. To date, CSOs participating in AU affairs play the role of educators, advocates and watchdogs in the peace and security sector.

3.7 Civil Society and the AU Human Rights Agenda

Human rights form an integral part of African governance architecture. Unlike its predecessor, the AU seeks to promote and protect human rights through the African Charter on Human and Peoples' Rights and other relevant human rights instruments (AU Constitutive Act Article 3(h)). The AU Human Rights Strategy for Africa 2012 -2016 places human rights at the centre of AU organs, programmes and activities. It also emphasizes the fact that CSOs have an important role

to play in the popularization of human rights, norms, mechanisms, and in monitoring state compliance with their obligations at continental, regional and national levels(AU, 2011).

The African Commission on Human and People's Rights (ACHPR), and the African Court on Human and People's Rights (AfCHPR) are critical AU organs for the promotion of human rights. These two institutions have been essential to AU-CSOs interactions over the years. The OAU leaders through the provision of the African Charter on Human and Peoples' Rights (also known as the "Banjul Charter" or simply, "the Charter" established the ACHPR in July 1987.The ACHPR came into being as a regional quasi-judicial mechanism to monitor member states' compliance with the Charter. The AU inherited the ACHPR from the OAU at its first Assembly meeting in 2001. The Charter provides specific responsibilities to African Union member states to give effect to the African Charter's civil, political, social and economic rights at domestic level. The ACHPR's specific functions include interpreting the African Charter and adopting further principles to elucidate the Charter; and deciding whether alleged human rights abuses violate the African Charter or not. It also provides a platform to receive reports from aggrieved parties or individual victims of state violations of the Charter (ACHPR, 1981, Article 45).

3.7.1 ACHPR Relations with CSOs

Civil society interaction with the ACHPR began in 1990 through the establishment of an NGO Forum. The African Centre for Democracy and Human Rights Studies(ACDHRS) has since 2000 been organizing the Forum's activities with input from a CSO steering committee. The committee is made up of representatives from the five different sub- regions of Africa and representatives of African CSOs from the diaspora. The idea is to provide space for closer

collaboration and cooperation among CSOs as they engage the ACHPR on democracy and human rights issues across the continent. CSOs that are part of the NGO Forum include the Pan-African Human Rights Defenders Network (PAHRDN), Human Rights Institute of Southern Africa (HURISA), Human Rights Watch, International Commission of Jurists, and the Zimbabwe Human Rights NGO Forum to mention but a few (See Heyns and Killander, 2010).

CSOs use various methods to engage the ACHPR. The methods include submission of NGO Forum resolutions, shadow country reports, oral statements, complaints and briefing commissioners on what they regard to be salient issues in their home countries (Manby, 2004). As the CSOs submit reports and present complaints, the ACHPR responds by advising member states on how they could tackle the problems associated with the identified human rights violations in their countries. Major CSO concerns presented to the ACHPR revolve around crimes against humanity, impunity, human rights, the rule of law, elections and governance in AU member states. Civil society has taken it upon itself to hold governments accountable for their actions when it comes to human rights.

CSOs normally meet before the ACHPR formal sessions to network, reinforce partnerships, and agree on the key human rights issues they will present for consideration by the Commissioners and the AU political leaders. CSOs also form ad hoc groups around some pressing issues as well as do lobbies on the margins of the ACHPR sessions. CSOs also informally invite ACHPR commissioners to attend conferences and address specific human rights issues in their countries. One-way CSOs impact on the ACHPR work is through building relationships with

commissioners and their staff. CSOs normally accompany some commissioners on their fact-finding missions as well as do joint side events and initiatives when working on some specific thematic areas (ACHPR, 1981, Article 45).

One of the objectives of the AU is "To promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law" (AU Constitutive Act, Art. 3(e) supra, note 19, 2000). The AU faces numerous challenges as it tries to change the continent's image of human rights violations associated with the Organization of African Unity. There is a negligible number of cases where the AU, AU member states, and CSOs have cooperated over human rights issues. One area of controversy over human rights issues between CSOs and the AU is the issue of gay and minority rights. Homosexuality in many AU member states is criminalized as they regard it to be against both religious and cultural beliefs and practices. In October 2010, the ACHPR denied the Coalition of African Lesbians (CAL) observer status arguing that they did not meet African Charter requirements (Centre for Human Rights, 2011).

Some AU member states have clashed with CSOs over the issue of gay rights. At the top of this controversy are Uganda, Zimbabwe, and Malawi. Uganda in 2013 went to the extent of legislating an anti-gay Act making homosexuality illegal and increasing penalties for those practising it to a longer prison sentence and in some cases punishable by death. President Mugabe of Zimbabwe is a well-known anti-gay advocate and is famous for saying,

> It [homosexuality] degrades human dignity. It is unnatural, and there is no question ever of allowing these people to behave worse than dogs and pigs...What we are [asked] to accept is sub-animal behavior, and we will never allow it here.

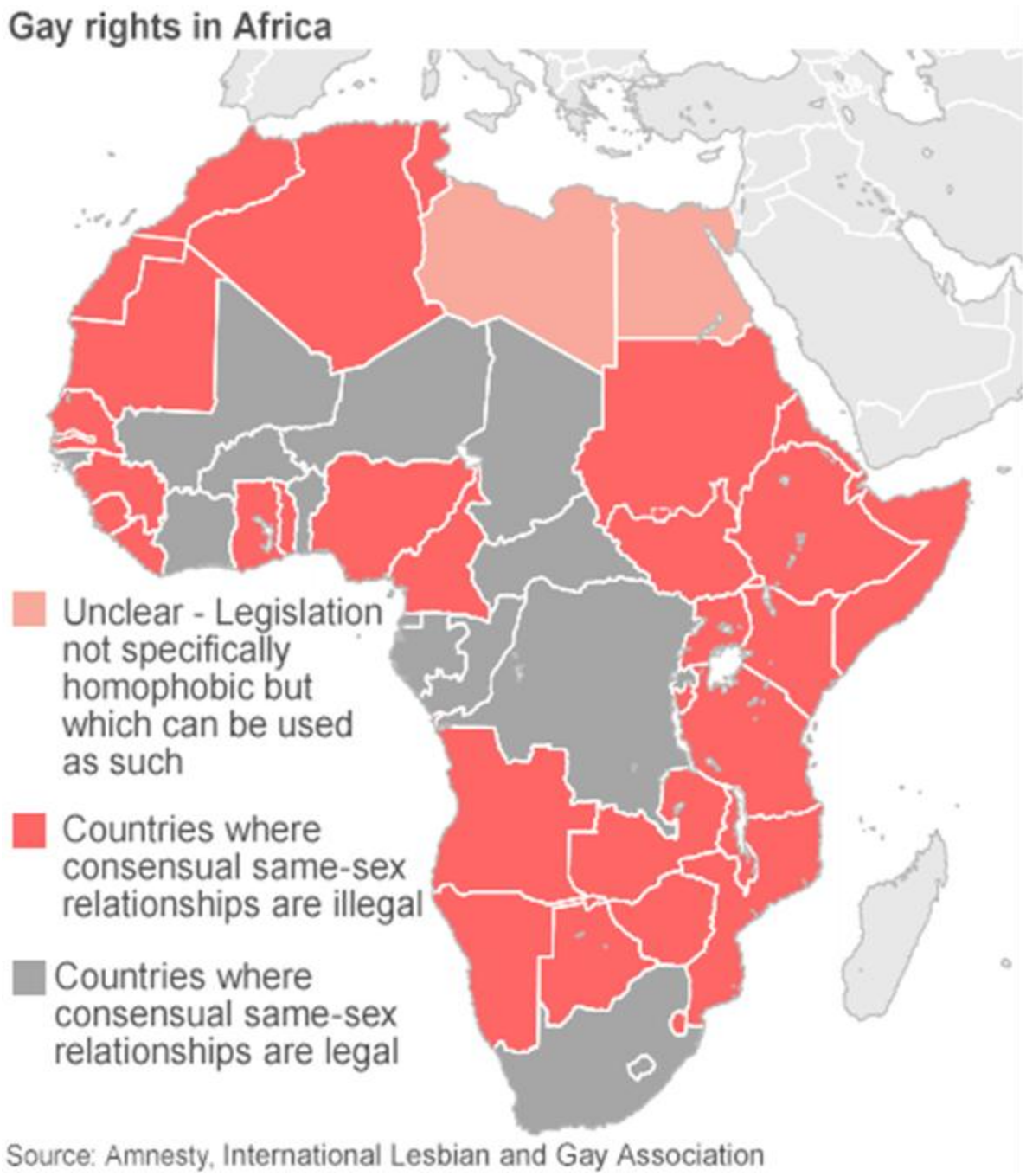
> If you see people parading themselves as Lesbians and Gays, arrest them and hand them over to the police
>
> (Peta, 2006)

Under the ACHPR Communication 136/94, the Zimbabwe NGO Human Rights Forum and its members submitted a complaint to the ACHPR against government's regard and legal status of homosexuals in Zimbabwe. The domestic law in Zimbabwe criminalizes sexual contacts between consenting adult homosexual men in private. The complaint pointed out that the prohibition of sexual rights in Zimbabwe is enforced and encouraged through statements made by the President and the Minister for Home Affairs. The communication complained of violations of the African Charter on Human and Peoples' Rights, namely Articles 1, 6,8,11,16,20,22 and 24. For unclear reasons, the complainant later withdrew the case, and the Commission did not pursue it (Zimbabwe Human Rights NGO Forum, 2005).

Of the 54 AU member states, 38 of them outlaw homosexuality. Figure 5 shows the number of countries that have passed anti-gay laws, the latest being Nigeria on 13 January 2014, followed by Uganda on 24 February 2014. In some of the anti-gay (red color) countries shown in Figure 5 below, there have been cases of sexual violence, targeted killing, gang or correction rape, employment discrimination, incarceration, the death penalty, stigmatization and other forms of non-fatal attacks on gays and lesbians (Amnesty International, 2013).

Another controversial human rights issue between AU leaders and CSO leaders is the role of the International Criminal Court (ICC) in preventing impunity and crimes against humanity among

Figure 5: Gay Rights in Africa



African leaders. CSOs working on human rights are in the habit of exposing human rights abuses by AU member states through naming and shaming. For example, it was due to the launch of a civil society report that the AU paid attention to the crisis in the Darfur region of Sudan. "The [Darfur region] report managed to dramatize events portraying the Darfur crisis as a genocide perpetrated by Arabs on Africans," (Du Plessis et al., 2013). It was the combined effect of the campaigns of African CSOs and the US-based Save Darfur NGOs Coalition, which managed to push both the US government and the African Union to act quickly on Darfur. Consequently, The United Nations Security Council referred Sudan's case, though not signatory to the Rome Statues, for investigations.

Hamilton (2011) notes that CSOs strongly and successfully advocated for the appointment of US and UN special envoys to Darfur. The US was also able to place the Darfur case at the International Criminal Court as well as mobilize resources for both peace-keeping and humanitarian interventions. The ICC issue has widened the rift between governments and CSOs at the AU. On a number of occasions, CSOs differed with the AU leaders and sided with the ICC regarding the warrant of arrest issued to Sudanese President Omar al-Bashir over allegations of crimes against humanity committed in Darfur. The majority of African governments argued that the ICC could not indict a sitting head of state, blaming Western countries for conspiring against them through CSOs.

Ellis (2012), notes that in 2009, when the South African government invited President Bashir to President Zuma's inauguration, CSOs threatened that they would obtain a court order that would allow them to apprehend President Bashir for the ICC. However, as things turned out, Bashir did

not turn up. Similarly, in 2010 in Kenya, Bashir against CSO protests managed to attend the celebrations in regard of the country's celebrations of a new constitution. However, his efforts to attend a summit in Nairobi some two months later prompted CSOs to obtain a court order aimed at arresting and handing him over to the ICC. Since then, Al Bashir has not returned to Kenya. In June 2015, President Bashir secretly sneaked out of an AU Summit in South Africa after CSOs obtained a court order for his arrest.

The disagreement between CSOs and the AU over the ICC is continuing. Most AU member states, save a few like Botswana, are currently considering pulling out of the ICC while CSOs feel that to avoid impunity and crimes against humanity; the AU should stay put and support the ICC work on the continent. The AU leaders accuse the ICC of allowing Western Countries bent on abusing its universal jurisdiction to manipulate it. The manipulation resulted in the selective application of the law to humiliate African leaders. The AU leaders have questioned why human rights violations committed by Western leaders in Syria and Iraq are not part of the ICC investigations. The AU leaders resolved to cut ties with the ICC if it proceeds to prosecute Kenyan President, Uhuru Kenyatta and his deputy, William Ruto. The ICC later dropped the charges against the two arguing that there was no enough evidence incriminating the two. In contrast to AU leaders, the CSOs condemned the AU resolution not to cooperate with the ICC as a move bent on sanctioning and nurturing impunity. The CSOs argue that granting AU leaders' immunity from ICC prosecutions means agreeing to promote impunity, as there is no competent court in Africa to try African leaders for international crimes.

3.7.2 The African Court-Civil Society Interface

Another organ of the African Union that has engaged with CSOs is the Court of Justice known as the "The African Court on Human and People's Rights," which came into effect on 25 January 2004. The primary objective of creating the Court is to complement and reinforce the mandate of the African Commission on Human and People's Rights (Mutau, 2009). The Court is the highest authority that can interpret the African Charter. It also assists other AU organs on legal issues. The Court is headquartered in Arusha, Tanzania. It is made up of 11 judges elected from the 53 member states of the African Union (Ibid). The Court should be independent and impartial in its role of considering complaints of violations of the African Charter and other African human rights treaties that are filed by states, organizations, and individuals. Article 34 (6) of the African Court Protocol permits individuals and non-governmental organizations to petition the Court directly against member states that are seen to be disrespecting human rights.

Engagement between CSOs and the AU over the court of justice has been very limited. The Court has taken long to be operational due to delays by member states in ratifying its protocol as well as other logistical and financial constraints facing the AU (Fritz, 2014). However, the Court has been conducting sensitization seminars and workshops to raise awareness of its existence and purpose. For instance, in 2012 in collaboration with the government of South Africa and the Southern Africa Litigation Centre, the Court held sensitization seminars for human rights organizations in Maputo, Mozambique in August and in Johannesburg, South Africa in October. The sensitization workshops attracted 40 and 80 participants respectively, mostly from members of the judiciary, government representatives, CSOs, human rights commissions and associations, university teachers, lawyers and gender activists (Ibid).

According to the Protocol on the Statue of the African Court paragraph 5, the court's major purpose is to "supplement and strengthen the mission of the African Commission on Human and People's rights." The court has wider jurisdiction as it covers all courts and disputes submitted to it. The court, therefore, needs to be equipped to be credible and effective. For civil society, Article 8 (3) of the Court Protocol states that CSOs can only bring cases against an AU member state if it has accepted the court's jurisdiction on such cases when ratifying the court protocol.

3.8 Civil Society Engagement with the African Peer Review Mechanism

The African Peer Review Mechanism (APRM), was established in 2003 as part of the New Partnership for Africa's Development (NEPAD), as a way of guaranteeing human security on the continent through the support of core economic and political freedoms. NEPAD also emphasizes the importance of civil society by stressing that to promote and protect human rights, states agreed to "facilitate the development of vibrant civil society organizations, including strengthening human rights institutions at the national, sub-regional and regional levels" (Mutua, 2009:56). For NEPAD, restrictions to civic rights in member states are only justified with due regard to the rights of others, collective security morality, and common interest.

The APRM became part of the African Union programs under a memorandum of understanding. However, the mechanism operates as a stand-alone body that African countries can voluntarily join to improve and monitor their standards of governance (NEPAD/HSGIC/03-2003/APRM/MOU, Abuja, 9 March 2003). Such countries must agree to an independent review

of their compliance with some African and international governance standards. The African Peer Review Mechanism's Governance and Development Framework focuses on a country's performance regarding constitutionalism; democracy; political and economic governance; conduct of elections; observance of human rights; security and stability; and popular participation in development and transformation.

One of the ways in which CSOs have successfully demonstrated their contribution to AU processes is through their participation in the APRM. The APRM makes CSO participation mandatory, stipulating that the process is not legitimate unless CSOs are involved. As Eno (2008:17) observes, "CSOs have proactively engaged the APRM process and delivered tangible results. The APRM covers state-citizen relations, which most AU organs deal with, especially ECOSOCC, the PAP, and the Peace and Security Council." A civil society desk was established in the NEPAD secretariat as a one-stop focal point for all non-state actors. Various stakeholders and experts have been able to access information as well as participate in the APRM processes and the NEPAD program activities (Adejeji, 2007). Through the APRM, CSOs have become champions of good governance challenging the ruthlessness of the state and the need to open up both political and fiscal space for citizens to influence policy-making. The concept of good governance that includes the call for multiparty elections, the recognition of opposition parties, free and fair trial, and freedom of speech, press and assembly have been at the center of civil society advocacy work at the AU.

3.8.1 CSOs in APRM Processes in AU Member States

The role of CSOs and their influence in the APRM depend on their relationship with governments as well as their strength and advocacy skills. A National Governance Council/Commission (NGC) composed of representatives from civil society; government and business run the APRM. The NGC's role is supervisory while independent, technical and professional research bodies undertake much of the assessment and produce a preliminary country self-assessment report. The preliminary report forms the basis for the Country Review Report (CRR) and the National Programme of Action (NPoA), presented to the APR Forum, which consists of participating heads of state and government. To date, seventeen countries have been peer-reviewed out of the thirty-three that acceded to the APRM exercise. According to the NEPAD Secretariat, 17 countries have complied with the APRM and have been reviewed. These are South Africa, Nigeria, Algeria, Burkina Faso, Cameroon, Republic of Congo, Ethiopia, Gabon, Ghana, Kenya, Mali, Mauritius, Mozambique, Rwanda, Senegal, Tanzania, and Uganda(see Table 1).

Table 1: **African Peer Review Mechanism Members (May 2013)**

Region	**APRM Members**	**APRM Peer-Reviewed Countries**
Central Africa	Cameroon, Congo-Brazzaville, Gabon, Rwanda, São Tomé *and* Príncipe	Rwanda
Eastern Africa	Djibouti, Ethiopia, Kenya, Tanzania, Uganda	Kenya, Ethiopia, Tanzania, Uganda,
North Africa	Algeria, Egypt, Sudan, Tunisia	Algeria
Southern Africa	Angola, Lesotho, Malawi, Mauritius, Mozambique, South Africa, Zambia	Lesotho, Mauritius, Mozambique, South Africa, Zambia
West Africa	Benin, Burkina Faso, Chad, Ghana, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo	Benin, Burkina Faso, Ghana, Mali, Nigeria, Sierra Leone

Source: Adopted from Adele Jinadu based on *APRM 10th Anniversary, Working for the Peoples of Africa: A Decade of Self-Assessment – Aide-Memoire* (Midrand: African Peer Review Mechanism Secretariat, 2013).

One important thing with the APRM is the extent to which civic participation transforms political and governance dynamics. The National Program of Action (NPoA) is the product of the assessment, but most important to the exercise is the implementation. For many countries, the involvement of the CSOs ends with the assessment leaving out the implementation, which is supposed to incorporate citizen views collected during public hearings. Contrary to what most governments think, the CSOs tend to be more useful during the implementation stage than during the consultation stage, as they bring in the requisite expertise and resources. During the implementation stage, CSOs also have the advantage of having the institutional memory and expertise to inform policymakers on the areas that need reform and reorientation. They also help citizens through facilitating exchange of information and dialogue.

Ghana was the first country to go through the APRM. Ghana undertook its peer review mechanism process between March 2004 and March 2005. Ghana's APRM is celebrated as a success story because of its independence from government domination, transparency and leadership by civil society (Asante, 2008). The APRM governing council members were nominated using a transparent process. Of importance is how Ghana's APRM received government support and how the outcomes became nationally owned. Of the four national technical review teams, CSOs that included the Centre for Democratic Development (CDD) and the Centre for Policy Analysis (CEPA) led the political and economic governance sector reviews respectively. The economic growth and development that Ghana experienced after 2005 is associated with its APRM compliance (Masterson, 2006).

As Herbert and Gruzd (2008), note the Ghanaian Governance Council had complementary district structures, which allowed grassroots participation. CSOs in Ghana were allowed to monitor the output, outcome and impact of the national program of action; they, therefore, had life after the end of the APRM process. Such trust widened the national consultative process and allowed CSOs to impact the domestic development agenda. The government of Ghana in line with Article 22 of the APRM Memorandum of Understanding institutionalized civil society participation in governance processes and thereby addressed issues of social accountability (Masterson, 2006). An important lesson from the Ghanaian APRM is that participation and transparency were emphasized during the country self-assessment report and implementation of the NPoA. Current progress reports on the NPoA implementation continue to reflect a satisfactory public understanding that government, business, and CSOs collectively own country development priorities (Ibid).

As UNECA (2013) notes, the engagement of the CSOs in the formulation and implementation of the NPoA has differed from one AU member state to another. The Burkina Faso CSOs' engagement was poor as it lacked representativeness. In South Africa, when the government attempted to handpick only CSOs associated with the African Union ECOSOCC to participate in the APRM, it generated seeds of mistrust and civic protests (ibid). The Uganda NGO Forum had ample time and managed to design 32 governance indicators that they periodically produced a Uganda Governance Monitoring Platform Status Report (Centre for Systematic Peace, 2006). In countries where the process was hurried, CSO participation and public consultations were minimal or non-existent. In such scenarios, technocrats produce the required documents and get them endorsed by few selected CSOs representatives.

3.9 CSOs Self-invented Spaces to Engage AU

Apart from the above-discussed formal channels of AU-CSO interactions, some CSOs felt that instead of relying on the invited space based on AU conditions of engagement, they needed their self-invented space to engage the AU. On this basis, the Centre for Citizens Participation in the African Union (CCP-AU) was established by CSOs disgruntled by the bureaucracy associated with the formal channels of engaging the AU, especially the ECOSOCC process. One of the leaders of the CCP-AU Secretariat presents the organization as "a platform outside the official AU architecture aimed at doing better than ECOSOCC. It is there to help CSOs to engage the AU in a less formal, more inclusive and participatory manner" (Interview with Janah Ncube, Former Executive Director, CCP-AU, 14 October 2014). In 2007, the CCP-AU came into being as a civil society parallel structure to the ECOSOCC.

For most AU staff and government officials, "the CCP-AU initiative was mooted by International NGOs that had a strong presence in Africa. They were keen to establish an independent CSO structure for engaging the AU without necessarily delving into ECOSOCC politics" (Interview with Mr. Kudakwashe Mumhure, Consular of the Zimbabwe Embassy in Ethiopia, 11 December 2013). Despite its good intentions, the CCP-AU spent its first five years in Ethiopia trying to secure registration. The failure to secure registration in Ethiopia compelled the organization to relocate to Nairobi, Kenya in 2012. Before relocating to Nairobi, the CCP-AU successfully hosted four pre-AU summits for African Civil Society that were well-attended by CSO representatives, ambassadors, Ethiopian ministers and some AU officials. (See CCP-AU Annual Reports, 2012 and 2013). Through its conferences, the CCP-AU raised key CSO-AU

interaction issues with notable media coverage. CCP-AU pre-Summit meetings managed to attract citizens who as per ECOSOCC criteria would never have participated.

Although the attendance of CCP-AU continental conferences by some government and AU bureaucrats did not legitimatize its existence as a CSO platform to engage the AU, it offered them an opportunity to compare and contrast with ECOSOCC. The CCP-AU as an institution demonstrated what CSOs outside ECOSOCC could do, especially regarding raising sensitive but fundamental issues on governance and human rights among AU member states.“ ECOSOCC and CCP-AU could complement each other in dealing with the AU. Both institutions offer CSOs an opportunity to be heard both within the formal AU structures as well as informally outside such structures”(Interview with Siphamandla Zondi, Director of the Institute for Global Dialogue, 29 September 2013). The ECOSOCC funding is covered in the AU Commission budget, while the CCP-AU relies completely on donor funding for its activities. The differences in the funding sources gives the two organizations different leverages and autonomy when engaging the AU.

One of the key challenges of the CCP-AU‘s vision and mission is the continued fallout with CIDO, ECOSOCC’s secretariat at the AU. The 2010 CCP -AU evaluation report recorded that CIDO maintained an internal policy of indifference and outright hostility, to the CCP-AU since its establishment. CCP-AU’s mission was made difficult by its movement to Nairobi, which makes it difficult for the organization to have direct access to AU information in Addis Abba. By being physically far from the AU hub and being denied permission to run an office in Addis Abba, the CCP-AU relies on its CSO allies and proxies to access vital AU updates. The CCP-AU was denied registration by the Ethiopian government after the CIDO Director attacked them and

wrote to the Foreign Affairs Ministry describing them as a group of CSOs bent on opposing the AU and African governments. Consequently, building legitimacy and closeness to both The Ethiopian government and the some of the AU officials became a challenge for the CCP-AU.

The 2010 CCP -AU evaluation report went further to suggest that changes in the CIDO secretariat could put the CCP-AU and other CSOs in a better position regarding access and a good rapport with AU organs and departments. The CCP- AU, just like the ECOSOCC, still needs to establish national and regional chapters to mobilize CSOs across the continent. The organization, like the ECOSOCC, still needs to have well-structured and coordinated national CSO structures and sub-regional representatives across the continent.

This chapter traces CSO engagement with African leadership since the days of the OAU. As the discussion reveals, CSOs are part of the struggles for self-rule, self-reliance and regional development in Africa. The intensity of their engagement within the regional body (OAU/AU) has over the years differed within each dispensation, but nonetheless the AU dispensation tends to widen and broaden CSO participation more than the OAU. The AU tends to have more organs that provide opportunities for CSO participation than the OAU had. Apart from the spaces provided by the AU for CSO participation, the CSOs have also created parallel structures for this engagement. CSO participation in these spaces has had its own successes and challenges. One of the outstanding challenges for AU-CSO interaction is different ideological and cultural stances of the AU leaders and CSO leaders. CSOs tend to embrace wholesale international conventions on human rights, governance and popular participation without questioning their relevance to current contexts. By contrast, African leaders, being cognizant of their colonial

history and lop-sided power relations with the West, tend to treat international conventions and CSO advice with caution and suspicion.

CHAPTER FOUR: METHODOLOGY

This chapter presents the research questions, the research design, and methodology used in conducting this research. Also, it provides an outline and rationale of the collection research methods used, based on the understanding that each method helped reveal a different perspective and response to the research questions.

4.1 Research Questions

Based on the literature review and theoretical frameworks covered in chapter two, I developed a set of research questions to guide my analysis of civil society's policy contributions and interactions with the African Union. My analysis used the following research questions for exploration:

4.1.1 What role has civil society organizations played since the advent of the African Union?

4.1.2 How have civil society organizations played this role?

4.1.3 How have the interactions between civil society organizations and the African Union influenced the nature of relationships between state and non-state actors?

4.1.4 In what ways have, the interactions influenced Civil Society Organizations' capacities and strategies?

The research also covered the following sub-questions that arise from the main questions above:

4.1.5 How have the issues of resources been addressed in AU-CSO interactions?

4.1.6 Do Civil Society Organizations have the requisite capacity and skills to engage in the design of African Union policies and programs?

4.1.7 To what extent do theories on civil society help explain the interactions between African Civil Society Organizations and the African Union?

4.2 Research Design

The research design outlines the pathway followed by the researcher at every stage of the study. As Knowles (2006:123) explains, "The research design deals primarily with aims, uses, purposes, intentions and plans within the practical constraints of location, time, money and availability of staff." An understanding of the study design, methods and sites provide a background for understanding the study's results. In social sciences, research designs help researchers answer study questions unambiguously. A research design is useful in structuring a research. It helps define the major parts of the research project indicating the samples and the research methods, but most importantly, it helps link everything to addressing the research questions.

The research design for this study is qualitative in nature, to enable the study to answer the research questions. Qualitative research techniques allow for an in-depth investigation of an issue without confinement to the rigidity of variables associated with quantitative research techniques. This approach is appropriate for the study aim and objectives and in facilitating an understanding of and in terms of explaining the meanings and intentions that both stakeholders and outsiders attach to the Africa Union-CSOs interactions. This study is both descriptive and exploratory. It is descriptive in the sense that it seeks to use narratives to describe and measure relationships, and exploratory in that it seeks to gain insights into a phenomenon where little or nothing is known using an open and flexible approach. Both primary and secondary sources of

data were accessed. In addition, the study also used the historical approach to trace the development of civil society on the continent and link it to citizen participation within the AU. Apart from conducting interviews and focus group discussions (FGDs) with selected key informants, there was a measurable dependence on both published and grey literature from AU/government sources; various websites, books, academic studies, theses, and documents from both the AU and CSOs. As a participant observer, the researcher attended, and participated, in workshops and seminars organized by the African Union Citizens Directorate. Participation for the researcher included the pre-Summit meetings organized by civil society organizations. The researcher freely recorded notes during these meetings. The study made use of both document and content analysis to analyze and interpret the data collected.

4.3 Data Collection Methods

In any study, the choice of appropriate research strategies and methods is very important. Morgan (1983) argues that almost all research strategies relate to one another in different ways although each has a primary focus and relevance. A better compromise is, therefore, in the use of triangulation that is a multi-method strategy incorporating the strengths of alternative methods for overcoming another's weaknesses. The data collection methods used in this study are in the form of interviews, focus group discussions, documentary analysis and participant observation. The research objectives that this study sought to achieve informed the research methodology. With both the research objectives and questions in mind, the study analyzes the policy contributions of civil society and its interactions with the African Union Commission. It also discusses how CSOs have sought to contribute to the realization of a people-driven development

policy-making agenda created with the transformation from the OAU to the AU. Each of the data collection methods was discussed in the sections below.

4.3.1 Interviews

Primary data collection for the study involved mainly in-depth interviews with key AU officials, INGOs and CSO leaders. According to Nieuwenhuis (2007:87), "The aim of qualitative interviews is to see the world through the eyes of the participants." I conducted interviews with 13 respondents from the African Union, three respondents from AU member states, five respondents from international non-governmental organizations (INGOs), and 27 respondents from CSO networks. The respondents were selected based on their strategic positions and knowledge of AU affairs. The interviews took place between 2012 and June 2015. The purpose of the interviews was to solicit their knowledge and experiences on AU-civil society interactions since the formation of the AU in 2002. The interviews were also a way of gauging the level of CSO participation, their influence, their capacity and organization in carrying out lobby and advocacy work at the AU. The interviews were on a face-to-face basis, some by telephone and others by Skype. Most face-to-face interviews took place on the margins of some AU summits and conferences in Addis Abba, Ethiopia.

Telephone interviews took place with those that were not available for either face-to-face interviews or Skype interviews. These were mostly accessible via telephones. I taped each interview, although that proved a bit strenuous when it came to transcribing. However, it helped me keep track of important verbatim excerpts and expressions. I also used the telephone and skyped as a means to get clarity and follow up some issues for some of my face-to-face

interviews. The advantage of telephone or Skype interviews is that informants could be honest and even give socially disapproved answers, which they would otherwise, not give in a face-to-face interview. Unlike face-to-face interviews, in the telephone and Skype interviews, it was not possible to depend on body language to get some social clues of the attitude of the interviewee concerning the subject matter. One of the disadvantages, I experienced while using the telephone and Skype calls is that there were few disruptions due to poor connectivity.

Each interview lasted between 30 to 45 minutes. The interviews took place with people conversant with African Union issues and international relations within the region. This process simplified the availability and reliability of information collected, as the key informants interviewed have engaged in the AU activities and processes. Most AU/government officials interviewed were senior diplomats in their foreign affairs ministries/Addis Abba embassies while civil society representatives consisted of those who have been in the sector dealing with African issues for at least ten years. This selection of senior interviewees allowed for a discussion of issues in a broader and more historical perspective.

As Boyce and Neale (2006), note personal in-depth interviews yield more detailed information than that obtained through surveys and other research methods, although it requires the researcher to be a good attentive listener capable of picking salient issues and insights. Interviews also enable the researcher to be able to seek further explanations and clarifications on certain issues. However, Boyce and Neale (2006) also note that one of the disadvantages of conducting the interviews was that they were time-consuming regarding interviewing, transcribing and analysing the data. Another disadvantage I noted during my fieldwork was that

some of the key informants, who are senior officials, were not available due to their busy work schedules. In some cases, it became necessary to interview their immediate subordinates who were not as conversant with AU issues as they were. In other cases, the interviews were short and precise with the result that there was no time afforded to interrogate the interviewees further.

4.3.2 Focus Group Discussions

I also held two focus group discussions(FGDs) with 23 civil society members. In the first FGD, I engaged members of the Economic, Social and Cultural Council (ECOSOCC) and in the second FGD, I engaged members of the parallel structure of the Centre for Civil Participation in the African Union (CCP-AU). The focus group discussions were meant to further solicit their group perceptions and views on the origin, structure, status and future recommendations on the African Union-civil society interface. The ECOSOCC focus group discussions took place on the margins the African Union Summit in Kampala in July 2013 and the CCP-AU civil society pre-summit conference in Addis Abba (January 2014). Nine civil society participants attended the Kampala focus group discussion while 12 participants attended the Addis Abba one. Nieuwenhuis (2007:90) classified focus group discussions as another form of interviews where the researcher takes advantage of group interactions to widen responses, and group debates on a specific topic giving more insights and allowing individuals to disclose information that they rarely divulge.

The use of a focus group discussion (FGD) method of data collection is appropriate when discussing a topic of interest with people from the same background and experience. The CSOs represented such a grouping as they were all brought together by a common interest in lobbying policy makers at the AU on particular issues. An FGD helps a researcher acquire more

knowledge about a specific topic from a group of key informants within a short space of time. By way of procedure, in conducting an FGD, after self-introductions, I introduced the topic and guided the discussion to keep it focused on my research interest areas. Members of the FGD were within this context able to discuss freely and openly express their views, agreements and disagreements in a natural context. Each of the FGDs lasted 30 minutes at most. During the discussions, I had an opportunity to pick up insights of how people view the transition from the OAU to the AU and associate it with their work. I also picked variations in interests and strategies used by the civil society leaders that engage the African Union through the ECOSOCC and other CSOs self-invented spaces like the CCP-AU. Some preferred to engage, and others preferred to stand aloof, analyze and criticize the way the African Union did things.

In program evaluations, FGDs usually help service providers to measure clients' satisfaction with a product or service. In this study, the African Union concept of citizens' engagement in policy formulation and program implementation is new. Convening FGDs with representatives of CSOs helped me to gauge their thinking about their interaction with the AU. However, unlike interviews, participants in an FGD often do not reveal their true and honest position on a phenomenon for fear of disappointing or going against the moderator or popular opinion. During the discussions, most moderators of FGDs wittingly or unwittingly pass their personal biases to the group. In FGDs, the temptation of a group reaching certain collective conclusions on a phenomenon is very high.

4.3.3 Participant Observation

Participant observation is a research method in which the researcher gets to understand things at 'first hand' through participating in a setting, rather than observing people at a distance. As Lincoln and Guba (1985), note participant observation gives the researcher a better 'naturalistic' understanding of the context through which interactions take place. It reveals those things that participants often do not discuss or are willing to touch during interviews and focus group discussions. As a researcher, I complemented my other study methods by adopting the role of a participant observer to gather some information and learn from inside AU-CSOs meetings. Studying the way people behave and interact in a natural social setting was important to this research and to the subject of how the African Union and civil society interface.

I used my connections and networks within the CSOs sector to access some high profile meetings and gain access to certain documented information. The period between 2011 and 2014, I worked for a regional organization called Mwelekeo waNGO (MWENGO) which promotes CSO capacity building, dialogue, and networking. My position at MWENGO involved doing consultancy in the form of research, training and events facilitation for African CSOs, including mentoring and accompaniment. It was therefore possible to take advantage of this opportunity to access various AU-CSO events and observe how they interacted. In 2013, I was able to attend an AU summit under the observer status reserved for CSOs, INGOs, and international foreign delegates. In January 2014, I got an invitation to the CCP-AU pre-summit CSO consultations held in Ethiopia as a consultant to give a presentation on economic issues in Africa. The invitation also afforded me an observer accreditation ticket to attend both the official opening and closing sessions of the Assembly of Heads of states and governments. Through these engagements, I was able to observe how CSOs interacted with both AU staffers and

government officials from member states in the corridors. I also observed the conduct and behavior of CSOs when they have the opportunity to sit under the same roof with AU leaders in summits and conferences. Using participant observation was essential regarding the complementing of what the interviews and documentary analysis yielded.

Like any other research method, participant observation is not without its demerits. In this context, participant observation as a research method has proved costly in terms of time, commitment and resources. As a researcher, I became reliant on some people to get access to AU meetings. In some occasions during this study, I suffered from limited access to areas and meetings that were important in terms of the information that could be solicited for the study. Thus, even though I intended to have access to some key African Union and civil society meetings accreditation to such was a problem. In some cases, participant observation as a method of research landed me in trouble when some security personnel suspected me of been an informer for some foreign agents. Escape was only possible by calling in some acquaintances to explain my presence and secure permission for me to proceed with attendance.

Besides the problem of accessing meeting venues, I struggled to stay anonymous and neutral in terms of my real purpose in attending the meetings. Even though officially introduced as an observer, in some CSO meetings, participants would at times demand during group breakout sessions that I take some group task, such as reporting back to plenary that was difficult to refuse. Being a complete spectator in such circumstances was not possible given the participatory role expected of delegates in certain meetings and functions. Another challenge with being a participant observer was that I did not manage to request for explanations for some subtle actions

and certain signs from some participants, which I thought were more tellingly than my mere stated observation. The fact that I was an outsider, it was not always easy to understand some of the ways insiders communicate or do certain things. Nevertheless, participant observation as a research method was essential to the study as it helped to show the real natural setting in which relations develop and certain actions evolved. The fieldwork routinely involved immersion in culture over a period, and therefore, participant observation was the best method to apply.

4.3.4 Archives and Documentary Analysis

According to De Vos et al. (2005), before carrying out documentary analysis, the research data are assembled from four sources of documents. These documentary sources are archival data, mass media, official and personal documents. Through documentary sources, the researcher gets insights into the setting he wishes to study.

During my fieldwork, I collected qualitative documents on the AU and CSO engagements. I managed to use the AU resource center, as well as INGOs and CSOs libraries, in Addis Abba, Ethiopia. I found that the Fredrick Ebert Foundation (FES), the Oxfam International Liaison Office and Christian Relief and Development Agency (CRDA) in Ethiopia have good background information on the AU and CSOs. I also used libraries and resource centers of CSOs and institutions elsewhere across the continent were quite useful. Some of the institutions that allowed me access to their libraries are the Africa Institute of South Africa (AISA), Institute for Democracy in Africa (South Africa), African Forum and Network on Debt and Development (AFRODAD) in Zimbabwe, the Council for the Development of Social Science Research in Africa (CODESRIA) in Senegal and the OXFAM resource center in Kenya. I took advantage of

some of my work trips between 2011 and 2014 to places near these institutions to source for documents related to the study.

The sources of secondary data used in this study are books, monographs, the Internet, journal articles, magazines, conference and seminar proceedings and reports, newspapers, and classified documents bearing information on the relationship between the OAU/AU, CSOs, and development. Data from these sources was useful in critically analysing the dynamics, processes and circumstances that led to the transformation of the OAU to the AU. I also used information from these sources to analyze the measures put in place by the African Union to engage CSOs on its decision-making and program design processes. Data from these sources were also useful in ascertaining how the AU itself has transformed from being a government-dominated institution to being people-driven through popular participation.However, it is necessary to point out that the use of archival and previous research documents can be unreliable as it may not be free of certain biases. For example, FES reports seek to prove to the sponsoring Germany-based foundations that their finances are being put to good use in Africa. In perusing through some documents, I noted that some research reports aimed to please donors or certain sectors and, therefore, lacked objectiveness.

4.4 Research Participants

In line with my research aim to analyse the AU-CSOs interactions, apart from the documentary analysis, I had to identify key informants and conduct some interviews and focus group discussions (FGDs). By engaging the key informants as research participants, I sought to establish the role and impact of CSOs, discuss the nature of relations between the two,

determining factors associated with successes and challenges of the interaction and recommending ways to improve it.

Sampling is the technique used to identify a few subjects from the population from which to obtain relevant data that one can use to draw conclusions about the entire population (Flick, 2006). In this study, the sample comprises of AU staff, AU member state representatives and civil society organizations that have participated directly in the affairs of the African Union since its establishment in 2002. I used stratified sampling, purposive and snowball sampling techniques to identify the subjects in the sample. These are non-probability based techniques.

I carefully selected the research participants in a manner that sought to reflect the diversity of CSOs and the representation of the different African Union organs and institutions that they engaged (see Appendix B). I also ensured that I incorporated the voice of AU member states by interviewing some diplomats and civil servants working for some member state governments, especially those in the ministry of foreign affairs. First, I used a stratified sampling technique to divide the study population into various arms of the African Union/governments and various sectors of civil society (INGOs and local African CSOs). Secondly, within each stratum, I used purposive and snowball sampling techniques to identify a sample of respondents. I deliberately chose to list both supporters and opponents to Civil Society Organization-African Union engagement. I organized after completing a list of telephone and electronic mail contacts of the identified subjects as shown in Appendix B. From the CSOs side, respondents were representatives of organizations with a focus on citizen participation, policy-making and governance of the African Union. Persons, from the AU and member state officials, were

selected because they are active participants in the policy-making process, in program execution, and in the evaluation of the African Union programs and projects. CSOs were included in the study because they are the watchdogs of the African Union/member states. They also advocate for AU structural and policy reforms as well as claim to speak on behalf of other citizens on AU matters.

4.5 The Interview Guide

The interview guide below provides a summary of the study inquiry and purpose in the form of the following research questions.

1. What role have CSOs played towards the realization of a citizen- driven African Union?
2. How have the African Union –Civil Society interactions shaped the nature of the relationship between AU and the CSOs?
3. Is there a difference between OAU-CSOs and AU-CSOs relations?
4. What strategies have CSOs used in their engagements with the African Union? Have these strategies worked?
5. Are the CSOs sufficiently well-equipped and resourced to contribute towards the realization of the AU vision for a citizen- driven regional body?
6. How have CSOs responded to the AU provisions for CSOs engagement? Do CSOs see ECOSOCC as an appropriate mechanism to engage the AU and its member states?
7. How have INGOs and African CSOs differed in their engagement with the AU?

8. What are your recommendations for the improvement of the current AU-CSO interactions and turning them into a catalyst for the realization of a citizen-driven regional body?

The interview guide helped to keep discussions with respondents under control and to stay focused on the research aim and objectives. My career background in both government and civil society helped me to understand the procedures and processes guiding the respondents in their interactions. I was on several occasions able to tell why certain bureaucratic issues made it impossible for me to access certain documents and meeting venues through the official channel, but could rather do so through personal connections.

The interviews guide helped me to have an open and inquisitive mind as I collected the data. The guide helped me see things in a different way from my experiences, making it possible to see things from the respondents' views, opinions, and beliefs. I used audio tapes to ensure that I accurately captured the interviewee's responses. I also used audio tapes to recall things as well as follow up what appeared to be unclear from the respondents. By listening to the audio tapes after interviews, I was able to do a written verbatim report of the interviews. I found the interview guide handy regarding linking what I had read in both published and gray literature. During the interviews, I listened attentively and did a lot of probing to verify some things I came across in my participant observation, focus group discussions and literature reviews.

4.6 Data Recording Procedures

The procedures for data recording in this study covering interviews, focus group discussions, and participant observation was very similar with minor differences. For both interviews and focus group discussions, I used audio tape recording as a backup and a way of ensuring that there were detailed data recording as the basis for analysis. The interviews procedure involved using an interview guide with ample space for recording the interviewee's responses. The guide had space to capture the name of the interviewee, the designation, date and place of the interview. I also used a field notebook to record everything that was worth noting. In the focus group discussions, I avoided the problem of talking and writing notes at the same time by engaging an assistant to take notes while I guided the discussions to ensure that the answers obtained were relevant to the research questions. At the end of each day of field research, I listened to the audio tapes to check the completeness and quality of data. Later, I did put the transcribed notes into different categories using question headers and interview tags. This procedure gave some order and meaning to the data and made it possible for me to revert to some participants for clarification whenever that became necessary.

4.7 Data Analysis

Data analysis refers to the methods used to examine the data. Most of the data collected in this study was of a qualitative nature and there was, therefore, a preponderance of such observations as were not easily convertible to numbers. As already mentioned in the preceding section, I did preliminary analysis while in the field carrying out data collection. To avoid missing some essential information, I grouped data according to themes before analysing them using content analysis. The resultant content analysis entailed looking at the data from different angles and

trying to establish key issues from the data. Siedel's model (1998) describes data analysis in qualitative studies as noticing, collecting and reflecting with a view of understanding the observed and then giving an interpretation of the emerging data. Therefore, in this study, the data collection, processing, and analysis were an ongoing process. The whole process of summarizing and analysing respondents' knowledge, attitudes and opinions of the African Union and CSOs was a demanding job.

4.8 Reliability and Validity

As a way of ensuring the quality of the information that I collected from interviews, I obtained permission from the interviewees to tape-record them. I daily checked my data and made summaries for each interview. In instances that I felt, I had left some important information; I went back to the respondent for clarification, especially where verbatim quotations needed double checking. In some areas, it was necessary to double-check my data interpretation with the interviewees to ensure that there was a proper capture of message and information conveyed. One of the ways I used to minimize the occurrence of personal biases in interpreting the information collected from my fieldwork was the use of peer reviews through fellow students. Accordingly, I used triangulation of data to ensure both validity and reliability of information. I also used more than one research method to collect and interpret data. For instance, my use of in-depth interviews and the analysis of records or documents helped to clarify certain observations and at the same time enhanced validity.

The research methods used in this study pass the validity test in that similar results are arrived at if a different researcher were to use the same research questions and methods to conduct the study. In social sciences, both validity and reliability are determined by how a project or intervention has achieved social transformation. Questions to ascertain this revolve around what changes have taken place, what has not changed and what has been problematic?

4.9 Reporting Findings

Reporting qualitative findings, as they deserve can be challenging. However, as Rubin and Rubin (1995) note, "reporting qualitative findings just like the data analysis is done around themes. Individual concepts and themes are put together to build an integrated explanation, interpreted in the light of the conceptual and theoretical frameworks." Given the qualitative nature of the study, I managed to document research and material produced during fieldwork from the earliest stage of the study to the analysis stage in the form of narratives, descriptions and where possible I used figures and tables to summarize the issues. Mostly the process involved sifting and resifting huge amounts of open-ended responses into some comprehensive content themes.

CHAPTER FIVE: ANALYSIS AND MAJOR FINDINGS

This chapter presents the research analysis. Two fundamental goals drove me to do data collection and subsequent data analysis for the study based on the theoretical perspectives. First, it was necessary to establish the role of civil society organizations (CSOs) within the African Union (AU) and the nature of the relationship between the two stakeholders. Secondly, there was a need to determine if CSOs have the capacity to engage the African Union in its policy-making and program implementation. Issues discussed here include the contributions of CSOs to the AU, the nature of the AU-CSOs relationship; strategies and mechanisms used by CSOs, and popular participation. Though these categories are by no means exhaustive they are, nevertheless, representative of AU-CSOs interactions, the basis on which policy and academic discourse rest.

5.1 CSOs Contribution to the African Union

One of the research questions read: What role have civil society organizations played since the advent of the African Union? To answer this question, I asked CSOs representatives about their major contributions and engagements with the African Union. On the other hand, I also asked AU officials and some government officials from member states to say something about what they considered the role of CSOs at the AU to be. The responses obtained indicate that CSOs engage the AU in various thematic areas, and their activities and contributions are at different levels. In Table 2, I attempted to summarize the responses regarding CSOs' different contributions in line with the policy spaces made available to them through AU architecture, using some examples. I made efforts to ascertain CSOs influence on AU policy and program priorities. Through conversations with various respondents, I learned that finding the place of

CSOs in the AU is dependent on understanding what CSOs do, what gaps they fill within the AU and how they complement other stakeholders in the organization.

Table 2: Selected CSOs and their thematic contributions to the AU

Thematic Focus Area	Name of selected CSO	Contribution	Target AU Institutions/Organs
Economic Justice and Development	African Forum on Debt and Development (AFRODAD)	Research, policy analysis and advocacy on trade, debt and development aid	AU Economic Affairs Commission; ECOSOCC, CIDO, The Assembly, Executive Council
Peace and Security	African Centre for the Constructive Resolution of Disputes (ACCORD), Centre for Conflict Resolution (CCR)	Conflict analysis, mediation, resolution, peace building, security sector reforms, all forms of trafficking (human, child and drugs); state building, civil-military relations.	Peace and Security Council (PSC) Member States
Governance and Human Rights	Africa Governance, Monitoring and Advocacy Project (AFRIMAP)	Election management assessment, democracy, human rights, the rule of law and governance monitoring	NEPAD's African Peer Review Mechanism (APRM)
Human Rights, Constitutionalism and Justice	African Centre for Democracy and Human Rights Studies (ACDHRS), Pan African Lawyers Union (PALU), South Africa Litigation Centre(SALC)	Provision of quality legal services to marginalized citizens through rights advocacy, literacy training, litigation and state institutions strengthening.	African Commission on Human and Peoples Rights (ACHPR) and African Court on Human and Peoples Rights (AfCHPR), Special Rapporteur on Human Rights Defenders in Africa
Social Affairs, Health/ Labour issues	Organization of African Trade Union Unity (OATUU)	Safeguarding workers' rights, health, and compensation Trade and economy Management issues	Social Affairs Department, NEPAD's African Peer Review Mechanism (APRM)
Women and Gender Issues	Pan-African Women Organization (PAWO), Solidarity for African Women's Rights (SOAWR) Coalition	Increase gender sensitivity among AU member states especially through campaigning for the implementation of the Maputo Protocol	Women and Gender Directorate, the Assembly, Special Rapporteur on Women and Gender Affairs; and the Member States
Rural Economy and Agriculture	Pan African Climate Justice Network (PACJA)	Agriculture and food security; livestock; environment; water and natural resources and desertification	Specialized Technical Committees AU Economic Affairs Commission

Source: Adopted from an ECOSOCC mimeo produced by CIDO, 2010.

Most ECOSOCC members claim to be inputting into the African Union programs and decision-making processes through the Specialized Technical Committees (STCs). In the STCs, they are regarded as technical experts in their field of work. As Akere notes:

> Some CSOs come into ECOSOCC as technocrats providing technical expertise and evidence-based research needed for decision-making. Others come in as implementers of certain key programs especially in the humanitarian area and for some as both watchdogs and advocates for human, women and children's rights.
>
> (Interview with Mr. Muna Akere, ECOSOCC Presiding Officer, 29 January 2014)

In line with this thinking, most interviewees point to the way CSOs have been pushing for a new citizenship culture within the regional body. Within the culture, the emphasis is put on the promotion of human rights, freedom of assembly, expression, the right to protest and contestation in the continent. The STCs provide space to both individuals and organizations specialized in certain sectors to play a transformative role as they bring in new ideas that ultimately usher in some political and economic reforms at the AU.

5.1.1 Transforming and Strengthening AU Institutions

Ben Kioko, the former AU legal adviser, pointed out that, "CSOs have helped us in putting pressure on AU member states to ratify certain legal instruments and implement certain key AU resolutions." Most AU member states have taken a 'pick and choose' approach to the ascension and ratification of AU legal instruments. Regarding aligning country policies with AU resolutions, some countries have drafted bills, but they lack enactment if there is no citizens' pressure. Thus, many decisions taken at the AU risk the danger of never been implemented. CSOs have played the key role of monitoring progress on reform priorities and making the AU

leaders walk the talk and remain accountable to their citizens. According to a State of the Union (SOTU) CSOs Coalition report (2010;2), "if CSOs were not on the lookout, the gap between AU legal instruments and policy standards, and the policies and priorities of member states would be bigger and not easy to reduce."

The SOTU coalition brings together civic leaders working in different sectors of development and different parts of Africa. According to one of the leaders:

> Through the SOTU project and campaigns such as 'My African Union, My Voice', CSOs keep reminding Africa Union leaders of pledges that they made. For example, we need to see 15% of our national budgets going to the health sector. The question is how far have they gone with that?" The last time we checked, it was only Rwanda, which met this 2000 Abuja Declaration target.
>
> (Emmanuel Akwetey, the Executive Director of the Institute for Democratic Governance)

Thus, in line with Diamond's argument that CSOs help consolidate democracy, CSOs' projects, such as SOTU are helping strengthen the AU's accountability through a mechanism of getting citizens' input and feedback on the organization's decisions, policies, and programs. CSOs have managed to track the African Union Commission and individual AU member states' performance on commitments agreed to at the various AU summits, conferences, and meetings. SOTU uses scorecards and barometer indices to show the AU and its constituencies how the Union is performing regarding its set targets. SOTU reports, published at least once in two years, indicate the continental reality versus the set standard.

Nevertheless, such contributions draw criticism for being elitist in nature and for involving only middle-class people from civil society without giving the AU the kind of ordinary citizens-driven institutions it envisaged. An interview with Mr. Lawrence Agubuzu, former OAU Assistant Secretary General, revealed that,

> Involving CSOs in the AU has so far removed the OAU label 'A club of African politicians.' However, we are still to be convinced that the AU has not become another elite club, but a union where ordinary people can engage and freely participate.

Thus, despite the CSOs securing a place for themselves at the AU policymaking table, they have not succeeded to look outward and bring in the ordinary citizens. Representation at the highest AU level has been secured, but the challenge that CSOs are left with is ensuring that the process is inclusive and participatory not leaving some of their segments out, especially the poor and marginalized at grassroots level. The CSOs face problems of polarization between those in the official ECOSOCC circles and those outside it. CSO leaders within ECOSOCC need to avoid keeping the AU spaces as prerogatives of those in the middle class crowding out the poor in rural communities. In fact, most informants feel that with the current setup, ECOSOCC members are guilty of co-optation and pursuing the parochial interests that Marxist theory alludes to about state-CSOs relations. On the other hand, CSOs operating outside ECOSOCC have an image of being extremists keen on pushing Western interests at the AU. Such divisions dilute CSOs impact on AU policies and programs.

Some key informants argued that CSOs at the AU are doing a good job of challenging the ruthlessness of some AU member states and the need to open up both political and fiscal space for citizens to influence policy-making. As noted by one CSO activist,

> With the transition from OAU to AU, CSOs have become significant players in regional matters as the AU increasingly relies on them for information and policy advice. The concept of good governance that includes the call for multiparty elections, the recognition of opposition parties, free and fair trial, and freedom of speech, press and assembly are at the center of civil society advocacy work at the AU. In this context, civil society in Africa is noticeable for its transformative role and ability to push for pro-democracy which at times is misjudged for being a conveyer belt of Western interests.
>
> (Interview with Mary Wandia, Open Society Foundation's African Regional Office)

The CSOs transformative role is understandably necessary for the AU, given the statist nature of its predecessor, the OAU. The AU with the help of CSOs is on a mission of solving the OAU challenges of lack of tolerance, a dreadful human rights record, military coups and undemocratic national governments. The proponents of CSOs engagement within the AU have argued that the lack of credibility that the OAU attracted in the past had to do with its failure to embrace citizen participation and meet the civic liberties that citizens required at that time.

Dr. Rene Kouassi, the Director of Economic Affairs at the AU Commission, reported that he was happy with the collaboration his department had with one of the CSO networks advocating for socio-economic rights, the African Forum and Network on Debt and Development (AFRODAD). He said, "AFRODAD has worked as a proxy advocate for the AU's appeal to G8 for the multilateral debt initiative (MDRI)." The AFRODAD, as an African CSOs network campaigning for debt cancellation, assisted the AU in its 2005 preparations and lobby for the 2005 G8 Summit to establish the MDRI. The MDRI provided a 100 percent debt relief from three multilateral organizations (the International Monetary Fund (IMF), the International Development Association (World Bank) and the African Development Bank (AfDB) for most heavily indebted poor countries. In 2011, the AFRODAD also managed to substantially input

into the African Platform for Development's AU Busan document on Aid Effectiveness. (APDev, 2013.)

> It is worth noting that by raising certain important substantive issues at the AU, CSOs have demystified politics and demonstrated that it is not a preserve of political elites. Through its advocacy and lobby activities, civil society is making concerted attempts to pluralize power relations between the state and non-state actors.
>
> (Brenda Mofya, FES, interviewed 17 October 2014)

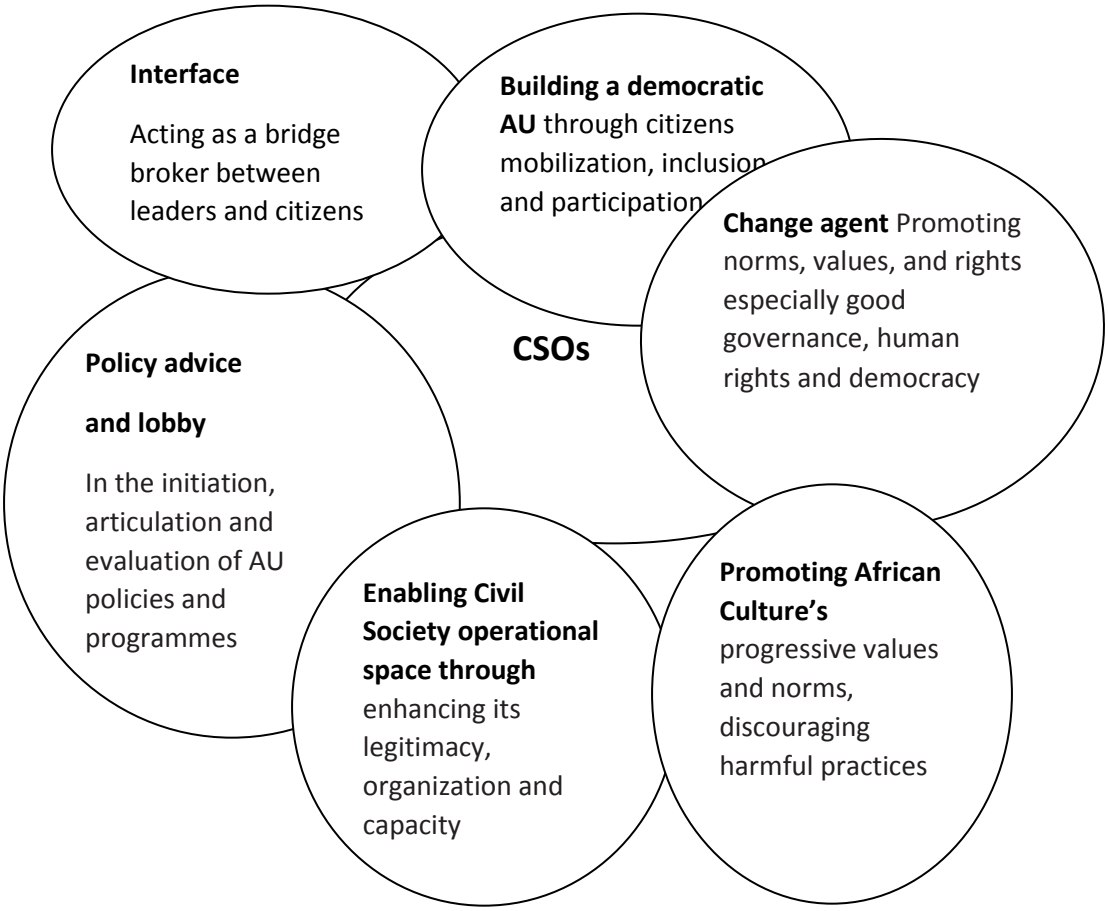
Through their scientific research, publications, lobby material and their grassroots bases, CSOs are providing relevant information towards the attainment of the AU vision for a citizen-driven AU. However, it is worth mentioning here that not all contributions by CSOs have been appealing to the AU leadership. Hence, some of their ideas are not welcome to the majority of the AU leadership. For instance, the majority of the member states resisted the CSOs call for the AU leadership to embrace gay rights as foreign culture meant to invade African culture. Politically, there is a problem within the AU leadership when it comes to defining what is, 'African' and what is 'Western', especially when dealing with controversial issues like gay rights. Consequently, more than three-quarters of AU member states have outlawed homosexuality criminalizing it to the point that for some member states it is attracting long-term incarceration for those that practise it. In scenarios like this, CSOs receive the blame for propagating Western culture.

According to Professor Adejeji, "the success of the ECOSOCC and other CSOs in influencing AU policies and programs depends on the subject matter, the member states involved and at times, who is leading it within the AU departments." (Interviewed 30 October 2014). Figure 6

indicates the various roles through which CSOs are contributing to the advancement of the AU objectives. These roles include promoting policy advocacy and lobby, brokering, fostering change and capacity building among many others. It should, however, be noted that in the process of doing so, CSOs encounter some obstacles. The obstacles include indifference or unwillingness to change by political leaders and lack of political will at high levels to engage with civil society especially where issues of accountability and transparency are involved. "It seems easier for CSOs to have a high impact on issues related to socio-economic matters than to those dealing directly with governance, politics and human rights" (Abie Dithale, Interviewed 13 November 2014).

Within the new AU democratization agenda, CSOs are agents of democracy, although they may be struggling to practise democracy within their internal structures. As put by Mr. Turkur Bamanga, a representative of the African Business Forum, " the inclusion of CSOs in the AU agenda through the ECOSOCC and other avenues of participation is a new dawn and a new deal" (Interviewed 22 July 2014). The understanding from Bamanga is that CSOs through their press statements, memos, and communiques exert pressure for change governments to change the way they govern and do development projects. Sometimes they name and shame those deviating from the accepted civic culture and political reforms. For example, President Bashir of Sudan has been consistently accused of genocide in Darfur and failing to uphold democratic principles of the AU. By articulating citizens' concerns in the public arena, CSOs promote participatory democracy. Martha Bakwesegha-Osula further notes that,

Figure 6: Key Roles of CSOs



Adapted from ECOSOCC, 2012 pamphlet on Citizens Engagement.

> CSOs have been pressuring the AU leaders to enhance people's solidarity through allowing the free movement of people across the continent, introducing an African passport and doing away with visas for citizens visiting member states.

According to the first African Union Commission Chairperson, Professor Alpha Konare, "The creation of ECOSOCC is against authoritarian regimes, hostile external efforts and the negative waves of globalization…You [ECOSOCC] should be by the side of those denied their basic human rights and those who suffer injustice" (Jinadu, 2013:3). These sentiments are associated with the post-Cold War Western donors' push for electoral democracy and market-centred

economies before investing or giving development aid to African countries. For Professor Konare and other civil society advocates, the CSOs' contribution to the AU is in tackling the 'democratic deficits' of the then OAU and removing citizens' cynicism of the regional body and its leadership.

The expectations of the interviewees that are advocates for CSOs participation is that CSOs should work as a 'change makers' to democratize both the AU and its member states, inculcating the democratic values of trust, tolerance, inclusion, participation, plurality and diversity. This line of thought perceives CSOs as vehicles for building democracy, which is in some circles synonymous with the selection of leaders through free and fair elections, equality before the law, freedom of assembly and speech. The notion resonates with liberal inclinations of Naomi Chazan, who claims that,

> The nurturing of civil society is the most effective means of controlling repeated abuses of state power, holding rulers [the AU leaders] accountable to their citizens and establishing the foundations for a durable democratic government." (Chazan, 1992:282).

On the contrary, Ambassador Effah-Apenteng felt that "CSOs participation in the AU is elitist, failing to speak truth to those in power and failing to represent the underprivileged in society." He bemoaned the absence of CSO impartiality in averting the political violence that erupted after the Kenyan elections in December 2007. In this scenario, some CSO activists took political sides thus fuelled the ethnic conflicts. Several CSO activists failed to distance themselves from the ethnic and geographical bias associated with the violence. Such sentiments lend support to the research findings of Warleigh (2001) on the organizational culture and structures of CSOs. Warleigh, who is from the Marxist perspective, concluded that CSOs are not capable of acting as participatory democracy agents since they are not democratic themselves. He argues that their

approaches are self-seeking, elitist and top-down as only senior officers within CSOs make decisions without complementing them with input from members. Despite these divergent views on the capability of CSOs to deliver on participatory democracy, processes such as the African Peer Review Mechanism do demonstrate the AU's confidence in CSOs to promote good governance, participatory democracy and human rights.

5.1.2 Restraining state power and conflict management

According to Julia Dolly Joiner, a former AU Commissioner of Political Affairs, "CSOs have fearlessly triggered a lot of political changes in the AU by opening up debate on some salient human right issues that African leaders have not bothered to interrogate or investigate among their peers." She cited the AU's preoccupation with preventing impunity, genocides and crimes against humanity as an initiative coming from CSOs' early warning systems. For her, it was the CSOs that popularized the case of the Sudanese Darfur crisis, which resulted in the International Criminal Court issuing a warrant of arrest for President Bashir. The CSOs are thus redefining the way things are done, strengthening the AU and giving their African leaders a sense of responsibility and awareness that their actions are being watched and scrutinized.

Dr. Mary Maboreke, Secretary to the African Commission on Human and People's Rights, stated that since the transition from the OAU to the AU in 2002, CSOs have been active in exerting pressure on AU member states to ratify protocols and endorse conventions aimed at promoting human rights, democratic reforms, and good governance. These include among many others the 2002 Declaration on the Principles Governing Democratic Elections in Africa and the adoption

of the 2007 African Charter on Democracy, Elections and Governance (Interviewed on 30 June 2014 on the margins of the AU Summit). She also pointed out that not all AU member states have been keen on signing up to protocols for democratic transitions, as some view these as Western ideas, not for their citizenry. Mwanasali (2012:26) claims that "roughly only one-third of AU member states support the AU Commission's democracy and human rights agenda, Another third of member states openly opposes the AU Commission's democracy and human rights agenda, and the rest is opportunistic responding mainly to peer and donor pressure." Thus, the CSOs task of building and consolidating democracy in the AU has takers and non-takers among AU member states.

Some interviewees pointed out that the CSOs role at the AU is associated with the peace and stability prevailing on the continent since the establishment of the AU. They argued that Africa has experienced fewer coups and counter-coups in the era of the AU compared to the days of the OAU due to the participation of CSOs and other stakeholders in the affairs of the AU compared to the OAU that was famous for being a 'club of politicians.' The PSC notes that the continent had 26 active conflicts in 2002 compared to only 7 active conflicts by mid 2015 (ibid).

Studies by Ulf Engel and other scholars have supported this view, arguing that CSOs have been the important catalysts in the replacement of authoritarian and military regimes with democratic states. Engel claims that between 2003 and 2012, 11 coup d'états occurred in Africa, (Engel, 2012:237) compared to 80 successful and 108 failed coup d'états between 1956 and 2001 (see McGowan, 2003:339). In his analysis of peace-building and democracy in Africa, Engel (2012:238-9) argues that due to civic participation, unconstitutional changes of government and

violence now affect only 19% to 25% of the continent's elections. He also notes that in collaboration with CSOs, the AU successfully made interventions aimed at bringing peace and stability in Darfur (2005); Somalia (2007); Comoros (2008), and Central Africa Republic(2013) just to mention a few.

A UN peace evaluation report in Burundi recognized CSOs, in particular, ACCORD, as a key strategic AU partner in the promotion of peace, democracy and human rights in Africa (Campbell, 2010).

> Over the last two decades, ACCORD supported AU-led peace mediation processes of Presidents Julius Nyerere, Mandela, and Zuma in Burundi. ACCORD's role involved training rebel groups in peace negotiation skills and the setting up of a CSOs peace coalition.
>
> (Mr. Vasu Gounden, Executive Director, ACCORD)

Work done by ACCORD and many other CSOs working with the AU Peace and Security Council underscores the relevance and impact of CSOs participation in AU programs. Evidence from the study indicates that CSOs like ACCORD have also been successful in facilitating some multi-stakeholder dialogues bringing together participants representing government, civil society, youth organizations, women's groups, traditional leaders, academia and personnel of the United Nations.

5. 1.3. Promoting People's Participation

Although the CSOs engaging the AU have been successful in some respects, some interviewees drew attention to their elitist tendencies and particularly the failure to bring in grassroots

community-based CSOs to the table. One of the major objectives of the AU in including CSOs in their architecture was the thinking that CSOs will use their grassroots experience to mobilize and popularize the AU among ordinary people. However, as Dr. Chinery-Hesse notes:

> Although the understanding among AU leaders is that CSOs are agents of reform, capable of mobilizing and representing ordinary people within member states. The CSOs we work with at the AU have not been able to establish national structures for such purposes.
> (Interview with Dr. Chinery-Hesse, Member of the AU Panel of the Wise, 5 March 2014).

CSOs still need to demonstrate that they can link their regional work with both the national and grassroots realities. In this study, interviews with key informants and documentary analysis confirmed that only a limited number of grassroots-based African citizens fully know about the AU, neither are they involved with its activities. The ECOSOCC, as the main organ for civic participation, has not been able to build national or community structures to realize the mobilization and participation of ordinary citizens from across Africa in the affairs of the AU. Both civil society members and the AU officials spend a lot of resources, energy, and time in technical meetings, workshops, and conferences with little dividends flowing to the grassroots. This focus on meetings goes contrary to notions expressed in development literature and theories, which contend that the strength of CSOs lies in being able to mobilize ordinary citizens to engage duty bearers. However, evidence from the study is pointing to the fact that African leaders and bureaucrats at the AU continue to engage with middle-class people from CSOs rather than with ordinary grassroots people as envisaged in the AU vision for popular participation.

One civil society activist from Mozambique further notes that,

> Since the establishment of ECOSOCC as the primary structure for CSOs participation in 2005, nothing tangible was done for the grassroots. The usual suspects from ‘middle

> class' think tanks dominate AU CSOs pre-summit gatherings claiming to be speaking on behalf of the marginalized people. Efforts to reach out to grassroots-based organizations and groups is almost zero. All we have heard is disputes over financial allocations between AU bureaucrats and CSO elites.
>
> (Interview with Helder Malauene of the Foundation for Community Development on 5 August 2013).

Discussions with both CSO representatives and AU officials affirm that there is no clarity on what role the ECOSOCC national chapters should take. It seems that only a few CSO leaders known to AU bureaucrats that have patronized several AU-CSO pre-summit meetings selected among themselves representatives of ECOSOCC national chapters without the national mandate from other CSO networks. Consequently, the ECOSOCC's national chapters lack legitimacy and visibility. In some countries, they do not even exist.

> ECOSOCC still has a long way to go regarding bringing the authentic African voices to the AU leadership. The CSOs we have in ECOSOCC are not close to the people and out of touch with African realities. They don't have a commitment to the welfare and empowerment of poor ordinary citizens. They are middle-class citizens different from the poor struggling CSOs you find back home at sub-national levels.These CSOs in ECOSOCC are struggling to link with sub-regional and national CSO struggles. They stay far from where the action takes place.

This statement is a confirmation that when it comes to popularizing the AU, the CSOs have failed to make the AU and its operations visible among ordinary citizens in member states. The AU is still distant from the poor and marginalized communities.

According to African Union Monitor (2014), the CSOs image is favourable, but the public knowledge of and involvement in AU issues in member states is partial. On one hand, regional CSOs that engage the AU have no time to engage national CSOs and CBOs and pass on

information obtained from their international engagements to local CSOs. On the other hand, local CSOs do not have AU engagements as their priority areas of work. Furthermore, funding for national CSOs wishing to engage the AU is not available as it is not a priority to their donors. The African Union Monitor went on to bemoan the fact that in Africa there are no means of engaging ordinary people in AU policy decision-making processes or soliciting their views on certain key issues. For example, there are no mechanisms such as opinion polls on regional public policy issues. There are no petitions signed or expression of views online, making it difficult for the AU leaders to quickly know what their citizenry think about certain issues. "Unlike EU citizens that can vote in favour or against certain EU policy decisions, African citizens have not had an opportunity, and a means to express their views on important AU issues." (Sorbaru, 2006:10)

The financial support for the AU-civil society interaction is lacking. The original thinking in creating ECOSOCC was that both the AU and the civil society will be catered for by the AU budget, which is basically donor dependent. The AU has no clear funding mechanism for its priorities and, later on, civic activities. It relies mostly on donors, as its membership dues are insufficient for its programs and activities. As World Vision (2007) notes, seventy-five percent of the AU's internal financing comes from its big five members- Nigeria, South Africa, Egypt, Libya and Algeria. The problems of external financing make it difficult for the AU to be people–driven and accountable to local communities in member states. In most cases, the AU leaders and secretariat spend much of their time trying to impress Western donors like the European Union that they rely heavily on for financing their programs. Dr. Mamadou Dia, Acting Director for Political Affairs at the AU, notes, "Although the AU commission had a plan to respond to the

North Africa uprisings, the delay in accessing EU funds for the project disturbed their response to the point of rendering it useless" (CCP-AU, 2012:7). Thus, funding remains the greatest hurdle to attaining the AU vision for a citizen-driven Union.

Dismas Nkunda, Co-Director, International Refugee Rights summed this funding problem from the peace project perspective as follows; "About 90% of the African Union's peacemaking programs are donor dependent, which makes its peace programs unsustainable and difficult to effect meaningful changes. It will take us long to reach and involve the poor at the village level." In development literature, critics to those who present CSOs as the change makers continuously point out to the lack of resources as one of the greatest limitations to what CSOs could do to bring about meaningful developments in any field of work. There is, therefore, a need to address the resource gap through interactions with CSOs, if the AU is to realize its vision of a citizen-driven Union.

A summation of civil society participation at the AU is that the process remains exclusive leaving out the poor and marginalized who are at the grassroots level. This somehow makes CSOs ineffective, deviating from ideal contributions and a role that revolves around opposing, reforming and complementing AU efforts. Arguing from a liberal perspective, Encarnation (2003) maintains that CSOs symbolize the growing need for accountability and transparency in tackling governance and development issues. In carrying out these functions, the foregoing demonstrates that CSOs have their challenges, successes, and prospects in contributing to the AU vision for a citizen-driven regional organization.

5.2 The nature of AU-CSOs relationships

Evidence from the study suggests that the AU-CSO relationship is still at a nascent stage and evolving. Nevertheless, for most respondents, relations between member states and CSOs at national level tend to mirror how different AU member states understand their relationship with CSOs at the AU level. Mandla Hadebe, from the Fellowship of Christian Fellowships (FOCCISA), argues, "Governments that are famous for being oppressive and shrinking CSOs space through either legislation or state brutality at home are likely to oppose CSOs work on governance and human rights issues at the AU" (Interviewed 23 November 2014).

The focus group discussions with CSO activists show that the nature of AU – CSO relations vacillates and depends on the players and issues under consideration. Many respondents described the relationship between CSOs and the AU as complex. They view the relationship between the two as neither antagonistic nor friendly, but that it varies with the circumstances and issues at stake. The relationship falls both ways since the AU membership is a mixture of those that are progressive and those are retrogressive when it comes to embracing development changes. Some CSOs by their mission and the kind of AU departments they engage work better with the AU than others. According to a representative of the trade unions at the AU, Hassan Sonmuna, "CSOs that work explicitly on governance, democracy, elections and human rights issues are highly unpopular with most AU member states. Relations with those working outside these areas are cordial." The AU member states' standoff with the former emanates from the fact that these CSOs demand respect for human rights and observance of the rule of law, an area in which most

member states are lacking. Consequently, these CSOs are accused for being political when they challenge the AU's failure to discipline oppressive regimes among member states.

According to Gabriel Neville of the Southern Africa Trust, "CSOs working on governance and human rights issues are suspected of having hidden agendas, hence the need for the AU to vet those joining ECOSOCC." There is thinking that Western donors that fund CSOs use the CSOs as conduits to embarrass the AU or destabilize their countries. During interviews, some AU officials (who preferred to remain anonymous) referred to how the International Criminal Court connived with some CSOs to embarrass African leaders by issuing them with warrants of arrest. Some AU officials openly expressed their dislike of CSOs as they regard them as agents of regime change or conveyor belts of Western interests.

The most cited case in which CSOs are associated with the West is that of President Uhuru Kenyatta's trial at The Hague in connection with the post-2007 elections in Kenya. Most AU leaders and officials are still suspicious of CSO operations and motives. They are of the understanding that it is the donors dictating to CSOs and seeking to destabilize their countries. This thinking emanates from the fact that the trials at The Hague have been mostly for African leaders and not those in the West. More so, when donors fund CSOs, they choose sectors and areas to prioritize. Consultations are held with neither CSOs nor their governments. Consequently, in their interaction with CSOs, some AU leaders and bureaucrats do not freely share information, which is crucial for the continent's development. In scenarios of suspicion, human rights defenders face antagonism from some AU officials or member states. The implication of this is that CSOs need to deal with the suspicion that easily gets associated with

their human rights work funding. Such standoffs limit the ability of the CSOs to influence policies and programmes at the AU. It should, however, be mentioned that among AU member states, CSOs have sympathisers in their push for human rights. For countries with better governance and human rights records like Botswana, CSOs have been lobbying such to support their advocacy efforts at the AU.

One of the documents determining the nature of relationship between CSOs and the AU is the ECOSOCC Statues (See Appendix C). For Moyo (2007), the AU leadership uses legislation to control relations between them and CSOs. Hence, the CSOs participation in the African Union is an invited space, legitimized by African governments, with clearly laid out conditions for engagement spelt out in the ECOSOCC Statues and Rules of Procedures. For instance, CSOs have a restrictive mandate of being an advisory and consultative body as outlined in Article 22 of the Constitutive Act. Such articles imply that the African Union leaders are free to pick and reject the suggestions or advice coming from CSOs. Moreover, CSOs that are members of the ECOSOCC cannot criticize the AU leadership in public, use protests or employ other confrontational tactics against certain AU decisions or choices. They can only lobby their leaders for the desired changes. This setup leaves only CSOs outside the ECOSOCC to confront directly the authorities and demand change to the status quo.

> The fact that CSOs participation in the African Union through ECOSOCC is by invitation implies that they are in the AU processes on the benevolence of AU member states. They can keep that space as long as they stick to the rules of procedure. This nature of the relationship in a way restricts CSOs ability to influence policy changes within the AU.
>
> (Mr. Ozius Tungwarara, Director of AFRIMAP)

The nature of the relationship between the CSOs in the ECOSOCC and the AU means that the AU is free from criticism. Such lack of criticism was manifest during the political unrest of Ethiopia in 2005 and was counter-productive. Street protests to the 2005 Ethiopian elections sparked political unrest as Ethiopian forces reacted with brutality. In the melee, some civilians died; thousands of people were incarcerated, and many opposition politicians and journalists were charged with treason for challenging an election marred by many irregularities. To the surprise of many observers, both the AU and CSOs accredited to the ECOSOCC kept silent. Such occurrences, seem to imply that those who are supposed to speak for the oppressed were not interested or were afraid to do so. The watchdogs became ineffective and the guards were caught napping.

There is a misunderstanding between the CSOs and the AU leadership, which has affected relations and minimized cooperation between the two. Most AU leaders think that CSOs are there to shame and sabotage them, rather than hold them accountable. Some of the CSO activists, I interviewed mentioned that the Citizens Directorate (CIDO), which functions as the secretariat of the ECOSOCC has also acted as a gatekeeper against CSOs dealing with the AU. CIDO makes sure that CSOs do not annoy governments in their engagements at the AU. Consequently, the ECOSOCC leaders find it difficult to challenge African governments as their place at the AU is lost, if abused. One of the CSO leaders notes that:

> Although the ECOSOCC leadership address AU leaders during summits, they find it limiting. CIDO always insists that the CSO presenters should not by any means attack member states of the AU neither should their report be vitriolic or annoying to any AU member state. However, the outlook of it all seems to reveal a pattern of change from antagonistic relations of the OAU days to more friendly and collaborative days of the AU.

(Martha Bakwesegha-Osula, Director for Crisis Action)

Although the nature of relations between CSOs within the ECOSOCC and the AU is not entirely sour, there is still some level of suspicion and mistrust, which hampers progress for the regional body. With this kind of setup as argued by African theorists, CSOs either wittingly or unwittingly push the agenda of governments, making them not so much divorced from state patronage (Habib, 2004). The net effect is that CSOs within ECOSOCC do not perform as expected, which leads to a lack of visibility for the AU and its operations. Such tendencies have caused some CSOs to feel ill-treated, to the extent that there is no real partnership. Hence the statement about the lop-sidedness of the nature of the relationship

> The AU bureaucrats want high visibility; they want CSOs that are more amenable to their control and agenda and acceptable to the heads of states … the whole process of the ECOSOCC is controlled and managed at every stage, even the consultative processes. Such manipulation is the greatest robbery that African CSOs experience. With such crafty ways of working, some professionals in the civic sector have withdrawn their organizational services from the AU.
>
> (Abdul-Raheem, 2005:1)

This reaction and other episodes in the interactions are a sign that there is a sense of hopelessness created by the nature of relations between the AU and CSOs. The AU expects CSOs within the ECOSOCC to think within the box and not outside the box. This notion kills their creativity and ability to make the AU visible and attractive to its citizenry. Progress towards a citizen-driven AU is possible when these challenges get addressed.

Despite, these internal misunderstandings, in international platforms, CSOs working on economic justice issues and the AU leadership have displayed a sense of unity and cooperation in pushing for the region's development agenda. The cooperation seems to be emanating from

the fact that governments do not feel threatened by CSOs that are focusing on technical and not political issues. For example, AU officials and CSO activists have been able to cooperate and present Africa's position on trade matters to the World Trade Organization negotiations at both Doha and Cancun. Regional CSOs, in particular, the Southern and Eastern Africa Trade, Information and Negotiations Institute (SEATINI) and Action Aid collaborated with African Union leaders in the past. The purpose for the collaboration was,

> To ensure that governments will not commit to policies that will hurt the poor. It was also to ensure CSOs drum up support for African governments. Skewed WTO trade negotiations, faced our governments but without technical expertise to respond appropriately. We had to jump in and save them.
> (Interview with Odour Ongwen, Former SEATINI Country Director, 23 June 2014)

Most interviewees spoke of the good working relationships between the AU and CSOs cited the SEATINI and Action Aid collaboration with the AU as an epitomizing partnership at the highest level based on mutual trust and confidence. Likewise, some respondents spoke of the creation of multi-stakeholder platforms at both AU and UNECA to tackle the climate change problem in Africa as a way of demonstrating areas of budding trust, confidence and effective partnerships between CSOs and the AU. CSOs are also working with the AU member states, and the United Nations to define a post-2015 MDGs agenda for Africa. The African Union, (2012) report on the MDGs, noted that the continent continues to make progress towards attaining the goals because of a strong budding partnership between CSOs and the African Union. The report concludes that the cordial relations between the two have helped Africa to make great strides towards the attainment of the MDGs. The nature of the relationship between CSOs and the AU has tended to vacillate, depending on the episodes and issues at hand. It is, therefore, premature to conclude that the nature of the relationship between CSOs and the AU are either cordial or confrontational.

This study confirms that the relationship between CSOs and the AU is not as noticeable as it should be. Neither does a single theoretical perspective easily explain it. The relationship seems to be unfolding depending on which officials the CSOs meet at the AU or among its member states.

5.3 CSO Strategies and Mechanisms

One area of research inquiry for the study speaks to the question of strategies used by CSOs in engaging the AU and ascertaining how effective these have been. The strategies used by CSOs largely determine the success or failure of CSOs in engaging the AU. An analysis of collected data during the study reveals that CSOs use different strategies in their interactions with the AU. The legitimacy of CSOs in engaging the AU emanates from various sources. Some of these are political, technical, legal, moral or otherwise. For example, the Organization of African Trade Unions (OATUU), as a regional CSO, with offices in almost all AU member states claims its legitimacy from the size and resolutions of its membership. This geographical spread gives OATUU the weight to call upon the AU to change certain policies for the workers across the continent. Similarly, legal organizations point to their legal expertise as a basis for the AU to pay attention to their advice. When a CSO displays expertise in certain policy areas that give it more weight ahead of the others, it creates chances for frequent consultation and engagements with AU policy actors.

Girma Beyene, one of the INGOs funding African CSOs' program officers asserts that, "The strategies and mechanisms that CSOs use in engaging the AU largely determine their level of success in influencing its policy formulation and programs implementation." It also affects the

nature of relationships in the interaction. In their interaction with the AU, CSOs have used the following strategies: education, persuasion, collaboration, litigation and confrontation depending on the issue at hand. In employing these strategies, CSOs are either proactive or reactive. When CSOs are proactive, they engage the AU in the process of making certain policies through influencing them. Reactively CSOs often review certain policies already gazetted with the hope of getting them revised. An analysis of CSOs strategies largely explains their successes and failures in engaging the AU and its member states.

The most widely cited strategy by interviewees is education, which is the process whereby CSOs give out information, analysis and policy alternatives to both AU bureaucrats and politicians with the hope that it brings about the required policy changes. The strategy of persuasion normally follows this, mostly in the form of lobby and advocacy. The education strategy relates to the work of think tank CSOs such as the Centre for Policy Analysis (CEPA), Centre for Democratic Development (CDD) and the Councill for the Development of Social Science Research in Africa (CODESRIA) among many others. The convening of workshops and conferences where CSOs invite AU leaders and officials to dialogue with them on specific policy proposals follows the dissemination of publications. However, this has proved to be a problematic strategy in scenarios where the target group does not read the publications from the think tanks and do not consider provided policy alternatives in their deliberations.

The failure by the AU to recognize the credible work done by some African CSOs is problematic. Some AU officials were quick to point out that unlike INGOs, local CSOs have little chance of producing quality evidence-based research due to their limited access to research

grants and ability to hire skilled personnel. An Interview with one CSO representative confirmed that,

> AU leaders have not fully appreciated the knowledge and expertise they get freely from African CSOs. They have a tendency to rely heavily on some consultants from overseas when citizens have a wealth of information lying on their doorsteps. INGOs and donor agencies seem to get more attention than local CSOs. Maybe this is due to the funding dynamics.
>
> (Interview with Fatima Zohra Karadja, ECOSOCC Deputy Presiding Officer, 7 July 2014).

From both interviews and documentary analysis, it is clear that the AU leadership tends to ignore the early warning signs and information emanating from local CSOs. The use of persuasion as a way of solving African problems have yielded limited results, especially when dealing with some AU member states that are skeptical of CSOs. Some AU organs have limited powers to act on CSO recommendations. For example, one of the disadvantages of the African Commission on Human and People's Rights (ACHPR) is that it has no power to enforce any of its decisions on human rights violations. It can only recommend to the concerned AU member state, which then uses its discretion to act on or ignore the ACHPR recommendations. Negative reactions by AU member states can be discouraging and virtually limit the level of influence CSOs can exert on the AU through persuasion. Furthermore, the ACHPR's remedies for violations are limited; as the uptake of the recommendations depends entirely on state parties' willingness to implement and follow its recommendations.

The second most widely cited strategy used by CSOs in their engagement with the AU is collaborations. This strategy involves having an AU organ working amicably in partnership with CSOs to advance certain AU programs. Some CSOs have memorandums of agreement (MOUs)

with some AU departments. A CSO has access to important confidential documents, by having an MOU, which is usually not availed to other CSOs without an MOU. An MOU for a CSO also implies that you are the prioritized CSOs when it comes to receiving invitation letters to seminars and conferences from AU Commission officials. It also means that you are the kind of CSO that the AU has trusted to input your technical expertise into some department policy documents or pieces of legislation. However, at times participation in some department meetings tends to be more cosmetic than meaningful, especially when important information is is denied CSOs. Some AU officials are still harboring old time OAU habits of hiding information from CSOs. One CSO activist, Ms. Yemisrach Kebede, Former Executive Director, CCP-AU complained, "As CSOs, we sometimes get invited to meetings with a predetermined outcome. We, therefore, find no point in attending to legitimize what the AU wants to tell its funders using our presence."

One interesting observation with AU-CSOs collaborations is that nothing seems to be predictable regarding outcomes. For some CSO interviewees, the process is positive and yielding tangible results. For others, it turns out to be bureaucratic and less encouraging to invest in it. The outcome also tends to depend on the department engaged. CSOs that have participated in the Peace and Security Council seem to have come out reasonably happy with the process. By their admission in their documents, some CSOs claimed that collaborations work well as they see the AU picking up some of their contributions in their policy documents or follow up to redress issues criticized by CSOs. CSOs participating in the African Peer Review Mechanisms (APRM) also used the collaboration strategy, when they became part of the National Governance

Commission/Council. Some CSOs assisted the process through conducting independent professional research and evaluations.

Collaboration in the context of the APRM has had both positive and negative outcomes. In Ghana, CSOs were allocated leadership positions during the APRM process. Professor Asante, one of the civil society members who were part of Ghana's National APRM Governing Council, attributed its success to the honest and true partnership between government and civil society.

> The Ghanaian government through the office of the president demonstrated the political will to be accountable and transparent while civil society demonstrated its commitment to help the government in tackling obstacles to good governance. Ghana's experience springs from the understanding that citizens lack information on public processes, institutions, and decision-making. This hampers their participation and contribution.
>
> (Interview with Professor Asante, Executive Director, Centre for Regional Integration in Africa, 12 June 2013)

CSOs are assigned the intermediary role of closing the information gap. Of key importance to the AU-CSO interactions, collaboration in the APRM process has shown that the building of democratic governance requires a strong and vibrant civil society that partners with government.

The most widely used strategy by human rights CSOs engaging the AU is litigation. Litigation involves taking policy or legal concerns to the courts of law as a way of forcing the AU to comply with some of its conventions or international standards. One of the CSOs using this strategy is the Zimbabwe NGO Human Rights Forum, which approached the African Commission on Human and People's Rights (ACHPR) in a bid to get compensation for victims of electoral violence, but this did not work. Instead, it increased animosity between government and the human rights organizations involved. Despite the support given to the process by

regional partners such as the Pan African Lawyers Union (PALU) and the Southern Africa Litigation Centre (SALC), the Zimbabwe government did not comply, and the African Union took no further steps on the matter. As Fritz (2014) notes, litigation and confrontational strategies have proved to be difficult for CSOs trying to effect changes at the African Union. The AU and its member states are at liberty to defy either certain court rulings or some of the initiatives and requests coming through CSOs. Some of the confrontational tactics that CSOs have tried to use on AU leaders include naming and shaming, but this has not worked as that also increased animosity between the CSOs concerned and the AU and its member states. For example, CSOs have labelled and demonstrated against the Sudanese President Omar Al-Bashir as a human rights violator because of his treatment of the Darfur people. This approach has not changed the attitude of AU leaders regarding their colleague. In fact, they have done everything possible to defend him both locally and internationally.

5.4 CSOs Capacity and Influence

One of the research questions was on the CSOs organizational capacity to engage the AU on policy issues and program implementation.This question covered issues of organizational funding, employees' education, knowledge and skills, labour turnover and preparedness of CSOs to deal with emerging issues. In the majority of cases, the CSO leaders spoke mostly to problems of funding, the competition of policy advocacy space with INGOs at the AU, high staff turnover due to brain drain, and their loss of staff to INGOs and donors. This myriad of problems largely affects their ability to engage the AU and influence its policies and programs. In addition to this, some AU staff expressed the need for the commission to orient CSOs on its processes. As Dr.

Kambudzi, the Secretary of the Peace and Security Council notes, "Exposure to AU processes and mechanisms of engagement is something that most CSOs still need to be acquainted with for them to be able to engage the AU" (Interviewed on 30 June 2014 on the margins of the AU Summit). Some CSOs are not aware that engaging the AU on a specific summit theme is a process that begins, at least, six months before a summit, involving lobbying member states ambassadors, foreign affairs ministers and AU bureaucrats working in the area of concern.

Most interviewees and authors on the AU and civil society tend to concur that African CSOs have capacity to engage the AU and turn things around within the regional body. However, there is a feeling that asking CSOs to change things at the AU is an enormous untenable task. It is as good as asking the CSOs to do too much with too little in a continent overrun with poverty, mismanagement, and bad governance for decades.

> When it comes to internal organizational issues, CSOs suffer from both organizational and financial capacities. Some fail to influence the AU because they lack knowledge of both the issues and the decision-making processes. Others lack internal democracy for them to qualify as champions of regional democracy at the AU. Nevertheless, the greatest weakness of them all is that they rely heavily on external funding, which ends up influencing their agenda setting and drifting them away from their original mission statement and objectives.
>
> (Interview with Houghton Irungu, Former Oxfam Policy Advisor, 8 May 2014).

In line with these sentiments, scholars from the African perspective have doubted the ability of CSOs to turn things around at the AU. CSOs are according to some circles are not the change makers. For example, Ekeh (2012) argues that those who claim to be CSO activists in Africa fail to live beyond their upbringing- a culture of patronage and clientelism, which the African leaders are propagating. Most African CSOs experience setbacks because of the founder and owner syndrome, which makes it difficult for their staff to pursue issues with the required commitment.

Thus, civil society in Africa is not the same as elsewhere in the world. He concludes that African leaders are likely to engage African middle-class elites bent on rent seeking and mistaken those for civil society. Some interviewees expressed doubt that CSOs can cure Africa's ills given the fact that they suffer from research incapacity, weak policy sector links and networking in their structures. The overall argument is that society should not expect too much from African CSOs since, many civic groups depend on the goodness of the state for space and resources.

Funding is one of the issues that affect CSOs influence at the AU. Some AU officials argue that since CSOs are dependent on donors, they are incapable of setting their agenda. Such generalizations seem to be advanced by those bent on demonizing CSOs, since most African governments also rely on donor funds but still maintain their state sovereignity. This thinking lends support to the thinking by Shivji (2007) that donor influence and the origin of CSO agendas is not separate, hence, the adage that, 'he who pays the piper calls the tune.' Shivji's argument is that although CSOs are capable of participating in the AU, their dependence on donor funds attracts criticism and suspicion from governments that believe that the agenda they are pushing is not theirs, but the donors'. He concludes by a warning, that, ''Unless there is an awareness on the part of [CSOs] of this fundamental moment in the struggle between imperialism and nationalism, they end up playing the role of ideological and organizational foot soldiers of imperialism" (Shivji, 2007: vi).

5.5 Major Findings

These findings come from the reviewed literature, documentary analysis and interviews held with key informants. The data collected showed that there is a difference between the envisaged AU-CSO interactions and reality on the ground.

The study found that the civil society organizations' main entry to engaging the African Union is the Economic Social and Cultural Council (ECOSOCC). In line with Article 5 of its Constitutive Act, the AU inaugurated the ECOSOCC in March 2005 as an advisory and consultative body through which it could solicit CSO contributions to building a people-centred and driven AU (Landsberg and McKay, (2005, 30). Through the ECOSOCC, CSOs have a voice and mechanism of interacting with various African Union organs and institutions. The AU ECOSOCC differs from the UN model in that it is for CSOs only. The UN model is not exclusively for CSOs although it includes over two thousand CSO member organizations from across the globe affiliated to it to help tackle the global socio-economic issues (Sturman and Cilliers, 2003). The UN ECOSOCC has seats allocated to member states on a proportional geographical representation. General Assembly representatives to the UN ECOSOCC have a renewable three-years term. The UN model considers member states representatives as the major players while CSOs are observers with no voting rights but can submit written statements for the council's consideration (Ibid).

I found that despite the call for a people-driven AU, the organization still has the political leadership dominating its decision-making powers, leaving little space for the engagement of the ECOSOCC and CSOs. The Assembly of Heads of States and governments can override CSOs

interests. As Viljoen (2012:182) notes, "the Assembly dominates both decision and policy-making processes. The separation of powers is a problem as the Assembly is currently dominating on everything with no checks and balances on the possible abuse of its power." The way the AU is structured makes it difficult for the Assembly to be accountable to African citizens or any of its organs. The Assembly has power over all AU organs' budgets and resources. As Udombana (2002:88) notes, "Unlike the European Council, which according to Article 4 of the EU Treaty must submit reports to the European Parliament, the AU Assembly does not have such an obligation."Unexpectedly, the Constitutive Act's Article 5(2) gives the Assembly power to establish other organs of the Union. This dominance means that in the case of a conflict between the Assembly and the ECOSOCC, it is automatic that the Assembly's will prevails.

A majority of interviewees also explained that the AU would not be people driven because of the unwillingness of member states to accept the principle of supremacy, that is, to give up their sovereign power for the supranational body. The African Union Commission, its organs, and institutions lack the power to take decisions on behalf of AU member states. Consequently, not all AU community resolutions affect member states and their citizens. Member states still choose what to implement. Nzomo (2002:3) argues that, "If the African Union is to succeed, national governments must agree to give up some of their sovereignty for the common good of Africa as a whole." The issue of sovereignty will continue to delay the AU's response to challenges to popular participation. This limitation also affects the importance and visibility of CSOs within the AU and their ability to turn things around in Africa.

5.5.1 Lop-sided Civil Society Participation

This study found that think tanks and development-policy orientated CSOs dominate CSO interactions with the AU. That is the case for mostly those CSOs involved in policy research, analysis, advocacy and lobby activities. The other wing of CSOs who are into humanitarian, relief services, food security work, and projects implementation, especially groups such as farmers associations, faith-based organizations (FBOs) and community-based organizations (CBOs) seem to be too distant to engage with the AU. According to official documents, the AU ECOSOCC is supposed to be composed of technical groups, NGOs, FBOs and CBOs, cultural groups and vulnerable/special interest groups such as the physically challenged, women and children. The AU ECOSOCC Statutes Article 3 (2) defines CSOs as including but not limited to these groups. All these groups rally around the issues of development, social welfare, social transformation, women's rights, children's rights and voluntarism. This composition of CSOs goes further to cover Africans in the diaspora, which is those in Europe, Australia, Asia, and America. Unfortunately, the AU ECOSOCC for reasons related to both its organization and funding does not properly represent all segments of CSOs, but a few privileged ones with access to AU staff and publications

The study also found that the eligibility requirements for CSOs to be members of the ECOSOCC are a bit heavy for African CSOs. The most widely complained about requirement is the demand in Article 6 of the ECOSOCC Statues that CSOs wishing to be ECOSOCC members should be registered with their national authorities. This requirement disqualifies many governance and human rights defenders. Most human rights defenders are either denied registration or have their

registration canceled for pointing out or criticizing their national government's human rights abuses. For example, the Ethiopian government has refused to register CSOs working on human rights and governance using donor funds. This development has forced few human rights defenders to operate as private legal companies than registered CSOs.

Another requirement is that those enrolling into ECOSOCC must be fifty percent sponsored from local finances. This requirement is difficult as most CSOs are donor dependent. As Moyo (2007) notes ECOSOCC criteria for membership seems too formalistic to cater for an informal CSOs setting. For instance, the demand forArticle 6 (4) of the Statues that CSOs submit their financial statements for accreditation seems to infringe on the autonomy of CSOs and hence excludes them from joining the ECOSOCC. Tellingly, the ECOSOCC eligibility criteria presents more of a burden than a facilitating factor.

5.5.2 AU Structural and Legal Impediments to Civic Participation

This study also examined the working relationship between the African Citizens Directorate (CIDO) and CSOs. CIDO has functioned as a go-between the AU and CSOs in facilitating ECOSOCC elections as well as the accreditation of CSOs wishing to attend AU summits. It is also the ECOSOCC secretariat. However, the findings from the study reveal that some of the activities carried out by CIDO) seem to put it into some competition with the ECOSOCC when it should, in fact, be supporting it. One of the ECOSOCC's chief problems rests with the administrative arrangement that compels CSOs to have their logistics and funding handled through CIDO. Most CSO interviewees expressed concern that they cannot push CIDO bureaucrats when they want things to move independently and swiftly. This set-up takes away

civil society's autonomy and limits its powers to be an AU watchdog making it 'an organ within another organ' and becoming more dependent on CIDO for its next steps.

Discussions with CSO activists reveal that CIDO over the years has been insisting on a complicated and bureaucratic way of doing things within the ECOSOCC, and in the process frustrating CSOs who were keen to engage the AU. "Instead of being a secretariat that was supposed to facilitate CSOs engagement with the AU. Surprisingly, CIDO over the years became the major obstacle to the building of a citizen-driven AU" (Interview with Amboka Wameyo, Former World Vision Regional Advocacy Adviser, 29 July 2014). Members of civil society seem to agree that one of the things that seem to be frustrating the effective promotion of AU-CSO relationships is the organizational structure of having CIDO play a mediatory role between them and AU leadership. CIDO seems to have been making it difficult for the ECOSOCC to deliver on its mandate. One of the CSO Policy advisors claims that, " The CSOs relationship with AU have been sour with CIDO 'gate-keeping' and excluding key civic players instead of helping with documentation and profiling of CSOs' work"(Interview with Neville Gabriel, Former Southern Africa Trust Director, 8 May 2014).

This study found that CSOs disappointed with the ECOSOCC eligibility requirements have formed parallel organizations to by-pass the ECOSOCC in engaging the AU institutions and organs. One such parallel structure is the Centre for Citizens Participation in the African Union (CCP-AU). For most AU staff and government officials interviewed during the study, the CCP-AU initiative came from International NGOs that had a strong presence in Africa and were keen to establish an independent CSOs structure for engaging the AU without necessarily delving into

ECOSOCC politics. The CCP-AU successfully hosted four pre-AU summits for African Civil Society. Some Ambassadors, Ethiopian ministers, and AU officials attended the pre-Summits (See CCP-AU Annual Reports, 2012 and 2013). Apart from hosting conferences, the CCP-AU issued communique requesting the AU to address issues regarding African citizenship. It also contributed to the debate on the establishment of a United States of Africa or the Union Government, and a call on the AU not to sign the Economic Partnership Agreements (EPAs) with the European Union among other issues.

The CCP-AU as an institution with no strings attached to the ECOSOCC has been able to challenge the AU and African states on human rights and governance issues. "Unlike ECOSOCC, which seems to be tied to its procedures and paying strong allegiance to the AU, not being confrontational in its dealings, the CCP-AU was a bit progressive because of its autonomy" (Interview with Brian Kagoro, former Action Aid Policy Manager, 23 July 2014). Through its conferences, the CCP-AU raised key CSO-AU interaction issues with notable media coverage. CCP-AU pre-Summit meetings managed to attract citizens who as per ECOSOCC criteria would never have participated. Although the attendance of CCP-AU continental conferences by some government and AU bureaucrats did not legitimatize its existence as a CSO platform to engage the AU, it offered them an opportunity to compare and contrast it with ECOSOCC.

The CCP-AU as an institution demonstrated what CSOs outside the ECOSOCC could do, especially regarding raising sensitive but fundamental issues on governance and human rights among AU member states. Some of the sensitive issues include naming AU member states

defaulting their membership dues and violating some of the Union's ordinances. The ECOSOCC and the CCP-AU could complement each other in dealing with the AU. Both institutions offer CSOs an opportunity to be heard both within the formal AU structures as well as informally outside such structures.One of the key challenges of the CCP-AU's vision and mission is the continued fallout it has with CIDO, the ECOSOCC's secretariat at the AU. The 2010 CCP -AU evaluation report recorded that CIDO maintained an internal policy of indifference and outright hostility, to the CCP-AU since its establishment. The 2012 report went further to suggest that changes in the CIDO secretariat could put CCP-AU and other CSOs in a better position regarding access and a good rapport with AU organs and departments. The CCP- AU, just like the ECOSOCC, still needs to establish national and regional chapters to mobilize CSOs across the continent. The organization like the ECOSOCC still needs to have well-structured and coordinated national CSO structures and sub-regional representatives across the continent.

5.5.3 Civil Society is Vital to Achieving the AU Agenda

One of the findings of the study is that it is during the AU era more than the OAU times that most African leaders began to embrace the notion of civil society. There is a growing recognition of the relevance and impact of CSOs in development and governance issues in Africa. Since the AU launch in 2002, CSOs pre-summit meetings precede every summit of African leaders, AU national commissions and regional offices were established to promote state-CSOs engagements. A sense of consciousness that the current global village requires a strong and united Africa achievable through the collaboration of democratic states and their citizens was imparted within the African leadership.

There is also an appreciation that Africa's development rests on creating effective linkages between various processes and initiatives that seek to develop the continent, such as the millennium development goals, sustainable development goals, and Africa's citizens. Before the establishment of the AU and its emphasis on citizens participation through ECOSOCC, state-civil society relations were sour, and civil society operating space in most AU member states was restrictive and shrinking. As Moyo (2007) notes, since the establishment of the AU organs especially ECOSOCC, the APRM, and the PAP more consultative meetings have taken place across the continent between governments and CSOs. These developments have taken place with limitations that include CSOs' difficulties in getting involved in AU programs, meeting key AU personnel, and getting access to information on the AU summits and meetings. An observation associated with this finding is that there is a lot of hope among pro-CSOs interviewees that giving more space and support to flourish CSOs will transform the AU and its member states. The argument is that if the AU is to be citizen driven, the AU needs to create a more conducive environment for their operation.

There is increasing evidence from the interviews that CSOs have somehow helped the AU leaders by demanding an end to undemocratic governance and unconstitutional change of governments, which were prevalent during the OAU days. The CSOs are helping governments to embrace a culture of openness, and tolerance of divergent views through popular participation and putting pressure on the AU leaders to ratify and implement key AU governance instruments. These include among others, the 2003 African Union Convention on Preventing and Combating Corruption; the 2003 Protocol to the African Charter on Human and Peoples Rights on the

Rights of Women in Africa; and the 2007 African Charter on Democracy, Elections and Governance.

CSOs engaging the AU have been able to demonstrate their advocacy effects by both raising issues of public concern and participating in policy debates at the AU Summits. Some of the public concerns raised include the request for the free movement of people across the continent, the scrapping of visas among AU member states and the need for an African passport. Issues brought to the attention of AU policymakers was in the form of communiques, statements and press releases, while policy debates included issues on immunity from prosecution of sitting heads of State and Government, and the grand debate on the Union Government, which was meant to usher in the United States of Africa. The Civil Society has been able to bring before AU summits issues of crime against humanity, impunity and gross violations of human rights. What the AU does with these issues is another story.

Although several weaknesses in the way the CSOs are engaging the AU are noted, there is evidence in the study that the AU is different from the OAU in that CSOs are making a difference with their contributions as covered in Section 5.3. Some of the criticisms for CSOs are that the CSOs' representation and participation at the AU are failing regarding meeting the expectations of pro- democracy activists and leaders. Interviewees critical of CSOs participation in the AU strongly argue that at the AU CSOs do not cover for citizens' participatory deficits, but their self-interests. Several interviewees point to the ECOSOCC's soft approach, and failure to confront the AU and pressurize it to act on errant member states reported as committing human right abuses. Others speak of the lack of genuineness and political will on the part of

some AU member states. These criticisms and many others do not erase the fact that CSOs are vital to the AU agenda and are contributing to its attainment.

5.5.4 INGOs domination at AU

I found that international non-governmental organizations (INGOs) such as Oxfam and Action Aid tend to dominate engagements with the African Union instead of African CSOs. The experts, permanent representatives (ambassadors) and ministers' meetings, which are the most influential AU policy spaces, take place at the AU headquarters, in Addis Abba, Ethiopia. Liaison officers of INGOs rather than African CSO representatives normally attend these meetings. The African CSOs, unlike Oxfam International, are unable to fund their staff to these meetings at regular intervals. On the other hand, the AU often argue that they cannot sponsor CSOs to these crucial meetings. This scenario causes African CSOs to miss out when compared to their well-resourced counterparts in the INGO sector.

The African Union Commission (AUC) by failing to sponsor CSOs from member states seems to be creating more room and space to INGOs than African CSOs. This bias seems linked to the fact that the AUC gets funding from the same donors that bankroll INGOs. Effective dialogue is not feasible due to this uneven engagement of civil society at the AU, with local CSOs still lagging behind. The result is that direct engagement is often limited to INGOs to the detriment of local ones. In addition to this, the lack of a local CSO based in Addis Abba to facilitate African CSOs' engagement is a serious drawback on their lobbying, which must start with meetings at the AU headquarters well before Summits.

INGOs have both the human and financial resources to engage the AU when compared to African CSOs who consistently suffer a lack of resources to sustain a continuous engagement with the AU. Most African CSOs in the ECOSOCC expect the AU to sponsor their trips to the AU headquarters and other meeting venues. Unfortunately, the AU often fails to do so. Resultantly, they miss many important meetings when the AU fails to extend financial support to them. Unlike INGOs, African CSOs end up been reactionary than forward looking. They often find it difficult to craft a common strategy to engage the AU given their different organizational ethos and financial positions. The study also revealed that African CSOs are suspicious of INGOs agenda since they are too close to donors and governments than to local constituencies.

5.5.5. Mistrust and Suspicion

I also found that there are serious mistrust and divisions between CSOs working through the ECOSOCC and those working through the CCP-AU. Those working within ECOSOCC seem to be lenient and defensive of the AU than those in the CCP-AU who tend to take a critical approach to the way the AU conducts business. The two groups (ECOSOCC and CCP-AU) are competing for donor resources and AU attention to a level of weakening their impact if they were to work together and complement each other. Most CSOs working outside the ECOSOCC have some form of disagreement with their government at national level and as such, that government would not be happy to see them taking part in ECOSOCC. Governments can easily block CSOs ECOSOCC membership by refusing them national registration, which is a prerequisite for being an ECOSOCC member. Due to the ECOSOCC and CCP-AU divide, the CSOs are weak and disunited. Forging a common CSOs position between the two camps has not been easy. Ostrom (1990:21) argues, “In large CSO groupings, it may be naïve to have all

citizens rally behind a popular opinion." Most CSO interviewees suggested that the AU should assist CSOs to find the right vehicle to unite and engage by addressing both the membership requirements and mode of operation within the ECOSOCC.

Contrary to what many believe that CSOs are united, this study has shown that there are many divisions within the sector. In this study, I found that many CSOs have questionable priorities, strategies and legitimacy. Some CSOs are accountable only to their donors and not to their local beneficiaries and national governments. Many CSOs need the help of the AU and their host governments to be properly functional. Several interviewees and documentary analysis also revealed that it is not true that CSOs agendas come from the people they represent. Many a times CSOs find themselves having to pursue a donor-driven agenda not originating from their members or beneficiaries. It seems CSOs were preferred for donor funding and other developmental tasks, not because they were better than governments, but because they were an emerging form of organization, small, flexible and reform-orientated especially for the liberal agenda. This study has demystified the notion that CSOs are a panacea to transformations and development within the AU and Africa. They are just part of those contributing to making development feasible in Africa.

5.5.6 Chapter Summary

This chapter dealt at length with the analysis and findings of the study. These show the progress made as well as the nature and extent of unfinished work regarding AU-CSOs interaction. As the chapter shows CSOs have, through their participation in different sectoral groupings and departments of the AU, performed different roles and made significant contributions to the AU

policymaking and program implementation processes. There is evidence that the AU is increasingly listening to civil society calls for change. However, the impact of civil society could be greater if the challenges identified are resolved. The nature of relationship between the CSOs and the AU tends to vacillate in accordance with the AU organs or member states involved. The players and the subject matter under consideration largely influence the nature of AU-CSO relations. The dependence of CSOs on donor funding has increased the suspicion between the AU and CSOs as well as between AU member states and CSOs.

The CSOs employ different strategies and mechanisms to engage the various AU organs and agencies. Their various approaches have tended to attract different responses and yield different results. It is also clear from the chapter that due to divisions among them, the CSOs engaging the AU are failing to harvest any lessons from their past engagements or to improve upon their modalities. The CSOs are polarized into two main groups, that is, those accredited to the ECOSOCC and those that are outside it and which mostly engage the AU through the CCP-AU. The polarization has led to poor organization in the sector, a lack of a common strategy and effective networking. The lack of funding from domestic sources has also affected their effectiveness. Most CSOs continue to lose their skilled staff to INGOs who offer them better remuneration packages. These weaknesses have resulted in the CSOs failing to popularize the AU in member states, especially among the poor and among grassroots communities.

The study established that a number of things are required for CSOs to effectively influence change and promote reform at the AU. These include a working environment that is conducive to the growth and development of strong subject matter expertise within a CSO; adequate financial

resources; timely and appropriate advocacy skills and strategies. The AU vision for a people-driven regional body remains unfulfilled despite the opening of space for various civic interest groups to engagement with the AU. The realization of the vision has taken long because of many obstacles, which include among many others, suspicion and mistrust, the lack of institutional capacity within AU organs and departments, unfitting policies and procedures. For the AU to be inclusive of all CSO perspectives, a lot of exploration is required.

CHAPTER SIX: CONCLUSIONS, RECOMMENDATIONS AND FURTHER REASEARCH

This study set out to analyse the contribution of civil society to and its interaction with the AU and the implications for the continent's governance, human rights and development issues. The purpose of this chapter is to wrap up the discussions emanating from the analysis and findings by providing recommendations for both the AU and the civil society, give the conclusions and highlight areas for further research.

6.1 Conclusion

This study covered civil society interactions with the African Union especially its ability to influence and contribute to policy changes and development. This section wraps up discussions answering the research questions on the AU and Civil Society interactions. The study shows that although CSOs have space to engage with the AU, the legislative and logistical framework is still limiting and discouraging the participation of some CSOs. CSOs that are working on governance and human rights issues still need to feel welcome and develop confidence in the AU accreditation system.

The study traces the AU-CSOs interactions back to the days of the OAU and attempted to demonstrate what differences the AU sought to bring through a people-centred approach. The study also discusses the institutional space that the AU did put in place within its architecture to engage CSOs, as well as how CSOs have responded to the invited space. The institutional set-up, accreditation criteria and legislative provisions put in place for the AU-CSOs interaction has

proved to be exclusive and problematic forcing some CSOs to develop their mechanisms in engaging the AU than using the formally availed space and systems.

Although the 2000 Constitutive Act of the African Union makes provision for the inclusion of CSOs in the programs of the AU, some access barriers have prevented coherent and effective engagement of CSOs with the AU. Evidence from this study indicates that CSOs have been willing to engage the AU, even in circumstances where the terms of engagement were not favorable to them. On the contrary, some individuals within the AU and its member states have not moved past the state-centric vision of the OAU. Consequently, the notions of confining continental matters to 'governments only' still preoccupy some of the organization's decision-making processes and activities. It seems more pressure from CSOs and development partners can push the AU-CSOs interactions forward.

Despite the claims of the liberal theory that CSOs form the basis of citizens' participation in the consolidation of democracy, in the case of the AU, CSOs are yet to popularize the AU and establish viable national structures. However, the CSOs have been able to carry out some of the functions the liberal theory attributes to them. CSOs engaging the AU have been able to work on some of their functions. These functions include demanding transparency and accountability from the AU, helping the AU to reach out to those affected by war and conflict, giving early warning signs to the AU leadership, restraining the powers of the AU, defending human rights, contributing to policy making and strengthening the AU's global position. The study also noted that CSOs thrive best when there is an enabling and amicable environment. CSOs work with the Gender Directorate, the African Commission on Human and People's Rights; and the Peace and

Security Council has been favorable while the work with the AU Commission, the Executive Council, the Assembly, the Ambassadors and Specialized Technical Committees had mixed outcomes.

In some instances, the study has also reveal that the liberal theory has been defective regarding explaining the AU-CSOs interactions, and in particular, the role and behavior of the CSOs. In such instances, the Marxist theory has been useful to explain the reaction of CSOs. In line with the Marxist theory, the study has demonstrated that there are occasions where CSOs have proved to be elitist and susceptible to co-option, especially with ECOSOCC. For example, CSOs have done less to challenge the AU to act on the Ethiopia election violence of 2005. Some CSOs cowed into submission for the want of positions, especially within the AU ECOSOCC. Polarization among CSOs within ECOSOCC and the CCP-AU have made them less effective in their interactions with the AU. They lost opportunities to cooperate and complement each other. Thus, adversarial and antagonistic situations have tested CSOs vibrancy and competency to advance their advocacy for good governance, citizens' participation, and human rights observance. In some cases, they succeeded and in others, they failed to deliver.

The study cautions the rush by liberals to give inflated praise to CSOs and also questions the Marxist theory's pessimism on CSOs capabilities and proposes that further research is required to theorize about AU-CSOs interactions. While it is true that CSOs are vital to building the AU as a regional body, the view that they are the magic bullet and change drivers on the continent remains debatable. Researchers have alluded to the fact that applying Western theories in an African context and neglecting local conditions and histories incites debate (Jabbra and Dwivedi,

2004). Therefore, though development agencies regard CSOs as best placed to popularize the AU among African citizens, the CSOs have not performed accordingly. So far, CSOs have not allowed debates at AU level to trickle down to national and grassroots-based citizens. Therefore, Putman's liberal assumption that "[Good governance] always require social capital to work" is not always correct (Putnam, 1993: 185). It may be useful to further build the African theory and mould it in such a way that it better explains the dynamics and contextualizes the situation in which AU-CSOs interactions take place.

The study also sought to ascertain the capacity of CSOs to interact with the AU and impact on its policymaking and programs implementation. Despite their positive attributes of CSOs discussed in the study, it is important to note that the CSOs' capacity depends on their operating environment as well as their ability to mobilize both human and financial resources. The lack of resources has been their major constraint. Despite the absence of a viable resource mobilization strategy on the continent, the AU expects them to raise their resources, conduct their capacity building and share work with the AU. The AU is only worried if CSOs get financial resources from sources they feel are dubious and likely to use their funding to dictate the CSO agenda. Competition for resources and attention has limited what CSOs could do together to impact on the AU and its agenda. Overall, CSOs have shown a potential to engage the AU and have chances of doing better if they get support from both the AU and the international community.

The transition from the OAU to the AU provides an opportunity for CSOs to help build the knowledge of citizens and bolster their acquaintance with the continental organization. The notion of popular participation through the interaction of CSOs and the AU has started taking

root across the continent. However, concrete steps need to be undertaken to make ordinary citizens familiar with and enthusiastic about AU programs and activities. CSOs probably have a difficult and daunting task mobilizing communities across Africa and ensuring their participation in the affairs of the African Union. The study contributes to the present body of literature on CSO contribution to intergovernmental regional organizations, and, in particular, the AU. On the other hand, it identified challenges, which the AU and CSOs need to find solutions for the gaps. Above all, this study, as noted above, holds some practical recommendations for both the AU and CSOs to improve their interactions and development policymaking on the continent.

6.2 Recommendations

Having looked at the issues and dynamics regarding the African Union and civil society organizations interactions, in this section I provide recommendations that I think are likely to strengthen the AU-CSO interactions, which has great potential to spearhead the achievement of the AU vision for a citizen-driven Union.

6.2.1 African Union

1. For the African Union Commission to be more effective in facilitating interaction between CSOs and African leaders there is a need for it to have access to more resources and to attain greater autonomy. The process of referring everything to the Assembly of Heads of State and Government for final decision-making has the effect of delaying progress in building strong partnerships between CSOs and the AU. As Murithi (2005) observes, one of the biggest problems of AU-CSO interaction is that of AU member states wanting to control everything

including vetting CSOs that could engage them through the ECOSOCC and censoring their presentations to the summits.

Since the AU Commission is a supranational body, AU member states must allow it as their secretariat, to deal with issues of enhancing citizen participation and not interfere with the process. To attain effective civic participation in the AU through both the ECOSOCC and the CCP-AU, the AU leadership should avoid controlling a process designed to be open, transparent and inclusive. The same applies with some of the APRM processes where governments are reportedly exerting a lot of control over CSOs. Member states need to embrace supranationalism if Africa is to be a strong integrated continent.

The AU should commit itself to the development of genuine partnership approaches that will benefit both its members and the CSOs. Some AU legal frameworks and the conditional funding to CSOs can limit the ability of CSOs to run programs and activities that respond to community needs. Prescriptive approaches to a partnership between the AU and CSOs can undermine the credibility and authenticity of CSOs. The AU and member states should, therefore, avoid co-opting CSOs or damaging their capabilities by limiting their autonomy. What makes CSOs operate differently from states is their capabilities and proximity to people and issues, a situation which provides them with soft intelligence. CSOs have the advantage of being able to identify and respond to needs and issues as they develop on the ground. Changing or limiting the way CSOs operate will be counter-productive to the AU-CSO interactions.

2. The AU and its member states must allow CSOs to fully express themselves and raise even controversial issues during summits. The idea of the AU wanting to control which areas and issues CSOs can debate with them is retrogressive. As one government official puts it, "If CSOs are our mirror; let them give us the true reflection and image of whom we are. You cannot tell your mirror the kind of reflection it should give you." Evidence from the study points to the fact that CSOs can play an important role in shaping and nurturing the AU vision for a citizen-driven regional body if their operating space and environment at both the AU and member-state level improve. Legislation at both the AU and member-state level must reflect that African leaders are serious when it comes to building strong and lasting partnerships with CSOs.

   The study notes that the most fundamental way for the AU to facilitate effective CSOs participation is to have a flexible ECOSOCC eligibility criterion and improve on citizen access to information on AU programs and events.

3. The AU needs to put right its institutional mechanisms for its interaction with CSOs. The Economic, Social and Cultural Council (ECOSOCC) needs to be independent and not operate through the Citizens Directorate (CIDO), which is another AU organ. The ECOSOCC needs to have its secretariat, hired by and accountable to the CSOs. Granting full autonomy to the ECOSOCC will help deal with the current scenario of having a watchdog organ operating within another AU organ. In addition to this, if Africans are to have a sense of belonging to the AU, the inclusive nature of the ECOSOCC requires refinement. There is

a need to include traditional leaders and faith-based organizations in the ECOSOCC. These groups are mentioned in the ECOSOCC Statutes but had not been afforded their space within the organization. The ECOSOCC chapters need to be put in place in every AU member state. There is a need to establish a system of recalling ECOSOCC members that misrepresent their national CSOs. The eligibility criteria need revision. The ECOSOCC membership requirements are too restrictive and thus, need to be flexible. The terms of engagement should be explicit regarding CSO obligations and rights, so that citizens can identify with the process and engage the CSOs with confidence and assurance of making an impact.

4. The AU and its member states should do more regarding domestic resource mobilization to avoid dependence on external funding. The AU needs to address its budget shortfalls and capacity constraints if it is to be a relevant global player backed by its citizens. Not all AU decisions, resolutions and priorities on AU-CSO interaction are important to donors. For CSOs to participate in AU summits, meetings and document-circulation, financial resources are required. Depending on donor funds limits AU-CSO achievements. Therefore, the AU will empower itself and become a stronger global development partner if it finances its programs and activities rather than rely on funding from the European Union or the Chinese government.

   With improved domestic resource mobilization, the AU should consider designing a strategy for developing and supporting the CSO sector. To design and implement such a strategy, the AU could learn from the experiences of the European Union. The success of such an endeavor is important in developing a holistic approach to AU-CSO cooperation on regional

community issues and giving CSOs more confidence in the AU. In turn, member states can also fund CSOs to be less donor dependent and become eligible for the ECOSOCC.

5. There is a need for the African Union Commission to establish a database of CSOs and experts specialized in various thematic areas that could support the AU's work from time to time. Such a database will be invaluable to the building and consolidation of long-term interactions between the CSOs and the African Union. In addition to this, the AU and its member states need to improve the mechanisms for disseminating information about the decisions and operations of the organization. Improved information dissemination enables CSOs and other key actors to assist the AU with events facilitation and citizens awareness creation regarding its processes, contacts, documents, decisions and resolutions. Currently, the exposure to, and knowledge of, the work of the AU, seem limited even among educated Africans, research and academic institutions.

The AU needs to adopt a policy of disclosure of documents following the example of the United Nations and the World Bank. The policy will go a long way in improving the dissemination and publication of Summit information and resolutions without its secretariat holding back key information unless there is a valid reason for confidentiality. The AU should use its website and other forms of information communication technology without holding back vital public information. Many CSOs continue to struggle to get prior information on Summit agendas, accreditation, logistics and resolutions despite having memorandums of understanding with the AU.

The AU bureaucrats and politicians have an obligation to foster solidarity and connection between citizens and its programs through effective communication. The AU must, therefore, make efforts to have CSOs and ordinary citizens identify with it and feel that they belong to it; and that they have rights and obligations, and can influence its programs. One way of getting this done is through effective communication.

6. There is a need for the AU to put in place confidence-building mechanisms aimed at mending relations and building trust among AU member states and CSOs. Confidence and trust between the CSOs and the AU member states at both national and regional level are essential for the realization of a people-centred rather than a government-centred African Union. The AU, because of its predecessor, the OAU still harbours a negative image of not been capable of enforcing its resolutions, especially those about human rights. For this reason, some CSOs do not see value addition in engaging the AU. They prefer lobbying international financial institutions, the European Union and other donor countries that they believe can use their finances to exert pressure for change on African leaders. There is, therefore, need for the AU to work on its credibility.

Besides sprucing its image, the AU needs to develop a long-term strategy and work on incentives for its work with CSOs. A sustained partnership approach could start with a systematic mapping of CSO groups as a prelude to hosting structured dialogue platforms. More clarity on State-CSOs relations is required at AU, sub-regional and member state levels, thus prioritizing the setting out of principles and frameworks for co-operation.

7. A coordinated education campaign is required to acquaint ordinary African citizens with AU aims and objectives. It may be necessary that all AU workshops, summits and conferences to include a pre-event day for public sensitization that combines a series of instruments and methods including games, sports, media conferences, interviews, and town hall meetings. To realize this, the AU Commission and CSOs should partner to develop creative ways of generating public interest in AU affairs including popularizing the AU anthem and rebranding national passports as African passports

6.2.2 Civil Society Organizations

1. CSOs working within and outside the AU ECOSOCC must come together under the flagship of civil society groupings such UNECA, establish national chapters, and raise awareness of the AU's role among African publics in order to enhance popular ownership of AU policies and programs. CSOs should seek broader participation from community-based organizations and ordinary citizens to enhance the accountability and transparency of the AU and its member states. It may also be necessary for the CSOs to introduce scorecards and other mechanisms for ascertaining the extent to which the AU and its member states are performing in regard to their obligations and the commitments they made towards establishing the citizen-driven African Union. CSOs both regional and national should mobilize citizens and pressurize AU member states to ratify the protocols and conventions that seek to promote popular participation, democracy, and good governance.

2 A united, strategic, collaborative and well-coordinated CSO leadership is paramount in engaging the AU. CSOs need to shun unnecessary competition and avoid divisions in order

to be able to work together for greater contribution and impact on the AU agenda. In line with this, there is a need for CSOs to be innovative and devise a continental strategy and other mechanisms to engage the African Union Commission.

The coordination of CSO work with the AU is very important in order to avoid giving conflicting messages to the AU. CSOs need to establish a platform on which to share their experiences and the lessons learned from their various engagements with different AU organs and departments. Such a platform will help them to chart better ways of coordination and liaison. CSOs have the potential to make effective interventions if they take the time to converse and learn from each other. Conversing will help CSOs avoid duplicating efforts and issuing contradicting statements to the AU

3. CSOs need to take advantage of the participation spaces created by the AU at both regional and national levels. At the AU level, CSOs need to make use of the sectoral clusters and thematic groups to champion their cause among African bureaucrats and politicians. The utilization of the provided spaces can be done with or without an amendment to the ECOSOCC Statutes. CSOs need to use these spaces to share their experiences with governments, invite governments to familiarize themselves with their work and read their publications. It is also an opportunity to build bridges and foster stronger alliances with other stakeholders, especially the African Business Forum. At the national level, the APRM provision for civic engagements opens new ground to build collaboration with government departments and improve working relationships.

4. CSOs must use their Memorandums of Understanding (MOUs) with AU departments as a window of opportunity to build the capacity of AU staff on contemporary development issues such as trade negotiations, Economic Partnership Agreements (EPAs), climate change and aid effectiveness. Documentary analysis of reports related to AU-CSO interaction shows that due to resource constraints, some AU departments and organs are open to capacity building initiatives by CSOs especially those that work with them through memorandums of understanding. MOUs enable CSOs to receive information and to engage as partners with these institutions without the restrictions and suspicion, which normally mar State-CSO working relations in many countries.

5. There is a need for CSOs to build coalitions around their key thematic areas of focus and interaction with the AU. The building of coalitions allows for the division of labour according to specialization, resources and expertise. Coalitions will result in CSOs having effective participation and follow-up of AU issues. Working in coalitions means that different types of groups will focus on different things, something that the ECOSOCC Statutes did not cover. For example, some organizations will focus on research and policy analysis while others will concentrate on information sharing, policy advocacy and awareness-raising, and still others will focus on the monitoring and evaluation of AU programs and projects. Coalitions also help to improve working relations, collaborations, and solidarity among CSOs.

6. The ECOSOCC and not the CIDO must organize CSO pre-summit meetings. The CIDO as the ECOSOCC secretariat needs to give CSO leadership the right to lead and make decisions on behalf of CSOs. Beyond organizing pre-summit meetings, it is important to buttress the joint outreach capacity of both the CIDO and the ECOSOCC. Both the CIDO and the ECOSOCC should ensure that CSOs receive adequate information on the AU, especially on upcoming

activities. They should publicize AU events beyond Addis Ababa to the citizenry across Africa and run national campaigns to popularize the AU in member states. In short, the CIDO and the ECOSOCC need a communication plan.

6.3 Suggestions for Further Research

Given the fact that the AU has decided to work with CSOs and given also that their roles within the AU are increasing, further research into possible means of strengthening civil society and its interaction with the African Union member states at both sub-regional and national levels is essential for a better understanding of the AU - CSOs interactions. Due to resource limitations and time constraints, this study was confined to looking at the interaction between the African Union Commission institutions and civil society organizations without focusing on how member states are interacting with CSOs at both sub-regional and national levels. A detailed study of this magnitude could be a useful area of further research that can better the understanding of the nature of relationships and contributions of CSOs to the AU.

One possible area in which further studies touching on both the AU and CSOs can be carried out is the area of local resource mobilization for the African Union and African CSOs. Studying the interaction between the AU and CSOs gave the impression that both players are heavily dependent on donor funds to roll out their activities. The problem of donor dependence is that it frustrates attempts to drive their own initiatives, even the building of trust and confidence with each other. It could be important to carry out an in-depth study focusing on domestic resource mobilization for both the AU and African CSOs.

Another area of potential research is the link between the African Union and informal organizations that are rooted in people's daily experiences and struggles. Most African countries rely on the informal sector because of industrialization and other factors. Informal organizations, to which they have membership, have not received enough attention because they remain under-researched and under-theorized. In future, more time could be devoted to a study about how informal organizations in Africa relate to the African Union. Informal organizations and not CSO think tanks have been in the news for pressuring both governments and intergovernmental bodies to effect policy changes that benefit the poor and enhance sustainable development.

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APPENDIX A: Interview Questions

1 What role have CSOs played towards the realization of a citizen- driven African Union?

2 How has the African Union –Civil Society interactions shaped the nature of the relationship between AU and the CSOs?

3 What strategies have CSOs used in their engagements with the African Union? Have these strategies worked?

4 Are the CSOs well equipped and resourced to contribute towards the realization of the AU vision for a citizen- driven regional body?

5 How have CSOs responded to the AU provisions for CSOs engagement? Do CSOs see ECOSOCC as an appropriate mechanism to engage the AU and its member states?

6 What are your recommendations for the improvement of the current AU-CSO interactions and turning them into a catalyst for the realization of a citizen-driven regional body?

APPENDIX B: List of AU-CSO Interactions Respondents[1]

Participant Number	Participant/Interviewee	Organization/Country	Designation	Category
1	Dismas Nkunda	International Refugee Rights Initiative, DRC	Co-Director	CSO
2	Thomas Deve	UN MDGs Campaign Kenya.	Programme Officer	CSO
3	Ben Kioko	Africa Union Commission	Former Legal Advisor	AU
4	Jennifer Chiriga	Strategic Policy Planning Monitoring Evaluation and Resource Mobilization Directorate, Africa Union Commission	Chief of Staff	AU
5	Georgina Kegne	AFRODAD	Board Member	CSO
6	Odour Ongwen	SEATINI, Kenya	Country Director,	CSO
7	Brian Kagoro	Consultant (Formerly with ACTIONAID)	Former ActionAid Pan African Policy Manager	INGO
8	Desire Assogbavi	OXFAM International Liaison Office to the African Union, Ethiopia	Head of Oxfam Liaison Office	INGO
9	Tukur Bamanga	African Business Forum, Nigeria	Businessman	Private
10	Chamba Kajege	TCDD, Tanzania	Executive Director	CSO
11	Warren Nyamugasira	Development Research and Training, Uganda	Director	CSO
12	Prof. Samuel. K Asante	Centre for Regional Integration in Africa, Ghana	Executive Director	CSO
13	Dr. Jimni Adisa	African Citizens Directorate (CIDO)Africa Union	Director	AU

[1] Some of the names and designations captured here simply reflect positions that the individuals held at the time of their remarkable contribution to the built up of the AU-CSO interactions between 2002 and 2015. Some have moved on to other jobs but important is their historic memory and impact to the process, which was key to the research project agenda.

		Commission		
14	Dr. Mary Maboreke	Africa Union Commission	Secretary to ACHPR	AU
15	Hassan Sonmuna	OATUU	Secretary General	CSO
16	Ozias Tungwarara	AfriMap	Director	CSO
17	Muna Akere	Pan African Lawyers Union, OATUU	ECOSOCC Presiding Officer	CSO
18	Dr. Mary Chinery-Hesse	Panel of the Wise, African Union	Member	AU
19	Julia Dolly Joiner	African Union Commission	Commissioner for Political Affairs	AU
20	Marth Cumbi	Foundation for Community Development	Executive Director	CSO
21	Shastry Njeru	Zimbabwe Human Rights NGO Forum	Programmes Officer	CSO
22	Ambassador Nathan Irumba	Uganda	Diplomat	AU Member state
23	Girma Beyene	World Vision, South Sudan	Programmes Coordinator	INGO
24	Ambassador Nana Effah-Apenteng	Ghanaian Representative	Diplomat	AU Member state
25	Dr. Admore Kambudzi	Peace and Security Commission, African Union	Secretary	AU
26	Professor Adebayo Adejeji	Executive Director of the African Centre for Development and Strategic Studies	Member of the Panel of Eminent Persons for APRM	AU
27	Abie Dithale	SADC-CNGO, Botswana	Executive Director	CSO
28	Neville Gabriel	Southern Africa Trust	Former Executive Director	CSO
29	Eyob Balcha	CCP-AU, Ethiopia	Programmes Officer	CSO
30	Kudakwashe Mumhure	Zimbabwe Embassy	Consular	AU Member State
31	Mandla Hadebe	FOCCISA Regional Office	Programmes Manager	CSO
32	Amadou Caesey	African Centre for Democracy and Human Rights Studies,	Programme Officer	CSO

		Gambia.		
33	Lawrence Agubuzu	Organization of African Unity	Former Assistant Secretary General	AU
34	Dope Atopi	Africa Union Commission	ACHPR Commissioner	AU
35	Mary Wandia,	Open Society Foundation, East Africa Regional Office	Regional Program Officer	INGO
36	Martha Bakwesegha-Osula	Crisis Action Regional Office	Director	CSO
37	Brenda Mofya	Fredrick Ebert Stiftung, Zambia	Former Programmes Officer	INGO
38	Helder Malauene	Foundation for Community Development, Mozambique	Programme Officer	CSO
39	Ezra Mbogori	Akiba Uhaki Foundation, Kenya	Director	CSO
40	Prof. Alpha Konare	Africa Union Commission	Former Africa Union Commission Chairperson	AU
41	Dr. Emmanuel Akwetey	Institute for Democratic Governance, Ghana	Executive Director	CSO
42	Houghton Irungu	OXFAM GB, Kenya	Former Policy Advisor (Africa)	INGO
43	Dr. Rene Kouassi	Africa Union Commission	Director of Economic Affairs	AU
44	Janah Ncube	CCP-AU	Former Executive Director	CSO
45	Dr. Eddy Maloka	NEPAD, South Africa (formerly with AISA)	Executive Director	CSO
46	Dr. Mamadou Dia	African Union Commission	Acting Director for Political Affairs	AU
47	Dr. Fatima Zohra Kiradja	Association Nationale de Soutien aux Enfants en Difficulté (ANSEDI), Tunisia.	ECOSOCC Deputy Presiding Officer	CSO

APPENDIX C: The ECOSOCC Statutes

AFRICAN UNION

الاتحاد الأفريقي

UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Tel.: 51 77 00 Fax: 51 26 22

STATUTES OF THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL OF THE AFRICAN UNION

TABLE OF CONTENTS

Preamble
THE ASSEMBLY OF THE AFRICAN UNION,

- Recalling the objectives and principles enshrined in the Constitutive Act of the African Union;
- Recalling further the establishment of ECOSOCC under the provision of Articles 5 and 22 of the Constitutive Act;
- Convinced that popular participation in the activities of the African Union, as enunciated in the African Charter for Popular Participation, is a prerequisite for its success;
- Guided by the common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples;
- Recalling the decision of the Assembly to invite and encourage the full participation of the African Diaspora as an important part of the Continent, in the building of the African Union.

AGREES AS FOLLOWS:

Article 1
Definitions

In these Statutes:

"Assembly" means the Assembly of Heads of State and Government of the Union;
"Chairperson" means the Chairperson of the Commission unless otherwise specified;
"African Diaspora" means the African Diaspora as defined by the Executive Council of the African Union;
"Commission" means the Commission of the Union;
"Committee" means a Specialized Technical Committee of the Union;
"Constitutive Act" means the Constitutive Act of the African Union;
"CSO" means Civil Society Organization;
"ECOSOCC" means the Economic, Social and Cultural Council of the Union;
"CSSDCA" means the Conference on Security, Stability, Development and Cooperation in Africa;
"Executive Council" means the Executive Council of the Union;
"General Assembly" means the General Assembly of ECOSOCC;
"Member State" means a Member State of the Union;
"Member" means a Civil Society Organisation elected to ECOSOCC
"NEPAD" means the New Partnership for Africa's Development;
"Parliament" means the Pan-African Parliament of the Union;
"PRC" means the Permanent Representatives' Committee of the Union;
"Representative" means the duly accredited representative of a member of ECOSOCC
"RECs" means the Regional Economic Communities;
"Standing Committee" means the Standing Committee of ECOSOCC;
"STCs" means Specialized Technical Committees as established under Article 14 of the Constitutive Act;
"Union" means the African Union established by the Constitutive Act.

"Special interest groups" means vulnerable groups such as the aged, the physically challenged and people living with HIV/AIDS.

Article 2
Objectives

ECOSOCC shall amongst other things, and in conformity of objectives of the African Union as provided in the Constitutive Act, perform the following functions:

1. Promote continuous dialogue between all segments of the African people on issues concerning Africa and its future;
2. Forge strong partnerships between governments and all segments of the civil society, in particular women, the youth, children, the Diaspora, organized labour, the private sector and professional groups;
3. Promote the participation of African civil society in the implementation of the policies and programmes of the Union.
4. Support policies and programmes that will promote peace, security and stability in Africa, and foster development and integration of the continent;
5. Promote and defend a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms as well as social justice;
6. Promote, advocate and defend a culture of gender equality;
7. Promote and strengthen the institutional, human and operational capacities of the African civil society;

Article 3
Composition

1. ECOSOCC shall be an advisory organ of the African Union composed of different social and professional groups of the Member States of the African Union. .
2. These CSOs include but are not limited to the following:
    a. Social groups such as those representing women, children, the youth, the elderly and people with disability and special needs;
    b. Professional groups such as associations of artists, engineers, health practitioners, social workers, media, teachers, sport associations, legal professionals, social scientists, academia, business organizations, national chambers of commerce, industry and agriculture as well as other private sector interest groups;
    c. Non-governmental organizations (NGOs), community-based organizations (CBOs) and voluntary organizations;
    d. Cultural organizations and associations. ;

3. ECOSOCC shall also include social and professional groups in the African Diaspora organizations in accordance with the definition approved by the Executive Council.

Article 4
Membership

1. ECOSOCC shall be composed of one hundred and fifty (150) CSOs which shall include different social and professional groups in Member States of the Union and the African Diaspora, in conformity with Article 5 of these Statutes:

a) Two (2) CSOs from each Member State of the Union;
b) Ten (10) CSOs operating at regional level and eight (8) at continental level;
c) Twenty (20) CSOs from the African Diaspora as defined by the Executive Council, covering the various continents of the world;
d) Six (6) CSOs, in ex-officio capacity, nominated by the Commission based on special considerations, in consultation with Member States;

2. The elections of the members of ECOSOCC at Member State, regional, continental and Diaspora levels shall ensure fifty percent (50%) gender equality provided that fifty percent (50%) of the representatives of the members shall consist of youths between the ages of 18 to 35.

Article 5
Election of Members

1. Competent CSO authorities in each Member State shall establish a consultation process, in accordance with the provisions of Article 6 of these Statutes, for the purpose of determining modalities for election, of two (2) CSOs to the ECOSOCC General Assembly;
2. Regional and continental CSOs shall establish an appropriate consultative process to determine modalities for election, and elect eighteen (18) CSOs to the ECOSOCC General Assembly.
3. African Diaspora organizations shall establish an appropriate process for determining modalities for elections and elect twenty (20) CSOs to the ECOSOCC General Assembly;
4. The Commission shall adopt appropriate criteria for its selecting nominated members to the General Assembly, in consultation with Member States;

The members of ECOSOCC shall have a mandate of four (4) years and may be re-elected only once

Article 6
Eligibility Requirements for Membership

The requirements to be fulfilled by CSOs seeking membership are as follows:

1. Be national, regional, continental or African Diaspora CSO, without restriction to undertake regional or international activities.
2. Have objectives and principles that are consistent with the principles and objectives of the Union as set out in Articles 3 and 4 of the Constitutive Act.
3. Registration and status:
    a) Be registered in a Member State of the Union and/or;
    b) Meet the conditions set out in Part I of the Criteria for Granting Observer Status to the AU applicable to non-governmental organizations;
    c) Show a minimum of three (3) years proof of registration as either an African or an African Diaspora CSO prior to the date of submission of application, including proof of operations for those years.
4. Provide annual audit statements by an independent auditing company.
5. Show proof that the ownership and management of the CSO is made up of not less than fifty (50%) of Africans or peoples of African origin.

6. Provide information on funding sources in the preceding three (3) years.

7. For regional and continental CSOs, show proof of activities that engage or are operative in at least three (3) Member States of the Union.
8. CSOs that discriminate on the basis of religion, gender, tribe, ethnic, racial or political basis shall be barred from representation to ECOSOCC;
9. Adherence to a Code of Ethics and Conduct for civil society organizations affiliated to or working with the Union.

Article 7
Functions

As an advisory organ, ECOSOCC shall:

1. Contribute, through advise, to the effective translation of the objectives, principles and policies of the Union into concrete programmes, as well as the evaluation of these programmes;
2. Undertake studies that are recommended or deemed necessary by any other organ of the Union and submit recommendations accordingly;
3. Carry out other studies as it deems necessary and submit recommendations as appropriate;
4. Contribute to the promotion of popularization, popular participation, sharing of best practices and expertise, and to the realization of the vision and objectives of the Union;
5. Contribute to the promotion of human rights, the rule of law, good governance, democratic principles, gender equality and child rights;
6. Promote and support efforts of institutions engaged in review of the future of Africa and forge Pan-African values in order to enhance an African social model and way of life;
7. Foster and consolidate partnership between the Union and CSOs through effective public enlightment, mobilization and feedback on the activities of the Union;
8. Assume such other functions as may be assigned to it.

Article 8
Structure

The structure of ECOSOCC shall be as follows:

a) A General Assembly;
b) A Standing Committee;
c) Sectoral Cluster Committees;
d) Credentials Committee;

Article 9
General Assembly

1. The General Assembly shall be the highest decision and policy making body of ECOSOCC and shall be composed of all members as provided for in Article 4 of these Statutes;
2. The functions of the General Assembly shall be as follows:
    a) Elect member of the Standing Committee and oversee its work;

b) Prepare and submit advisory opinions and reports as appropriate;
c) Submit proposals on the budget and activities of ECOSOCC;
d) Approve and amend the Code of Ethics and Conduct for CSOs affiliated to or working with the Union;
e) Review the activities of ECOSOCC and propose appropriate actions and recommendations.

3. The General Assembly shall meet in Ordinary Session once every two (2) years and may meet in Extra-Ordinary Sessions under conditions to be specified in the rules of procedure of ECOSOCC.
4. The General Assembly shall:
   a) Elect a Bureau composed of a Presiding Officer and five (5) Deputy Presiding Officers on the basis of equitable geographical distribution and rotation, including one (1) from the Diaspora.
   b) The term of office of the Presiding Officer and the Bureau shall two (2) years

Article 10
The Standing Committee

1. The Standing Committee shall be elected by the General Assembly and shall be composed of eighteen (18) members as follows:
   a) The Presiding Officer and the other members of the Bureau;
   b) The Chairpersons of ten (10) Sectoral Cluster Committees;
   c) Two (2) representatives of the Commission.

2. The Standing Committee shall perform the following functions:
   a) Coordinate the work of ECOSOCC;
   b) Prepare the meetings of the General Assembly;
   c) Follow-up on the implementation of the Code of Ethics and Conduct developed for civil society organizations affiliated to or working with the Union.
   d) Prepare and submit annual reports of ECOSOCC to the Assembly of the Union.
3. The Standing Committee in consultation with the Commission shall determine the criteria and modalities for granting observer status to ECOSOCC;
4. The term of office of the members of the Standing Committee shall be two (2) years;
5. The frequency of the meetings of the Standing Committee shall be provided in the Rules of Procedure.

Article 11
Sectoral Cluster Committees

1. The following Sectoral Cluster Committees are hereby established as key operational mechanisms of ECOSOCC to formulate opinions and provide inputs into the policies and programmes of the African Union:
   a) Peace and Security :(Conflict Anticipation; prevention; management and resolution; post-conflict reconstruction and peace building; prevention and combating of terrorism;

use of child soldiers; drug trafficking; illicit proliferation of small arms and light weapons and security reforms, etc).

b) Political Affairs: (Human Rights; Rule of Law; Democratic and Constitutional Rule, Good Governance; Power Sharing; Electoral Institutions; Humanitarian Affairs and assistance, etc).
c) Infrastructure and Energy :(Energy; Transport; Communications; Infrastructure and Tourism, etc).
d) Social Affairs and health :(Health; Children; Drug Control; Population; Migration; Labour and Employment; Family; Aging; the handicap; protection and social integration, etc).
e) Human Resources, Science and Technology: (Education; illiteracy Information Technology; Communication; Human Resources; Science and Technology, etc).
f) Trade and Industry: (Trade; Industry; handcrafts; Customs and Immigration Matters, etc).
g) Rural Economy and Agriculture :(Rural Economy; Agriculture and Food Security; Livestock; Environment; Water and Natural Resources and Desertification, etc).
h) Economic Affairs :(Economic Integration; Monetary and Financial Affairs; Private Sector Development including the informal sector and Resource Mobilization, etc).
i) Women and Gender :(Women; Gender and Development as a crosscutting issue, etc).
j) Cross-Cutting Programmes: **(**all other cross-cutting issues that are not covered in the above clusters such as HIV/AIDS, international cooperation, coordination with other institutions and organs of the Union, etc)

2. The Sectoral Cluster Committees of ECOSOCC shall prepare and submit advisory opinions and reports of ECOSOCC
3. The Sectoral Cluster Committees shall also perform any other functions as may be assigned to it.

The ECOSOCC General Assembly may recommend amendments to the established Sectoral Cluster Committees as it may deem necessary.

Article 12
The Credentials Committee

1. The Credentials Committee shall be established by the General Assembly and shall be composed of the following:
    a) One (1) CSO representative from each of the five (5) regions;
    b) One (1) CSO representative of African Diaspora;
    c) One (1) nominated representative for special interest groups such as vulnerable groups, the aged, the physically challenged and people living with HIV/AIDS; and
    d) Two (2) representatives of the Commission.

2. The Credentials Committee shall be responsible for examining the credentials of members of ECOSOCC and of their representatives.

The Rules of Procedure of the Credentials Committee shall be adopted by the General Assembly.

Article 13
Budget

1**.** The regular budget of ECOSOCC shall constitute an integral part of the regular budget of the Union.
2. ECOSOCC may however mobilize resources from extra-budgetary sources.

Article 14
Secretariat

The CSSDCA Unit of the Commission shall serve as the Secretariat of ECOSOCC within the Commission.

Article 15
Article on Quorum

The quorum for meetings of the General Assembly of ECOSOCC or of any of it committees shall be constituted by a simple majority.

Article 16
Voting

Each member of ECOSOCC shall have one vote and decision-making shall be by consensus, failing which it shall be by 2/3 majority of those present and voting.

Article 17
Rules of Procedure

ECOSOCC shall adopt its own Rules of Procedure.

Article 18
Working Languages

The official languages of ECOSOCC shall be the same as those of the Union.

Article 19
Entry into Force

These Statutes shall enter into force upon adoption by the Assembly**.**

Article 20
Amendments

Proposals for the amendments of these Statutes may be made proposed by any Member State of the Union, or the General Assembly of ECOSOCC to the Assembly for its consideration.

APPENDIX D: LETTER TO THE AFRICAN UNION COMMISSION

Department of Political and Administrative Studies
Faculty of Social Studies
University of Zimbabwe
P.O. Box MP167
Mount Pleasant
Harare, Zimbabwe

15 March 2011

The Chairperson, African Union Commission
African Union Headquarters
P.O. Box 3243, Roosevelt Street
(Old Airport Area) W21K19
Addis Ababa, Ethiopia

Dear Sir/Madam

REQUEST FOR PERMISSION TO CONDUCT ACADEMIC RESEARCH

I am applying for permission to conduct research within the African Union Commission, which will include interviews with AU staffers, collection of some key documents relating to AU-CSOs interactions with various commissions and departments.

The research objective is to identify and analyze the policy contributions of civil society and its interactions with the African Union Commission. It also focuses on how CSOs have sought to contribute to the realization of a people-driven development policy-making agenda created with the transformation from OAU to AU. The research seeks to solicit AU staff and leaders' views on

1) The participation of CSOs in the decision-making and policy formulation processes in the African Union since 2002.
2) Views on CSOs organization and capacity to influence decision-making and policy formulation processes of the African Union
3) The nature of the African Union and civil society relationship in the decision-making and policy formulation processes.

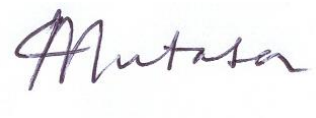
In conducting the research, I will observe the following ethics:

1) For participating AU staff. high levels of confidentiality will be maintained
2) Participants do not disrupt they usual hours of doing business in order to attend to be involved in the research
3) The study outcomes will be shared with your institution

Hoping to hear from you. Thank you Sir/Madam.

Thank you.

Yours faithfully



Charles Mutasa (DPhil Student)

APPENDIX E: PUBLISHED ARTICLES

1. Charles Mutasa, 2010. 'A Critical Appraisal of the African Union-ECOSOCC Civil Society Interface' *in The African Union and its Institutions***,** edited by John Akokpari, Angela Ndinga-Muvumba & Tim Murithi, Jacana Printers: Auckland Park.
2. Charles Mutasa, 2013, 'Revisiting Civil Society and Constitution Making in Africa' in Civil Society and Constitutional Reforms in Africa, Edited by Tyanai Masiya. MWENGO Publications: Harare
3. Charles Mutasa, 2016. 'The Gender and Energy in Zimbabwe' in The Gender and Energy Nexus in East and Southern Africa, edited by Paschal B. Mihyo and Truphena E. Mukuna, OSSREA: Addis Abba.
4. Charles Mutasa, 2012. 'A Critique of the EU Agricultural Policy' in *The EU and Africa: From Eurafrique to Afro-Europa*, Edited by Adekeye Adebayo & Kaye Whiteman. Hurst & co: London