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## Towards a People-Driven African Union

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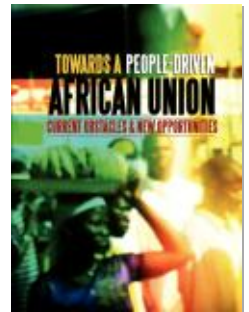
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## 7. THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL

The Economic, Social and Cultural Council (ECOSOCC) is the primary structure directed at facilitating civil society engagement with the AU institutions. However, its role in the decision-making processes of the Union is not yet clear. The organ is still in the process of being established in its final form, and there remains significant lack of clarity on the types of organisation that can be members, how they will be chosen, how its leadership structures will be filled, and what the powers of the body will be beyond simply airing issues of concern to civil society organisations.<sup>165</sup>

Observers of the ECOSOCC process interviewed for this report expressed significant levels of concern at the fact that it is and will remain a body under the control of the AU, rather than an autonomous framework, and that its role is currently purely advisory. However, this integration also provides an opportunity, and there was consensus that the aim of ECOSOCC should ultimately be to provide a genuine voice for civil society in AU discussions. If this is to be achieved, there is a need for the ECOSOCC structures to become more democratic and participatory.

### Legal framework

ECOSOCC is an institution established under the Constitutive Act of the AU<sup>166</sup> designed to give civil society organisations a voice within the AU institutions and decision-making processes. It is an advisory organ of the AU consisting of civil society organisations from a wide range of sectors, including labour, business, service providers and policy think tanks.<sup>167</sup> ECOSOCC is viewed as a vehicle through which ‘the aspirations of African peoples are met, and operational, institutional and human capacities of African civil society are built and sustained’.<sup>168</sup>

Unlike, for example, the Peace and Security Council, there is no protocol to the AU Constitutive Act establishing ECOSOCC, and the status of the organ is based rather on statutes adopted by the Assembly of the AU. This means, importantly, that ECOSOCC’s status can be amended easily, without the need for a lengthy ratification process by member states.

A working group nominated by the interim chairperson of the AU at the time, prepared the draft statutes of ECOSOCC in 2002. This draft was reviewed by an AU-CSO working group created by participants at the civil society forum organised by the CSSDCA unit in June 2002 ahead of the AU summit held in Durban. A revised draft was presented to the 4<sup>th</sup> Ordinary Session of the Executive Council of Ministers in Maputo in July 2003. Further consultations on the draft statutes took place under the auspices of the AU Commission.<sup>169</sup> The Assembly of Heads of State and Government finally adopted the ECOSOCC Statute in Addis Ababa, in July 2004.<sup>170</sup>

According to its statutes, the objectives of ECOSOCC include the promotion of African civil society participation in the 'implementation of the policies and programmes of the Union', and support of programmes to 'foster rapid political and social and economic development and foster integration in the Continent'.<sup>171</sup>

The criteria for eligibility to participate in ECOSOCC have been controversial, in particular the requirement that 'the basic resources of [an organisation seeking membership] shall substantially, at least 50 per cent, be derived from contributions of the members of the organisation'.<sup>172</sup> Intended in part to exclude 'foreign' or 'international' organisations from ECOSOCC, this rule also effectively excludes a large proportion of, for example, human rights organisations, think tanks and other groups likely to be critical of AU activities.

ECOSOCC's organs are the General Assembly, Standing Committee, Sectoral Clusters Committees and Credentials Committee. For the time being, these only exist in interim form. The 150-member General Assembly is the highest decision-making body. It is responsible for electing members to the Standing Committee, reviewing the activities of ECOSOCC, and approving and amending the rules defining the conduct for CSOs 'affiliated to or working with the Union'.<sup>173</sup>

The CSSDCA Unit convened a meeting in 2003 where participants nominated a 20-member provisional ECOSOCC working group.<sup>174</sup> Approximately 160 representatives of civil society across sectors and including women and youth then met in Addis Ababa in March 2005 as the Interim General Assembly to chart a process for the establishment of permanent structure by March 2007,<sup>175</sup> including the election of an interim bureau (a presiding officer and four deputy presiding officers<sup>176</sup>) and an Interim Standing Committee.<sup>177</sup>

The 15-member Interim Standing Committee, which met for the first time in April 2005, comprises representation from the five regions of Africa – east, south, central, west, north – and special committees.<sup>178</sup> The Interim Standing Committee is supposed to oversee the election of national representatives within the stipulated time, and in June 2005 adopted a two-year strategy to finalise the ECOSOCC structures. As understood by a member of the Interim Standing Committee, their role is to 'take the CSO space made available at continental level to national level', and shepherd the consultative process to elect representatives to the General Assembly.<sup>179</sup> However, ECOSOCC has not yet adopted rules of procedure to govern its operation, although a draft was prepared by the Office of the Legal Counsel in the AU Commission. Office bearers are serving on an interim basis until the permanent structure is endorsed and new elections take place in 2007.<sup>180</sup>

Professor Wangari Maathai, who is a member of parliament and was when appointed a minister in the government of Kenya, serves as the interim president of ECOSOCC until 2007. She is located in Nairobi, Kenya, with a small office receiving financial support from the AU Commission which appears to serve two functions: providing administrative support for the Kenya chapter and performing some secretarial functions of the continental body.

At the AU Commission, the African Citizens' Directorate (CIDO) serves as the secretariat of the ECOSOCC, raising money for the new organ from AU sources, supplying information about AU debates, and providing other support. For example, in a speech at the opening of the AU-CSO forum in June 2006, the head of CIDO informed participants that the interim president of ECOSOCC had 'instructed [him] as head of the [ECOSOCC] Secretariat, to present the conclusions of the report'.<sup>181</sup> CIDO raised US\$1 million for the Interim Standing Committee for 2006–07 to assist in the process of finalising the ECOSOCC structures; the Standing Committee believed that more was necessary, but in practice less than half the \$1 million had been spent by the end of 2006.<sup>182</sup>

Transparency in the selection process of these representatives is questionable. According to some members of the Interim Standing Committee, they were invited by the AU Commission to attend the March 2005 launch because of their regional and thematic focus.<sup>183</sup> Also, it appears that a number of CSOs invited had a pre-existing relationship with the AU; for instance, the Foundation for Community Development, a Mozambique-based organisation focused on development issues, had a relationship with the Directorate for Women, Gender and Development at the AU Commission.<sup>184</sup> However, many organisations with a profile on issues relevant to the AU were not included, among them sub-regional coalitions which amalgamate national coalitions and thus would appear to be a natural constituency.<sup>185</sup>

Many civil society organisations consulted in the preparation of this report criticised the lack of openness of the election of the interim ECOSOCC structures, the inherent tension in the election of a sitting government representative to be presiding officer of a civil society body, and the reliance on CIDO for support.<sup>186</sup>

### **ECOSOCC interim national chapters**

The Interim Standing Committee at its first meeting in Nairobi in April 2005, agreed that national representatives on the Interim Assembly would initiate national consultations to establish procedures to elect two representatives for each country to serve on the General Assembly to be inaugurated in 2007.<sup>187</sup> The formation of interim national chapters (also referred to as interim national assemblies) was a mechanism to assist in this process. The AU Commission expected the ECOSOCC Interim Standing Committee and its affiliated bodies to raise resources to conduct these consultations if more funds were required than provided by the ECOSOCC interim budget.

Consultations have been held in some regions with a view to strengthening national ECOSOCC chapters and increase the level of participation in ECOSOCC structures. For example, AFRODAD (the African Network on Debt and Development), the representative of southern Africa in the interim bureau, worked with others to convene southern Africa consultations in April and November 2006 as well as national level meetings, with the objective of assisting the definition of a process to elect members to the ECOSOCC General Assembly from the region.<sup>188</sup> Similar consultations have been held in the other regions.

The level of development and indeed knowledge of ECOSOCC varies across the continent, with Kenya the most advanced. In some countries there is no ECOSOCC presence of any kind. In others, ECOSOCC has established a functioning national chapter, but the level of participation and the representativeness of the body is low.

#### *Kenya*

In Kenya, the Inter-Region Economic Network, an NGO focusing on social and economic rights, worked closely with the interim president of ECOSOCC in forming an ad-hoc committee to encourage CSO membership onto the national chapter of ECOSOCC and functions as an interim coordinator.<sup>189</sup> The administrative tasks are conducted at the interim president's office. In February 2006, the chapter was launched at a meeting which brought together some one hundred organisations. In October 2006, a national delegates conference elected Kenya's two representatives to serve on the continental body of ECOSOCC.

As of April 2006, approximately 60 NGOs, including development and environmental organisations as well as community-based organisations, had registered with the office of the interim president to be part of the national chapter. Organisations with an Africa-wide mandate and which engage with mechanisms in Africa appear not to be active in the structure – either because, in general, they do not consider the AU as an important forum to engage, or because of the poor dissemination of information on the existence and activities of ECOSOCC.<sup>190</sup>

### *South Africa*

A Department of Foreign Affairs-sponsored and organised conference marked the launch of the South Africa chapter in November 2004. Organisations from several sectors including human rights, faith-based organisations, and the South African National NGO Coalition (SANGOCO) attended the conference, despite some reservations that a government agency was hosting a meeting for a civil society initiative.<sup>191</sup>

The national ECOSOCC chapter is governed by a four-person council.<sup>192</sup> The chair of the Council, who is from the Women's National Coalition, represents the South African chapter on the interim ECOSOCC General Assembly. Another South African representative on the interim body represents the youth. According to the secretary-general of the South Africa chapter, who comes from the African Renaissance Organisation for Southern Africa, these two representatives will also sit on the permanent structure once inaugurated.<sup>193</sup> There is therefore no further process to elect representatives to serve on the General Assembly of ECOSOCC.

The African Institute for Southern Africa offered to host the South Africa chapter temporarily. The secretariat is not staffed adequately to undertake the activities of ECOSOCC full time. According to organisations that participated in the launch or are represented on the body, the South Africa chapter has not met since the November 2004 gathering nor held any preparatory briefing ahead of AU summits.<sup>194</sup> The South Africa chapter of ECOSOCC has met informally with the Department of Foreign Affairs to discuss AU matters, and the government views its relationship with the national ECOSOCC chapter as supportive.<sup>195</sup> The government has, strangely, expressed its reluctance to give a formal briefing to the ECOSOCC chapter ahead of AU summits, as this would 'influence [CSOs] in formulating their position.'<sup>196</sup>

The South Africa chapter of ECOSOCC has experienced difficulties in attracting a strong and diverse group of organisations as members, particularly from the key foreign policy sector, such as the Centre for Policy Studies, the South African Institute of International Affairs, the Electoral Institute of Southern Africa and the Institute for Global Dialogue. These groups have continued to work independently of ECOSOCC. Some of the difficulties relate to the lack of transparency in election of officers to positions within the national structure and to the Interim General Assembly, and the dominance of organisations without any particular focus on AU issues or history of critical commentary on government positions.<sup>197</sup>

### *Mozambique*

The Foundation for Community Development and Liga dos Direitos Humanos represented Mozambique at the launch of ECOSOCC in March 2005. The Foundation for Community Development, which also serves on the Interim Standing Committee of ECOSOCC, has played a coordinating role to raise awareness of ECOSOCC in Mozambique and convened a consultative meeting with local civil society organisations and networks on 20 September 2005.<sup>198</sup> The meeting established a strategic coordinating group of ten organisations representing the ten provinces of Mozambique with the mandate to raise awareness of ECOSOCC in the provinces and to move to elect two representatives to the General Assembly of ECOSOCC.<sup>199</sup> To date, public awareness activities have taken place in three provinces but there has been slow progress, perhaps due to a lack of understanding of the relevance of ECOSOCC by local organisations focusing on issues such as poverty alleviation.<sup>200</sup>

### *No structures: The Gambia, Ethiopia, Botswana, Senegal, Nigeria*

Several countries among those visited for this research had no national level ECOSOCC structures in place. Even though the Gambia has a representative on the Interim Standing Committee – a member of the National Youth Council, a government agency formed to promote the interests of the youth – it does not have a structure to coordinate national activities or arrange elections to the permanent ECOSOCC structures.<sup>201</sup>

The Association of NGOs, an umbrella body of 62 organisations engaged in a spectrum of activities such as education, health and human rights, did not have a relationship with ECOSOCC.<sup>202</sup>

In Botswana neither Ditshwanelo, a human rights organisation which uses African treaty bodies to advance its objectives and collaborates with organisations in southern Africa on human rights issues, nor the 100-member Botswana Council of Non-Governmental Organisations (BOCONGO), were aware of ECOSOCC in that country.<sup>203</sup> In Ethiopia, the government was not aware of the existence of a country chapter of ECOSOCC.<sup>204</sup> Some organisations have had links with AU programmes such as the New Partnership for Africa's Development, yet are not familiar or aware of the existence of ECOSOCC in the country.<sup>205</sup>

Senegal had not established a structure for ECOSOCC, even though several Senegalese civil society organisations have been involved in advocacy relating to the AU, including CONGAD (the *Conseil des Organisations Non-Gouvernementales d'Appui au Développement*) and RADDHO (the *Rencontre Africaine Pour la Défense des Droits de l'Homme*). There was also no ECOSOCC national chapter in Nigeria. From the official perspective, civil society engagement with AU issues is rather channelled through the national mechanisms related to NEPAD and the APRM.

## Evaluation

Arguably, an assessment of ECOSOCC is premature given that it has yet to become a permanent structure. So far, however, a lack of transparent processes and poor communications strategy leads to perceptions of ECOSOCC as a 'club of friends' and that it is packed with government supported organisations with little legitimacy in the wider civil society movement.<sup>206</sup> In particular, there is no clarity on the definition of organisations that should be on the 'electoral roll' of voters nor on the election processes that must be followed to choose the national representatives to the General Assembly.

Yet this should not prevent the institution from engaging with civil society at the national level on its purpose and encouraging broader participation. Collaboration between ECOSOCC and sub-regional CSO collective bodies such as the SADC CNGO and the West African Civil Society Forum could provide a coordinated and structured approach to influencing regional policies effectively.<sup>207</sup> If the issues surrounding the election of representatives to national chapters and the General Assembly are resolved to ensure a more transparent and participatory approach, ECOSOCC has the potential to create new space for civil society engagement with the AU and a new voice for Africa's citizens in the deliberations of the continental institutions.

