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Towards a People-Driven African Union

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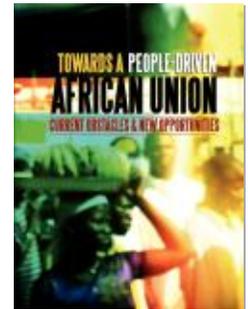
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8. AUTONOMOUS CIVIL SOCIETY ENGAGEMENT WITH THE AFRICAN UNION

Autonomous civil society advocacy – whether by human rights groups, the labour movement, development organisations or other sectors – on AU policies has strengthened over recent years, and must continue to make an important contribution, especially in light of the concerns over the structure and role of ECOSOCC. The AU Commission has been open to such engagement, especially where the civil society organisations or individuals concerned offer particular expertise; however, this openness is variable, and there is also some resistance to autonomous civil society meetings in the margins of summits or statements openly critical of member state or Commission positions.

Effective advocacy with the AU must start well before a summit, with lobbying in national capitals, participation in experts' meetings and other interventions; but participation in summits also provides a critical opportunity for civil society engagement. Perhaps the biggest barrier to such activity is lack of access to information about policies that are up for debate, schedules of meetings and opportunities for participation, and draft texts. Other barriers at the summits include problems in gaining accreditation and obstruction from host governments.

The lack of any Addis Ababa-based organisation with a mandate to facilitate civil society engagement with the AU institutions there means that, if there is any presence at all at critical meetings, it is from only the best-resourced organisations – often African branches of international organisations. The same is true in relation to the NEPAD and APRM secretariats and the Pan-African Parliament, based in Midrand, South Africa. Initiatives to establish organisations to facilitate access by any interested civil society organisation to the AU (but with no agenda of their own) would undoubtedly create a more informed and consistent approach from civil society to AU policy-making.²⁰⁸

Access to documents

Perhaps the principal obstacle to effective civil society engagement with the African Union institutions is lack of information. Even though the belated upgrading of the African Union website²⁰⁹ has improved accessibility of information in recent years, the website remains incomplete (far too many sections bring up the message 'Will be available soon!!!') and has no functioning search capability, so that documents not on the front page are hard to find (though it remains more user-friendly than the NEPAD website²¹⁰). Above all, many documents are simply not posted to the website: these include final documents that have been adopted by the Assembly or Executive Council and are required to be made public by treaty (such as the activity reports of the African Commission on Human and Peoples' Rights); and also draft texts of documents that should be available for public debate by Africa's citizens in advance of their adoption. During 2006, documents in the latter category included the draft text of the Charter on Democracy, Elections and Governance,

and the proposals for the creation of a Union government, both of major importance yet both unobtainable without inside contacts in a member state or at the AU Commission. Email requests to the Commission for such documents from unknown requesters typically receive no response.

There is an urgent need for the AU to follow the example of such international organisations as the World Bank and adopt a policy providing for disclosure of documents, except where there is a justified need for confidentiality, and for an adjudication process if disclosure is disputed.²¹¹ In October 2006, the Inter-American Court of Human Rights confirmed the existence of a right of access to information held by government and other public bodies.²¹² Even without such a formal policy, draft texts of major new initiatives should routinely be posted to the website and comment requested.

Preparatory meetings

Effective advocacy directed towards a summit depends on patient preparatory work. In those countries where citizens enjoy protection of their right to organise freely, national level contacts and meetings will be the starting point. In several of the countries surveyed for this report, civil society organisations meet informally with officials within the foreign affairs department to influence policy on specific areas of concern, or, especially, to urge ratification of particular treaties. The research for this report found no case of a government actively seeking civil society input, however; and in many cases civil society organisations themselves admitted that they did not engage with government agencies responsible for AU matters before and after AU summits. In Kenya, for example, where there has been active advocacy for the ratification of the Protocol on the Rights of Women under the African Charter on Human and Peoples' Rights, women's rights organisations were not aware of meetings before and after AU summits with the relevant government organisations.²¹³ An official at the Foreign Affairs Ministry admitted that there was no formal forum between civil society and itself on matters relating to the AU.²¹⁴ Since the ambassadors who attend the meetings of the PRC are crucial informants of their government positions, civil society contacts with diplomatic representation in Addis Ababa are also important avenues to influence policy; but again this channel is little used.

At the level of the AU Commission, participation in sectoral experts' meetings at which official texts are drafted can be a very useful route to influence AU policies. For example, the Electoral Institute of Southern Africa (EISA) attended expert meetings during 2006 for the preparation of the Draft Charter on Democracy, Elections and Governance, while women's organisations were heavily involved in the meetings leading up to the adoption of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The Directorate on Peace and Security engaged directly with the several organisations, including the Action Support Centre, on establishing an early warning mechanism.²¹⁵ Invitations to these meetings is within the gift of the relevant AU Commission department (the Gender Directorate has been particularly open to civil society involvement) and practice varies, while the criteria for selection are not transparent, meaning that participation can be merely tokenistic. It is not unheard of for an organisation to receive an invitation to a meeting without any advance notice or information about what will be discussed.²¹⁶

Observer status and accreditation

Even though preparatory work leading up to summits is critical for long-term success, presence at the summit itself can still play an important role in providing networking opportunities, media visibility, familiarity with processes and personalities, and access to officials and to documentation.

Organisations wishing to engage with member states at summits often encounter difficulties in acquiring accreditation to gain access to public sessions of the summit meetings.²¹⁷ To facilitate this process, organisa-

tions should apply to the CIDO office in Addis well in advance of a summit, so that the names of the individuals seeking access can be put on the list of those invited by the AU Commission held by the protocol department at the summit venue. However, this system is not advertised anywhere and the numbers who may be granted such assistance are likely to be limited; in practice, individuals must build up their contacts with AU organs in order to obtain such an invitation.²¹⁸ If invited by the AU Commission or another organ, civil society representatives can attend the opening and closing sessions of the meetings, and other sessions with the authorisation of the chair, though without the right to speak. Even without accreditation, and depending on the location of the summit, it may be possible to access many common areas used by delegates and engage in direct lobbying.

As a separate process from obtaining accreditation to attend individual summits, criteria for granting observer status with the African Union were adopted by the Executive Council meeting at the Sirte summit in July 2005 – though they are apparently open for review.²¹⁹ The criteria provide, controversially, that an organisation wishing to apply for observer status must derive at least two-thirds of its resources from the contributions of its members – thus ruling out virtually all the human rights and policy-focused organisations on the continent.²²⁰ Once granted observer status, the criteria provide that representatives of the organisation may attend public sessions of meetings, be invited to other meetings, have access to non-confidential documentation, etc.

Parallel meetings

The number of meetings organised by civil society organisations in the margins of African summits has been steadily increasing since the creation of the AU. In addition, in January 2006, an ad hoc coalition organised in Nairobi the first independently organised meeting intended to brief interested civil society organisations in advance of a summit, responding to the lack of an AU-CSO forum in Sirte and anticipating problems of access to Khartoum. The meeting adopted resolutions on Sudan's candidacy for the AU presidency and the Hissène Habré case.²²¹ Especially in countries where civil society does not have a tradition of working on AU issues, the holding of a summit can be an opportunity for national organisations to raise the profile of the continental body and focus on the opportunities it provides²²²: in the case of the June 2006 summit in the Gambia, for example, the Association of NGOs, an umbrella body of NGOs, for the first time convened a meeting on the AU.²²³ Several Mozambican civil society organisations, including the Economic Justice Coalition and ABIODES, hosted a meeting ahead of the 2003 AU summit in Maputo, Mozambique, to debate key issues affecting Africa.²²⁴

A source of frustration for organisations convening such events is formally conveying the resolutions or communiqués to the Assembly of Heads of State and Government or the Executive Council of Ministers; press conferences and other efforts have not always reached the desired audience.²²⁵ Despite its role as a civil society focal point, the African Citizens' Directorate at the AU is not always supportive of the concept of such autonomous meetings that have not sought CIDO's advance authorisation; similarly, the Gender Directorate prefers civil society organisations to come in under the umbrella of the Women's Forum.²²⁶ Civil society organisations themselves need to coordinate better around summit meetings, especially as more groups begin to attend AU events.

Host government obstruction

The major obstacle to civil society engagement at summits in recent years has been obstruction from the host governments. The CSO-AU Forum did not take place in either Libya in July 2005 or Sudan in January 2006, while independent civil society representatives had major difficulties in obtaining visas and had meet-

ings disrupted when they did succeed in reaching the country: in Khartoum, a group of activists meeting to discuss the situation in Darfur were arrested and briefly detained.²²⁷ The Gambia also created difficulties on 'logistical' grounds, preventing a meeting hosted by the international freedom of expression organisation Article 19 and others, which took place in Dakar, Senegal instead.²²⁸