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Towards a People-Driven African Union

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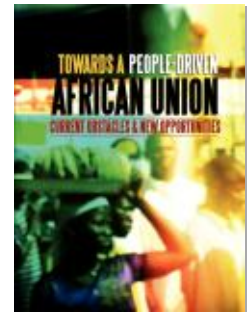
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ENDNOTES

- a See final pages of this report and <http://www.oxfam.org.uk>, <http://www.afrodad.org> and <http://www.afrimap.org/> for more information about the three organisations.
- b 'Summit' in this report means the whole series of inter-governmental meetings that take place in one location at one period, including those of the Assembly of Heads of State and Government, the Executive Council and the Permanent Representatives Committee.
- c Algeria, Botswana, Republic of Congo, Ethiopia, Gambia, Kenya, Mali, Mozambique, Nigeria, Senegal and South Africa.
- 1 The Constitutive Act of the African Union was adopted in Lomé, Togo, in July 2000, and came into force on 26 May 2001. The first AU summit took place in Durban, South Africa in July 2002.
- 2 Article 2 of the OAU Charter.
- 3 *Strategic Framework of the African Union Commission, 2004–2007, (FINAL DRAFT)*, 4 March 2004, p.4.
- 4 *Vision of the African Union and Missions of the African Union Commission, Final Draft*, March 2004, p.18.
- 5 AU Constitutive Act, preamble.
- 6 Ibid., Article 3(f).
- 7 Ibid., Article 4.
- 8 Ibid., Article 4(h).
- 9 Ibid., Article 23.
- 10 Ibid., Article 30.
- 11 Ibid., Article 3(g).
- 12 The departments are: the Office of the Chairperson (headed by Chair Alpha Oumar Konaré); Office of the Deputy Chairperson (Patrick Mazimhaka); Peace and Security (Commissioner Said Djinnit); Political Affairs (Julia Dolly Joiner); Infrastructure and Energy (Bernard Zoba); Social Affairs (Bience P Gawanas); Human Resources, Science and Technology (Nagia Mohammed Assayed); Trade and Industry (Elisabeth Tankeu); Rural Economy and Agriculture (Rosebud Kurwijila); and Economic Affairs (Maxwell Mkwhezalamba). In addition, headed by directors rather than commissioners, and located in the Office of the Chairperson, are the Office of the Legal Counsel (Adv. Ben Kioko), the Women, Gender and Development Directorate (Acting Director Yetunde Teriba, as of November 2006); the African Citizens' Directorate (Jinmi Adisa); and the Directorates for Conferences and Events (Assoul Boubekei); Programming, Budgeting, Finance and Accounting; and Administration and Human Resources Development.
- 13 A protocol is under debate to merge the Court of Justice with the African Court of Human and Peoples' Rights; see section discussing key decisions at 2006 summits below. The African Commission on Human and Peoples' Rights is not mentioned as an organ of the African Union in the Constitutive Act, but its authority rests independently on the African Charter on Human and Peoples' Rights; to which there is also a protocol establishing an African Court on Human and Peoples' Rights. The financial institutions include an African Central Bank, African Monetary Fund, and African Investment Bank (Constitutive Act, Article 19). The proposed committees are to be composed of relevant ministers, and are to be dedicated to: Rural Economy and Agricultural Matters; Monetary and Financial Affairs; Trade, Customs and Immigration Matters; Industry, Science and Technology, Energy, Natural Resources and Environment; Transport, Communications and Tourism; Health, Labour and Social Affairs; and Education, Culture and Human Resources (Constitutive Act, Article 14).
- 14 Protocol Relating to the Establishment of the Peace and Security Council of the African Union.
- 15 See Article 16, Paragraph 1 of the Rules of Procedure of the Executive Council.
- 16 See Article 11 of the Rules of Procedure of the Permanent Representatives Committee.
- 17 Articles 90 and 91 of the Treaty Establishing the African Economic Community.
- 18 African Charter for Popular Participation in Development and Transformation, Arusha, 1990.
- 19 Constitutive Act, preamble.
- 20 *Strategic Framework of the African Union Commission*, p.19.
- 21 *Vision of the African Union and Missions of the African Union Commission, Final Draft*, March 2004, p.31. See also the Kigali Declaration of the 1st African Union Ministerial Conference on Human Rights in Africa, 8 May 2003.
- 22 *Strategic Plan of the Commission of the African Union, Volume 2: 2004–2007 Strategic Framework of the Commission of the African Union*, May 2004, p.48.
- 23 The Commission had requested a staff of 1 300 in 2005 and the complement approved by the Assembly was 750, but the budget

- approved for 2005 did not allow for employment of the full complement. Interview with official, Office of the Chairperson of the AU Commission, Addis Ababa, Ethiopia, 19 May 2006. The European Commission has a staff of 25 000; see http://europa.eu/institutions/inst/comm/index_en.htm.
- 24 Structure of Budget and Modalities of Funding, Executive Council, Ninth Ordinary session 25–29 June 2006, Banjul, the Gambia, EX.CL/246(IX).
- 25 Other states contribute much less: for example, Ethiopia and Botswana contribute 0.63 and 0.83 per cent of the total budget respectively. See Statement of Contributions of Member States to the African Union Budget as at 12 June 2006, Executive Council, Ninth Ordinary Session 25–29 June 2006, Banjul, the Gambia, EX.CL/249(IX) and Decision on the Scale of Assessment, Assembly/AU/Dec.88(V), Sirte, Libya, 2004.
- 26 See European Commission-African Union Joint Declaration, 2 October 2006, Addis Ababa, available at http://www.europa-eu-un.org/articles/en/article_6309_en.htm.
- 27 See, *Study on an African Union Government: Towards a United States of Africa*, African Union, undated (2006).
- 28 The January 2006 summit was an exception, being held in Khartoum, Sudan, due to controversy in 2005 over Sudan's candidacy to be AU president.
- 29 Decision on the Framework for the Organisation of Future Summits, Assembly/AU/Dec.63(IV). At the inauguration of the AU in 2002, the body held its summits once a year.
- 30 Interview with official, Office of the President, Gaborone, Botswana, 26 September 2006.
- 31 Interview with official, Africa Multi-lateral, Department of Foreign Affairs, Pretoria, South Africa, 7 June 2006.
- 32 Interviews with officials and inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 33 The Rules of Procedure of the Executive Council, Assembly of the African Union, First Ordinary session, 9–10 July 2002, Durban, South Africa, Assembly/AU/2(1); Rules of Procedure of the Assembly of the Union, Assembly of the African Union, First Ordinary Session, 9–10 July 2002, Durban, South Africa, Assembly/AU/2(1)
- 34 Statutes of the Commission of the African Union, Assembly of the African Union, First Ordinary Session, Assembly of the African Union, 9–10 July 2002, Durban, South Africa, Assembly/AU/2(1).
- 35 Statutes of the Commission of the AU, Assembly/AU/2(1), Article 8(1)(l) reads that the Chairperson shall, 'circulate the provisional agenda of sessions of the Assembly, the Executive Council and the PRC to Member States,' Article 3 reads that the Commission shall 'organise and manage the meetings of the Union.'
- 36 Article 8, Paragraph 2 of the Rules of Procedure of the Assembly of the African Union Assembly/AU/2(1)a, p.5.
- 37 Article 9, Paragraph 2 of the Rules of Procedure of the Executive Council of the African Union Assembly/AU/2(1)b, p.5.
- 38 See Article 9, Paragraph 2 of the Rules of Procedure of the Executive Council and Article 8, Paragraph 2 of the Rules of Procedure of the Assembly of the African Union.
- 39 See Article 9 of the Rules of Procedure of the AU Assembly and Article 10 of the Rules of Procedure of the AU Executive Council.
- 40 See for example Annotated Agenda, Executive Council, Ninth Ordinary Session, 25–29 June 2006, Banjul, the Gambia, EX.CL/Annotated/Agenda(IX).
- 41 Input at consultative meeting, Addis Ababa, 10–11 November 2006.
- 42 See Article 9, Paragraph 2(g) of the Rules of Procedure of the AU Executive Council and Article 8, Paragraph 2(d) of the Rules of Procedure of the AU Assembly.
- 43 Interview with official, Office of the Chairperson of the AU Commission, Addis Ababa, Ethiopia, 19 May 2006.
- 44 See Article 9 of the Rules of Procedure of the Assembly of the African Union and Article 10 of the Rules of Procedure of the Executive Council.
- 45 Assembly/AU/8(VI) Add.13
- 46 Assembly/AU/9(VII) Add.3
- 47 Assembly/AU/8(VI) Add.12
- 48 Assembly/AU/9(VII) Add.2
- 49 Assembly/AU/8(VI) Add.12.
- 50 See EX.CL/242(VIII) Add.9.
- 51 See Article 8, Paragraph 3 of the Rules of Procedure of the Assembly of the African Union and Article 9, Paragraph 3 of the Rules of Procedure of the Executive Council.
- 52 See Article 8, Paragraph 1(m) of the Statutes of the Commission of the African Union.
- 53 Rules of Procedure of the Executive Council, Assembly of the African Union, First Ordinary Session, 9–10 July 2002, Durban, South Africa, Assembly/AU/2(1).
- 54 Interview with official, Office of the Chairperson of the AU Commission, Addis Ababa, Ethiopia, 19 May 2006.
- 55 See Assembly/AU/9(VII) Add.2, p.4.
- 56 See Ex.CL/290(IX) Add.2
- 57 Interview with official, Legal Affairs Directorate, Ministry of Foreign Affairs, Addis Ababa, Ethiopia, 12 April 2006.
- 58 Transformation of the All Africa Ministerial Conference on Democratisation and Local Development to an Africa Union Structure, Executive Council, Ninth Ordinary Session 25–29 June 2006, Banjul, the Gambia, EX.CL/290(IX) Add.1.
- 59 Not one of the papers submitted in support of the agenda items proposed by Algeria, Congo or Mali in 2006 was ten pages long. The report by Mali on the 23rd Françafrique summit was actually the final statement of the meeting.
- 60 For example, the paper by Congo was just 2½ pages long requesting a review of the mandate of the Commissioner in charge of Labour and Social Affairs (Assembly/AU/9(VII) Add.3.

- 61 The file submitted by Senegal on the Hissène Habré case was nearly 600 pages long, according to the ambassador of Senegal to the African Union.
- 62 Interview with official, Office of the Chairperson of the AU Commission, Addis Ababa, Ethiopia, 19 May 2006.
- 63 EX.CL/276(IX).
- 64 Interview with officials, Ministry of Foreign Affairs and Department of Africa and Asian Affairs, Gaborone, Botswana, 26 September 2006.
- 65 Interview with official, AU and Multilateral, Ministry of Foreign Affairs and Cooperation, Addis Ababa, Ethiopia, 12 October 2006.
- 66 The AU also recognises Africans in the diaspora as its '6th region'. The first Extraordinary Assembly of the AU, held in Addis Ababa, February 2003, agreed to add a new Article 3(q) to the Constitutive Act expanding the existing objectives of the Union, to: 'invite and encourage the full participation of the African Diaspora as an important part of our Continent, in the building of the African Union.'
- 67 Interview with officials, Ministry of Foreign Affairs and Department of Africa and Asian Affairs, Gaborone, Botswana, 26 September 2006.
- 68 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 69 Interview, Faiza Mohamed, Equality Now, Equality Now, Nairobi, Kenya, 21 April 2006.
- 70 Interview, Khabele Matlosa, Electoral Institute of Southern Africa, 25 August 2006. See also by Matlosa a paper entitled 'Political Integration and Democracy in Africa: the Role of the African Union' delivered in September 2006.
- 71 As of 12 June 2006 the following member states were not in arrears: Algeria, Angola, Botswana, Ethiopia, Ghana, Mozambique, Rwanda, Saharawi Arab Democratic Republic, South Africa and Tanzania.
- 72 See Article 4 of Presidential Decree No. 2-404 of 26 November 2002 on the organisation of the central administration of the Ministry of Foreign Affairs of Algeria.
- 73 The terminology used in the constitutions of four civil law countries demonstrates a considerable difference in their approach. While the Constitution of Senegal solemnly affirms the Government's commitment to contributing to the achievement of African Unity and authorises the Government to 'sign agreements of association or community with any (other) African state including partial or total renunciation of sovereignty with a view to achieving African unity' (Article 89, Paragraph 2) and Mali devotes a whole part (Part 15) of its constitution to African Unity, the Algerian constitution only mentions the fact that Algeria belongs to Africa in its Preamble, whereas the constitution of Congo mentions in its preamble that the country intends to 'contribute to world peace as a member of the African Union'.
- 74 For historical reasons, particularly the role played by France, the former colonial power, in constitution-drafting – with the exception of Algeria, which drafted a socialist-inspired constitution at the time of its independence.
- 75 On these issues, see Ambassador Amadou Diop, former diplomatic adviser of Presidents Abdou Diouf and Abdoulaye Wade of Senegal, *Sénégal, repères et grandeur d'une diplomatie*, Éditions Sentinelles, 2006, pp.67–69.
- 76 Article 79, Paragraph 2, of the Algerian Constitution. Article 53 of the Malian Constitution is more explicit, since it provides that the Prime Minister 'leads and coordinates governmental action'. The Constitution of Congo is silent regarding the powers and duties of the Prime Minister. It merely provides that the President of the Republic may 'delegate certain of his powers' thereto and that the Prime Minister replaces the President of the Republic 'when the latter is absent from the national territory' (Article 24 of the Congolese Constitution).
- 77 Such was the case, for instance, of the Algerian Prime Minister who represented President Abdelaziz Bouteflika at part of the Banjul summit of July 2006.
- 78 Presidential Decree No. 02-403 of 26 November 2002 establishing the powers and duties of the Ministry of Foreign Affairs of Algeria; Decree 2003-137 of 31 July 2003 on the Organisation of the Ministry of Foreign Affairs, Cooperation and Francophonie of Congo, amended by Decree 2005-328 of 29 July 2005.
- 79 In Mozambique, which, though a Commonwealth country has a different legal tradition, there is a prime minister, but with not very substantial powers; the president is both the head of state and of government.
- 80 For example, the Algerian and Senegalese texts stipulate that actions by the Minister of Foreign Affairs shall be conducted 'under the authority of the President of the Republic' and that the Ministry of Foreign Affairs is the only ministerial department empowered to correspond with foreign countries or their representatives or with international organisations. Presidential Decree No. 02-403 of 26 November 2002 establishing the powers and duties of the Ministry of Foreign Affairs of Algeria and Decree No. 88-1697 of 16 December 1988 on the organisation of the Ministry of Foreign Affairs of Senegal. See also, Decree No. 2003-137 of 31 July 2003 on the Organisation of the Ministry of Foreign Affairs, Cooperation and Francophonie of Congo, amended by Decree No. 2005-328 of 29 July 2005; and Decree No. 00058/PRM of 21 February 2000 establishing the specific powers and duties of the members of the government of Mali.
- 81 Thus far, we have been unable to gain access to the decree organising this ministry. However, it should be noted that the minister has often been the official mediator of the Algerian government in charge of monitoring the peace process in the Democratic Republic of Congo and in the Great Lakes Region and the special envoy of the Algerian president to the president of Eritrea and the prime minister of Ethiopia.
- 82 Decree No. 00058 of 21 February 2000 establishing the powers and duties of the members of the government of Mali stipulates in Article 1 that the Minister of African Integration is mandated to promote and implement national policy relating to African integration and, is accordingly in charge of: implementing all initiatives and actions aimed at achieving African unity; and implementing the economic policy of economic integration in the framework of sub-regional or regional integration organisations.
- 83 For example, Article 3 of Presidential Decree No. 02-406 of 26 November 2002 establishing the powers and duties of the ambassadors of the Democratic and Popular Republic of Algeria requires the ambassador to 'assist national actors (enterprises, media

and non-governmental organisations) in their relations with foreign partners’.

- 84 Interview with officials, Africa and AU Directorate, Ministry of Foreign Affairs, Nairobi, Kenya, 18 April 2006; Africa Affairs and General Directorate, Ministry of Foreign Affairs, Addis Ababa, Ethiopia, 12 April 2006.
- 85 Interview with officials, Africa Affairs and General Directorate, Ministry of Foreign Affairs, Addis Ababa, Ethiopia, 12 April 2006.
- 86 Interview with officials, Africa and AU Directorate, Ministry of Foreign Affairs, Nairobi, Kenya, 18 April 2006; Africa Affairs, General Directorate, Ministry of Foreign Affairs, Addis Ababa, Ethiopia, 12 April 2006; and AU and Multi-lateral Department, Ministry of Foreign Affairs and Cooperation, Maputo, Mozambique, 12 October 2006.
- 87 The government departments responsible for education in South Africa and Kenya took the lead in formulating a government position in the respective countries. See interviews with officials, Africa Multi-lateral, Department of Foreign Affairs, Pretoria, South Africa, 7 June 2006; Africa and AU Directorate, Ministry of Foreign Affairs, 18 April 2006.
- 88 Interview with officials, Africa Multi-lateral, Department of Foreign Affairs, Pretoria, South Africa, 7 July 2006; and Office of the President, Gaborone, Botswana, 26 September 2006.
- 89 Interview with official, AU and Multi-lateral, Ministry of Foreign Affairs and Cooperation, Maputo, Mozambique, 12 October 2006.
- 90 Interview with official, East Africa Community Ministry, Nairobi, Kenya, 20 April 2006. The AU ordinarily consults the RECs for input ahead of the summit.
- 91 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 92 Assembly/AU/Dec. 83(V), Sirte, Libya.
- 93 *Summary Report of the Working Group on the Draft Single Legal Instrument on the Merger of the African Court on Human and Peoples’ Rights and the Court of Justice of the African Union*, UA/EXP/Fusion.cours/Rpt.(I), p.3.
- 94 Interview with official, Africa and AU Directorate, Ministry of Foreign Affairs, Nairobi, Kenya, 18 April 2006.
- 95 Interview with official, Africa and Middle East Division, Ministry of Foreign Affairs and Cooperation, Maputo, Mozambique, 12 October 2006.
- 96 Interview with technical adviser of the Ministry of Foreign Affairs of Mali, in Bamako, 24 August 2006.
- 97 See <http://www.pmg.org.za>. This website contains parliamentary committee meeting minutes, including those of the Foreign Affairs parliamentary committee, which has oversight of the Ministry of Foreign Affairs.
- 98 Interview with Member of Parliament and of the Pan-African Parliament, Nairobi, Kenya, 20 April 2006.
- 99 In Mali, it seems that the prime minister plays only a marginal role in determining the composition of the official delegation, which is a responsibility of the Office of the President of the Republic and the Ministry of Foreign Affairs. See above-mentioned interview with an adviser of the Minister of Foreign Affairs in Bamako.
- 100 Interview with official, Africa and AU Directorate, Ministry of Foreign Affairs, Nairobi, Kenya, 18 April 2006.
- 101 *The Association pour le Progrès et la Défense des Droits des Femmes* (APDF or Association for the Advancement and Defence of Women’s Rights) whose representative was recently appointed ambassador to Germany, and the *Association des juristes maliennes* (AJM or Malian Association of Jurists).
- 102 Interview with the Senegalese Ambassador to the African Union, 6 October 2006.
- 103 Interview, Faiza Mohamed, Equality Now, Nairobi, Kenya, 21 April 2006.
- 104 A Regional Economic Community (REC) is defined as a regional grouping formed as a legal entity with the purpose to achieve economic, social and political integration. See Treaty Establishing the African Economic Community (1991).
- 105 The Treaty Establishing the African Economic Community, Article 88(1) reads: The community shall be established mainly through the coordination, harmonisation and progressive integration of the activities of the regional economic communities. Article 6 of the Treaty outlines six stages over 40 years from adoption of treaty to achieve full economic and political integration.
- 106 Economic Community of Central African States (11 members – Angola, Burundi, Democratic Republic of the Congo, Congo, Cameroon, Central African Republic, Chad, Equatorial Guinea, Gabon, Rwanda, São Tomé and Príncipe); Economic Community of West African States (15 members – Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, the Gambia, Ghana, Guinea Bissau, Guinea, Liberia, Mali, Nigeria, Niger, Senegal, Sierra Leone, Togo); Common Market for East and Southern African States (20 members – Burundi, the Comoros, the Democratic Republic of the Congo, Djibouti, Eritrea, Egypt, Ethiopia, Kenya, Libya, Malawi, Mauritius, Madagascar, Rwanda, the Seychelles, Swaziland, Somalia, Sudan, Uganda, Zambia, Zimbabwe); Inter-governmental Authority for Development (7 members – Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda); Arab Maghreb Union (5 members – Algeria, Libya, Mauritania, Morocco, Tunisia); East African Community (three members – Kenya, Tanzania, Uganda); the Community of Sahelo-Saharan States (23 members – Benin, Burkina Faso, Central African Republic, Chad, Côte d’Ivoire, Djibouti, Egypt, Eritrea, The Gambia, Ghana, Guinea-Bissau, Liberia, Libya, Mali, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia); Southern African Development Community (14 members – Angola, Botswana, Democratic Republic of the Congo, Lesotho, Malawi, Mauritius, Madagascar, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe). Other groupings that are not considered RECs are, for example, the Southern African Customs Union and the Manu River Union.
- 107 For example, Kenya is a member of the East African Community, the Common Market for East and Southern African States and the Inter-Governmental Authority for Development.
- 108 Chris Landsberg and Shaun Mackay, *Engaging the new Pan-Africanism: Strategies for Civil Society*, ActionAid International and Open Society Initiative for Southern Africa, 2004, p.12.
- 109 Constitutive Act of the African Union (2000), Article 3(l).
- 110 Draft Protocol on the Relationship between the Regional Economic Communities (REC) and the AU EX.CL/158(IX).

- 111 See Report on the Rationalisation of the Regional Economic Communities, Executive Council Ninth Ordinary Session, 25–29 June 2006, Banjul, the Gambia, EX.CL/278(IX) Rev.1. p.6.
- 112 Interview, Dr Kokerai, Legal Affairs Unit, SADC Secretariat, Gaborone, Botswana, 28 September 2006.
- 113 Interview, Dr Kokerai, Legal Affairs Unit, SADC Secretariat, Gaborone, Botswana, 28 September 2006.
- 114 See Mechanism for Coordination between the African Union and the Regional Economic Communities in the infrastructure sector, fifth meeting of the AU/RECs, Joint secretariat, 25–26 June 2006, Banjul, the Gambia, IE.D/01(V), Customs proposal on regional integration in Africa, 2nd Ordinary session of the AU-Sub-committee of Directors General of Customs, Harare, Zimbabwe 6–7 April 2006.
- 115 Declaration, First Conference of African Ministers of Integration, 30–31 March 2006, COMA1/Decl.(1).
- 116 Interview, Dr. Kokerai, Legal Affairs Unit, SADC Secretariat, Gaborone, Botswana, 28 September 2006.
- 117 Interview, M Mathiba-Madibela, Gender Unit, SADC Secretariat, Gaborone, Botswana, 28 September 2006.
- 118 Interview, Dr. A Mondlane, Policy and Strategic Planning Unit, SADC Secretariat, Banjul, the Gambia, 25 June 2006.
- 119 SADC summit meeting record, Maseru, Kingdom of Lesotho, 17–18 August 2006. The troika of the Organ is composed of Tanzania, Namibia and Angola.
- 120 According to the AU's five geographical regions, the Democratic Republic of the Congo (DRC) belongs to the Central African region. The DRC belongs to three RECs.
- 121 ECOWAS Bulletin, No. 1 October 2006.
- 122 Declaration and Treaty of the SADC.
- 123 Naefa Khan, 'Engaging SADC: A Discussion Paper on Civil Society Options', *Policy: Issues and Actors*, Vol. 19 No. 1., pp.4–5. Interview, Abie Dithlake, SADC Council of NGOs, Gaborone, Botswana, 27 September 2006.
- 124 Proceedings Report, the 2nd SADC Civil Society Forum, theme, 'Democratic Governance and Regional Economic Integration,' hosted by SADC CNGO, 14–16 August, Maseru, Lesotho.
- 125 Interview, Alice Mogwe, Ditshwanelo, Gaborone, Botswana, 26 September 2006.
- 126 Naefa Khan, 'Engaging SADC: A Discussion Paper on Civil Society Options', *Policy: Issues and Actors*, Vol. 19. No. 1 (2006); *Major Achievements and Challenges: 1980–2005*, SADC, October 2005.
- 127 Interview, Dr Kokerai, Legal Affairs Unit, SADC Secretariat, Gaborone, Botswana, 28 September 2006.
- 128 Interview, Babolokile Tlae, Botswana Council of Non-governmental Organisations, Gaborone, Botswana, 27 September 2006.
- 129 *Interim Report on the Consultation: Strengthening Human Security Capacities of ECOWAS and West African Civil Society*, Abuja, Nigeria, May 30–June 1, 2003, ECOWAS Secretariat, International Alert and Centre for Democracy and Development. Available at http://www.wacsof.org/info/ECOWAS_interim_report.pdf.
- 130 Membership is drawn from organisations of diverse backgrounds and with experience in human security, education, trade, health democracy, good governance, human rights, gender equality, conflict transformation, trafficking in persons, transparency and anti-corruption.
- 131 See Article 8 of the Supplementary Protocol on Democracy and Good governance (2002), which calls on Member States to use the services of civil society organisations involved in electoral matters to educate and enlighten the public on the need for peaceful elections devoid of all acts of violence, Article 41(1)(a) of the Protocol relating to the Mechanism for Conflict Prevention, Management, resolution, Peace-keeping and Security (1999), which commits ECOWAS to cooperate with national and regional NGOs and religious organisations in the implementation of the provisions of the Protocol, Regulation C/REG/5/11/96 providing for the establishment of a Forum of Associations recognised by ECOWAS and Recommendation A/REC.1/5/11/96 calling for the mobilisation of various sections of the population.
- 132 In particular, DANIDA and DFID.
- 133 Article 3 of the Charter of the West African Civil Society Forum.
- 134 They are: ECOWAS and civil society organisations; food, agriculture and environment; gender issues; governance, democracy and human rights; Health, HIV-AIDS, and education; Media, telecommunications, and information technology; Peace and security; Policy research and database; regional integration, economic development, trade and investment; youth. See Article 8(2) and (3) of the Charter of the West African Civil Society Forum.
- 135 Article 6(3) of the Charter of the West African Civil Society Forum.
- 136 The Forum may also meet in extraordinary session under conditions specified in Article 6(3)(b) of the Charter of the West African Civil Society Forum.
- 137 Article 8 of the Charter of the West African Civil Society Forum.
- 138 Article 8(2) and (3) of the Charter of the West African Civil Society Forum.
- 139 Final Communiqué of the 28th summit of the ECOWAS; Paragraphs 117 & 118 of the final report of the 53rd ordinary session of the Council of Ministers of ECOWAS.
- 140 The first Forum took place in Accra (11–12 December 2003), the second in Accra (10–13 January 2005) and the third in Niamey (4–6 January 2006).
- 141 Recommendations made by WACSOFF available at <http://www.wacsof.org>.
- 142 Including to Benin, Burkina Faso, Gambia, Ghana, Guinea Bissau, Liberia and Togo. A pre-election evaluation mission was also sent to Cote d'Ivoire.
- 143 Communiqué of the Constitutive Assembly of the West African Civil Society Forum, p.2.
- 144 Recommendations of the West African Civil Society Forum adopted in Niamey (January 2006) to the ECOWAS Council of Ministers, p.4.

- 145 In a press statement of 17 January 2006, the *Fédération Internationale des Ligues de droits de l'homme* (FIDH) noted that 'a recommendation of the ECOWAS NGO Forum adopted in January 2006 demanded the extradition of President Habré in order to respect the right to a fair process and the right to justice for his victims'. This was not quite correct in respect of the content of the WACSOF recommendations.
- 146 These weaknesses are reflected in the recommendation of the WACSOF meeting held in Niamey in 2006 inviting member states to 'respect their commitments to end slavery, trafficking in and exploitation of children ... [and] to encourage education and information of citizens on these inhuman practices and to end them', which could have been adopted by any meeting of human rights organisations. WACSOF should have rather been more precise on the routes of trafficking in persons, the role of the institutions of certain member states, and demanded specific rather than vague actions by the heads of state and government and the ECOWAS organs.
- 147 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 148 See generally, 'Brainstorming session on Building an African Union for the Twenty First Century, 25–28 October 2003, Addis Ababa, Ethiopia: Involving civil society in the building of the African Union – Introductory note', pp.3–4.
- 149 CSSDCA Solemn Declaration, Lomé, Togo, July 2000, AHG/Decl.4(XXXVI); Decision on the Conference on Security, Stability, Development and Cooperation in Africa, AHG/Dec.175(XXXVIII), approving the Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa.
- 150 Brainstorming session on 'Building an African Union for the Twenty First Century', p.4.
- 151 See, *Salvador Declaration: Conference of Intellectuals from Africa and the Diaspora*, July 12–14, 2006, Salvador, Bahia, Brazil.
- 152 Report of the Commission for the period January – June 2006, Executive Council, Ninth Ordinary Session, 25–29 June 2006, Banjul, the Gambia, EX.CL/271(IX), p.4. Also Opening address to the 3rd African Union-Civil Society (AU-CSO) Forum, Banjul, the Gambia, 20–21 June 2006, delivered by Dr Jinmi Adisa, Africa Citizens Directorate (CIDO), Bureau of the Chairperson, African Union Commission. Rules of Procedure of the Peace and Security Council of the AU, Rule 15(2) reads: '(b) the Council may decide to hold open meetings and may invite to participate, without a right to vote, in the discussion under consideration and regional mechanism, an international organisation or civil society organisation, which is involved/interested in a conflict or situation related to the discussion under consideration by the Council.'
- 153 Opening address to the 3rd African Union-Civil Society Forum delivered by Dr Jinmi Adisa.
- 154 Quoted in Irungu Houghton, *Reflections on African Union, NEPAD and African CSO engagement with an eye on Continental Citizenship, Public Accountability and Governance*, December 2005.
- 155 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 156 Opening address to the 3rd African Union-Civil Society Forum, Banjul, the Gambia, 20–21 June 2006, delivered by Dr Jinmi Adisa, head, African Citizens' Directorate (CIDO), Bureau of the Chairperson, African Union Commission.
- 157 Telephone interview with official, Africa Renaissance Organisation for Southern Africa and Secretary General for the South Africa chapter of ECOSOCC, 26 July 2006; interview, Helder Malauene, Foundation for Community Development and member of the Interim Standing Committee, Maputo, 10 October 2006.
- 158 Resolution and Recommendations of the Third AU-CSO Forum held in Banjul, the Gambia to the Seventh Ordinary Session of the Assembly of State and Government, 21 June 2006.
- 159 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 160 Report on the Elaboration of a Framework Document on Post Conflict Reconstruction and Development (PCRD), Executive Council Ninth Ordinary session 25–26 June 2006, Banjul, the Gambia, EX.CL/274(IX).
- 161 Solidarity for African Women's Rights, 'Update on the Campaign on Ratification, Domestication and Popularisation of the Protocol on the Rights of Women in Africa,' Equality Now, April to June 2006.
- 162 Information supplied by Faiza Mohamed, Equality Now, November 2006.
- 163 Interview, Binta Diop, *Femmes Afrique Solidarité*, November 2006.
- 164 See, 'Implementation of the *Solemn Declaration On Gender Equality In Africa*: First Report by all AU Member States, for consideration at the January 2007 summit to be held in Addis Ababa, Ethiopia', at <http://www.africa-union.org/root/au/Conferences/Past/2006/October/WG/doc.htm>.
- 165 The single-chamber Pan-African Parliament may provide a further opportunity for civil society to influence AU policy-making, especially when it ceases being a purely advisory body and assumes its legislative duties in 2009. However, its operations were not researched for the purposes of this report.
- 166 Constitutive Act of the AU (2001), Article 5(1)(h).
- 167 Constitutive Act of the AU (2001), Article 22 reads: '(1) The Economic, Social and Cultural Council shall be an advisory organ composed of different social and professional groups of Member States of the Union.' The definition of the ECOSOCC constituency is still not entirely clear: for example, the status of faith-based organisations within ECOSOCC is being clarified.
- 168 Chris Landsberg and Shaun Mackay, *Engaging the New Pan Africanism: Strategies for Civil Society*, Action Aid International and Open Society Initiative for Southern Africa, 2004, p.30.
- 169 Report on the Regional Consultative Forum on ECOSOCC, Pretoria, South Africa, 18–19 November 2003.
- 170 Decision on the Economic, Social and Cultural Council (ECOSOCC), Assembly/AU/Dec.48(III).
- 171 Statutes of the Economic, Social and Cultural Council of the African Union, Article 2.
- 172 Statutes of the Economic, Social and Cultural Council of the African Union, Article 6(6). The criteria include other less controversial requirements such as registration in an African country, provision of annual audited statements, etc.
- 173 Statutes of the Economic, Social and Cultural Council of the African Union, Article 9(2)(d).
- 174 Interview, James Shikwati, director of the Inter-Region Economic Network and the national coordinator for the Kenya chapter of ECOSOCC, Nairobi, Kenya, 19 April 2006.

- 175 Draft Report of the Official Launching of the Interim General Assembly of the Economic, Social and Cultural Council (ECOSOCC), Interim General Assembly of the Economic, Social and Cultural Council, 26–30 March 2005, Addis Ababa, Ethiopia, INT/ASSEMBLY/ECOSOCC/DRAFT/RPT(I).
- 176 The interim bureau consists of the interim president and four interim deputy presidents: Fatima Karadja (north Africa); Charles Mutasa (southern Africa); Ayodele Aderinwale (west Africa); and Maurice Tadadjeu (central Africa).
- 177 Interim Standing Committee members are: Jean Collins Musonda Kalusambo, *Solidarité pour la Jeunesse* Asbl-ONGD, Democratic Republic of Congo; Julienne Mavoungou Makaya, CARESCO, Republic of Congo; Yvette N Rekangalt, *Union des ONG du Gabon*; Zeinab Kamel Ali, National Committee for Human Rights, Djibouti; El Hussein Abdel Galil Mohammed, Freedom Equality Peace Society, Sudan; Patrick Kayemba, DENIVA, Uganda; Amany Asfour, Egyptian Business Women's Association, Egypt; Saida Agrebi, Association of Tunisian Mothers, Tunisia; Ahmed Abdel Fattah, Sahrawi Youths Union; Moses Tito Kachima, Southern Africa Trade Union Coordination Council, Botswana; Joyce Nondwe Kanyago, National Women's Coalition, South Africa; Helder Francisco Malauene, Foundation for Community Development, Mozambique; Mama Koite Doumbia, *Syndicat National de l'Education et de la Culture*, Mali; Landing Badji, *Ligue Africaine des Droits de l'Homme et des Peuples*, Senegal; Omar Gassama, National Youth Council, The Gambia.
- 178 Draft report of the official launching of the Interim General Assembly of the Economic, Social and Cultural Council (ECOSOCC), Interim General Assembly of the Economic, Social and Cultural Council, 26–30 March 2005, Addis Ababa, Ethiopia, INT/ASSEMBLY/ECOSOCC/DRAFT/RPT(I).
- 179 Interview, Helder Malauene, Foundation for Community Development and Interim Standing Committee member, Maputo, Mozambique, 11 October 2006.
- 180 Draft Decision on Transitional Arrangements for the Launching of the Economic, Social and Cultural Council (ECOSOCC) of the African Union. The decision reads: 'In order to ensure the speedy launching of ECOSOCC, the Commission shall convene a General Civil Society Conference which shall serve as the Interim General Assembly of ECOSOCC pending the election and setting up of the General Assembly.'
- 181 Opening address to the 3rd African Union-Civil Society (AU-CSO) Forum, Banjul, the Gambia, 20–21 June 2006, delivered by Dr. Jinmi Adisa, Head, African Citizens' Directorate CIDO, Bureau of the Chairperson, African Union Commission.
- 182 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 183 Interview, Moses Kachima, Southern African Trade Union Coordination Council, Gaborone, Botswana, 27 September 2006, Interview, Omar Gassama, National Youth Council, Banjul, the Gambia, 24 June 2006. Both respondents serve on the Interim Standing Committee.
- 184 Interview, Helder Malauene, Foundation for Community Development and Interim Standing Committee member, Maputo, Mozambique, 11 October 2006.
- 185 Interview, Moses Kachima, Southern African Trade Union Coordination Council and member of the Interim Standing Committee of ECOSOCC, Gaborone, Botswana, 27 September 2006; interview, Abie Dithlake, Southern African Development Community Council of Non-governmental Organisations, Gaborone, Botswana, 27 September 2006.
- 186 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 187 Report of the Commission for the period January–June 2006, Executive Council, Ninth Ordinary Session, 25–29 June 2006, Banjul, the Gambia, EX.CL/271(IX), p.4; see also ECOSOCC Statutes, Article 5.
- 188 Invitation from AFRODAD and Idasa to participants, 14 November 2006; Report of the Commission for the period January–June 2006, Executive Council Ninth Ordinary Session, 25–29 June 2006, Banjul, the Gambia, EX.CL/271(IX) p. 4.
- 189 Interview, James Shikwati, director, Inter-Region Economic Network and national coordinator for Kenya chapter of ECOSOCC, 19 April, Nairobi, Kenya, 2006.
- 190 Interviews, Steve Ouma, Kenya Human Rights Commission, Nairobi, Kenya, 20 April 2006; Faiza Mohamed, Equality Now, Nairobi, Kenya, 21 April 2006; Roselynn Musa, FEMNET, Nairobi, Kenya, 20 April 2006.
- 191 Telephone interview, Zanele Mkhwanazi, South African Non-Governmental Organisation Coalition (SANGOCO), 30 August 2006.
- 192 Telephone interview, Tshepo Mashiane, African Renaissance Organisation for Southern Africa and Secretary General for the South Africa chapter of ECOSOCC, 26 July 2006.
- 193 Ibid.
- 194 Telephone interview, Zanele Mkhwanazi, South African Non-Governmental Organisation Coalition (SANGOCO), 30 August 2006; interview, Gillian Ayong, Action Support Centre, Johannesburg, South Africa, 25 August 2006.
- 195 Interview with official, Africa Multi-lateral, Department of Foreign Affairs, Pretoria, South Africa, 7 June 2006.
- 196 Ibid., 192 above.
- 197 Interviews, Chris Landsberg, Centre for Policy Studies, Johannesburg, South Africa, 10 July 2006; Gillian Ayong, Action Support Centre, South Africa, 25 August 2006. Khabele Matlosa, Electoral Institute of Southern Africa, Johannesburg, South Africa, 25 August 2006; Email communication, Corlett Letlojane, Human Rights Institute of South Africa, 6 October 2006.
- 198 Interview, Alice Mabote, Liga dos Direitos Humanos, Maputo, Mozambique, 11 October 2006.
- 199 Interview, Helder Malauene, Foundation for Community Development and Interim Standing Committee member, Maputo, Mozambique, 11 October 2006.
- 200 Ibid.
- 201 Interview, Omar Gassama, National Youth Council and member of the Interim Standing Committee of ECOSOCC, Banjul, the Gambia, 24 July 2006.
- 202 Interview, Ousmane Yabo, the Association of NGOs, Johannesburg, South Africa, 25 June 2006.
- 203 Interviews, Alice Mogwe, Ditshwanelo, Gaborone, Botswana, 26 September 2006; Babolokile Tlale, Botswana Council of

- Non-governmental Organisations, 28 September 2006.
- 204 Interview with officials, Africa Affairs, General Directorate, Ministry of Foreign Affairs, Addis Ababa, Ethiopia, 12 April 2006.
- 205 Interview, Helen Seifu, Ethiopia Women Lawyers Association, Addis Ababa, Ethiopia, 12 April 2006; Tamre Teka, PANOS Ethiopia, Addis Ababa, Ethiopia, 16 May 2006.
- 206 Interview, Steve Ouma, Kenya Human Rights Commission, Nairobi, Kenya, 20 April 2006.
- 207 Interview, Khabele Matlosa, Electoral Institute of Southern Africa, Johannesburg, South Africa, 25 August 2006.
- 208 In Geneva, the International Service for Human Rights plays such a role in relation to the UN structures there. There have been discussions among some funders, including the Open Society Institute and Trust Africa, about the possibility of supporting a similar institution in Addis Ababa.
- 209 <http://www.africa-union.org/>.
- 210 <http://www.nepad.org/>.
- 211 See <http://www1.worldbank.org/operations/disclosure/> for the World Bank's policy.
- 212 See, 'International tribunal makes landmark ruling on access to information', Open Society Justice Initiative, 12 October 2006.
- 213 Interviews, Faiza Mohamed, Equality Now, Nairobi, Kenya, 21 April 2006; Roselynn Musa, FEMNET, Nairobi, Kenya, 20 April 2006.
- 214 Interview with official, AU and Africa Directorate, Nairobi, Kenya, 18 April 2006.
- 215 Interview, Gillian Ayong, Action Support Centre, Johannesburg, South Africa, 25 August 2006.
- 216 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 217 Interview, Gillian Ayong, Action Support Centre, Johannesburg, South Africa, 25 August 2006. Interview, Roselynn Musa, FEMNET, Nairobi, Kenya, 20 April 2006.
- 218 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 219 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 220 Criteria for granting observer status and for a system of accreditation within the AU, EX/CL/195(VII). The document also sets out rules for non-African states and organisations to be accredited with the AU.
- 221 The meeting was organised by a coalition led by CREDO (the Centre for Research Education and Development of Rights in Africa) and hosted by FEMNET. The aim of the meeting was 'to develop an effective demand and partnership platform for African CSOs in the African Union and other inter-governmental processes affecting the continent'. Concept Paper for an Independent African Civil Society Consultation, 2005; interview, Rotimi Sankore, CREDO, 29 November 2006. See also, Wangui Kanina, 'African Union help sought to try former Chad ruler', Reuters, 16 January 2006.
- 222 *Drums of Change*, Quarterly Newsletter of the Peace and Development Platform, Vol. 1, Issue 1, June 2004, p.5. Also, interview, Gillian Ayong, Action Support Centre (the Peace and Development Platform is a programme of Action Support Centre), Nairobi, Kenya, 25 August 2006.
- 223 Interview, Ousmane Yabo, the Association for NGOs, Banjul, the Gambia, 25 June 2006.
- 224 Interview, Helder Malauene, Foundation for Community Development and ECOSOCC Interim Standing Committee member, Maputo, Mozambique, 11 October 2006; Email communication from Viriato Teotónio e. Tamele, Economic Justice Coalition, Maputo, January 2007.
- 225 Interviews, Gillian Ayong, Action Support Centre, Johannesburg, South Africa, 25 August 2006; Ousmane Yabo, the Association for NGOs, Banjul, the Gambia, 25 June 2006; inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 226 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 227 Edmund Blair, 'Rights delegates released in Sudan', Reuters, 21 January 2006. The coalition Solidarity for African Women's Rights, however, did successfully hold a symposium in Khartoum.
- 228 'Free Expression and Journalist Organisations Prevented from Holding Forum on Freedom of Expression', Press Statement, Media Foundation for West Africa, 23 June, 2006.
- 229 Declaration on Unconstitutional Changes of Governance in Africa, Doc. EX.CL/258(IX), 2000.
- 230 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, AHG/Decl.1(XXXVIII), 2002.
- 231 Africa Conference on Governance, Democracy and Elections adopts Programme of Action, Press Statement, 10 April 2003.
- 232 Draft Charter on Democracy, Elections and Governance: Explanatory Note, available at <http://www.africa-union.org/root/au/conferences/past/2006/april/pa/apr7/meeting.htm>.
- 233 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
- 234 See <http://www.hrw.org/justice/habre/> for background on the case.
- 235 Official statement by the Ministry of Foreign Affairs of Senegal, 27 November 2005.
- 236 Note of introduction for the item on the agenda of the 6th Session of the Assembly of the African Union, proposed by Senegal and entitled 'The Hissène Habré case and the African Union' (Assembly/AU/8(VI) Add.9.
- 237 Interview, 30 December 2005.
- 238 Decision on the Hissène Habré case, Assembly/AU/Dec.103(VI)
- 239 *Rapport du Comité d'éminents juristes africains sur l'affaire Hissène Habré*. Undated, unreferenced document by the African Union. The committee's members were: Judge Gibril Camara, Senegal; President Delphine Emmanuel née Aduki, Congo Brazzaville; Professor Ayodele Ajomo, Nigeria; Adv. Robert Dossou, Benin; Judge Joseph Warioba, Tanzania; Adv. Anil Kumarsingh Gayan, Mauritius; and Professor Henrietta Mensa-Bonsu, Ghana.
- 240 Decision on the Hissène Habré case and the African Union, Assembly/AU/Dec.127(VII).
- 241 Constitutive Act, Article 4(h). The Committee further stipulated that 'its task was to help establish a mechanism to fight against impunity, specifically in the African framework'. See *Rapport du Comité d'éminents juristes africains sur l'affaire Hissène Habré*.

- Undated, unreferenced document of the African Union, p.2.
- 242 See Article 6, Paragraph 4 of the Constitutive Act of the African Union. In Article 5 of the Protocol on Amendments to the Constitutive Act of the African Union (not yet in force), it is specified that the election takes place during an ordinary session of the Union, that the choice is made on a rotating basis and that the mandate is renewable.
- 243 See Article 15, Paragraph 2 of the Rules of Procedure of the Assembly of the African Union. However, where the January summit is exceptionally convened outside Addis Ababa (as in January 2006), the hosting of that session is not linked to the presidency of the Union. Decision on the Framework for the Organisation of Future Summits, Assembly/AU/Dec.63(IV).
- 244 Assembly/AU/Dec.54(III).
- 245 Assembly/AU/Dec.53(III).
- 246 Paragraph 6 of the Decision in Assembly/AU/Dec.63(IV).
- 247 At the Abuja summit, the Heads of State and Government decided that henceforth the January session, during which the acting chairperson of the Assembly would be elected, would be held at the headquarters of the Union, in Addis Ababa, unless the Assembly decided otherwise, following a recommendation by the Executive Council; Assembly/AU/Dec.63(IV).
- 248 'East Africa backs Bashir as AU head – Sudanese official', Reuters, 19 January 2006.
- 249 Interview with official, Legal Affairs Directorate, Ministry of Foreign Affairs, Addis Ababa, Ethiopia, 12 April 2006.
- 250 Interview with officials, Office of the President, Gaborone, Botswana, 26 September 2006; and Ministry of Foreign Affairs and Department of Africa and Asian Affairs, 26 September 2006.
- 251 Interview with official, Office of the President, Gaborone, Botswana, 26 September 2006. The committee included, in addition to Botswana, which acted as chair, Burkina Faso, Djibouti, Egypt, Gabon, Tanzania and Zimbabwe.
- 252 Assembly/AU/Recommendation(VI); see also 'Mogae returns from Khartoum' Republic of Botswana, *Tautona Times*, 25 January 2006.
- 253 'Decision on AU presidency must take into account the vital role of the AU as mediator and guarantor of protection for the people of Darfur', Darfur Consortium press release, 21 January 2006.
- 254 Assembly/AU/Dec.6(II).
- 255 Resolutions on the human rights situation in Ethiopia, on the human rights situation in the Darfur region of Sudan, on the human rights situation in Uganda and on the human rights situation in Zimbabwe adopted during the 38th ordinary session of the African Commission on Human Rights.
- 256 Decision on the Activity Report of the African Commission on Human and Peoples' Rights, Assembly/AU/Dec.101(VI). The Assembly also decided that, in future, the African Commission should 'enlist the responses of all States parties to its Resolutions and Decisions before submitting them to the Executive Council and/or the Assembly for consideration' and that states should 'within three months of the notification by the African Commission on Human and Peoples' Rights, communicate their responses to Resolutions and Decisions to be submitted to the Executive Council and/or the Assembly'.
- 257 See 20th Activity Report of the African Commission on Human and Peoples' Rights, EX.CL/279(XI), pp.38–110.
- 258 The Ugandan delegate referred to a 'loss of confidence in the African Commission', whereas the delegate from Ethiopia stressed 'the arrogance of the African Commission'.
- 259 Communication No. 245/2002, *Zimbabwe Human Rights NGO Forum v Zimbabwe*. This is one of 13 complaints against Zimbabwe before the African Commission as of 30 May 2006.
- 260 See the 20th Activity Report of the African Commission on Human and Peoples' Rights, EX.CL/279(XI), pp.140–141 (on the response of the State as to the admissibility of the complaint) and pP.152–159 (on the response of the State on the merits of the case).
- 261 Article 59(1),(2) and (3), African Charter on Human and Peoples' Rights. The African Commission on Human Rights took care to have this viewpoint endorsed by the Commission of the African Union during the Brainstorming Session organised by the latter on 9–10 May 2006 at Banjul. (See 20th Activity Report of the African Commission on Human and Peoples' Rights, EX.CL/279(XI), pp.24–37.
- 262 See Decision on the Activity Report of the African Commission on Human and Peoples' Rights in EX.CL/Dec.310(IX)
- 263 Doc.EX.CL/252(IX).
- 264 Assembly/AU/Dec.118(VII).
- 265 Assembly/AU/Dec.64(IV).
- 266 'AU launches people's court', UN IRIN, 3 July 2006.
- 267 Decision on the Report of the 9th Extraordinary session of the executive council on the proposals for the Union Government, DOC.Assembly/AU/10 (VIII), Assembly/AU/Dec.156 (VIII).
- 268 *Study on an African Union Government: Towards a United States of Africa*, 2006.
- 269 Decision on the Union Government, Doc. Assembly/AU/2(VII).
- 270 Draft Report of the Continental Civil Society Conference on the Proposed African Union Government: Accelerating Africa's Integration and Development in the 21st Century. Prospects and Challenges of Union Government, Accra, Ghana, June 22–23 2007.
- 271 SADC Extra-ordinary summit meeting record, 23 October 2006, Midrand, South Africa.
- 272 See Decision on the report of the Chairperson on the Strengthening of the Commission, EX.CL/DEC.341 (X) which recommends the convening of an extraordinary session of the Executive Council to consult further on the contents of the AU Commission chairperson's report on strengthening the AU Commission.
- 273 Accra Declaration, Assembly of the Union at its 9th Ordinary session in Accra, Ghana, 1–3 July 2007. At the 10th Extra-ordinary session of the Executive Council of the African Union in South Africa, 10 May, foreign ministers had also agreed to conduct an audit of the AU Commission and the organs of the AU.

- 274 The members of the panel are: Prof. Adebayo Adedeji (Chair); Dr Fatima Zohra Karadjaa (Algeria); Dr Frene Ginwala (South Africa); Amb. Vijay Makhani (Mauritius); Mr Akere Tabeng Muna (Cameroon); Dr Makha Dado Sarr (Senegal); Mr Fahrat Bengdara (Libya); Ms Julienne Ondziel-Gnelenga (Congo); Amb. Netumbo Nandi-Ndaitwah (Namibia); Amb. Nana Affa Apenyeng (Ghana); Hakim Ben Hammouda (UN Economic Commission on Africa); Prof. Abdala Bujra (Kenya); and Prof. Adebayo Olukoshi (CODESRIA).
- 275 Terms of reference of the Audit Review Panel, EX.CL/328(X) Annex IV.
- 276 Decision on the Ministerial Committee on Elections of the Members of the Commission, EX.CL/291(IX);
- 277 Report of the 10th Extraordinary Session of the Executive Council of the African Union, Zimbabwe, South Africa, 10 May 2007, Ext/EX.CL/Draft/Rpt (X).
- 278 Assembly/AU/Dec.168(IX)
- 279 The first three functions assigned to the Commission are (a) represent the Union and defend its interests under the guidance of and as mandated by the Assembly and the Executive Council; (b) initiate proposals for consideration by other organs; (c) implement the decisions taken by other organs. Article 3, Statutes of the Commission of the African Union, ASS/AU/2(1)d, 2002.
- 280 Report of AU/CSO Pre-Summit Forum, Accra, Ghana, 19–21 June 2007. The Executive Council extended the mandate of the Interim ECOSOCC to 31 December to allow for elections, (Decision on the Report of the Interim Economic, Social and Cultural Council (ECOSOCC), EX.CL/Dec.338 (X).
- 281 According to Article 12 of the ECOSOCC statutes, the Credentials Committee comprises the following: one CSO representative from each of the five regions in Africa, one CSO representative from the Diaspora; one nominated representative for special interest groups such as vulnerable groups; and two representatives of the Commission.
- 282 Draft Report of the Credentials Committee Meeting of the ECOSOCC, M-Plaza Hotel, Accra, Ghana, 17–20 June 2007.
- 283 According to a note circulated by the ECOSOCC Secretariat on 7 August 2007, the countries from which no nominations were received were: Angola, Benin, Botswana, Burundi, Cape Verde, Central African Republic, Chad, the Comoros, Congo, Djibouti, Eritrea, Equatorial Guinea, the Gambia, Guinea, Guinea Bissau, Lesotho, Liberia, Libya, Mali, Mauritania, Mozambique, Namibia, Saharawi Republic, Sao Tomé and Príncipe, Senegal, the Seychelles, Sierra Leone, Somalia, Swaziland, Rwanda, Tanzania, Togo and Zimbabwe.
- 284 See Conclusions and Decisions of the Interim Standing Committee, 3 September 2007, www.africa-union.org/root/au/AUC/Department/BCEP/CIDO/meeting/October/ecosocc/ECOSOCC_election.
- 285 Ibid.
- 286 The organisations were: Pan African Women's Organisation (Angola); African Women's Development Communication Network (FEMNET, Kenya); Pan African Lawyers Union (PALU, Cameroon); Femmes Afrique Solidarité (FAS, Sénégal); Organisation of African Trade Union Unity (OATUU, Ghana); Pan-African Employers' Confederation (Kenya); Network of African Peace Builders (NAPS, Zambia); Africa Internally Displaced Persons Voice-Africa (IDP Voice, Zambia).
- 287 Charles Mutasa, 'Revisiting ECOSOCC', Pambazuka, 31 October 2007, available at http://www.pambazuka.org/aumonitor/comments/peoples_audit_revisiting_ecosocc/.
- 288 This clause was introduced at the insistence of Permanent Representatives during the approval of the ECOSOCC Statutes. If this criterion were applied to the AU Commission, a number of directorates and departments, including CIDO, would not be eligible to participate in AU affairs.

