Towards a People-Driven African Union

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Towards a People-Driven African Union: Current Obstacles and New Opportunities.
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ENDNOTES

2 ‘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.
5 Article 2 of the OAU Charter.
7 Article 2 of the OAU Charter.
9 AU Constitutive Act, preamble.
10 Ibid., Article 3(f).
11 Ibid., Article 4.
12 Ibid., Article 4(h).
13 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 Mkwezalamba). 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.
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.
19 Constitutive Act, preamble.
23 The Commission had requested a staff of 1 300 in 2005 and the complement approved by the Assembly was 750, but the budget

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.


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(VI). 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.


35 Statutes of the Commission of the AU, Assembly/AU/2(I), 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.’


37 Article 9, Paragraph 2 of the Rules of Procedure of the Executive Council of the African Union Assembly/AU/2(I)b, p.5.


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(d) 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.


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(VI) Add.2

49 Assembly/AU(8(VI) Add.12.

50 See EX.CL/242(VIII) Add.9


52 See Article 8, Paragraph 1(m) of the Statutes of the Commission of the African Union.


55 See Assembly/AU/9(VII) Add.2, p.4.

56 See EX.CL/290(X) Add.2

57 Interview with official, Legal Affairs Directorate, Ministry of Foreign Affairs, Addis Ababa, Ethiopia, 12 April 2006.


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.
Decree No. 00058 of 21 February 2000 establishing the powers and duties of the members of the government of Mali stipulates thus far, we have been unable to gain access to the decree organising this ministry. However, it should be noted that the minister of Foreign Affairs of Algeria, which drafted a socialist-inspired constitution at the time of its independence.

The terminology used in the constitutions of four civil law countries demonstrates a considerable difference in their approach. 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.'

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.'

ENDNOTES

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.


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.


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. 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.


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. 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. 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.

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.


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. 85(V), Sirte, Libya.


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.pm.g.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.


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, harmonization and progressive integration of the economic 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 Principe); 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, 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, 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.


110 Draft Protocol on the Relationship between the Regional Economic Communities (REC) and the AU EX.CL/158(IX).

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, I.E.D/or(1)(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, 10–11 March 2006, COMA/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 Declaration and Treaty of the SADC.


123 Interview, Abie Dithake, 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.


127 Interview, Dr. Kokerai, Legal Affairs Unit, SADC Secretariat, Gaborone, Botswana, 28 September 2006.


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).


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.
In a press statement of 17 January 2006, the Fédération Internationale des 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 trial and the right to justice for his victim’. This was not quite correct in respect of the content of the WACSOF recommendations.

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.

Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.


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Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.

Opening address to the 3rd African Union-Civil Society Forum delivered by Dr Jinmi Adisa.


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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.’

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.

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.

Opening address to the 3rd African Union-Civil Society Forum delivered by Dr Jinmi Adisa.

See, Salvador Declaration: Conference of Intellectuals from Africa and the Diaspora, July 12–14, 2006, Salvador, Bahia, Brazil.

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, head, African 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.’

Interview, Binta Diop, Femmes Afrique Solidarité, November 2006.


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.


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.


Decision on the Economic, Social and Cultural Council (ECOSOCC), Assembly/AU/Dec.48(III).


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.


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.

The interim bureau consists of the interim president and four interim deputy presidents: Fatima Karadjia (north Africa); Charles Mutasa (southern Africa); Ayodele Aderinwale (west Africa); and Maurice Tadadjeu (central Africa).

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; Saïda Agrebi, Association of Tunisian Mothers, Tunisia; Ahmed Abdel Fattah, Sahrawi Youths Union; Moses Tito Kachima, Southern Africa Trade Union Coordination Council, Botswana; Joyce Ndëwe Kanyago, National Women’s Coalition, South Africa; Helder Francisco Malauene, Foundation for Community Development, Mozambique; Mama Koite Doumbia, Syndicat National de l’Éducation 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.


Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.


Interview, Helder Malauene, Foundation for Community Development and Interim Standing Committee member, Maputo, Mozambique, 11 October 2006.

Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.


Interview, James Shikwati, Director, Inter-Region Economic Network and national coordinator for Kenya chapter of ECOSOCC, 19 April, Nairobi, Kenya, 2006.


Telephone interview, Zanele Mkhwanazi, South African Non-Governmental Organisation Coalition (SANGOCO), 30 August 2006.


Ibid.


Interview with official, Africa Multi-lateral, Department of Foreign Affairs, Pretoria, South Africa, 7 June 2006.

Ibid., 192 above.


Interview, Alice Mabote, Liga dos Direitos Humanos, Maputo, Mozambique, 11 October 2006.

Interview, Helder Malauene, Foundation for Community Development and Interim Standing Committee member, Maputo, Mozambique, 11 October 2006.

Ibid.

Interview, Omar Gassama, National Youth Council and member of the Interim Standing Committee of ECOSOCC, Banjul, the Gambia, 24 July 2006.

Interview, Ousmane Yabo, the Association of NGOs, Johannesburg, South Africa, 25 June 2006.

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.
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.
210 http://www.nepad.org/.
214 Interview with official, AU and Africa Directorate, Nairobi, Kenya, 18 April 2006.
216 Inputs at consultative meeting, Addis Ababa, 10–11 November 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.
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.
229 Declaration on Unconstitutional Changes of Governance in Africa, Doc. EX.CL/238(IX), 2000.
233 Inputs at consultative meeting, Addis Ababa, 10–11 November 2006.
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.101(VI)
240 The committee’s members were: Judge Gibril Camara, Senegal; President Delphine Emmanuel née Adouki, 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.
242 Constitutive Act, Article 4(b). 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’émissaires juristes africains sur l’affaire Hissène Habré.
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.

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(V).

Paragraph 6 of the Decision in Assembly/AU/Dec.63(V).

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(V).


Interview with official, Legal Affairs Directorate, Ministry of Foreign Affairs, Addis Ababa, Ethiopia, 12 April 2006.

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.

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.

‘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.

Assembly/AU/Dec.6(II).


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’.


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’.

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.

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).


Doc.EX.CL/4521(IX).

Assembly/AU/Dec.118(VII).

Assembly/AU/Dec.64(V).

‘AU launches people’s court’, UN IRIN, 3 July 2006.


SADC Extra-ordinary summit meeting record, 23 October 2006, Midrand, South Africa.

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.

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.
The members of the panel are: Prof. Adebayo Adedeji (Chair); Dr Fatima Zohra Karadjaa (Algeria); Dr Frene Ginwala (South Africa); Amb. Vijay Makhan (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 Afia Apenteng (Ghana); Hakim Ben Hammouda (UN Economic Commission for Africa); Prof. Abdala Bujra (Kenya); and Prof. Adebayo Olukoshi (CODESRIA).

Terms of reference of the Audit Review Panel, EX.CL/328(X) Annex IV.

Decision on the Ministerial Committee on Elections of the Members of the Commission, EX.CL/291(IX);


Assembly/AU/Dec.168(IX)

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(I)d, 2002.


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.


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.


Ibid.

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).


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.