Influencing national-level decisions on AU proposals

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Not everything happens at summits themselves. They are not a true reflection of the AU.

— CSO activist

Every decision taken by the AU must be endorsed by a majority of Member States. Lobbying in national capitals is therefore critical to getting a policy adopted at continental level.

The civil law and common law countries have slightly different institutional structures and traditions in relation to handling of international relations, including the African Union. The civil law countries usually have a legal framework setting out the operational responsibilities of the different government departments, whereas these arrangements tend to be more informal in the common law countries. In all cases, however, the Ministry of Foreign Affairs and the Office of the President play the most important roles. Nearly all Ministries of Foreign Affairs have an Africa, AU or multilateral relations unit.

In addition, the individual ministries responsible for the substantive issues under discussion (justice, health, education, trade, energy, etc.) are consulted about any proposals affecting their responsibilities. They will be invited by the AU to send representatives to the ministerial meetings that discuss and endorse policy documents prepared by an expert group.

The sequence of events for all states in preparing for summits at national level is usually as follows:

CIVIL LAW (FRANCOPHONE AND LUSOPHONE) COUNTRIES

1. The Ministry of Foreign Affairs’ AU Branch receives the summit agenda from its mission in Addis Ababa and discusses it with the Legal Affairs Branch, the International Organisations Branch and, according to the importance of the summit, the Ministry’s General Secretariat and Office of the Minister.
2. A document incorporating the meeting’s output and comments
from the Permanent Representative to the AU are presented to the Minister.

3. The ministry dispatches technical documents to the line ministries for each item on the summit agenda and requests comments.

4. The ministry organises consultations in collaboration with the Office of the President and the relevant departments of the Office of the Prime Minister to prepare fact sheets for each item on agenda that is of interest.

5. A file containing the fact sheets and draft position papers is presented to the minister for approval.

6. The papers are then submitted to the President to obtain his political position on each of the proposals.

7. The permanent representative in Addis Ababa continues to update the ministry on agenda changes and comments on the proposed positions.

8. National position papers for the summit are formally approved by the President after Presidential aides have reviewed it in-depth.

**COMMON LAW (ANGLOPHONE / COMMONWEALTH) COUNTRIES**

1. The Ministry or Department of Foreign Affairs receives the summit agenda with the AU permanent representative’s comments on the positions of other Member States.

2. The document is sent to the AU or Africa Affairs desk, which will be responsible for drafting the briefs.

3. Foreign affairs officials decide which departments and ministries will draft the government position on agenda items.

4. AU or Africa Desk officers meet with government agencies (and sometimes civil society) on an ad hoc basis to discuss specific issues on the summit agenda.

5. AU or Africa Desk officers draw up a draft position paper which is presented to foreign affairs officials for discussion at an inter-departmental meeting. The meeting is chaired by the ministry’s permanent secretary or deputy or the department’s director general or director.

6. The document is approved by the permanent secretary or director general and signed by the Minister of Foreign Affairs.

7. Documents are distributed to the official delegation in advance of the summit.
In most countries, the processes and mechanisms through which state bodies engage with AU organs and issues are not as well established as for relations with UN agencies. Ad hoc procedures can take the place of established mechanisms, and officials other than the formally designated organs can have more influence in shaping the government position.

**NGO Action:** Civil society engagement with the Kenyan government on the proposal for a Union Government for Africa

In early 2007, Kenyan civil society groups engaged with the Ministry of Foreign Affairs on the upcoming 9th Ordinary Summit of the African Union of June-July 2007 at which there was to be a ‘Grand Debate on the Union Government’ (see Part 3) and on the African Charter on Democracy, Elections and Governance adopted by the Assembly of Heads of State and Government of the African Union in January 2007.

A civil society delegation successfully requested an audience with the Permanent Secretary of the Ministry of Foreign Affairs (MFA). During this meeting, this delegation put forth a number of ‘asks’ including: (i) Would Kenya be one of the first countries to ratify the Charter on Democracy; and (ii) Whether it would be possible to develop a working relationship between the MFA and civil society so as to generate public debate and popularise the idea of the Union Government in Kenya as a prelude to the main AU summit discussion. The civil society delegates also presented the recently launched report *Towards a People Driven African Union*, jointly published by AfriMAP, AFRODAD and Oxfam.

Following the meeting, the MFA provided greater access for civil society to the AU Desk Officer and the Director of Political Affairs. Civil society and officials from the MFA jointly organised a full day conference on the proposal for the Union Government, as well as sharing a platform at public debate and in the media.