The AU and ECOSOCC: Reflections on Reform and Increased Civil Society Participation

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Introduction

Civil Society Organisations (CSOs) play an important and ever-shifting role in African politics and influence the power dynamics on the continent. A vibrant and functioning CSO sector is essential to African societies and their development in various ways, including lobbying for the protection of human rights, amplifying civil voices and acting as external oversight bodies, holding African governments to account. CSOs' influence on policy-making on the continent is essential as they represent the interests of various groups. One of the African Union (AU) organs that facilitates the involvement of African CSOs and, ultimately, the African citizenry is the AU Economic, Social & Cultural Council (ECOSOCC). Established in 2004 by way of Articles 2 and 25 of the AU Constitutive Act, as an advisory body to the AU, this organ provides a platform for representation and involvement of African CSOs in decision-making on the

continent through influencing AU policies, programmes and principles. Key areas of ECOSOCC's work in this regard are upholding the principles and policies of the AU by advising on and evaluating these programmes; undertaking studies and making recommendations; and contributing to the promotion of human rights, the rule of law, good governance, and democratic principles.

This piece will discuss the extent to which the ECOSOCC has been able to discharge its functions within the AU system, with particular reference to its representative and advisory mandates. It will also reflect on the AU's role in capacitating the organ to discharge its functions.

ECOSOCC as a Facilitator in the Representation of African Peoples

The ECOSOCC was established as an organ to ensure the representation of African peoples, including the diaspora. However, its capacity to fulfil this mandate has been hampered by the body's strict membership criteria, which have been criticised for excluding a large portion of African CSOs. These restrictive eligibility criteria have been the subject of critique since the establishment of the ECOSOCC and continue to be, almost two decades since the establishment of the organ. The measures were originally intended to prevent foreigners from entering the AU by ensuring that only 'organically African' CSOs could access the ECOSOCC and influence decision-making on the continent. The funding requirement in article 6(5) of the Statutes of the ECOSOCC of the AU states that all prospective members must come from CSOs from which fifty per cent of resources were internally derived from membership. This has left a majority of expert CSOs and internationally-funded CSOs out of the activities of ECOSOCC. Typically, these CSOs receive donor funding or are unable to obtain funding from membership fees because of the restrictive environments in which they operate. Despite falling short of the eligibility criteria, some CSOs falling into this bracket have the necessary expertise and knowledge to contribute meaningfully to ECOSOCC's work. Their exclusion from participating impacts the quality of ECOSOCC's contributions to the AU.

There have been several calls, particularly from CSOs, for ECOSOCC to expunge this exclusion to be more representative and increase the organ's capacity. The

lack of reform in this area portrays the organ as ignoring the struggles faced by many African CSOs and the hostile environments on the continent in which some operate. Some African states deliberately create unfavourable environments for CSO participation by excessively policing the civic space and employing legal and other means to prevent meaningful CSO involvement in those states. Such policing is detrimental to CSOs as they cannot be critical of the state when required as they are linked to the states and incumbents. This lack of reform speaks to a lack of political will and the overarching political culture of the AU, which has been criticised as mirroring the repressive nature of certain state parties. At the same time, rhetoric points to increased inclusion and participation and the need for the input of African peoples, but implementing this is frustrating.

The ECOSOCC as an Advisory Body on Matters of Governance and Democracy in Africa

The ECOSOCC is an advisory body to the AU and is mandated to advise on various issues as well as make recommendations and conduct studies. It acts as the citizens' voice on continental decisions and policy making. However, the organ has fallen short of its advisory mandate. Since its establishment in 2004, the ECOSOCC has only issued two advisory opinions: 'Advisory Opinion on Peace and Security Issues of Conflict arising from Irregularities in Elections, Violent Extremism and Terrorism and the Illicit Proliferation of Small Arms and Light Weapons in Africa' and 'Advisory Opinion on Human Rights, Governance and Migration'. These opinions have not been absorbed and applied in the AU system and were not deliberated upon or implemented by the bodies they had been issued. This reflects negatively on the AU's true intentions of meaningful involvement of CSOs in its activities. The ECOSOCC's inability to produce advisory opinions on pertinent issues affects and undermines the very essence of the organ and displays a disregard for opinions issued and the organ's inability to discharge its mandate. The opinions in question related specifically to the promotion of peace and security, human rights and good governance on the continent that are the key drivers for stability, development and fulfilment of the various objectives of the body. The inability to discharge this function is related to the supply and demand of advisory opinions within the AU system. Closely linked to this is the status of the advisory opinions and the fact that states are not obliged to implement these. The low output is also related to the

inadequacy of frameworks to provide guidance on this process in the greater AU system. The technical capacities of ECOSOCC to produce the opinions have also hampered the discharge of this objective.

Reforming the AU and the ECOSOCC

The above examples speak to the need for reform in the greater AU system and specifically for the ECOSOCC to heed calls for reform in the specified areas. The ECOSOCC has made some strides in internal reform and potential reform of the AU, including developing a harmonised CSO accreditation process. This process will establish a unified accreditation and observer status for all AU organs through the ECOSOCC, a move set to bolster its role and ensure increased participation of CSOs in AU processes. This will be critical for both the AU and the ECOSOCC. The reform of the frameworks governing the ECOSOCC towards increased inclusivity will expand the organ's capacity through the inclusion of CSOs excluded from participation by the restrictive eligibility criteria. The AU will also need to reform its internal mechanisms and cohesion to ensure that the ECOSOCC receives the necessary degree of autonomy allowing the body to carry out its functions as envisaged. The reformed accreditation processes for observer status within AU organs is a channel that the ECOSOCC can use to influence the overall reform of the AU and allow for CSOs to have input in this process.

Concluding Reflections

It is critical for the AU to become more open and aware of the role of CSOs in Africa and to engage with them meaningfully as partners in the continent's development, as opposed to its antagonistic relations with the CSOs on the continent. Meaningful and inclusionary engagement with CSOs is also essential and must allow for the input of expert CSOs as well as internationally funded CSOs. As mentioned in the preceding sections, the expertise and the critical voices of these CSOs can play an essential role in increasing the capacity of AU organs and ultimately amplifying the citizens' voices from a wider base.

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