Establishing a Civil Society Support Mechanism with the Pan African Parliament (PAP), the New Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM)

Research Report
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List of Abbreviations

ACHPR	African Commission for Human and People's Rights
AEC	African Economic Community
AFRIMAP	African Governance Monitoring and Advocacy Project
AFRODAD	African Forum and Network on Debt and Development
APRM	African Peer Review Mechanism
CEWS	Conflict Early Warning System
CSSDCA	Conference for Security, Stability Development and Cooperation in Africa
CIDO	Citizens' Directorate
CPS	Centre for Policy Studies
CSOs	Civil Society Organisations
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
ECM	Executive Council of Ministers
EISA	Electoral Institute of Southern Africa
HSRC	Human Science Research Council
IDASA	Institute for Democracy in South Africa
ILO	International Labour Organisation
ISS	Institute for Security Studies
LRRW	Land Rights Research and Resources Workshop
NEPAD	The New Partnership for Africa's Development
OAU	Organisation of African Unity
PAP	Pan African Parliament
PSC	Peace and Security Council
RECs	Regional Economic Communities
SADC	Southern Africa Development Community
SAIIA	South African Institute for International Affairs
SARPN	Southern African Regional Poverty Network
SAT	Southern Africa Trust
WACSOF	West African Civil Society Forum
ZINASU	Zimbabwe National Students Union

Background to the Study

This study was jointly commissioned by the Southern Africa Trust and an advisory group of organisations that include TrustAfrica, ActionAid, Oxfam GB, Centre for Policy Studies (CPS), Southern African Regional Poverty Network (SARPN), the Electoral Institute of Southern Africa (EISA), the African Monitor and the African Forum and Network on Debt and Development (AFRODAD). On 26 September 2006, these organisations met and held preliminary discussions around setting up an independent mechanism for civil society organisations to interface with the secretariats of the intergovernmental institutions of the African Union (AU) that are located in Midrand, South Africa: the New Partnership for Africa's Development (NEPAD), the African Peer Review Mechanism (APRM) and the Pan African Parliament (PAP). Although this study is limited to these three institutions, there is reference to other bodies and institutions of the AU, such as the Regional Economic Communities (RECs), the Economic, Social and Cultural Council (ECOSOCC), the African Commission on Human and People's Rights (ACHPR) and the Peace and Security Council (PSC). In a way the report is presented in a forward looking manner in order to cater for possible changes in the architecture of the AU that might be necessitated by the Union Government[1]. In July 2007, Heads of State and Government met in Accra, Ghana under a single agenda on the Union Government.

In Africa, more specifically, there is a general consensus that the AU and its structures were created primarily to assist African citizens and their Member States to improve governance systems, promote accountability and uphold the rule of law. To implement this vision, the AU created organs such as the PAP, NEPAD, the PSC, APRM, ECOSOCC and RECs. Although these are states-based, efforts have also been made to invite and involve civil society organisations in their programming and activities. This has given a new interpretation to the 'notion of popular participation' which dates as far back as the 1990s; to the Charter on Popular Participation: a product of the International Conference on Popular Participation in the Recovery and Development Process in Africa (Arusha, 1990). This Charter established the fundamental basis and framework for civil society inclusion and participation in African intergovernmental structures and their development processes. Since then, there has been a gradual and incremental effort by intergovernmental institutions to have provisions for civil society inclusion in their programmes. Beginning with the Organization of the African Unity (OAU) and the Treaty Establishing the African Economic Community (AEC), in particular, Article 90; to the AU and its various Organs, RECs and their protocols and treaties; spaces have been created for civil society.

The problem however, is that these spaces are not publicized enough to civil society across the continent. Furthermore, relations between CSOs and governments and intergovernmental institutions have been conducted on an ad hoc basis or by invitation. In most cases, 'invited spaces' are limiting in the sense that the 'guest' has to depend on the 'host' for many things. The need for 'created spaces' is therefore more critical.

Emerging practices that provide best practices exist. These include the AU ECOSOCC which is still learning to 'stand on its feet'. There is a possibility that it may emerge as one of the inclusive structures of the AU, if it addresses some of the challenges that it faces such as lack of resources, selection criteria and its advisory status. The PSC is another organ of the AU that stands to forge a productive relationship with civil society. Although *SalaamNet*[2] was only established in 2006 as a network of institutions that work on peace and security issues, its proposals to feed into the work of PSC through thorough research and informed advocacy are sound. The Gender Directorate at the AU has over the years set the example in involving CSOs in its work.

Of the departments at the Commission, two recent studies on the AU and civil society claim that the Gender Directorate 'has led the way in working with civil society (AFRODAD et al, 2007; Da Costa 2006)[3]. The adoption of the Solemn Declaration on Gender Equality in Africa as well as the entry into force in record time of the Protocol on the Rights of Women in Africa to the African Charter on Human and Peoples' Rights (ACHPR) is often used as an example of the positive impact of partnering with CSOs. The ACHPR which gave observer status to NGOs and CSOs in 1999 is another best practice. Depending on the discretion of the chair, the ACHPR invites civil society organisations to closed sessions depending on areas of their interest (Da Costa 2006). According to Peter da Costa, there are currently 342 organisations with observer status at the ACHPR.

Other models include the NEPAD Civil Society Desk, the Citizens Directorate (CIDO) at the AU Commission, the Parliament's invitation of CSOs to NEPAD Day, (among other things), the APRM consultative process and the West African Civil Society Forum (WACSOF) which has modelled itself against ECOSOCC but still maintains its independence from the Economic Community of West African States (ECOWAS).

The notable feature of these practices is that they are 'invited spaces' and as such they have their own limitations. More therefore needs to be done regarding these spaces. As the AFRODAD, OXFAM and AFRIMAP study shows; 'there is a growing perception that the AU's initial enthusiasm to include civil society in its development plans is slowly giving way to a closed stance'. Also, there are perceptions that the majority of staff that work at the AU Commission are still of the old order; they 'think and operate under the OAU mode'. More importantly, civil society and African citizens struggle to access up-to-date information, 'being discussed at the AU' and its structures; in this case; NEPAD, APRM and PAP. This 'excludes African citizens from participating in AU' and other related processes.

These institutional and systemic blockages are a reminder that invited spaces are not adequate. There is a need to create other new avenues; hence there is a new enthusiasm by CSOs to establish facilities in Addis and Midrand to act as bridges between institutions and CSOs. Such facilities seek to formalise relations between CSOs and these institutions, manage information flows and act as 'a one stop shop' for CSOs that need access

to NEPAD, APRM, PAP and other African institutions. Beyond creating strategic linkages between CSOs and institutions, these facilities attempt to provide an opportunity for CSOs and institutions to learn more about each other.

Based on the terms of reference and the geographical nature of the research, this study was designed to:

1. Identify current relations between CSOs and Midrand-based institutions;
2. To elicit CSOs and institutional views on setting up a facility for Midrand institutions;
3. Establish priority areas for the interface facility; and
4. Determine the nature, purpose and function of the interface facility.

The study involved an extensive literature review which looked at current relations between CSOs and these institutions. The review identified gaps and provided the information for determining what questions to ask. Interviews; both face-to-face and telephonic were also conducted with individuals and organisations from across Southern Africa (Kenya, Zimbabwe, Zambia, Swaziland, South Africa, Malawi, Botswana, Lesotho, Namibia, Uganda and Tanzania). In addition to interviews with CSOs, researchers also participated in two important meetings: one in Nairobi at the margins of the World Social Forum on CSOs-AU relations; and the other in Addis Ababa at the sidelines of the Summit of Heads of State and Government (January 2007). Interviews were also conducted with officials from APRM, NEPAD, PAP, CIDO

and the Southern Africa Development Community (SADC).

The final report benefited from deliberations of a CSOs-PAP dialogue meeting which brought together more than twenty five organisations to consider the findings of this study as well as begin discussions on establishing working relations between civil society and the Pan African Parliament. The meeting provided a useful platform for CSOs to interact with the Parliament, something that has not been done before. A number of CSOs also participated in the opening session of the Parliament which was addressed by the Chair of the African Union and President of Ghana: President John Agyekum Kufuor. As the report later shows, the Pan African Parliament showed good will to engage civil society and plans are under way to establish a Dialogue Unit for CSOs within the Parliament. The meeting was also helpful in that it provided clarity on how to institutionalise relations between the Parliament and CSOs.

Summary of findings and recommendations

This research presents findings of a study on establishing a civil society interface mechanism with the African Union, in particular those institutions based in Midrand, South Africa: the African Peer Review Mechanism, the New Partnership for Africa's Development and the Pan African Parliament. Also included here are views expressed during the first Dialogue Meeting between CSOs and the Pan African Parliament. It concludes that the AU in general and its institutional programmes in particular, have created provisions for civil society participation and involvement. However, a lot more still needs to be done to democratise decision making, formalise effective relations and establish modalities that would facilitate access and information sharing between inter-governmental institutions and CSOs. This was stressed by delegates at the meeting between the Parliament and civil society organisations to discuss this report. Delegates argued that there was an urgent need to institutionalise relations between the Parliament and CSOs so that both parties may begin to honour their obligations[5].

The need to translate rhetoric into practice is urgent given that on the one hand there is "a growing perception that the AU's initial enthusiasm to include civil society is slowly giving way to a closed stance" and increasingly, on the other hand, there are multiple efforts by CSOs aimed at creating alternative spaces to current ones. There is a growing realisation by CSOs interested in working with AU structures, that existing provisions are limiting. More often, CSOs are invited under institutional terms and frameworks. Hence it was agreed at

the meeting between the Parliament and CSOs that the Parliament would establish a Civil Society Dialogue Unit and CSOs would also invent their own facility or space to engage with the Parliament and the Dialogue Unit[6].

This was a realisation that institutional spaces are important for CSOs to participate in; but they are by no means adequate. There is a demand to invent alternative ones; those that would cater exclusively for CSOs. The interface facility for CSOs and Midrand-based AU institutions is an example of an 'invented space' whose purpose would be to complement 'invited' or institutional spaces.

The following findings are presented and recommendations made in the hope that they will contribute towards a more effective and sustainable relationship between African citizens and their governments and intergovernmental institutions across the continent.

CSOs-Institutional Relations

In general the AU and its various structures have established provisions and created mechanisms to involve civil society in their programmatic areas. And the three institutions, in particular, as the study shows, have in principle made provisions that seek to involve civil society in their activities and programmes. The Parliament, as was shown in the dialogue meeting, has a multiplicity of avenues for civil society organisations to engage. These include classical and non-classical functions of the Parliament, most of which are enshrined in the founding documents of the Parliament, in par-

ticular, the Rules of Procedure and the Protocol establishing the Parliament among others[7].

For APRM, these spaces are provided by the very nature of the review process at country levels which demands extensive consultations with all organised and unorganised formations. The guiding principles of the review clearly state that the process can not be considered legitimate unless citizens are involved. However, as was discussed in the dialogue meeting, civil society organisations need to find substantive reasons for wanting to engage the APRM Secretariat in Midrand beyond the national processes that are inclusive of CSOs[8].

One of the reasons why civil society organisations might want to engage the APRM Secretariat is that in practice, there are limitations in terms of the extent to which civil society and citizens are involved even in the national processes. Some governments have tended to drive and dominate the process resulting in cooption or silencing of critical voices. And where governments have maintained low presence, civil society organisations have taken on crucial roles and legitimised the process.

Recommendations for CSOs and APRM on Managing Current Spaces

1. CSOs must lobby governing councils in their member states to be chaired by members of civil society so that civil society perspectives are reflected in the whole review process.
2. APRM must clarify and provide adequate information regarding the participation of CSOs in the review process in their website, newsletter and other media outlets.
3. APRM must publish a calendar of events which indicates deadlines for activities.
4. APRM and CSOs should develop a joint programme on periodic reviews and ensure participation in the monitoring of the country's implementation plan of action.
5. CSOs must be involved in the development of the national programme of action[9].
6. CSOs should seek to contribute by offering technical expertise, gathering information and providing factual reports.

NEPAD's invited spaces include the generic level, where a civil society desk has been established as a 'one stop shop' for CSOs; and the sectoral level, where ideally, programmes ought to be implemented in consultation with civil society. Other NEPAD spaces are the NEPAD/CSO Think-Tank, the Gender Task Force, the Parliamentary Contact Group and general policy advocacy work, through conferences, seminars and newsletters.

However, these spaces have not been adequately occupied for various reasons. Others are not accessible, either because they are defunct or they are inactive.

Recommendations for CSOs and NEPAD in Managing Available Spaces

1. NEPAD should popularise the CSOs desk, the CSOs-NEPAD Think Tank and the Gender Task Force so that CSOs and interested individuals can contribute to the activities of NEPAD and also be updated on de-

velopments around its implementation.

2. NEPAD must open up its consultations with CSOs through regular contacts with others beyond think-tank members. These consultations can be established in thematic areas such as sustainable development, peace and security, democracy, political and economic governance (APRM), capacity building, resource mobilisation, environment, transport, information communication technologies and infrastructure development among others.

3. NEPAD CSO Desk must publish its strategic plan and calendar of events in the NEPAD website, in the NEPAD newsletter and other media outlets so that CSOs can easily access that information.

4. CSOs and NEPAD should develop a joint collaborative programme on implementation of activities especially those that require the input of citizens.

5. CSOs must sharpen their watch-dog functions around NEPAD's inclusion of civil society in the implementation of projects across all sectors.

The Parliament was established as a body that would represent the people of Africa and 'familiarise them with the objectives and policies that aim to integrate the continent'. By design, the Parliament is supposed to be open to the public. Citizens and civil society can also take part in the proceedings of parliamentary committees, engage parliamentarians on subjects of interest and establish joint programmes with the Parliament. In turn, the Parliament should debate people's needs, listen to citizens' voices, ensure full participation of citizens in Parliamentary activities and organise Parliamentary visits among others. The study shows that very few CSOs know of and work with the Parliament. In most cases, these are think-tanks and well resourced CSOs. The Parliament has not adequately reached out to citizens and CSOs. According to PAP President, this could be due to Africa's multiplicity of languages and technological limitations[10].

Recommendations for CSOs and PAP on Managing Existing Spaces

1. PAP should invite more CSOs to Parliamentary Plenary sessions as happened during the opening of the 7th Session of the Parliament in May 2007.

2. PAP must advertise more rigorously CSOs meetings with the PAP President. During the 7th Session of the Parliament, the South African Broadcasting Corporation Africa (SABC Africa) televised a discussion between civil society organisations and the President of the Parliament and Lyn Chiwandamira, Senior Clerk of the International Relations section of the Parliament. The discussion was moderated by Daniel Makokera, one of SABC Africa's news anchors.

3. CSOs must seek information on existing committees and make submissions on pertinent issues. The last sitting of the Parliament received a submission by civil society organisations on the Union Government Debate[11].

4. PAP must distribute documents such as the Rules of Procedure, Strategic Plan and Protocol to CSOs for their consideration. It is important that PAP opens up the space

for CSOs and engage them critically on these documents.

5. PAP must make visible some of its CSOs activities such as PAP visits, NEPAD days, workshops and seminars by establishing and publishing a calendar of events.

6. PAP must reach out more rigorously to CSOs as well as the wider public on their activities on whose behalf it was established.

7. CSOs and PAP should develop a closer collaborative and complimentary relationship based on mutual respect and equal partnership on areas such as training, research, and awareness raising and conflict resolution mechanisms.

8. PAP and CSOs must develop joint programmes to strengthen especially the research capacity of the Parliament.

9. Both must establish joint consultative programmes.

10. Both must work towards synchronising Parliamentary activities with those of CSOs.

11. CSOs should formalise access to the Parliament and representatives as well as with individual Members of Parliament.

CSOs' Knowledge of Institutional Spaces

Although the three institutions provide for CSOs involvement in their activities, very little engagement actually takes place. There is very little that these institutions have done to make contact with citizens and CSOs. Likewise, very few CSOs actually know and work closely with them. Except for a few specialists and research-oriented CSOs, institutional spaces remain unknown to many across the continent. Therefore, not only are these spaces unknown and inaccessible, they are also limited terrains. And there is a limit to which one can do in an invited environment.

Recommendations for CSOs

1. CSOs need to deepen their engagement with these institutions in policy debates and not just see their roles as invited. The invention of alternative spaces should be in addition to an involvement in policy spaces.

2. CSOs must develop a 'theory of change' which takes into consideration that 'power does not cede easily unless there is a demand'.

3. CSOs must build a strategy that would effectively involve a broad array of CSOs, including social movements in engaging with the AU and pan African institutions.

4. Those that have access to the AU and other regional institutions must distribute widely information about these entities to universities, media, schools, parliaments and other relevant bodies.

5. Increase coordination and make efforts to establish authentic dialogue with the institutions.

6. Seek to establish an interface mechanism that would accommodate diverse interests, but still be able to maintain harmony in its policies, positions and agendas.

7. Establish multiple fundraising efforts to support interface facilities in Addis and Midrand that will facilitate access to the AU institutions and disseminate information about them.

The Interface Support Mechanism Proposal: Reactions

Two views emerged in the study regarding the feasibility of establishing an interface support mechanism for CSOs with Midrand based and other African institutions. Among CSOs, there is consensus that an alternative space should be created to facilitate relations between Midrand-based AU structures and CSOs. In particular, there was consensus that the interface mechanism should be piloted first with the Pan African Parliament which has already shown willingness to work with CSOs in its activities[12]. This could then be rolled out to NEPAD and APRM.

Among some of its functions, CSOs argued that the mechanism would;

1. Nurture an on-going relationship with these institutions.
2. Access information and latest developments regarding continental programmes.
3. Act as a 'one-stop shop' for CSOs that want to learn about these institutions.
4. Facilitate increased involvement of CSOs in these institutions and,
5. Act as a two-way information conveyer-belt for both CSOs and institutions as well as provide a platform for analytical work and learning of experiences.

The institutional view, in general, however, was that the interface mechanism is a duplication of existing frameworks of CSOs engagement in their programmes.

1. For NEPAD, the much needed intervention is on the implementation of already existing institutional frameworks and commitments.
2. For PAP, CSOs must make use of spaces provided by the Parliament. There was some flexibility on the part of PAP to work with CSOs, through the creation of a CSOs Dialogue Unit. What must be noted though is that the Dialogue Unit would still be an invited space, which CSOs still need to occupy however conscious to what one commentator depicted as a possible scenario where 'a dog would kill its master or the master would get rid of the dog' when there is misunderstanding.
3. For the APRM Secretariat, the CSO facility is not necessary because CSOs are involved in national review processes. CSOs should intervene at the local level around issues such as the declining political will, planning and participation of civil society especially in governing councils.

Risks and Potential Opportunities

The study identified possible risks and potential opportunities associated with establishing the CSOs mechanism.

Some of the risks are:

1. The CSOs mechanism might not get the necessary support from the institutions it seeks to work closely with.
2. There is a possibility that CSOs might operate as unequal partners with the institutions and this might have negative repercussions.

3. Instead of democratising the institutions, CSOs might be seen as rubber-stamping institutional decisions and positions.
4. There is a risk of duplicating or re-inventing the wheel as there are organisations already doing similar work.
5. Large and very resourceful CSOs, in particular donors and international organisations are likely to swallow smaller CSOs and drive their own interests.
6. Lack of funding might also hamper the development and sustainability of the facility.
7. Although spaces might be opened up for CSOs, there is a potential risk that CSOs might not fill them due to their capacity constraints but also because CSOs might question if there is genuine will on the part of institutions to involve civil society organisations.

There are *opportunities* that the mechanism will create. These include:

1. An increased understanding on the part of CSOs of the processes and programmes of the institutions, and vice-versa
2. Cohesion and coordination among CSOs, especially those that work closely with Pan African Institutions.
3. Effective service delivery and construction of an informed citizenry.
4. There is likelihood that Pan African institutions might develop renewed confidence in CSOs as a result of this facility.
5. Democratised Pan African Institutions that are consultative and inclusive of citizens and the African population.

The Nature and Content of the Interface Support Mechanism

Although resisted by institutions, the need for a CSOs mechanism is popular and it is recommended that efforts to create it should be scaled up. In fact as pointed earlier, it was suggested at the CSOs-PAP meeting that a task force be established to operationalise the facility[13]. This is because existing spaces for CSOs are limiting and not effectively utilised. It is believed that creating alternative spaces will promote effective civil society-institutional relations. There are already other similar initiatives that are being implemented and or contemplated across the continent, for example, one in Addis Ababa.

There is likelihood that this mechanism will create cohesion among CSOs. In turn, through collaboration with CSOs, these institutions are likely to foster a more democratic and participatory approach to their policy making. The need exists for a democratic and inclusive facility whose relationship with the institutions should be based on equal partnerships.

There is a strong sense among CSOs that the relationship between the institutions and civil society should be made more visible by engaging with the press and publicizing focal points. The mechanism's role would partly be to disseminate information to CSOs constituencies and back to the institutions. This two-way information route would naturally enhance CSO knowledge of the institutions and provide in-depth and analytical knowledge of the African continent to the institutions.

Recommendations on the Nature of the Mechanism

1. The interface mechanism should be established, and modelled against the TrustAfrica and SalaamNet initiatives.
2. The mechanism should be accommodative of most voices but still be able to produce harmonious positions and agendas.
3. The mechanism must be inclusive, representative, and multi-lingual and should cut across gender, race and culture divides.
4. The mechanism must have a strong Secretariat with experienced individuals in both civil society and institutional environments.
5. More equally, the mechanism must have a strong membership base from which it will exercise its research and advocacy functions.
6. Membership should not be fee-based as this is likely to exclude many crucial voices.
7. The mechanism should have a strong board of directors who should be drawn from all sectors, including the media, faiths and churches, academia, CSOs, rural associations, policy-makers, women's groups, youths, issue-based organisations and professional associations.
8. The Secretariat should be accountable to the board and implement policies and programmes designed by the board and the general membership.
9. The Secretariat structure should be kept simple at first to cater for communications, policy implementation, training, research and capacity building.
10. The mechanism should be located in Midrand, perhaps be 'incubated' by a CSO that has the capacity to provide all logistic and administrative assistance till such a time that the mechanism can spin off.
11. After a few years, a feasibility study should be conducted to ascertain if regional satellite offices can be established to facilitate CSOs-relations with RECs and other African institutions.
12. The board should report annually to a general assembly of CSOs on the activities of the mechanism.
13. Membership should not be fee-based as this is likely to exclude many crucial voices.
14. The mechanism must develop a code of conduct for CSOs that want to work with the institutions. The mechanism must be inclusive, representative, and multi-lingual and should cut across gender, race and culture divides.

Section A

Review of Current Literature on CSOs and the African Agenda

Today more than in any period in Africa's history, civil society and other various social formations are playing critical roles in development and governance processes, both in local and global contexts. There is an increasing awareness in Africa today, especially at the continental political level that a united and strong Africa is only achievable through processes of solidarity, partnership and cooperation between strong states and their citizens. This is clearly captured in the African Union (AU)'s proposal of the Union Government and well articulated by the Constitutive Act. Furthermore, these aspirations are contained in the AU Commission's Strategic Plan 2004-2007 and other instruments that make provision for the inclusion of civil society organisations in the activities and programmes of the Union.

The involvement of both organized and un-organized civil society formations in the AU's organs and programmes, in particular the Pan African Parliament (PAP), the New Partnership for Africa's Development (NEPAD), the African Peer Review Mechanism (APRM), the Regional Economic Communities (RECs) and the Economic, Social and Cultural Council (ECOSOCC) has over the last few years become a focus for research and policy advocacy. In the main, this is due to the recent introduction of a civil society desk at the NEPAD Secretariat and the launching of the interim ECOSOCC (March 2005). The ratification of various treaties and protocols that provide for engagement with civil society has also increased the impetus. There is no doubt that an awareness wave has been sweeping across the continent 'dropping the news' that Africa's development rests on creating effective linkages between various processes and initiatives that seek to develop the continent such as the Millennium Development Goals, NEPAD, APRM, and Africa's citizens. Last year (2006) only, more than seven consultative meetings were conducted across the continent, particularly in the context of ECOSOCC and AU summits[14], advocating for a closer working relationship among various processes and institutions. More have taken place since the beginning of this year, for example, the Oxfam organized meeting at the margins of the World Social Forum in Nairobi and the CSOs meeting at the sidelines of the AU summit in Addis (January 2007). The PAP has also held at least two consultative meetings with CSOs: one in East Africa and another in southern Africa. In addition to meetings, at least two groundbreaking studies on the AU and CSOs have been published[15].

The current relationship between civil society and the AU institutions is still in its embryonic stage. Despite provisions that invite CSOs into these institutions, many find it difficult to access institutional processes, get up-to-date information, learn about their primary activities, meet key personnel and be involved in programmes. Others are still battling to understand their role and how they should execute it. Thus while on the one hand, CSOs are struggling to be acknowledged and be fully included in the anatomy of the AU and its various structures and programmes; on the other hand, the AU and its structures are doing very little to in-

volve CSOs from across the continent. Bridging this gap is an area that needs concerted efforts from all relevant stakeholders.

The African Union and Spaces for CSO Participation

The African Union and its various organs were established primarily to assist Member States and their citizens improve governance, accountability and transparency. The key organs that would deliver this are the PAP, NEPAD, the Peace and Security Council, APRM, ECOSOCC and RECs. Although this was established by Member States at the continental level, efforts were also made to invite and include civil society organisations in programming and activities. Although the notion of popular participation goes back close to two decades, to the Charter on Popular Participation: a product of the International Conference on Popular Participation in the Recovery and Development Process in Africa (Arusha, 1990), new meanings are being crafted today into its discourse.

The Charter established the fundamental basis and framework for civil society inclusion and participation in African intergovernmental structures and their development processes. Governments were urged to put in place frameworks for 'authentic popular participation' and facilitate information exchange. There has since then, been a gradual effort by intergovernmental institutions to have provisions for civil society inclusion in their programmes. Beginning with the Organization of the African Unity (OAU) and the Treaty Establishing the African Economic Community, in particular, Article 90; to the AU and its various Organs, RECs and their protocols and treaties, spaces have been created for civil society. The problem though is that these spaces are not publicized enough to civil society organisations across the continent. Furthermore, relations between CSOs and governments and intergovernmental institutions have been conducted on an *ad hoc* basis or by invitation.

There are however, emerging practices that can provide best practices. Although, the AU ECOSOCC is still learning to 'stand on its feet', there is a possibility that it may emerge as one of the most inclusive structures of the AU. This is however subject to ECOSOCC addressing successfully many of the challenges that it faces such as lack of resources, selection criteria and its advisory status. The Peace and Security Council is another organ of the AU which can benefit from the inclusion of civil society. Although SalaamNet was established only last year as a network of institutions that work on peace and security issues, its proposals to feed into the work of PSC through thorough research and informed advocacy are sound. The Gender Directorate at the AU has over the past years been in the fore front in involving CSOs in its work. In fact of all, departments at the commission, the two recent studies on the AU and civil society claim that the Gender Directorate 'has led the way in working with civil society (AFRODAD et al, 2007; da Costa 2006). The adoption of the Solemn Declaration on Gender Equality in Africa as well as the entry into force in record time of the Protocol on the Rights of Women in Africa to the Afri-

can Charter on Human and Peoples' Rights' is often used as an example of the positive impact of the AU's partnership with civil society. And perhaps not much studied is the African Commission on Human and People's Rights which gave observer status to NGOs and CSOs in 1999. Depending on the discretion of the chair, civil society organisations could be invited to closed sessions depending on areas of interest (da Costa 2006). According to Peter da Costa, there are currently 342 organisations with observer status at the ACHPR. Others include the NEPAD Civil Society Desk, the Citizens Directorate at the AU Commission, the Pan African Parliament's invitation of CSOs to NEPAD Day, (among other things) and the APRM consultative process.

However as stated above, more can be done regarding these spaces for civil society. At best one can characterize them as 'invited spaces'. And as the AFRODAD, OXFAM and AFRIMAP study argues; 'there is a growing perception that the AU's initial enthusiasm to include civil society in its development plans is slowly giving way to a closed stance'. There are wild accusations also that the majority of staff at the Commission are still of the old order. They still think and operate under the OAU mode. And more importantly, civil society and African citizens still struggle to access information being discussed at the AU-thereby excluding them from participating in the process. These institutional and systemic blockages are a reminder that invited spaces are not adequate. There is a need to create other new avenues; hence the enthusiasm by some CSOs to establish facilities in Addis and Midrand-to act as

bridges between institutions and CSOs should be applauded.

This review focuses primarily on those AU processes and institutions based in Southern Africa. These include NEPAD, APRM and PAP and ECOSOCC. And because Africa is not an island, it is important to understand the global dimension of civil society's relationship with international actors.

Civil Society and Global Relations

Civil Society's 'new found' influence

Three decades ago, it was unthinkable to talk of civil society in the corridors of modern politics. Today, civil society is not only seen as 'a site of strategic opportunity ... but of liberation; it is a realm where social movements can harness citizens' energies, freeing the poor from the shackles not only of the market but of the overbearing state.' (Friedman, 2003: 4). The current discourse on civil society in democracy was sparked by the wave of transitions in Southern Europe, Latin America and Eastern Europe in the late 1980s and 1990s. As result civil society is often cited as the force for the change in those countries.

At the United Nations (UN) level and in international financial institutions (IFIs), civil society organisations are at the centre of international policy debates and global problem solving (Edwards: 1999; Scholte and Schnabel: 2002). There is increasing talk of 'new diplomacy', 'soft power', 'new multilateralism', 'greater partnership', broad-based participation and involvement of citizens in promoting democ-

racy, good governance and sustainable development. There is a belief that the advent of civil society has contributed to the growth of a 'global public sphere' that has given voice to non-state actors in a manner which has fundamentally altered the agenda for global social change. There is also a conviction that in the changing global context, the nation state, has now become just one 'power container' among many claiming primacy and fealty (R. Cohen, M. Rai: 2000). Gaventa (2001) for example argues that civil society campaigns have helped fill the void left by weak states denuded by globalisation to provide checks and balances against hegemonic supra-state organisations and multinational corporations (MNCs).

Together with their international allies, African CSOs have campaigned for global economic and social justice at various forums, including the G.8 (Houghton 2005). In 2007, the World Social Forum took place Nairobi and this was a key event in Africa. Other past campaigns have included the Global Call to Action Against Poverty (2005), debt campaigns/millennium campaign and IMF/World Bank protests.

Although there is increasing consensus on the importance of CSOs and their potential for advancing the process of good governance, the specific role of the CSOs or 'non-state actors' in contemporary global politics is still highly contested. Wiarda doubts whether CSOs (which admittedly emerged as external projects to promote the American model of democracy in the global South) can effectively contribute, albeit in a structured manner, to genuine and sustainable

democracy. He points particularly to the frequent use or misuse of civil society in the political process as part of the problem (Wiarda: 2003).

Need for self-assessment for CSOs

At the centre of the heated debate on the role of CSOs and their acceptability lies a mix of factors such as: lack of legitimacy, accountability, and capacity; a perceived shallow understanding of the context they operate in and allegations of partisanship and hidden agendas. While not dismissing the role played by CSOs in the process of democratisation, Carothers believes that part of the problem arises because some CSOs have been used as tools for 'regime change' by donors. He argues that some CSOs are simply not broad-based and suffer from the problem of capture by carefully selected groups of local elites. This is made worse by the fact that often well-resourced CSOs get their funding from outside, thereby making a mockery of 'the illusion of non-partisanship' (Carothers: 1999).

Friedman agrees when he queries the conceptualisation of CSOs as an alternative to the state. He argues that CSOs derive their real identity from interacting with a viable state. In turn, the state sets the parameters of the former's operations. Proceeding from a perspective that CSOs by themselves cannot save the world or solve problems of poverty, Friedman posits the possibility of the emergence of an effective post-twentieth century state in which non-state actors will play an important role (Friedman: 2003). And interestingly, Carothers argues that CSOs that have worked more closely with local communities and have

sought a productive dialogue with the local state and which view the same state as a partner more than as an opponent have tended to be more successful in their work. This is important in today's thinking around engaging the state. And as, Carothers argues; CSOs need not only learn some harsh lessons but also need to ask themselves tougher questions about how they have been operating so far.

Lack of a coordinating structure

Although CSOs have the potential to become a viable counterweight to the expanding influence of markets and the declining power of states in developing countries, Edwards argues that in practice, very few structures exist for countervailing authority both at regional and global levels. This gap is the source of the current governance gap. Tensions between CSOs and states have also contributed to this gap in viable interfaces with states.

CSOs have been accommodated in formalized structures, albeit in an advisory and consultative capacity, especially in specialized agencies of the UN system. In a way, this has provided additional channels for popular participation.

Recommendations

Because of this lack of formal structures to interface with intergovernmental institutions, CSOs need to address at most two fundamental problems: the governance gap and the question of legitimacy on their part: CSOs could do this by:
a. Drawing-up a code of conduct for CSOs to enhance accountability;

b. Conducting formal and transparent elections to build public constituencies;
c. Avoiding adversarial strategies and instead, offering viable policy alternatives;
d. Moving away from lobbying for a fixed set of outcomes, to long-term approaches; and
e. Building new competencies and skills.

Civil society and the African Union

New opportunities for CSOs

The past years have seen attempts to address Africa's vast development challenges (Landsberg and Mckay 2005). The result so far is the 'new African agenda.' The new agenda is manifested mainly in the transition from the OAU to the AU and its various organs and programmes. These have provisions to include civil society. This is a paradigm shift from the traditional model of state-dominated and elite driven approaches: the new paradigm is a 'people-centered, participatory approach' (ibid). This shift however can only be possible if there is a critical form of engagement between citizens and their governments; and between CSOs and public institutions. If this does not happen, inter-state bodies will be left as mere extensions of government interests (ibid). There is a need to democratize the AU and its structures. This paradigm demands that civil society and citizens be represented and have access to the AU's bodies. There is need for openness on the part of intergovernmental structures about their activities. Civil society organisations, particularly the elite also

need to find ways of fully representing the masses in their relations with the AU. What is needed therefore is the strengthening of institutions and mechanisms for public participation in decision-making processes.

Through NEPAD and the APRM, efforts have been made to involve civil society. And before ECOSOCC was institutionalized, the AU made provision for the monitoring of developments and implementation of commitments through the Conference for Stability, Security, Development and Co-operation in Africa (CSSDCA), which was recently transformed into a Citizens Directorate (CIDO).

CSOs provisions in founding documents

The Constitutive Act of the AU and the African Economic Community (AEC: 1991) articulate an Africa-that is people-centered. The Preamble of the Constitutive Act for example, reads;

'Guided by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector….(Constitutive Act 2002).

Article 3 of the Constitutive Act also provides for the AU to 'promote democratic principles and institutions, popular participation and good governance; promote and protect human and people's rights in accordance with the African Charter on Human and People's Rights and other human rights instruments'. Article 4 provides for the 'participation of the African peoples in the activities of the Union'.

In a way, the AU recognises that the full realisation of a united Africa requires the solidarity, cooperation and partnerships with all segments of civil society.

In its Strategic Plan (May 2004), the AU Commission's objectives around citizens are:
1. To ensure that the talent, resources and dynamism of the African People and the Diaspora are fully utilized in the implementation of the programmes of the AU;
2. To enhance the meaning and value of citizenship in Africa, and establish the overall transparency and accountability of the AU to the African people.

The Commission also planned to establish adequate frameworks for the full participation of various groups within society in the activities of the AU. These included;

1. Developing the AU Network
2. Having national commissions at the level of each Member State;
3. Having AU delegations to RECs;
4. Establishing AU offices: Pretoria (NEPAD and APRM);
5. Establishing ECOSOCC as the principal formal channel for civil society;
6. Establishing at national and regional levels, consultative frameworks;
7. Supporting Pan African civil society organisations and networks, including financial support and observer status; and
8. Holding systematic civil society and private sector meetings before each AU Summit (Strategic Plan of the AU, 2004-7, V.3).

The extent to which most of these objectives and activities have been implemented and proved to be successful is a field for further enquiry. But a number of activities have taken place, such as the establishment of the AU/NEPAD/APRM offices in Midrand, the launching of ECOSOCC (interim though), national and regional ECOSOCC consultations, civil society and private sector meetings at the margins of Summits. Since the Plan comes to an end in 2007, this provides an opportunity to review progress on AU-CSO engagement.

Civil Society and the AU-ECOSOCC

ECOSOCC was established to officially provide space for CSOs at the AU. ECOSOCC is founded through articles 3 and 22 of the Constitutive Act. It is important to note that even before transition to the AU; the OAU had a working relationship with civil society organisations, albeit in an ad hoc manner. CSOs were granted observer status. Article 90 of the AEC Treaty also supported the participation of CSOs in the Union:

The community, in the context of mobilising the human and natural resources in Africa, shall establish relations of cooperation with African NGOs with a view to encouraging the involvement of the African people in the process of integrating and mobilising their technical, material and financial support
(AEC: 1991)

The Constitutive Act of the AU and the AEC, (1991) also make provisions for CSOs to take part in the activities of the AU and its structures. The Act, for example, refers to:

common vision of a united and strong Africa and the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector….(Constitutive Act 2002).

In 1997, the Secretary General of the OAU, made a plea for a formal and effective collaboration between the OAU and CSOs before the Council of Ministers and the Assembly of Heads of State and Government. This resulted in conferences. The first took place on the 11th- 15th of June 2001 in Addis Ababa under the theme, '*Building Partnerships for Promoting Peace and Development in Africa*'. Its objective was to 'assist in promoting a home-grown African civil society and enhancing its contribution to the fulfilment of the Union's mission'[16]. The second was held in Addis Ababa between the 11th and 14th of June 2002 under the theme, '*Developing Partnerships between the OAU and African Civil Society Organisations*'. The aim was to 'consolidate the progress made from the first as well as develop modalities and mechanisms for collaboration between the OAU and CSOs'. The conference elected a consultative working committee (Provisional Working Group to draw up Statutes and modalities to institutionalise ECOSOCC). The CSSDCA (CIDO) has since appointed civil society officers who act as the focal point for civil society activities at the Commission. The third meeting took place in 2004 also in Addis where CSOs were presented with the Strategic Plan of the AU.

Institutionalisation of ECOSOCC

ECOSOCC is an advisory body. It constitutes primarily different social and professional groups of the Member States of the Union. Under article 22 (2) of the Constitutive Act, Heads of State and Government adopted ECOSOCC Statutes in July 2004 in Addis Ababa. This created a space and platform for civil society to contribute to matters affecting the continent. The primary roles of ECOSOCC are spelt out it the Statutes (See Box 1).

Box 1: ECOSOCC

a) Promoting continuous dialogue between all segments of the African people on issues concerning Africa and its future;

b) Forging a strong relation between governments and all segments of civil society, in particular women, the youth, children, the Diaspora, organised labour, the private sector and professional groups;

c) Promoting the participation of civil society in the implementation of the policies and programmes of the AU;

d) Supporting policies and programmes that promote peace, security and stability in Africa;

e) Promoting and defending the culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms; and

f) Promoting and defending gender equality.

For more details on ECOSOCC, **see www.ecosocc.org**

Limitations and Opportunities

ECOSOCC is however limited. Its advisory function raises concerns as to whether the organ will influence policies within the AU and be able to make transformative changes. In the power matrix or decision making architecture of the AU, ECOSOCC is not influential. At the top level is the General Assembly of Heads of State and Government which meets at least once a year and is the highest decision maker, followed by the Executive Council, and then by the Permanent Representative Committee. The PRC prepares the work for the Executive Council. Alongside the ECM is the Commission which serves as the Secretariat under the mandate of the Assembly. The Commission has in the past years guided the Assembly and the ECM. Below the Commission is the office of the Chairperson which is structured around a powerful cabinet (a key policy-making structure). Other influential bodies within the AU architecture are the PSC (comprising 15 members), NEPAD and the Implementation Committee of Heads of State and Government.

ECOSOCC is therefore a drop in the ocean but nonetheless worthy participating in. Given the above structure of decision-making, it remains unlikely that ECOSOCC will change the status quo. Challenges such as the membership criteria, as stipulated in article 6 of the ECOSOCC Statutes (ECOSOCC Statutes 2004), the code of ethics and conduct, the election process as well as the selection criteria for civil society organisations to the General Assembly are likely to cripple the organ (Moyo 2006). ECOSOCC's strength though lies in the cluster committees where in -depth input can be made by civil soci-

ety organisations based on their expertise. For this reason, ECOSOCC provides a model for civil society engagement with the AU processes.

The other organs are also spaces that ECOSOCC and civil society should participate in. ECOSOCC should therefore not be the only space for civil society. More spaces should be created and engagement by CSOs should start right at the bottom.

Civil Society and NEPAD

A substantial amount of literature exists on the role of civil society in democracy and development. The first set of literature usually addresses civil society and social movements' struggles for participation during the 1980s (Moyo, 2006:1). The second set traces civil society activities from as early as 1990 to date. In an article entitled 'the role of civil society in democracy and development,' Mutasa argues that the Charter on popular participation recognised the need for African governments to integrate fully African civil society into various governance structures in order to participate in defining the long-term continental development policies (2006:2). This was a turning point in civil society roles largely because it opened up the debate on participation in intergovernmental bodies and increasingly, the OAU began inviting CSOs as observers to some of its meetings and structures. Against this background, there has been recognition that CSOs and citizens in general ought to be included in development initiatives.

NEPAD was established based on principles of a common vision and participatory democracy. Cilliers and Sturman, for example, argue that NEPAD was criticised as a top-down elitist plan by African leaders with little consultation with civil society (2004:3). Ironically, though, this criticism occurred at the time when key architects of NEPAD were embarking on a consultative programme to popularise and engage civil society. There are two dimensions to NEPAD. As Cilliers and Sturman (2004) show, a closer look at the NEPAD document exposes; (1) NEPAD as 'a pledge by African leaders' to place their countries on the path of sustainable growth and development and; (2) NEPAD as 'an appeal to African peoples' to support the implementation of this initiative by setting up structures for organisation, mobilisation and action. Failure to grasp these dimensions resulted in what Kotze and Steyn (2003) see as ideological differences between civil society and governments (39-67). For many in civil society, the exclusion of civil society in drafting and implementation of NEPAD resulted in low levels of knowledge about NEPAD among its members.

The proceedings of a 'Regional Conference for African Parliamentarians on Recent Strategic Development Initiatives in Africa' (Aderinwale 2002:53), recommended that the involvement of African people and civil society in the evolution and implementation mechanisms of NEPAD need to be inclusive. There was a suggestion that the NEPAD Secretariat should create continuous interface mechanisms for effective participation and representation of civil society organisations and women in strategic committees of NEPAD. This is because NEPAD is a people centered programme.

CSO roles in NEPAD

Civil society can play important roles in NEPAD. Wameyo (2003:85) outlines some of them:

1. CSOs can be recipients or beneficiaries of the state's benevolence. Thus CSOs are end users of state-provided poverty eradication initiatives, with little interest or capacity for contributing to policy deliberations, which is better left to experts;
2. CSOs can be 'watchdogs', ensuring that state initiated programmes succeed. In this role, CSOs are consulted on how programmes are implemented and how to further improve delivery and efficiency; and
3. CSOs can be integral players in economic and social development, participating in defining Africa's direction. Here CSOs participate in governance and development initiatives, including their direction and the approaches they adopt. Obviously, CSOs need to guard against co-option.

The literature so far suggests that NEPAD conceived of CSOs as beneficiaries of the state's benevolence. This is strongly criticised by Wameyo as contrary to approaches in recent agreements in Africa, for example, the Cotonou Agreement, which recognises the complementary role of non-state actors including civil society organisations in the development process. He argues that dating as far back as 1976, the Economic Commission for Africa (ECA) talked about 'democratisation of the development processes' in a document that provided the foundation for the Lagos Plan of Action. A key principle of the ECA Revised Framework of Principles for the Implementation of the New International Order in Africa was increasing people's participation.

NEPAD is a space primarily for presidents, the private sector and donors. In this context, Wameyo recommends that:

1. African leaders should acknowledge that NEPAD ignores the role played by civil society in development;
2. There must be a deliberate 'opening up' of NEPAD to consultations with civil society organisations, as well as the development of mechanisms within the Secretariat to deal with and respond to concerns of civil society organisations;
3. A timetable should be drawn to revamp NEPAD, taking into considerations the concerns raised by civil society organisations and contributions already made to the NEPAD debate; and
4. A process of national dissemination of NEPAD, which seeks to relate NEPAD to in-country processes, should be embarked on.

NEPAD's Outreach Programme

A bit of the above has been done at the NEPAD Secretariat. For example, a civil society desk has been established. In 2005, the NEPAD Progress Report noted:

NEPAD continues to interact with civil society groups at various levels. On a generic level, a civil society desk has been established at the NEPAD Secretariat with a view to

having a one stop focal point for civil society. At a sector level, all programmes are being implemented in consultation with relevant civil society groups. However, it must be noted that the level and extent of civil society participation in the implementation of NEPAD programmes is largely dependent on the capacity of civil society groups.

The creation of this desk was a response to recommendations by different stakeholders and experts. There is a need however to test assumptions regarding the relations between NEPAD and CSOs. Some of these include information flow; formulation of projects and programmes; as well as the authenticity of the invitation for CSOs to participate in NEPAD. Although NEPAD expects civil society to play meaningful roles in its implementation, there is very little mention of civil society engagement in the actual design and formulation of the stages of projects and projects themselves (Landsberg and Mckay 2005). If this continues, civil society might be perceived as rubber stamps for NEPAD. And this might lead to questions raised around the seriousness of true engagement on the part of NEPAD. CSOs must begin the process of inviting NEPAD officials to their forums. There is potential for civil society to utilise the space provided within the national chapters of NEPAD and to directly influence the development policies.

Civil Society and the APRM

The APRM consultative process is one of the most inclusive mechanisms par-

ticularly at national levels. Today, at least 25 countries have signed the APRM Memorandum of Understanding (MOU).

The APRM Process

The structure of the APRM and its principles provide reasonable space for a variety of actors to interact with government at a national level on issues such as democracy, transparency, human rights, poverty and service delivery. The guiding principles of the APRM (NEPAD/APRM/Panel 3/guidelines/11-2003/Doc8:3) clearly stipulate that:

The APRM process is designed to be open and participatory. Through a participatory process the APRM will engage key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes, thereby increase the transparency of decision making processes, and build trust in the pursuit of national developmental goals. To ensure transparency and accountability in the APRM process, rules and procedures will be developed and approved to guide the conduct of all stakeholders. These include: a code of conduct for all components of the APRM organisations and every review exercise must be technically competent, credible and free of political manipulation. It is the responsibility of the participating country to organise a participatory and transparent national process. ..Each participating country must establish a Focal Point for the APRM process, which should be at a ministerial level, or a person that reports directly to the Head of

State or Government. However, it is critical that the work of the APRM Focal Point is inclusive, integrated and coordinated with existing policy-decision and medium-term planning processes'(ibid.:11).

The APRM process and structures at national level provide for a national coordinating mechanism based on broad-based representation from all sectors of civil society and government. A panel of CSOs in the national process should incorporate all non-governmental actors including business and the media. It is clear that the APRM process undoubtedly presents a unique opportunity to involve all sectors of government and civil society. See Box 2, which describes the APRM process.

Obstacles

The review process, however, has exposed interesting dynamics between civil society and government. According to Kajee (2003), the APRM process has exposed three main obstacles to civil society participation:

1. Lack of information regarding civil society participation. As a result questions have been raised whether government should define the role of civil society in the process or civil society should shape its involvement based on the principles and guidelines of the APRM process;
2. Representation of civil society which in most cases has tended to include only those who are less critical; and
3. Full access for civil society to the review process. The Ghana review process, for example, raised concerns from civil society regarding

representation of rural based members in the review process.

> **Box 2: The APRM Process**
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> The APRM process is open and participatory. It engages key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic programmes, thus increases the transparency of decision making processes, and building trust in the pursuit of national developmental goals. To ensure transparency and accountability in the APRM process, rules and procedures are developed and approved to guide the conduct of all stakeholders. These include: a code of conduct for all components of the APRM organisations and every review exercise is technically competent, credible and free of political manipulation. It is the responsibility of the participating country to organise a participatory and transparent national process. ..Each country establishes a Focal Point for the APRM process, which is normally at a ministerial level, or a person that reports directly to the head of State or Government. However, it is critical that the work of the APRM Focal point is inclusive, integrated and coordinated with existing policy-decision and medium-term planning processes'
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> Source: **NEPAD/APRM/PANEL3/Guidelines/11-2003Doc:3**

While the Ghana process showed how government can maintain a low presence in the process and delegate central roles to CSOs (Masterson 2006), the Kenya and South Africa processes showed how government's strong presence in the review process could

lead either to co-option or silencing of critical voices.

CSO Roles

It is important therefore to identify specific roles for CSOs in the APRM process. And Kajee identifies four main areas that can be exploited by civil society. These are:

1. Offering technical expertise, particularly during the country's self-assessment process and during the drafting of the National Action Plan;
2. Gathering existing information and material and commissioning new studies that would provide the basis for formal submissions to the APRM panel;
3. Lobbying during the country visit phase of the process;
4. Factual reporting and informed analysis by the media; and
5. Monitoring the process.

So far what is at the centre of the debate between government and civil society is the issue of civil society independence and a government driven process. In South Africa, for example, Minister Geraldine Fraser Moleketi (DPSA), who led the APRM process, has explained that a government-driven process should not be seen as negative - in her view, weak representation by civil society is a reflection of CSO's poor capacity. There is therefore a need for CSOs to be strengthened so that they can monitor and implement programmes related to the review. Unless this is done, the space provided by the review process will be used ineffectively.

Civil Society and the Pan African Parliament

The Pan African Parliament was established in March 2004 through Articles 5 and 17 of the Constitutive Act, and the Protocol to the Treaty Establishing the AEC relating to the Pan African Parliament.

Founding documents

A review of the Parliament's founding documents helps shed some light around CSOs-PAP relations. Of particular importance are:

i. The Constitutive Act of the African Union;
ii. The Treaty Establishing the African Economic Community (AEC);
iii. The Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament;
iv. The Strategic Plan of Action of the African Union, especially volume 3: 2004-2007 Plan of Action;
v. The Strategic Plan of the Pan African Parliament 2006-2010;
vi. The Rules of Procedure adopted by PAP on 21 September 2004; and
vii. Resolutions and Recommendations of the various sessions of PAP as well as;
viii. The Annual report (2004-5).

The Constitutive Act and the Protocol Relating to PAP

Article 17 of the Constitutive Act says, that; 'in order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan African Parliament shall be established'. And Articles 7 and 14 of the Treaty Establishing the

AEC state that; 'the organs of the Community shall be the Heads of State and Government, the Council of Ministers, the *Pan African Parliament...* (Article 7)'. According to the Preamble of the Protocol, the establishment of the Pan African Parliament is 'informed by a vision to provide a common platform for African peoples and their grass roots organisations to be more involved in discussions and decision-making on the problems and challenges facing the Continent'. The Preamble further refers to the promotion of democratic principles and popular participation, consolidation of democratic institutions and culture and ensuring good governance.

These provisions refer to the establishment of PAP as a platform that would ensure 'effectively the full participation of the African peoples in the economic development and integration of the continent'.

However, what is perhaps disappointing about the Protocol to the Treaty establishing AEC relating to the Parliament is that even though it talks about participation and the African peoples, it does not mention civil society at all. Again there is no clarity on how participation will occur. Article 2 of the Protocol, for example, refers to parliamentarians representing all the peoples of Africa. However, as is the case in many Member States, parliamentarians do not necessarily represent their electorate or constituencies. So how will this be achieved at the continental level? Again the Parliament has not reached the stage where its members are elected by universal suffrage. The Parliament still depends on member states sending members of their national parliaments.

The objectives of establishing the Parliament however illustrate the desire by the AU to link parliamentary activities with those of civil society. One of the critical objectives for establishing the parliament for example, is centered on PAP familiarising the people of Africa with the objectives and policies that are aimed at integrating the continent within the AU framework. How the parliament will do this, is still something to be figured out between CSOs and PAP. Other objectives for establishing the parliament are contained in Article 3 of the Protocol. Some of these include:

1. Facilitating an effective implementation of the policies and objectives of the OAU/AEC and, ultimately, of the African Union;
2. Promoting the principles of human rights and democracy in Africa;
3. Encouraging good governance, transparency and accountability in Member States;
4. Familiarising the people of Africa with the objectives and policies aimed at integrating the African continent within the framework of the establishment of the African Union;
5. Promoting peace, security and stability;
6. Contributing to a more prosperous future for the people of Africa by promoting collective self reliance and economic recovery;
7. Facilitating cooperation and development in Africa;
8. Strengthening continental solidarity and building a sense of common destiny among the peoples of Africa; and

9. Facilitating cooperation among Regional Economic Communities and their Parliamentary forums.

As provided for by Article 14 (4) of the Protocol, CSOs can take advantage of the fact that the proceedings of the Parliament are open to the public. This is an important space, although issues of affordability also need to be addressed. It may be easier for CSOs in Johannesburg and Pretoria, as well those who are well resourced to attend these Parliamentary Sessions, but what about those in the remotest parts of the country, region and continent? What are the mechanisms in place to ensure that even those from the remotest areas can access the Parliament? Also, should access not be broadened to include active participation?

The Protocol relating to the Parliament therefore provides many access points for CSOs. However, the absence of a definite mention of civil society leaves the Protocol open to various interpretations and possible loopholes especially relating to interaction with 'the African peoples'.

Further, the Parliament is still very much limited. For example, Article 2, (3) says the Parliament will have consultative and advisory powers only. This is similar to that of ECOSOCC. Again, though limited, the Parliament is a space that should be occupied. One of its strengths is the establishment of committees. Article 12 (13) states that the Parliament may establish committees as it deems fit, for the prosper discharge of its functions. The ten committees that PAP has established are spaces that civil society should engage (see also *Rules of Pro-*

cedure for the Pan African Parliament 2005, Rule 22). The committees are;

i. The Committee on Rural Economy, Agriculture, Natural Resources and Environment;
ii. The Committee on Monetary and Financial Affairs;
iii. The Committee on Trade, Customs and Immigration Matters;
iv. The Committee on Co-operation, International Relations and Conflict Resolutions;
v. The Committee on Transport, Industry, Communications, Energy, Science and Technology;
vi. The Committee on Health, Labour and Social Affairs;
vii. The Committee on Education, Culture, Tourism and Human Resources;
viii. The Committee on Gender, Family, Youth and People with Disability;
ix. The Committee on Justice and Human Rights; and
x. The Committee on Rules, Privileges and Discipline.

The extent to which civil society has engaged with these Committees is still sketchy, except for a few think tanks such as the Institute for Security Studies that is providing assistance to the Committee on Cooperation, International Relations and Conflict Resolutions, and ILO which works with the Committee on Health, Labour and Social Affairs. There is no doubt that CSOs can play critical roles in these committees through submissions of technical reports on areas of their expertise, just as it happens with portfolio committees in member states' parliaments.

The Annual Report and CSOs

Not much work has been done in CSOs and Committees. Even the Parliament's Annual Report for the period 2004-2005 does not detail any work done with or in partnership with civil society. In the 2004-5 report, the Committees apparently began the process of creating an identity for themselves internally and had successfully started forging relationships with like-minded organisations beyond the continent (Annual Report 2004-5). Here like-minded organisations, refers to other parliamentary institutions across the world. This is in line with Article 18 of the Protocol which stipulates that:

The Pan African Parliament shall work in close cooperation with the Parliaments of the Regional Economic Communities and the National Parliaments or other deliberative organs of Member States. To this effect, the Pan African Parliament may, in accordance with its Rules of Procedure, convene annual consultative fora with Parliaments of the Regional Economic Communities and the National Parliaments or other deliberative organs to discuss matters of common interest (see also *Rules of Procedure, Rule 77*).

The same should be done with civil society. The Annual Report (2004-5) states that as the parliament moves forward, it will create awareness of its existence and activities to the people of Africa. It is here that PAP sees the role for CSOs. Civil society however can play more important roles in addition to creating awareness, in other programmes of the parliament. The

fact that the Annual Report did not include any activities with civil society shows that a lot still needs to be done; because nothing was done or else it would be included in the report.

A closer reading of the Report shows that the focus was on creating linkages with other Parliamentary organisations across the world and very little was done regarding relations with the peoples of Africa. This is even reflected in the *Organogram* of the Pan African Parliament (approved during the 3rd Ordinary Session, 29 March to 11 April 2005), which has no specific unit or department for civil society relations or peoples of Africa desk. Instead, these relations are co-coordinated by the Senior Clerk on International Relations.

Rules of Procedure

Another important document for CSOs-PAP relations is the *Rules of Procedure for the Pan African Parliament*. The rules provide for civil society engagement in the activities of the Parliament. Rule 4, deals with the functions of the Parliament. It refers to a creation of awareness among the peoples of Africa on the objectives and policies of the AU. And Rule 5 provides that PAP invite representatives of the Organs of the AU, RECs and other institutions to furnish explanations in plenary on issues affecting or likely to affect the continent. The assumption here is that the same invitation would be extended to CSOs, especially those that are involved in discourses and programmes across the continent, for example on peace, security, governance, conflict resolution and regional integration.

Strategic Plan 2006-10

Linked to all other founding documents of the Parliament is the *Strategic Plan 2006-2010: Compilation of the Strategic Plan and the Action Plans of the Pan African Parliament: One Africa, One Voice*. The Plan has sections on popular participation and activities with CSOs. For example, on representing the voices of the peoples of Africa and advocating for the peoples' popularization of the PAP, the Strategic Plan says:

The PAP represents the interests of various citizens' groups and social movements. For the role of representation to be effective, PAP will be required to collect and debate peoples' needs, concerns, anxieties and fears as well as to address them in the spirit and the leadership of an institution that seeks to promote cooperation, understanding and solidarity among the people of Africa. Moreover, the effective ownership of the AU objectives, policies and programmes squarely rests on how best the citizens' voices will be listened to and heeded. This in turn will depend on the quality of the information flows, degree of access by the people to the Parliament and the capacity of the PAP to respond imaginatively to the voices of the people of Africa (Strategic Plan of the PAP 2006-2010).

It goes further:

PAP must seek to build a people's Parliament that is responsive to the needs of all the people of Africa. PAP must ensure that there is full participation of the African people in Parliamentary activities. These will include PAP visits, regional seminars and workshops which will sensitize citizens about the principles, policies and development programmes, as well as the discussions on the importance of regional cooperation and integration. Moreover, PAP outreach activities must facilitate the exchange of views with stakeholders on the progress made, obstacles encountered and to participate in recommending the way forward. By so doing, PAP, Regional Parliaments, National Parliaments and civil society organisations must deepen their understanding of the principles of subsidiary, harmonization of policies and the availability of mechanisms for promoting regional cooperation and integration.

The extent to which the PAP has managed to implement these activities and achieve their objective is still very much under-researched, but two meetings have already taken place, one in East Africa (2006) and the other in Botswana, Kasane (2007). In the Kasane meeting, it was recommended that PAP and the Regional Parliamentary Fora 'move expeditiously to establish mechanisms to engage citizens, civil society and intergovernmental organisations in order to mobilize the voices of the poor'[18].

The Plan (2006-10) is not very clear around how committees plan to work with civil society. Only two Committees (Committee on Justice and Human Rights; and the Committee on Health, Labour and Social Affairs) talk about collaboration with civil society or NGOs in their work. All ten Committees should involve CSOs in their work. PAP is anchored on popular participation and its vision is that of, 'a continental institution harnessing one Africa with

one voice'. This is expressed more clearly by Frene Ginwala, former South African Speaker of Parliament:

Parliaments must see themselves as both custodians and promoters of democratic values and assume responsibility for consolidating democracy. They provide the interface between the executive and civil society for the interaction with the executive on an on-going basis. Equally and on the same basis they must interact with civil society and be informed by it (Ginwala 2003).

Ginwala's words should guide plans of the Parliament as it establishes inter-institutional and other deliberative organs of cooperation. There is in the plan a strong drive towards this, and yet the same drive is not shown towards CSOs. Perhaps what is encouraging is that in its Fifth Ordinary Session (May 1-12, 2006) the Parliament recommended '..in the efforts to rationalise and harmonise, RECs should include the in-put of parliamentarians, civil society, private sector and the appropriate organs of the AU'. In the same session, parliamentarians noted with concern that despite the significant progress achieved in the implementation of NEPAD, the involvement of civil society was still lacking and that NEPAD activities were not fully publicised.

While the AU and its organs and inter-state bodies make explicit reference to civil society involvement, and have made lofty commitments to popular participation, there are gaps between rhetoric and actual practice. AU institutions set up for civil society participation remain weak and at times are unwilling to involve civil society. As discussed, many have articles, declarations, treaties and protocols which call for civil society participation, but in practice very little civil society involvement occurs (Landsberg and Mckay 2005). The problem at times lies with civil society organisations who want to engage at the very top; at the highest level in decision-making, and place no effort at all at national and other influential stages.

The AU decision-making structure, for example, shows that if civil society wants to influence policies, engagement should not be solely at the Assembly level but rather at country levels right up to the Executive Council of Ministers. At the SADC Level, for example, civil society has engaged at the Summit level. This has not been productive; because a lot of substantial preparations would have taken place at various levels before the Summit takes place. And these are the levels where civil society should be involved. It would be helpful if CSOs became involved in SADC national committees at country levels, before going to the integrated committee of ministers, and then to the Council of Ministers. Other spaces are the Organ for Politics, Defense and Security Cooperation, the Troika and the Secretariat. The practice however has been to convene civil society groups at the summits. More often, Heads of State and Government meet once a year and they approve policies that would have been designed and formulated from member states right up through the Secretariat, Council of Ministers to the Heads of States and Government. The same decision-making structure is followed at the NEPAD Level, and at other Regional Economic Communities. It is impor-

tant to engage at the highest level but it is also critical that other alternative spaces are occupied.

It has been difficult for civil society to be involved in these processes. Part of the answer lies in the capacity levels of CSOs. Another could be the tensions that have often existed between civil society and public institutions. Ezra Mbogori concludes that:

One cannot fail to recognize the stereotypes that exist regarding the so-called third sector… and by the same token, we in the civil society sector have to admit to harboring our own stereotypes. We have our frustrations about the public sector and our misgivings about the private sector (2005:iii).

CSOs also rely too heavily on conferences, seminars and workshops as means of participation in policy processes (Landsberg and Mckay 2005). This is more often limiting and as Landsberg and Mckay urge, CSOs need to deepen their capacity to lobby, consult and engage with both grass-roots organisations and governmental institutions. There is value to be learnt in cooperation. Of late, there has been a realization of the value attached to collaborative work between the state and civil society.

There is also a need for CSOs to understand these institutions and their state. Once this is done, civil society would be in a position to engage meaningfully and interact effectively with them. There is no study so far on the extent to which civil society organisations understand the AU, RECs and other public institutions. Anecdotal information suggests that very few elite NGOs and think-tanks do but the majority of CSOs across the continent do not. In fact, Landsberg and Mckay argue that it is only those in South Africa that understand the workings of NEPAD because it is based in South Africa; the rest in the continent do not; and organisations based in Ethiopia, especially in Addis understand the AU and the rest in the continent do not (see also Houghton 2005). While this might be true to a certain degree, generally though, many organisations, especially community based ones have no idea what these institutions are. Even those in Addis do not understand the AU and its bodies. In one of the sessions of the CSOs-Africa wide Consultation on ECOSOCC in Addis (December 8-10, 2006), some CSOs from Addis wanted more information on ECOSSOC. This is an indication that there is still very little knowledge of these bodies and programmes among civil society organisations across the continent, including those that may be located closer to the institutions. Popularising these institutions and their activities to CSOs is thus one of the priorities, if proper engagement is to be achieved. And like-wise, so should be the showcasing of CSOs' work to these institutions.

Section B

1. Civil Society Organisations and Pan African Institutions: Findings on the Current Relations

This section discusses findings on the current relations between CSOs and the three Pan African institutions based in Midrand. A distinction is made between 'invited spaces' (those that are created by institutions) and 'invented or created spaces' (those that are created by civil society). It is concluded that both types of spaces are critical and efforts should be made to make both effective for CSOs. The bigger part of this section focuses on reactions from both CSOs and the three institutions regarding the proposed interface facility for CSOs. Two views emerged: the CSOs view which sees the facility as a timely necessity; and the institutional view which argues that there are already institutional frameworks for CSOs-relations in place which do not require duplication. Reconciling the two views is crucial moving forward; there is a need for a 'buy-in' from the three institutions for the interface to function effectively. Other issues discussed in this section are risks and opportunities associated with establishing the interface facility, CSOs' knowledge of available spaces of engagement, the interface's potential working relations with other regional and continental institutions as well as other emerging alternative interface facilities for engaging different AU structures.

1.1 Invited Spaces

The concept of 'invited spaces' depicts images of hosts and guests. In many circumstances, guests depend on their hosts for accommodation and other logistical arrangements. It is in this context that institutional spaces are defined as invited spaces. CSOs are invited to participate in institutional activities, programmes and their implementation. Who sets the terms of engagement in these spaces?

This section discusses the spaces and their nature. It also looks at CSOs' knowledge of these spaces and how they participate in them. This discussion is based on the literature review (Appendix B) and interviews (Appendix A). The CSOs-PAP Dialogue meeting also contributed to the finalisation of this discussion (see attendance list).

Generally, the past years have witnessed attempts to address Africa's developmental challenges being co-ordinated in ways that emphasize collective arrangements (Landsberg and Mckay 2005[19]). This is best captured in the language of "new pan-Africanism or the new African agenda". This agenda manifests itself in the transition from the OAU to the AU and its various organs and programmes. The AU and its various structures, agencies and organs have provisions that seek to involve civil society. This is a shift from the traditional model of state-dominated and elite driven approaches: the new paradigm is a 'people-centered, participatory approach' (*ibid*). This shift however can only be productive if there is a critical form of engagement between citizens and their governments; between CSOs and public institutions. If this does not happen, inter-state bodies will be left as mere extensions of government interests (*ibid*).

Article 4 of the Act provides for the 'participation of the African peoples in the activities of the Union'. Even the Strategic Plan (May 2004) of the AU Commission provides for CSOs participation in the activities of the Commission (see literature review, Appendix B). Other spaces provided by the AU are RECs, for example, the ECOWAS and WACSOF, SADC Treaty[20], AU directorates, especially, the Women, Gender and Development as well as the PSC.

There is also a broad agreement that the three institutions (NEPAD, APRM and PAP) provide spaces for CSOs and that these spaces are valuable. But as argued by most respondents, invited spaces'[21], make it easy for CSO participation to be controlled by institutional actors.

1.1.1. NEPAD Provisions for CSOs

Although, according to Litha Musyimi-Ogama, NEPAD Advisor, Gender, Parliamentary Affairs and Civil Society, institutional frameworks have been established to interact with CSOs such as the NEPAD/CSO Think-Tank, NEPAD Gender Task Force and the NEPAD/PAP Parliamentary contact group[22], there is a concern that NEPAD provides limited access to CSOs. In 2005, the NEPAD progress report noted:

NEPAD continues to interact with civil society groups at various levels. On a generic level, a civil society desk has been established at the NEPAD Secretariat with a view to having a one stop focal point for civil society. At a sector level, all programmes are being implemented

in consultation with relevant civil society groups.

However, it must be noted that although the creation of this desk demonstrates the desire by the NEPAD Secretariat to involve CSOs in its projects implementation, this was a direct response to recommendations by different stakeholders and experts. There was a realisation that although NEPAD expected civil society to play meaningful roles in its implementation, there was very little mention of civil society engagement in the actual design and formulation of the stages of projects themselves (Landsberg and Mckay 2005). CSOs sampled for this study argued that the Nepad desk is not accessible and it has very little influence in CSO-Nepad relations. Others claimed also that the Nepad think-tank was not effective[23]. And those that interacted with NEPAD said they had done so through programmatic, institutional, informal and *ad hoc* (personality-based) bases. It seems therefore that the desk is still yet to be publicised and the think tank to be made more effective.

Other NEPAD spaces include the engagement with experts through the NEPAD policy advocacy work at global, regional and national levels, some of which is virtual (email correspondence), through conference and workshop invitations. These spaces however exclude many CSOs especially those at grassroots levels.

An agenda between CSOs and NEPAD can be crafted around infrastructure development, participation in project implementation, and more generally in all sectors of NEPAD. CSOs also need to improve on their watchdog and

monitoring roles especially around the implementation of the NEPAD Plan of Action.

1.1.2. APRM Provisions for CSOs

The APRM is probably the most inclusive of the three institutions in the sense that by nature the review process is consultative. The structure of the APRM and its principles provide reasonable space for a variety of actors to interact with governments at a national level on issues such as democracy, transparency, human rights, poverty and service delivery.

For Sudir Chuckun, Advisor, Office of the Executive Director, APRM Secretariat, 'in most cases, governments provide political leadership and then step back, leaving the national governing council to run with the process'[24]. Hence in most countries, chairpersons of the APRM national review process are members of civil society. There is a need to lobby for more chairpersons to come from civil society. Further what seemed to be the fear in the initial stages of APRM: that the review was conducted as a way of accessing donor funds has faded away. Of the three countries that have completed the review (Rwanda, Ghana and Kenya) none of them has used the review report to access or be denied funding. It therefore seems appropriate that civil society plays the role of encouraging more states to take part and also assist in mobilising resources especially for the implementation of the plans of action.

The APRM process undoubtedly presents a unique opportunity to involve all sectors of government and civil society. However there are challenges regarding APRM spaces, especially around the lack of information regarding CSOs participation (should they shape their own engagement or should they be led by government), CSOs representation and full access for CSOs to the review process. The Ghana review process showed how government can maintain a low presence and delegate critical duties to CSOs. But the South African and the Kenyan processes showed how a government driven and dominated process could lead either to co-option or silencing of critical voices (Masterson 2006). And given the role that CSOs can play, such as, offering technical expertise; gathering information; commissioning studies; lobbying; factual reporting and informed analysis and monitoring, this would be disastrous if allowed to happen elsewhere.

An agenda of engagement can be developed for CSOs and APRM on issues of economic development; human resources development; inclusive and participatory development; and enhance the quality of the review process. CSOs can conduct periodic reviews at national levels; provide input to APRM review process, establish clear mechanisms for peer review; ensure greater and broad-based civil society participation in the country self-assessment process and ensure input by civil society in other national assessments. Further CSOs should seek involvement in monitoring and evaluating the country's implementation plan of action and provide regular progress reports.

1.1.3. PAP Provisions for CSOs

Established in March 2004 through Articles 5 and 17 of the Constitutive Act, and the Protocol to the Treaty Estab-

lishing the AEC relating the Pan African Parliament, PAP also provides spaces for CSOs to participate in its activities. Some of the provisions for CSOs are those contained in the Protocol to the Treaty Establishing the AEC relating to the Pan African Parliament. Article 2, for example, refers to parliamentarians representing the people of Africa, while Article 3 outlines the objectives of the PAP which among others include familiarising the people of Africa with the objectives and policies that are aimed at integrating the continent within the AU framework[25].

Article 14 provides for proceedings of the Parliament to be open to the public. Most delegates to the CSOs-PAP Meeting attended the opening session of the 7th Parliament. CSOs can take advantage of this space. In fact according to Lyn Chiwandamira, PAP Senior Clerk, 'PAP allows civil society to attend its plenary committees and to assist in shaping the parliament's input to the AU through sector based committees such as health, security and governance'[26]. Although CSOs argue that PAP has not publicised and popularised its programmes rigorously, it is the view of PAP that, 'civil society groups are aware of its (PAP) existence…most of them (CSOs) have been invited to Parliamentary sessions'. The Parliament strongly believes that the lack of knowledge of PAP's activities among CSOs is largely due to a lack of interest from CSOs[27].

The *Rules of Procedure*[28] also provide for CSOs participation, for example in the ten parliamentary committees[29]. Rule 4 refers to the creation of awareness among the peoples of Africa on the objectives and policies of the AU.

Rule 5 provides for PAP to invite representatives of the Organs of the AU, RECs and other institutions to furnish explanations in plenary on issues affecting or likely to affect the continent. The assumption is that the same invitation is extended to CSOs based on their expertise.

The Parliament has also developed relations with various large CSOs that usually meet annually with the President of the Parliament. Most of this work is coordinated by a senior clerk who heads the International Relations section. This section maintains relations with other legislative bodies, regional or international organizations including government, civil society groups, think-tanks and NGOs[30]. This study established that PAP dealt predominantly with academics, think-tanks and research institutes, most of whom provide a research function to parliament. Some of these are the Institute for Security Studies (ISS) which has a special relationship with PAP's Committee on Co-operation, International Relations and Conflict Resolutions. The other is the International Labour Organisation (ILO) that works with the Committee on Health, Labour and Social Affairs. Since PAP can not finance CSOs, a lot are excluded in the development of these relations.

In 2006, PAP also embarked on a continental outreach programme based on a series of roundtable meetings in all the regions of Africa to bring together key stakeholders to continue the dialogue on regional harmonisation[31]. The first meeting was in Arusha, Tanzania in 2006 and the second was in Kasane, Botswana in March 2007. These meetings brought together key stakeholders from government, legisla-

tors and civil society. In a way these meetings are an effort to popularise PAP. PAP has also begun addressing the problem of the lack of information for CSOs and African peoples by developing a detailed website that includes a calendar of events. There is a move also towards establishing a CSOs Dialogue Unit at the Parliament. Furthermore the Parliament also hopes to establish desks at national parliaments across the continent to raise awareness and link its processes with grassroots' activities[32].

The agenda between CSOs and PAP can therefore be crafted on outreach programs to communities, developing joint programs of action that would strengthen parliamentary research capacity; making submissions to PAP committees; establishing joint consultation and advocacy programs and working towards the synchronization of parliamentary activities with those of CSO. CSOs should also formalise access to PAP sessions and representatives through established channels; establish regular contact between PAP representatives and identify future research initiatives for PAP. This was emphasised also at the CSOs-PAP meeting in May 2007[33].

2. CSOs' Knowledge of Institutional Spaces

Invited spaces are more often unknown or inaccessible to CSOs. There are CSOs that know about some of these spaces but still have no direct access or relationship with the institutions, for example, the Land Rights Research and Resources Workshop (LRRW), a Tanzanian-based CSO. Others have an indirect relationship,

for example through consultations on issues such as land rights, and through preparing background information for country reports to the NEPAD Secretariat and the APRM processes. Part of this indirect relationship is expressed through partnerships with other CSOs and more broadly through networking and information sharing techniques.

A few CSOs, in particular, think tanks or research institutions are involved extensively in programmatic areas of these institutions. The South African Institute for International Affairs (SAIIA), ISS, the Institute for Democracy in South Africa (IDASA) and the Human Sciences Research Council (HSRC)[34], all based in South Africa, for example, work closely with these institutions. SAIIA and HSRC conduct research on NEPAD and APRM. In addition, SAIIA participates in and presents seminars on civil society and parliamentary participation in NEPAD and APRM to international institutions[35]. IDASA produced the country technical report for the review process on political governance. And ISS works closely with PAP as discussed earlier.

Some of these relations are specialised, for example, an alliance between the AU Monitor and PAP. The AU Monitor produced a protocol pamphlet for PAP[36]. Other specialised relations include commissioning of papers, mission statements, establishing an advisory CSO panel, the Africa Partnership Forum and visits. Oxfam's Irungu Houghton and MWENGO'S Ezra Mbogori are members of the NEPAD think-tank and Africa Partnership Forum[37]. Organisations like CUTS-Zambia monitor institutional programmes, provide Secretariat support to PAP and are di-

rectly involved in developing a country plan of action for NEPAD[38].

International organisations such as Oxfam GB and World Vision also conducted studies to understand how civil society could influence policies at the AU level. In a way this group of CSOs helped popularise the institutions.

There are CSOs that do not have a direct relationship with these institutions and have no information about them. Most of these do not know how these institutions operate. In an extreme case, one CSO claimed no-knowledge regarding the activities and objectives of the institutions. The Zimbabwe National Association of Students at Universities (ZINASU)[39] has no relationship with any of these and yet it represents 'youths' whose future hangs on these agencies.

Of the three institutions, Nepad and APRM were more popular among CSOs. Perhaps this was due to the fact that APRM and NEPAD focus on governance, economic development and poverty reduction. It could also be because NEPAD has made efforts to localise its programmes at community levels. Very few CSOs especially smaller ones, had knowledge of PAP. It is possible that the Parliament has not done enough to reach out to CSOs and as such the proposed interface mechanism could add value by 'knocking and at times kicking' institutional doors.

3. 'Invented/Created' Spaces

Because of the nature of invited spaces, there is an increasing aware-ness that 'power does not give in or cede easily unless there is a demand'. Hence the advocated 'theory of change' has for the most part been the support of social movements and the creation of alternative spaces for CSOs. Over the past year, new spaces were created by some CSOs and others are still being created. This section discusses briefly some of those efforts across the continent.

The most popular interface mechanism that has gained popularity at least over the last months is that spearheaded by TrustAfrica and supported by the Open Society Initiative. This facility is commonly referred to as the Addis Facility for CSOs, because of its desire to 'improve African civil society engagement with the African Union'. The facility is a response to the fact that the AU in particular has shown signs that it wants to include civil society in its programmes. But on the part of CSOs there is also a realisation that to engage meaningfully and effectively, there is a need for coordination not just of resources but also of views and approaches. This facility will therefore be able to bring together in Addis Ababa all CSOs interested in working with the AU. It will further provide the infrastructural support to coordinate the efforts of individual organisations and enable them to focus their time and energies on advocacy, and opportunities for coalition building (TrustAfrica 2007)[40]. In many ways the facility will bring together diverse voices from CSOs and then coordinate them for better effectiveness and impact.

Further the facility will serve as a resource centre for CSOs to more effectively access and engage the AU in Ad-

dis' (*ibid*). It will also provide logistical support and help facilitate information exchange among CSOs. Some of the activities that the facility hopes to conduct are; hosting of formal and informal meetings between CSOs and the AU; organising events for CSOs to brief the press and the diplomatic/ international community in Addis on their views, positions and campaigns; keeping track of the calendar and debate at the AU and update CSOs by newsletter, website, alerts and other means; providing internet/ telecommunications facilities for use by CSOs seeking to engage the AU and other regional bodies; providing limited support and appointment-making services for CSOs; negotiating on behalf of CSOs reduced rates at Addis hotels and managing a fund for small travel grants to CSOs.

CSOs hoping to use this facility will be expected to pay a small fee. This might exclude those CSOs that depend primarily on project funding. Again although this facility is likely to provide CSOs and the AU with a credible platform to engage and share experiences in a mutually beneficial manner; it is not a policy influencing platform.

The other interface facility that is still in its early stages is SalaamNet. This was driven mainly by ISS in 2006 bringing CSOs together to form a network for collaboration on the provision of in-depth information and analysis to the AU and the PSC. This would help 'prevent and mitigate severe conflicts that undermine human security in Africa'. SalaamNet is a continental CSO membership facility and an Africa-wide conflict prevention consortium of African civil society, re-

search and educational institutions. It complements the work of the PSC, the Conflict Early Warning System (CEWS) and ECOSOCC. It aims to inform continental policy making, enhance the co-operation of African research and civil society organisations, and promote sharing of information and experience on conflict prevention (SalaamNet 2006)[41].

Like the TrustAfrica facility, SalaamNet is a network with open-ended membership that is fee-based. This again has the potential to exclude key actors who may not be able to raise the membership fee. The other form of exclusion is that members will be asked to be accredited with the AU. This excludes advocacy organisations that may not be registered in their member states due to the nature of their work, or those who may be registered but whose application may be rejected by a member state in which they are registered because of differences.

SalaamNet has a Secretariat in Addis Ababa which is still managed by an interim Steering Committee. There is an Advisory Committee which exercises technical oversight over the network's programs and activities. Currently, there is a Steering Committee of five regional representatives.

A looming danger is that SalaamNet is ISS driven. There are risks that if the ISS does not obtain funding to sustain it or its members do not pay their dues, the project could collapse. Also some CSOs might feel stifled as the process unfolds, because the initiative will rely on an organised civil society that will provide a 'single' report to the

PSC to eradicate duplication or information overload at the AU level.

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Box 3: Other Created Spaces

There are other created spaces that are well documented elsewhere (see AFRODAD et al; and the World Vision study), for example, the parallel CSOs-Summit Meetings. These meetings have increased progressively since the establishment of the AU. Some of these meetings have had successes, for example, the prevention of Sudan's candidacy to the AU presidency and the adoption of resolutions on the Hissène Habré case.

A limitation though is that these meetings often fail to communicate their resolutions to the AU Heads of State and Government or the Executive Council of Ministers. Lack of resources also prevents many CSOs from staying the full period of the Summit. Some CSOs even fail to attend the meetings due to financial constraints. There have been situations also when CSOs have acted like 'unconnected trees'.

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4. The Interface Proposal: Views and Reactions

This section discusses reactions from CSOs and the three institutions regarding the proposed interface mechanism. Two views emerged: a CSOs-view and an institutional view. These views are linked to the notion of invited and invented spaces. Because institutions provide invited spaces (are hosts), they do not see the need to create an interface facility. And because CSOs are invited (are guests) and have to operate under 'host's rules, they find it necessary that they create alternative spaces to the ones already in place. The short discussion below summarizes these views.

4.1. Civil Society Perspectives on the Interface mechanism

CSOs in general want increased participation in institutional programmes and processes. Many believe that NEPAD, PAP and APRM should use civil society to connect with the people. It was argued also that these institutions could make use of CSOs to publicise themselves and get more local participation. The creation of an interface mechanism would therefore nurture an ongoing relationship between CSOs and the institutions. Proponents of the mechanism suggested among others, a Joint Forum for African or regional CSOs, for example, a Forum between NEPAD and regional CSOs in which a consultative relationship would be established[42]. It was argued also that the interface would address lack of information and access documents that need to be made public[43] Irungu Houghton of Oxfam GB, for example, argued that 'where there is need for urgent confidential information, CSOs should be able to appeal. This can only be co-ordinated well by a mechanism closer to the institution involved. The mechanism will also be in a position to access calendars and papers, among items which should be made public in advance.

Another important factor raised was that the mechanism would address the current practice where institutions use third parties to liaise with civil society. Further the mechanism could be used to coordinate technical support for PAP

parliamentarians in order to increase their research capacity[44].

Although there is a view that ECOSOCC should be used as a mechanism for CSO engagement in these institutions[45], the fact that ECOSOCC does not have adequate resources[46] is another reason for establishing the mechanism. The lack of resources means that ECOSOCC might not function effectively.

For others, like Rudo Chitiga, because, 'civil society is usually more reactive, it should aggressively seek to know what is happening in these institutions'[47]. The mechanism is one way of seeking real access. There are very few organisations that have real access to these institutions. In most cases, these are think tanks that are normally well funded but do not represent civil society. And finally there was a strong feeling that this facility can be used as a platform to engage with other agencies and institutions of the AU, for example, ECOSOCC, which is taking too long to function. The emergence of other interface mechanisms can catalyse the work of ECOSOCC.

Who then should be included in the mechanism? CSOs argued that the mechanism should be inclusive in terms of gender, region, language and sectors. Pan-African oriented organisations were favoured, although there was caution that such criteria would exclude many in Southern Africa who still have not grasped and internalised Pan-Africanism.

4.2. Institutional Perspectives on the Interface Mechanism

Unlike CSOs who feel that issues of access, lack of information and the general relation between them and institutions can be addressed by establishing an interface mechanism, Nepad and APRM in particular, argued against the interface. NEPAD argued that these shortcomings can be addressed horizontally by developing new frameworks or mechanisms to monitor NEPAD, APRM or PAP. Hence the need is not so much the creation of an interface facility than the implementation of already existing frameworks and commitments[48]. In the view of NEPAD, what is needed is the empowerment of CSOs (to develop and maintain information exchanges), the building of the capacity of NEPAD and the domesticating of NEPAD programmes in local communities. This is likely to increase CSOs access to policy-making bodies and enhance their participation than the creation of an interface mechanism.

NEPAD argued also that the proposed interface might be a duplication of existing frameworks. To avoid this, NEPAD argued that co-ordination efforts can be developed between CSOs and these institutions without necessarily having to create an interface mechanism. One way of doing that would be to continually update CSOs on official programmes and activities and vice-versa.

In the same lines as NEPAD, APRM also dismissed the proposed interface mechanism as a 'possible waste of resources'. APRM Secretariat staff argued that, the Secretariat does not deal directly with CSOs and has no in-

fluence over what happens at country levels. They argued that if ever there is a need for an interface mechanism, that need is in Member States and not at the Secretariat[49]. Their view is that the APRM process is nationally managed[50] and CSOs get involved in the review process through their national governing councils[51].

In their view, focus should not be on creating a mechanism that would link the APRM Secretariat with CSOs but the intervention should be at the local level around issues such as lack of financial planning and the decline in political will. Much work needs to be done in shortening the process of self-assessment. And these challenges, particularly in Sudir Chuckun's view can be addressed through timely preparations rather than through an interface mechanism. Another view is that the mechanism is unnecessary because the APRM already provides calendars, activities and other related information which can easily be accessed on the website. This however we found to be unsubstantiated. APRM prides itself in disclosing information but when one visits the website, important information is not readily available. Chuckun argued that the mechanism can be helpful if it took the form of workshops, publicity drives, and provides a forum where people can talk openly about the APRM, however in the context of the APRM process at country levels. These activities should aim at raising awareness and 'educating' the society about the process[52].

PAP was equally critical of the mechanism, especially if it is established outside existing institutional frameworks. PAP believes also that this might be unnecessary duplication. It was Lyn Chiwandamira's view that CSOs can make use of the existing institutional spaces within the parliament such as committees, the plenary, NEPAD civil society day and media briefings with the PAP president to participate and feed into continental structures[53]. What was helpful was that even though PAP was critical of the mechanism, officials including the President offered to work closely with CSOs in operationalising the mechanism and forging working relations. PAP offered to host the mechanism, within current institutional frameworks for CSOs. The Parliament is also establishing its own CSOs Dialogue Unit which will among many tasks facilitate CSOs attendance at PAP meetings, interface with PAP at committee levels and in the plenary, as well as interact with committees on governance and development issues such as the Millennium Development Goals. Further, the mechanism would provide research on the challenges facing the transformation of PAP into a legislative body[54].

Some caution needs to be taken however regarding PAP's offer to host the mechanism. Thembinkosi Mhlongo argues that this needs to be carefully considered as it might turn out to be the case of a 'dog killing its owner or vice-versa after some time in its life-period'[55].

And even though APRM is implemented in member states, the Secretariat can still coordinate some of its activities and liaise with CSOs that need more information. During the research period it was clear that all three institutions were not in favour of creating alternatives spaces for CSOs involvement in their (institutions) pro-

grammes and activities. These institutions viewed current 'invited spaces' for CSOs as a good basis for broad-based popular participation in shaping policies. However after the Dialogue meeting, there was some willingness from PAP to support the establishment of the mechanism. More discussions need to be conducted with NEPAD and APRM perhaps between the task force and these two institutions around the possibility of a dialogue first and feasibility of the mechanism for CSOs.

5. Opportunities involved in Establishing the Support Mechanism

Although all CSOs agreed that the mechanism was urgent and necessary, there was unanimity that the facility entailed risks. These risks are paradoxically functions for the interface mechanism. In other words, risks define the nature and functionality of the interface mechanism. For example, the potential contribution of the mechanism would be to address the issue of duplication and overrepresentation. There are a number of CSOs who belong to multiple memberships and this mechanism can coordinate such entities in ways that contribute to effective collaboration. It might be worthy considering establishing the mechanism as a membership-based entity modelled against SalaamNet, with the view of feeding information into formal institutions. In other words, it might be useful considering strengthening members rather than the organisational structure, for example, a secretariat.

Because in most instances, CSOs have not received the credibility they deserve from intergovernmental institutions, the mechanism might turn the tide and give CSOs a life-line once again. Hence there is a possibility that the collaboration between CSOs and these institutions might no longer be characterised by unequal relations. And institutions can become genuine partners, and CSOs might no longer be seen as 'rubber stamping' institutional agendas. Even those CSOs who have argued that in working the institutions, they had not seen any benefits despite many years of investment in the relationship; they may begin to see the results. The institutions might begin to share their information with civil society.

Obviously the mechanism needs to be cautious that it is not driven by a few high resourced organisations at the expense of smaller ones. The mechanism should avoid smaller CSOs being swallowed by larger and resourceful CSOs. International NGOs should also desist from driving the process as this might create tensions with the institutions who might view these as un-African, driving a foreign agenda.

The mechanism must develop a common but inclusive agenda to avoid tensions around the control of the mechanism. Not all CSOs will readily accept the mechanism as a vehicle for different agendas from theirs. One of the first functions of the mechanism would be to manage diverse interests among CSOs.

The mechanism is also likely to create opportunities. For one CSO that has worked with some of the AU institutions, a capacity building initiative led

to the start of an ongoing relationship. For another CSO, its involvement in the APRM process empowered it and forced government to work with CSOs[56]. Additional opportunities include the increase in understanding of the processes and operations of the institutions. This is likely to lead to increased participation from civil society, resulting in more efficient and effective delivery. The mechanism could emerge also as a 'source for access to information for citizens and an important role player in arranging meetings, conducting impact assessment studies and training, and creating a bridge for North-South dialogue'[57]. It could be important too in shaping and defining the sub-regional agenda and, within that context, promoting CSOs capacity to engage with the institutions.

In the final analysis, the success of the mechanism will be its ability to effectively change the existing relations between institutions and CSOs; its ability to solicit accreditation to all institutions; develop consensus among CSOs; sustain engagements with AU structures; and produce relevant policy briefs. It will further, be judged by its impact on institutional deliberations; its ability to effectively coordinate CSOs meetings; update CSOs on AU deliberations and demonstrate changes in policy through informed advocacy.

Section C

6. The Nature and Content of the Support Mechanism

6.1. The Rationale

Existing spaces for CSOs are limiting and not effectively utilised. Creating alternative spaces will promote effective civil society-institutional relations. There is a strong demand from CSOs for a mechanism to be created; that would promote relations between civil society and these institutions[58]. This is in line with other developments in the continent. Such a mechanism is likely to create cohesion among CSOs. In turn, through collaboration with CSOs, these institutions are likely to foster a more democratic and participatory approach to their policy making.

The need exists for a democratic and inclusive mechanism whose relationship with the institutions should be based on equal partnerships. A consensus emerged among CSOs that the relationships between the institutions and civil society should be made more visible to non-government actors by engaging with the press and publicizing focal points. The mechanism's role would be to disseminate information to CSOs constituencies and back to the institutions. The two-way information route would naturally enhance CSO knowledge of these institutions and provide in-depth knowledge of the African continent at national and regional levels to the institutions.

In order to achieve this level of interaction, one CSO suggested that CSOs should be more involved in institutional activities and receive capacity building to achieve a higher level of interaction with the institutions. It was also claimed that the mechanism would enhance the programmes of both CSOs and the institutions. For example, continued engagements between institutions and CSOs could also support the provision of feedback and information sharing between countries through CSO networks.

The mechanism will also act as a focal point, a CSOs Centre for Information, for CSO engagement with the ARPM, PAP and NEPAD[59]. This way, the mechanism will act as a two-way information provider to CSOs and institutions[60]. The mechanism will also act as a clearing house for requests from the institutions and inform the latter of relevant CSOs to perform certain tasks or present papers to PAP, NEPAD or APRM when requested[61]. The mechanism will also serve as a 'one-stop shop' for CSOs that want to learn more about these institutions.

6.2. Alternative Models

The discussion on invented spaces and CSOs views show that there are at least two forms that the mechanism can be modelled against. The first is one which would cater for all voices. The second is one which includes only those with a common agenda. The first has a Secretariat and members of staff whose main functions are to coordinate the activities of the Secretariat, liaise with institutions for access, information updates, calendar and related programmes. The Secretariat also serves as a one-stop shop for CSOs wanting information on these institutions. The strength of such a mechanism lies in a strong Secretariat. The second, modelled against SalaamNet, is more exclusive in that only those who work in the same field or area and share a common agenda can be

members. Those with a different agenda are excluded. The strength of this mechanism lies not so much on a strong Secretariat but on its members, primarily their research capacity and the quality of the output.

Both models have a Board of Directors, an Advisory Committee and the Secretariat. The limitation however with these two models is that they are specific to a particular geographical location, in this case Addis Ababa where the AU Commission and the PSC are located; even though to a lesser degree SalaamNet is not so much restricted by geography as its strengths lies in its research community which is spread across the continent. However the issue of physicality remains a threat to facilities that seek to facilitate relations with structures from both programmatic and logistical perspectives.

6.3. The Preferred Model

This study proposes a model that takes into account the above two. The study argues that caution should be taken that the facility is not restricted by notions of physicality, so that unnecessary duplication may be avoided in the future when the Union Government comes into being and new institutions are created, for example, the new merged African Commission on Human and People's Rights to be hosted by Tanzania. The study argues further that the facility should take cognisance of the fact that 'inclusiveness' should not be stretched to a level where it ends up leading to 'fragmentation'. The mechanism should strike a balance between including diverse voices and promoting common agendas. The mechanism

should promote positive exclusion (avoiding many voices that might lead to fragmentation) and discourage negative inclusion (exclusive commonality that excludes many positive voices).

It might therefore be useful to establish a mechanism that will have strength both in its members and in the Secretariat. In this context, it might be helpful to have a facility which from a process point of view depends on its strong membership particularly for such functions as advocacy, research and other important functionaries. However from an organisational view, the facility should have a strong board of directors drawn from eminent persons who have excelled in their expertise. These should come from African citizens, CSOs, academics, policy-makers, issue-based organisations, grassroots organisations and faith-based sectors. In principle the board should be as inclusive and representative and gender friendly as possible.

Again purely from an organisational perspective, the board must establish different committees (financial, human resources, research, fundraising etc). These will be responsible for policy-making. Below this, should be a Secretariat led by a highly qualified and experienced African, preferably with experience of both civil society and institutional environments. The Secretariat would perform coordination roles and implement policies set by the board of directors. The Secretariat structure can be kept simple in the beginning with particular units on communications, policy issues, training, research and capacity building. It might be useful to pilot the Secretariat in one location,

preferably, Midrand where the three institutions are located, for some years and then establish regional satellite offices to facilitate relations with RECs and other AU structures in different regions, in the event the Union Government comes into being and new institutions are created and others merged.

6.4. Composition

Although CSOs felt that membership of the facility should be based on a certain fee, it is not advisable at this stage to use this as a criterion. A question that may not be resolved soon is whether international organisations and donors should be included. There are suggestions that these should be excluded as they normally drive their own interests. Although this could be a valid point, the terrain is more complicated; most of these organisations work with and support African CSOs and the majority of them are African-led and managed. It is our view that the question of membership needs more discussion. The general principle is that the facility should be inclusive, representative, multi-lingual and across the racial, cultural and gender-divide.

6.5. Accountability

Depending on the functions of the facility, accountability might be to different constituencies. An advocacy role will detect that the facility be accountable to CSOs, preferably to a General Assembly. And a coordinating or Secretarial function demands that accountability be to a board of directors. Since the preferred model here is both advocacy-based and Secretariat based, it might be helpful, in the pilot stages to have accountability to the board for the Secretariat and accountability to CSOs for the board.

It is recommended that this facility be developed and more discussions be held among various stakeholders in order to create 'buy in'. This study was part of the consultative process that ought to be done in order for the facility to have legitimacy. Other forms could be conferences, seminars and roundtables.

6.6. Entry Points for the Facility in Pan African Institutions

It might be useful to begin first by piloting the interface facility at the Parliament, given the willingness displayed by PAP over the initiative. Furthermore, PAP has clear mechanisms, spaces and framework for engagement. These include the Rules of Procedure, the other founding documents, the Secretariat, the Bureau, committees, regional causes, petitions, motions, submissions, parliamentary registers, documents, visits, workshops and other functions of the Parliament. Given the nature and functions of PAP, for example, advisory, consultative and oversight, PAP can be used as a platform to influence APRM and NEPAD on the need for an interface facility for CSOs. The PAP entry points provide CSOs with an opportunity to contribute to the activities of the Parliament but also share lessons learnt.

Second, it is recommended that while the operationalisation of the interface facility at the PAP level is being conducted, a parallel process be set in motion to establish dialogue between NEPAD, APRM and key CSOs, most of which should form the task force which

was recommended by the CSOs-PAP Meeting. The dialogue should be first to get buy-in from NEPAD and APRM for the facility. Second, the dialogue should aim at identifying entry points for CSOs in these institutions and determining the way forward. It is recommended that for NEPAD, CSOs seek to interface through the existing CSOs Desk, the CSOs Think Tank, the Gender Task Force, the Parliamentary Group and the thematic areas for NEPAD implementation. CSOs can seek to play a coordinating role between themselves and NEPAD, among other tasks.

For APRM, CSOs can seek to interface through the Secretariat, around country reports, dissemination of information, training and advocating for more reviews. At country levels, CSOs can seek to interface through relevant ministries and coordinate civil society participation in the national process. A serious challenge remains today in maintaining the life of the report after its presentation and also in implementing the plan of action. CSOs can assist in mobilising resources and giving life to reports.

7. Conclusion and Way forward

This study has shown that there are limitations with spaces that CSOs are invited to. While these spaces are critical and ought to be occupied, there is a need to create alternative forms of engagement which are not subject to terms and conditions of the institutions involved. It is against this context, that CSOs showed unanimous agreement on the need to establish an interface mechanism whose function will be the facilitation of close-working relations between CSOs and the institutions, serving as a 'one stop shop' for CSOs and coordinating other related activities.

Because CSOs normally feel as 'guests' in these spaces, it is understandable that their wish is to transform relations of power and democratise institutions. From a social movement perspective, 'power does not cede unless there is a demand'. This is the basis for the proposed mechanism.

Understandably so, institutions do not see the need to establish new spaces. This is because for them, provisions for CSOs engagement are already available. But the fact is that if CSOs do not demand alternative spaces, these institutions will not go further than the invitations they have extended to them. As 'hosts', these institutions have the comfort to dictate terms of engagement. It is therefore not surprising that they are not supportive of the mechanism.

There are risks therefore associated with creating the mechanism. Among many other risks, one that needs careful handling is that the facility might not function effectively if it is not supported by these institutions. An authentic and serious dialogue should begin now between promoters of the mechanism and relevant personnel in these institutions. The Pan African Parliament is ahead in this. There are plans to establish a Dialogue Unit which will facilitate CSOs access to the Parliament.

As discussions showed, the demand for the mechanism is huge but the supply side might be weak. Steps

should be taken to strengthen the capacity of CSOs to engage more constructively and effectively with these institutions. Likewise, there is great need for these institutions to reach out more widely and broadly to civil society and African peoples.

It is advisable that the mechanism should be established and be piloted first at the Parliament but be flexible enough to respond to developments in the continent such as coming into being of the Union Government. The mechanism should have its strength in three 'legs': the Secretariat, the board of directors and the general membership. It should be accommodative and representative of critical voices but also capable of maintaining harmony and unity of purpose.

Notes and References

1. See Study on An African Union Government: Towards The United States of Africa. African Union.
2. SalaamNet envisaged a vibrant and proactive CSO network through a Secretariat based in Addis Ababa.
3. Peter da Costa (2006) Civil Society Organisations and the African Union: Towards a Continental Advocacy Strategy for World Vision: World Vision; AFRODAD, OXFAM and AFRIMAP (2007) Towards a People-Driven African Union: Current Obstacles and New Opportunities: AFRODAD, OXFAM and AFRIMAP.
4. For a detailed report on the Dialogue Meeting, see the Conference Report on Forum for Civil Society Organisations and the Pan African Parliament, produced by the Centre for Public Participation, Durban, 2007.
5. Ibid.
6. See Conference Report, ibid.
7. For a detailed discussion of PAP provisions for civil society participation and inclusion, see, Moyo Bhekinkosi (2007) Final Report submitted to Southern Africa Trust (SAT) titled Fostering Civil Society Engagement with the Pan African Parliament: PAP Rules of Procedure and Civil Society Organisations Engagement, An Interpretation. The report was also presented at the Dialogue Meeting. See also Address by Ambassador Gertrude Mongella, President of the Pan African Parliament to Civil Society Organisations at the CSOs-PAP Dialogue Meeting, 7-8 May 2007.
8. See Conference Report, opcit.
9. See Len Verwey's discussion of NEPAD and Civil Society Participation in the APRM, www.idasa.org.za p.22.
10. See Address by Ambassador Gertrude Mongella, opcit.
11. See Submission from Civil Society Organisations to the Pan African Parliament on the Proposal for Continental Government; 14 May 2007, Gallagher Estate, Midrand, South Africa.
12. This was expressed strongly by delegates at the CSOs-PAP Dialogue Meeting. Presentations by the PAP President and PAP representative (Lyn Chiwandamira) also buttressed the view that perhaps the facility should be tested first with the Parliament (see Conference Report, opcit for more details).
13. See Conference Report, especially recommendations from Commission 1: Interface mechanisms with Pan African Institutions, p.7.
14. Southern Africa held two regional consultative meetings; the first was organized by AFRODAD and took place in Harare in April. The second was jointly organized by AFRODAD and IDASA in South Africa towards the end of the year. The Africa Leadership Forum organized three such meeting, one in Nairobi, another in Ota, Nigeria and the last in Addis Ababa in December 2006. OXFAM, AFRIDAD and AFRIMAP held a meeting to review findings of a research project on the AU and Summit preparations. World Vision also held a consultative meeting to review its study on civil society and the AU towards the end of 2006. The ECOSOCC national chapter in Kenya also conducted a series of meetings. The same could have happened in other countries.
15. Peter da Costs (2006) Civil Society Organisations and the African Union: Towards a Continental Advocacy Strategy for World Vision. World Vision. See also Ibrahima Kane and Nobuntu Mbele (2007) Towards a People Driven Afri-

can Union: Current Obstacles and New Opportunities, AFRIDAD, AFRIMAP and OXFAM.

16. See Draft Code of Ethics and Conduct for African Civil Society Organisations, as revised by the Provisional Working Group on 13 June 2003.

17. Interview conducted by Ajulu, C., Ikome, F., & Zondi, S., (2006 Global Dialogue Vol.11.2, IGD, Johannesburg

18. See Recommendations of the Seminar on the Harmonisation of Regional Economic Communities and Regional Parliamentary Fora, Kasane, Botswana: 12-13th March 2007.

19. Landsberg, C and Mckay, S (2005) Engaging the Pan-Africanism: Strategies for Civil Society: ActionAid International and OSISA.

20. Article 23 of the SADC Treaty provides for the creation of the SADC-NGO Forum. Furthermore, SADC states have created SADC National Committees which provide space for CSOs participate.

21. On the typology of spaces, see Moyo B (2006) 'Popular Participation in Development and Democracy: The Economic, Social and Cultural Council as an example', Paper presented at EISA Symposium, Johannesburg, 8-10 November.

22. Interview with Litha Musyimi-Ogana, Advisor: Gender, Parliamentary Affairs and CSOs, 2 March 2007, Johannesburg (questionnaire).

23. Interview with Ezra Mbogori, MWENGO, Pan Africa Hotel, Nairobi, 24 January, 2007. Ezra is also one of the members of the think-tank.

24. Interview with Sudir Chuckun, Advisor, Office of the Executive Director, APRM Secretariat, Midrand, 26th February 2006.

25. Some of PAP's objectives are: facilitating an effective implementation of the policies and objectives of the OAU/AEC and, ultimately, of the African Union; promoting the principles of human rights and democracy in Africa; encouraging good governance, transparency and accountability in Member States; promoting peace, security and stability; contributing to a more prosperous future for the people of Africa by promoting collective self reliance and economic recovery; facilitating cooperation and development in Africa; strengthening continental solidarity and building a sense of common destiny among the peoples of Africa.

26. Interview with Lyn Chiwandamira, Senior Clerk, International Relations Section; Pan African Parliament, 26th February 2007.

27. Ibid.

28. For a detailed discussion of PAP's spaces for CSOs, see the interpretation of the Parliamentary Rules of Procedure for CSOs, presentation to CSOs-PAP Dialogue Meeting and Final Report submitted to SAT, May 18, 2007. See also Report of the Conference. At this meeting, CSOs were presented with information regarding spaces for participation in PAP activities.

29. Then ten PAP Committees are: The Committee on Rural Economy, Agriculture, Natural Resources and Environment; The Committee on Monetary and Financial Affairs; The Committee on Trade, Customs and Immigration Matters; The Committee on Co-operation, International Relations and Conflict Resolutions; The Committee on Transport, Industry, Communications, Energy, Science and Technology; The Committee on Health, Labour and Social Affairs; The Committee on Education, Culture, Tourism and Human Re-

sources; The Committee on Gender, Family, Youth and People with Disability; The Committee on Justice and Human Rights; and The Committee on Rules, Privileges and Discipline.

30. Interview with Lyn Chiwandamira, Senior Clerk, International Relations, 26 February 2007.
31. Ibid.
32. Ibid.
33. See Conference report, opcit.
34. Interview with Peter Kagwanja and James Muzondidya of the Human Science Research Council (HSRC), 16 February 2007, Pretoria, South Africa (through questionnaire).
35. Interview with Ayesha Kajee, SAIIA, Johannesburg, 8 February 2007
36. Interview with Firozi Manji, Nairobi, 23 January 2007
37. Interview with Irungu Houghton, 22 January 2007, and Ezra Mbogori, 24 January 2007, Nairobi 2007
38. Interview with Sajeev Nair, CUTS, Zambia (Pretoria, February 2007)
39. Interview with Washington Katema, Coordinator of the student body in Zimbabwe, ZINASU, Nairobi, 22 January 2007.
40. See Proposal by TrustAfrica 2007, Grant request for pilot phase of facility to improve African Civil Society Engagement with the African Union, submitted to OSI, Dakar.
41. SalaamNet document produced by ISS.
42. Interview with Charles Mutasa, AFRODAD/ECOSOCC Deputy Presiding Officer, Southern Africa, Nairobi, Kenya, 22 January 2007.
43. Irungu Houghton, opcit.
44. Interview with Jakkie Cilliers, 8 February 2007 (Pretoria) and Lyn Chiwandamira, 26 February 2007 (Midrand).
45. Interview with Charles Mutasa, opcit. See also Mutasa's views on interviews conducted by Peter da Costa in the Study: Civil Society Organizations and the African Union: Towards a Continental Advocacy Strategy for World Vision, 2007.
46. See also Mutasa C (2006) 'The role of civil society in democracy and development: Experiences from the African Union civil society ECOSOCC.' Paper presented at the EISA Symposium, Johannesburg; 8-10 November.
47. Interview with Rudo Chitiga, Consultant, Nairobi, 21January 2007.
48. Litha Musyimi-Ogama, opcit.
49. Sudir Chuckun, opcit.
50. Ibid.
51. For more on the APRM process; see, Masterson G (2006) Defining Civil Society in the Context of the African Peer Review Mechanism. EISA Occasional Paper, no. 43.
52. Ibid.
53. Ibid.
54. Ibid.
55. Comments made during the discussion of the firs draft of the report, 26 March 2007.
56. Rudo Chitiga, opcit.

57. Interview with Brian Kagoro, Action Aid international, Nairobi 23 January 2007. Interviews with Rudo Chitiga, Irungu Houghton and Firozi Manji also stressed the point of access to information.
58. This was further emphasized at the CSOs-PAP Meeting in May 2007 (see Conference report, opcit.)
59. These views were also expressed by Irungu Houghton, Ezra Mbogori, Firozi Manji, Charles Mutasa, Brian Kagoro and Ambeko Wameyo when they were interviewed in Nairobi, 21-24 January 2007 at the margins of the World Social Forum.
60. Interview with Amboka Wameyo, World Vision, Panari Hotel, 22 January 2007
61. Rudo Chitiga, opcit, Qhubani Moyo, Bulawayo Dialogue, 19 February 2007.

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