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**REPORT OF THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL  
(ECOSOCC)**

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**REPORT OF THE  
AFRICAN UNION ECONOMIC SOCIAL AND CULTURAL COUNCIL (ECOSOCC)  
SUBMITTED TO THE EXECUTIVE COUNCIL OF THE AFRICAN UNION  
ADDIS ABABA, ETHIOPIA  
FEBRUARY 2022**

**Background:**

- 1) 2021 marks the second year of ECOSOCC's relocation to Zambia. During the year under review, ECOSOCC has recorded incremental milestones towards fulfilling its mandate of actively engaging the African civil society in the processes and work of the Union, particularly concerning Africa's integration and development.
- 2) This report captures the implementation of key activities within the period under review. It provides an overview of the key strategic, operational and programmatic achievements, challenges, lessons learnt and recommendations during this period. The report has been produced in compliance with AU reporting requirements.
- 3) The main concerns for the period under review are mostly related to accomplishing the transition of the ECOSOCC Secretariat to a fully-functional institution of the African Union with full capacity to administer its operations and deliver on its technical program which is in line with AU Assembly Decision (Assembly/AU/Dec.4(XXVI), endorsing the offer of the Republic of Zambia to host the ECOSOCC Secretariat. Consequently, a concerted effort has been invested to date towards the goal of a fully-equipped, fully furnished premises capable of supporting the organ to fulfil its mandate; as well as the roll-out of a revised technical work program of sufficient flexibility and innovation to enable ECOSOCC achieve its planned program deliverables within the unique operational environment imposed by the COVID-19 pandemic.

- 4) The report provides the basis for ECOSOCC to build upon key achievements and to transition into follow-up activities earmarked for the next reporting period.
- 5) This report highlights the core activities of ECOSOCC from an operational point of view before proceeding to provide an update on the programmatic accomplishments for the period under consideration.

## **SECTION I: OPERATIONAL UPDATES**

### **Achievements:**

#### **1. ECOSOCC Secretariat staffing.**

Following the formal relocation of the Secretariat to Zambia in November 2019, the recruitment of approved staff was initiated with the support of the Administration and Human Resources Directorate (AHRMD) of the AU Commission. Council would recall that an official staffing structure comprising twenty-seven (27) positions has since been approved by the policy organs of the Union. Of this number, sixteen (16) positions had been earmarked for recruitment and deployment to Lusaka during the period under review. However, with the onset of the COVID-19 pandemic and the restrictions associated with it, the recruitment process for the ECOSOCC Secretariat was significantly impacted. At the time of reporting, twelve (12) staff members have completed all stages of recruitment and deployed to Lusaka. These include the Head of Secretariat, Head of Programs, the Senior Communications Officer, Head of Administration, Finance and HR, 1 Program Officer (*resigned in August*), 2 Desk Officers, 1 IT Officer, 1 HR Officer, 2 Procurement Assistants and 1 Administrative Assistant. Recruitment for the rest of the staff is ongoing, and it is expected that the full staff complement at the Secretariat will have been recruited and deployed by the end of 2022.

#### **2. ECOSOCC Stand-Alone Facility:**

Reference is made to the Decision of the Thirty-Sixth Ordinary Session of the Executive Council ( February 2020) with regards to the implementation of the Joint Transition Roadmap agreed between the African Union and the Republic of Zambia within the context of the hosting of the Secretariat. During the year under review, the African Union technical evaluation team visited Zambia to assess the readiness and suitability of the proposed interim standalone facility offered by the Government of the Republic of Zambia to host the ECOSOCC secretariat.

Following the evaluation of the facility relative to the requirements of the Secretariat (in light of the anticipated revision of the staffing structure from 27 to 37 following the Executive Council Decision on harmonization of structures) the Government of Zambia and the African Union evaluation team jointly endorsed a program of upgrades to be effected to the premises in line with relevant AU specifications. The expected upgrades,

estimated at approximately 2 million USD by the joint evaluation team of AU and Government of Zambia assessors, are expected to be completed by June 2022. The Government of Zambia has committed to the mobilization of the specified budget to support the renovation of the facility, and has since commenced the renovation process.

### **Challenges:**

#### **ECOSOCC Staffing Structure**

1. The commencement of operations at the Secretariat has brought to the fore a number of fundamental challenges inherent to the ECOSOCC staffing structure as currently constituted. The structure omits key auxiliary positions indispensable to the effective operations of a standalone African Union institution, including drivers and security staff.
2. In view of the above, it is to be recalled that the PRC Sub-Committee on Structural reforms of February 2020 (EX.CL/1177(XXXVI)i) had called for harmonization or alignment of titles and grades for job with similar complexities across AU organs. As a result of the aforesaid decision, in 2021 Executive Council made a decision calling on the AU commission to review the ECOSOCC structure to be in line with the standard of other organs of the AU and to realign the structures across the AU Organs. The staffing structure of ECOSOCC was reviewed by the technical subcommittee on structure and approved by the full house of the PRC and Thirty-Ninth Ordinary Session of the Executive Council [ EX.CL/ Dec.1126-1142(XXXIX) ] in October 2021.
3. It is to be noted that the revised structure is in conformity with other AU organs relative to the operational complexities of positions and maintains compliance with the decision by the AU policy organs to align the titles and grades for positions with similar complexities across the African Union.
4. As a consequence of the delays in taking corrective measures on the ECOSOCC structure, the operations of the Secretariat continue to be hampered by a lack of essential personnel in critical departments. Now that the structure has been revised and approved by the Executive Council, the Secretariat would kindly request the support of the AU Commission to undertake skills and competency based assessment on already existing staff and further expedite the recruitment of the critical positions as per the revised structure.

#### **General Assembly Statutory Compliance on Elections.**

5. The Third Permanent General Assembly of ECOSOCC was elected in December 2018. As per Article 9 (3) of the ECOSOCC Statutes, the General Assembly shall meet in Ordinary Session once every two (2) years under conditions specified in the rules of procedure of the organ. ECOSOCC successfully organized the 2nd Ordinary Session of the Third Permanent General Assembly from 16th to 17th December 2020, virtually via Zoom. The mid-term elections for a new Standing

Committee could not be conducted given the absence of a viable mechanism to conduct a credible and reliable virtual election in the context of ECOSOCC which is composed of civil society representatives. Consequently, the Secretariat sought and received a legal opinion from the Office of the Legal Counsel (BC/OLC/28.2/7093.20) authorizing an in-person extraordinary session of the General Assembly, subject to the lifting of travel restrictions, for the purpose of conducting the mid-term elections for a new Standing Committee.

6. The Secretariat developed a roadmap along with the Office of the Legal Counsel and the AU Commission for the conduct of the elections; however the elections could not be held as planned as a result of the disruptive conduct of a group of Standing Committee members. With the status-quo, the current members continue to hold office until a new Standing Committee is constituted. It is further worth highlighting that the call for applications for the 4<sup>th</sup> Permanent General Assembly of ECOSOCC will be open during the first quarter of 2022.

## **SECTION II: PROGRAM UPDATES**

### **Achievements:**

#### **1. Adapting to the COVID-19 Pandemic**

The year under review continued to present a challenging operational environment as a result of the lasting impact of the COVID-19 pandemic. Notwithstanding restrictions on travel and in-person work ECOSOCC was able to build on the virtual implementation infrastructure it established at the outset of the pandemic and ultimately was able to expand its program footprint to an even wider cross-section of African civil society. Compared to the previous reporting period where much of the organ's online programming focused on integrating African civil society into the continental pandemic response, the organ was able to refocus its virtual programming on its traditional spheres of activity, including the sensitization of African Union programs and the generation of technical knowledge products.

To this end a number of online engagements were accomplished key among others including;

- The ECOSOCC Webinar Series on Migration, Mobility and Displacement in Africa to achieve an enhanced and coordinated implementation of the revised Migration Policy Framework for Africa across AU Member States, Regional Economic Communities and the African Union.
- The ECOSOCC Policy Booklet on the AU Year of Arts, Culture and Heritage to be presented to AU organs and member states.
- The ECOSOCC and African Development Bank joint webinar series on the role of civil society in the COVID-19 response and post-pandemic reconstruction. This flagship series continued to garner a tremendous level of participation from all regions of the continent and from the African

Diaspora. It successfully raised awareness within the African citizenry and Civil Society at large about the pandemic, the COVID-19 vaccines, and other key public health guidance from the Africa Center for Diseases Control and Prevention ( Africa-CDC) and the World Health Organization (WHO).

## 2. Partnerships:

In view of the increased capacity at the ECOSOCC Secretariat, the organ invested extensively during the year under review in the exploration of program partnerships that can help ECOSOCC enhance its impact and more effectively deliver on its mandate as an advisory organ of the African Union. The need for the organ to expand its portfolio of resource partnerships has been underscored by the COVID-19 pandemic and its drastic impact on the 2021 ECOSOCC budget. The organ has concluded partnership agreements with a number of international partners and is at various stages of partnership development with many others.

- a) **Joint ECOSOCC-AFDB Webinar Series on the Role of Civil Society in the COVID-19 Response:** Following the outbreak of the COVID-19 pandemic, ECOSOCC, in collaboration with the Social Engagement and Innovation Division of the African Development Bank, initiated a webinar series to raise awareness and sensitize African citizens and civil society at large about the pandemic and the associated public health guidance from the Africa Centres for Disease Control and Prevention (Africa CDC) and the World Health Organization. The webinars also provided a platform for sharing lessons from the interventions that African CSOs have undertaken at local and national levels in support of the response efforts of national and continental authorities.
- b) **Africa-Caribbean Cultural Heritage Tourism Initiative (ACCHTI) :** An initiative of the African Union (ECOSOCC & CIDO) in collaboration with the Ministry of Tourism Barbados and Ghana and the Caribbean Pan African Network (CPAN) this proposed initiative builds on on-going engagements between Africa and the Caribbean by leveraging Cultural / Heritage Exchanges as a vehicle for strengthening cooperation between the Africa and the Caribbean.
- c) **Young Africans Writing Contest 2021:** ECOSOCC partnered with the private sector on the inaugural edition of the Young Africans Writing Contest. The essay writing competition, launched in collaboration with Access Bank, received over one 1000 entries from across Africa and was assessed by an independent jury of eminent African educators to determine the top ten continental contestants. The competition was open to secondary school students from

across the continent and was aimed at bridging the gap between African Youth and the African Union with the theme “My Africa, My Future”, which enabled young Africans to articulate their aspirations and ideals for the kind of future they want for the continent.

d) **Enhancing the Participation of African Civil Society in the African Peace and Security Architecture:**

The implementation of the fourth European Support Programme to the African Peace and Security Architecture (EU APSA IV) aims to strengthen the capacity and coordination of stakeholders to adapt to emerging security challenges in Africa. The primary objective of this project is to enable the effective and meaningful participation of African civil society in the African Peace and Security Architecture, and to reposition civil society as a viable and reliable stakeholder at all stages of the conflict cycle. As the AU organ mandated to facilitate civil society participation in the work of the Union, ECOSOCC is working in partnership with the AU Commission and COMESA on this project to ensure that the Livingstone Formula and the Maseru Conclusions are fully implemented with a view to enhance the involvement and participation of CSOs in peace and security activities of the AU.

### **3. Development of Policy Manuals and Operational Manuals on Civil Society Engagement**

As part of the organ’s efforts to continuously execute its mandate of promoting and strengthening the institutional, human and operational capacities of the African civil society, ECOSOCC has undertaken the development of a number of policy tools, frameworks, manuals and research studies critical for organizing, coordinating, and standardizing the input of civil society into AU processes. These include the follow:

**Policy Manuals and Toolkits on:**

1. Enhancing CSO engagement with Regional Economic Communities
2. Monitoring and advocacy on the ratification of African Union policy instruments in Member States
3. Fundraising for Civil Society Organizations
4. The Conduct of Advocacy within African Civil Society
5. Monitoring Agenda 2063 at the national, Regional and Continental level.
6. Strategic planning for civil society organizations

**CSO Engagement Frameworks**

1. The Development and Operationalization of ECOSOCC National Chapters

2. Development of an Institutional Framework for participation of African Diaspora in ECOSOCC
3. Development of a Harmonized Mechanism for the Granting of Observer and Consultative Status to Civil Society Organizations
4. Development of a new Strategic Plan for ECOSOCC

#### **Research and Policy Studies**

1. Research Study on “Assessing the impact of COVID-19 Response measures on women and girls in Africa
2. Research Study on “Civil Society and the AFCFTA: Consolidating African Integration in the new single market
3. Research Study On “Civil Society As Partners In Emergency Response – The Case of COVID-19”
4. Research Study on Government-Civil Society Relations in Africa: Building a more constructive partnership
5. Fatally misinformed: Examining the role of social media misinformation on COVID-19 and lessons for future emergencies

#### **4. Commemoration of AU Days**

ECOSOCC mobilized General Assembly members in Member States to champion activities around the Theme of the Year on Africa Day. In its quest to popularize Agenda 2063 and AU activities, ECOSOCC also commemorated the following AU Days:

- a. Africa Child Day - 16 June
- b. African Anti-Corruption Day - 11 July
- c. Africa’s Women Day - 31 July
- d. Africa Youth Day - 01 November
- e. Africa Industrialization Day - 20 November
- f. Day of African Sport – 14 December

#### **5. In Country COVID-19 Sensitization Campaigns**

As part of its ‘corporate citizenship’ duties; ECOSOCC partnered the Zambia National Public Health Institute, Africa-CDC Southern Africa Regional Collaborating Centre (SA-RCC) and the Ministry of Health of the Republic of Zambia to conduct COVID-19 vaccination campaigns in the major provinces of Zambia.

#### **Challenges:**

With the commencement of operations of the autonomous Secretariat in Lusaka and the ongoing recruitment of fully dedicated staff, ECOSOCC has made important progress towards the fulfilment of its potential as a fully operational organ of the African Union. Nonetheless, a number of significant challenges remain as follows:

- 1) Despite the increment in numbers in CSOs that are currently interfacing with the Union through ECOSOCC and other Organs, the continued prevalence of the



COVID-19 pandemic has caused disruptions to the program agenda during the period under review.

- 2) The delays in the recruitment of staff for the Secretariat continues to be a major challenge both at the operational and programmatic level. With the expanded program scope of the organ as well as the increasing trend of ECOSOCC being solicited by other AU organs for civil society mainstreaming, it will be crucial that the recruitment process for the remainder of the approved staff be expedited in order to capacitate the organ to fully execute its advisory and support functions to the African Union.

### **SECTION III: PROGRESS REPORT ON EXECUTIVE COUNCIL DECISIONS**

#### **(a) In-depth Study on ECOSOCC's Performance**

The Executive Council of the African Union on the recommendation of its advisory body, the Permanent Representative Committee of Ambassadors (PRC), through Decision EX/CL 849 (XXV) of 2014 called for “ an in-depth study regarding the performance of ECOSOCC since its inception to provide appropriate recommendations on modalities to revamp the operations of the Organ, that would help deliver on its advisory role, in line with the current reform priorities of the AU that would support the principles of African ownership” This Decision was reinforced by Decision EX/CL 1031 of December 2017 and EX.CL 1054 (XXXIII) of January 2018.

A study was commissioned to address this concern and the consultant has completed his assignment for submission to the policy organs. ECOSOCC urges the support of member states for the implementation of the recommendations contained in this important study in order to reposition the organ to effectively deliver its mandate.

#### ***(b) Unethical Conduct within ECOSOCC General Assembly***

Following the request of member states regarding the pattern of unethical conduct observed among a certain number of ECOSOCC General Assembly members, the Office of Internal Oversight (OIO) of the African Union has concluded a comprehensive investigatory process and will submit the associated report for the consideration of relevant policy organs.

#### ***(c) Institutional Frameworks for Civil Society Engagement***

In order to provide institutional mechanisms for the participation of civil society stakeholders at all levels of the African Union, the Secretariat has invested significant effort and resources within the period under review to develop harmonized frameworks as follows:

1. A Harmonized Institutional Framework for the Granting of Observer and Consultative Status to Civil Society Organizations

2. A Harmonized Institutional Framework for the Establishment and Operations of ECOSOCC National Chapters in all 55 Member States of the Union.
3. An Institutional Framework for Diaspora Participation in ECOSOCC

These critical frameworks are expected to be finalized for presentation to member states for consideration and endorsement in 2022.

#### **SECTION IV: LOOKING AHEAD –RECOMMENDATIONS**

1. The process to develop a number of institutional frameworks for effective CSO engagement with the African Union has already started. This represents a paradigm shift in the way of carrying out ECOSOCC's mandate and bringing the 'people-centred' component of the Union's vision statement at the forefront of the continent's development.
2. The Secretariat is expected to relocate to its new facility in Kabulonga during the year 2022; this will also represent a significant milestone in the history of the organ.
3. During the first quarter of 2022, ECOSOCC will open call for the constitution of the 4th Permanent General Assembly. This will symbolize a new era for the organ, especially as the institutional frameworks will also be guiding and ensuring the desired pedigree of CSOs that will eventually constitute the General Assembly
4. In anticipation to commemorate a decade of existence of the Agenda 2063; ECOSOCC is ensuring a number community outreach and high impact activities to give visibility to the 7 aspirations of the continent's developmental agenda
5. Relative to the pernicious patterns of unethical and illicit conduct from a minor group of ECOSOCC members which continuously exposes the organ and the wider African Union to legal and reputational jeopardy, it is strongly urged that member states provide the necessary mandate to the relevant units within the African Union, including the Office of the Legal Counsel, the Office of Internal Oversight, and the ECOSOCC Secretariat, to fully implement any and all recommendations and corrective measures that may be contained in the report of the investigation carried out by the Office of Internal Oversight. The integrity of the Union depends on it.

*~ End of Report ~*

**ANNEX**

**REVISED FINAL DRAFT OF THE IN-DEPTH STUDY ON THE  
EFFECTIVENESS AND EFFICIENCY OF THE ECONOMIC, SOCIAL AND  
CULTURAL COUNCIL OF THE AFRICAN UNION (ECOSOCC).**

**By**

**Dr. Jinmi Adisa  
AU Consultant In-Depth Study on ECOSOCC**

**ACRONYMS**

<b>ACHPR</b>	<b>: African Commission on Human and People’s Rights</b>
<b>AGA</b>	<b>: Africa Governance Architecture</b>
<b>ALF</b>	<b>: Africa Leadership Forum</b>
<b>APRM</b>	<b>: Africa Peer Review Mechanism</b>
<b>APSA</b>	<b>: Africa Peace and Security Architecture</b>
<b>AU</b>	<b>: African Union</b>
<b>AUABC</b>	<b>: African Union Advisory Board on Corruption.</b>
<b>AUCIL</b>	<b>: African Commission on International Law</b>
<b>CBOs</b>	<b>: Community Based Organizations</b>
<b>CIDO</b>	<b>: Citizens and Diaspora Directorate</b>
<b>COMESA</b>	<b>: Common Market for Eastern and Southern Africa</b>
<b>CSSDCA</b>	<b>: Conference on Security, Stability, Development and Cooperation in Africa.</b>
<b>CSOs</b>	<b>: Civil Society Organizations</b>
<b>DONGO</b>	<b>: Donor Sponsored Non- Governmental Organizations</b>
<b>EESC</b>	<b>: European Economic and Social Committee</b>
<b>EAC</b>	<b>: East African Community</b>
<b>ECOSOCC</b>	<b>: Economic, Social and Cultural Council of the African Union</b>
<b>ECOWAS</b>	<b>: Economic, Community of West African States</b>
<b>EU</b>	<b>: European Union</b>
<b>GONGOs</b>	<b>: Government Sponsored Non- Governmental Organizations</b>
<b>IGAD</b>	<b>: Intergovernmental Authority on Development.</b>
<b>NEPAD</b>	<b>: New Partnership for Africa’s Development</b>
<b>NGOs</b>	<b>: Non- Governmental Organizations</b>
<b>OATUU</b>	<b>: Organization of African Trade Union Unity</b>
<b>OAU</b>	<b>: Organization of African Unity</b>
<b>OXFAM</b>	<b>: Oxford Committee on Famine Relief</b>
<b>PAP</b>	<b>: Pan-African Parliament</b>
<b>PRC</b>	<b>: Permanent Representative Committee of Ambassadors.</b>
<b>PSC</b>	<b>: Peace and Security Council of the African Union</b>
<b>RECs</b>	<b>: Regional Economic Communities</b>
<b>UAP</b>	<b>: Unified Accreditation Procedures</b>
<b>UN_ECOSOC</b>	<b>: United Nations Economic and Social Council of the United Nations.</b>
<b>WASCOF</b>	<b>: West African Civil Society Forum.</b>

## Executive Summary

The Executive Council of the African Union on the recommendation of its advisory body, the Permanent Representative Committee of Ambassadors (PRC), through Decision EX/CL 849 (XXV) of 2014 called for “ an in-depth study regarding the performance of ECOSOCC since its inception to provide appropriate recommendations on modalities to revamp the operations of the Organ, that would help deliver on its advisory role, in line with the current reform priorities of the AU that would support the principles of African ownership” This Decision was reinforced by Decision EX/CL 1031 of December 2017 and EX.CL 1054 (XXX111) of January 2018. This study was commissioned to address this concern.

The objectives of the study are: a) to carry out a performance appraisal of ECOSOCC since its inception with primary emphasis on its role as an advisory organ of the AU b) to assess, in this context, the conduct, efficiency and effectiveness of the Organ in carrying out its mandate c) to determine the efficacy of its internal organs, structures and processes within the framework of the constitutive and regulatory rules governing its operations and the umbrella and work methods of the larger AU environment d) to carry out a related gap analysis in the different spheres noted above and propose innovative and strategic methods for overcoming them to enhance the capability and competence of ECOSOCC and its ability to deliver on its mandate e) to focus specifically on the demand for advisory opinion and the necessary and sufficient conditions for its delivery, use and value addition f) to probe and adapt lessons from the experience of comparative institutions in the sub-regional, regional and international contexts and relate them to the specific needs and demands of the AU and g) finally, to propose substantive recommendations and practical solutions arising in the various contexts on the basis of evidenced based information that will support the review and repositioning of structures, processes and operations of ECOSOCC to fulfill its mandate in the context of the AU reform initiative and the development and integration agenda of the African continent.

The study outcome is that the ineffectiveness of ECOSOCC, regarding its essence of delivering advisory opinions, arises from inherent weaknesses in the constitutive and regulatory rules of the Organ, contradictions associated with them and misalignment with the operations and work methods of the wider AU environment. As a first priority therefore, the study underlined the need for a comprehensive review of the ECOSOCC Statutes. The review should be holistic in its approach and address gaps, flaws and contradictions identified in the different areas of ECOSOCC operations and its interrelationship with the larger AU family. Within this context, the functions and objectives of the Organ, composition of membership, election frameworks, operation of its key operational mechanisms, particularly, the Sectorial Cluster Committees, Rules of Procedures, management, institutional roles and responsibilities etc. must be streamlined and consolidated to support the essence of producing advisory opinions in addition to normal advocacy roles for the AU. Both ECOSOCC and the wider AU must address the requirement of advisory opinions within a collaborative framework that sets the pace for wider efficiency within the orbit of the ongoing AU reform initiative. There are supply and demand issues involved that are subject of mutual concern and which

will require complementary efforts. Details of needs assessment and related recommendations on solutions in each of the various problem areas are provided in the study and an overview of summary and recommendations is also provided at the conclusion.

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## REVISED FINAL DRAFT OF THE IN-DEPTH STUDY ON THE EFFECTIVENESS AND EFFICIENCY OF THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL OF THE AFRICAN UNION (ECOSOCC).

### 1.0 Introduction

The Constitutive Act of the African Union, inter alia, sought to create a people-centered community in the African Union as a successor to the Organization of African Unity (OAU) that was state-centric. The Preamble observed that the Act was ‘guided by the common vision of a united and strong Africa and the need to build partnership between governments and all segments of civil society... in order to strengthen solidarity and cohesion among African people’.<sup>1</sup> The objective reiterates the desire to “achieve unity and solidarity between African countries and the peoples of Africa”.<sup>2</sup> The Principles stressed the need for the continental organization to be one in which the interests of all stakeholders are represented and taken into account through “participation of the African people in the activities of the Union.”<sup>3</sup>

The provisions of the Constitutive Act also focus on the need for integration and development of the continent and emphasized the desire for effective mobilization of all segments of society in general and partnership between governments and civil society in particular to support the twin objectives. Furthermore, the Constitutive Act created diverse institutions and structures adapted to this purpose. In this regard, Articles 5 and 22 of the Constitutive Act specifically established the Economic, Social and Cultural Council of the African Union (ECOSOCC) as an advisory organ of the African Union composed of civil society organizations (CSOs) to serve as a bridgehead between the Member States of the Union and African civil society organizations.

### 1.1 Statement of the Problem

Accordingly, an Interim ECOSOCC Assembly was established in October 2005 followed by three Permanent General Assemblies in 2008, 2014 and 2018 respectively. However, by the time the 2<sup>nd</sup> ECOSOCC General Assembly was commencing its activities, there were signs that the executive decision making organs of the Union were dissatisfied with the functioning and performance of ECOSOCC. The main bone of contention was its policy advisory function, which was increasingly identified as the main justification for the existence of the Organ. The first warning shot was contained in the Report of the Panel for the Wise in 2014 as well as internal and external audits around the same period which highlighted *the ineffectiveness of ECOSOCC to deliver on the very essence of its establishment* which is to provide advisory opinions on various critical socio-economic, peace, security, and political issues the continent is confronted with. The Report was accurate as it drew attention to the fact that over a 12-year period, ECOSOCC as a major advisory organ of the Union had not formally submitted a single advisory opinion on any subject to executive policy organs or indeed any other Organ of the African Union.

Subsequently, the Executive Council of the Union on the recommendation of its advisory body, the Permanent Representative Committee of Ambassadors (PRC), through Decision EX/CL 849 (XXV) of 2014, called for

*“An in-depth study regarding the functioning and performance of ECOSOCC since its inception to provide appropriate recommendations on modalities to revamp the operations of the Organ, that would help deliver on its advisory role, in line with the current reform priorities of the AU that would support the principles of African ownership”.*

This was followed by Decision EX/CL 1031 of 2017 which reiterated the same and Decision EX/CL 1054 (XXX111) of January 2018 on the Report of the Offer of Zambia to host the Secretariat of ECOSOCC that further expressed concern about the performance of ECOSOCC as an advisory organ of the Union and inter alia “Further request (s) to the African Union Commission (AUC) and ECOSOCC to expedite the conduct of the in-depth study on the functioning of ECOSOCC since its inception”.

## **1.2 Implications for the Study Plan**

From the foregoing, the primary concern of the executive policy organs of the AU was the failure of ECOSOCC to perform its main technical function of providing advisory opinions to inform the perspective and actions of the Union in its integration and development enterprise. Associated with this, were residual concerns about the overall performance and conduct of the organ, which was linked to this but also apart from it. It was linked in the sense of association prescribed by Council’s Decisions that sought to revamp the operations of the Organ to help it to deliver on its advisory role. It was also apart in the sense that the study is required to be in-depth to highlight other issue areas requiring attention and to offer related policy recommendations that would enable ECOSOCC to be reconstituted to enhance its operation and give full value as an effective, efficient and responsive organ that is well adapted to explicit and implied functions and responsibility in the framework of the wider African union family and reform initiative. The situation of the in-depth study in the context of the AU systemic reform therefore, makes it part of the overall effort to harmonize structures and accelerate administrative and financial changes with a view to optimizing capacity, improving performance efficiency and fostering a result oriented approach.

The Decisions also implied that the study should be holistic in its orientation. It should take into account the growth and historical development of ECOSOCC processes since its inception and appraise the utility and performance of the Organ. Thus the Decision implied that all aspects of the Organ, including its structures and modus operandi, should be critically examined. Third the Decisions suggest that the study must be innovative and integrative. It should not merely concern it with what is wrong or what went wrong but also what needs to be done in correction to ensure optimal performance of the Organ.

## **2.0 Objectives of the Study**

Specific objectives derived from this purpose are as follows:

- a) To carry out a performance appraisal of ECOSOCC as an organ of the African Union since its inception with primary emphasis on its role as an advisory organ of the Union.
- b) To assess, in this context, the effectiveness and efficiency of the mandate of ECOSOCC, its Statutes and Rules of Procedure, resource provision and resource support, organizations and structures, internal organs of ECOSOCC, governance processes and framework of operation, work methods and capacity and effective orientation for collaboration between Member States and African CSOs as key partners in the development, promotion, popularization and follow-up and mobilization of the wider African citizenry in support of AU policies and programs.
- c) To carry out a gap analyses in the different spheres noted above and propose innovative and strategic methods of overcoming them to enhance the capability and competence of ECOSOCC and its overall ability to deliver on its mandate.
- d) Specific attention must be paid in this regard to the capacity, functions and operations of the Sectorial Cluster Committees as the key operational mechanisms of ECOSOCC charged with the critical task of developing and submitting advisory opinions.
- e) To relate the current circumstances and demand of ECOSOCC to the reform agenda and ongoing renewal process of the AU as a vehicle for advancing the development and integration agenda of the Union.
- f) To learn from the experience of sister regional and international organizations such as the UN-ECOSOC, European Economic and Social Committee (EESC) of the EU and sub-regional organizations in the five regions of the continent and look into the adaptability of their instructive experience, where applicable. Such experience could be positive or negative.as a framework for designing a more collaborative framework or working approach that is congruent with the desires and inclinations of Member States. Lessons learned from such experience must be adapted to the specific needs and demand of the African Union ECOSOCC, taking into account its unique nature as a CSO based membership organ of the Union and its mandate as an advisory Organ of the Union.
- g) To propose substantive recommendations and practical solutions to problems arising in the various context on the basis of evidence based information that would underline the review and repositioning of the various elements and the structures and operations of ECOSOCC to fulfill its mandate in the context of the AU reform initiative and further changes that could develop in this context.

### **3.0 Study Plan: Research Design and Methodology.**

The Research design and methodology was informed by the relevant Decisions of the Executive Council of the Union cited earlier and understanding of the assignment as set out in the preceding section. Against this background, the study plan proposed six methods to collect relevant data. These include literature review and documentary analysis based on archival-library (Desk/ internet) research, in-depth interviews of relevant actors and functionaries, focus group discussions with members of the ECOSOCC General Assembly and stakeholder consultation meetings involving the client, civil society actors and policy makers in the African Union (AU) system, study tours and comparative analysis based on the experience of similar institutions in regional settings within Africa and globally in regard of advisory opinions.

The study is primarily within the realms of policy analysis. Thus information gathered through documentary analysis, interviews, focus group discussions, study tours, comparative analysis and stakeholder consultations were consolidated in a Draft Outcome Report. The initial research design and Outcome Report were then validated through appraisals by representative group of stakeholders including representatives of ECOSOCC, civil society constituencies within and outside ECOSOCC, representatives of regional economic groupings, as well as representatives of AU Member States and policy institutions and actors within the AU system as deemed appropriate. The validation meetings enabled cross-substantiation and cross-triangulation of outcomes and recommendations.

#### **4.0 Growth and Development of the ECOSOCC Process**

The logical place to begin an analysis of the ECOSOCC process is the establishment and foundation of the Organ. The process of development of the Organ began, in late 1990s during the administration of Dr. Salim Salim, Secretary General of the defunct Organization of African Unity (OAU), under the aegis of the Conference of Stability, Security, Development and Cooperation in Africa process known as the CSSDCA. The CSSDCA process was an initiative of civil society that was absorbed into the continental organization. It was championed by the ex- Nigerian President, Chief Olusegun Obasanjo through a civil society Organization, the African Leadership Forum (ALF). The CSSDCA encouraged the continental organization to adopt a holistic approach to development and integration in Africa that would be multilayered and multifaceted and which would mobilize all productive forces in society including governments and civil society in an interlocking and mutually reinforcing compact to promote performance efficiency.

The CSSDCA inspired the continental organization to agree on a community of values and goals and set benchmarks and indicators for measuring performance along with a process of periodic review for assessing outcomes against set targets and facilitating adjustments and progress through recommendations and decisions involving the active involvement of all segments in society.<sup>4</sup> The performance reviews will be overseen at the very highest levels by the Heads of States and Governments convening in a Standing Committee every two years within annual Summits to review overall performance reports and pronounce decisions after it has passed through the Commission and other relevant policy and executive organs of the AU, as appropriate.

This process and orientation informed the emphasis of the preamble, objectives and principles of the Constitutive Act of the AU regarding the creation of a people-centered community in the African Union.

A CSDDCA Coordination Unit was then set up by the Assembly of the Union in 2000 to guide this process, with emphasis on using it to establish and sustain effective civil society interface with the OAU. The CSDDCA ideal emphasized the importance of a holistic approach to integration that places premium on civil society contribution. Consequently, the OAU through the CSDDCA Unit, under the Direction of then Commissioner of Peace and Security, Ambassador Said Djinnit, organized two civil society conferences in June 2001 and July 2002 to elicit their views on modalities of cooperation and the appropriate structure for supporting the process. The Conferences led to the creation of an OAU-Civil Society Provisional Working Group elected by the Civil Society Conference of 2002 to lead the process of effective civil society participation in the integration processes of the continental organization.<sup>5</sup>

After the signing of the Constitutive Act of the Union, the OAU transitional administration of Mr. Amara Essy that succeeded the Salim administration, set up an interdepartmental working Group to develop the ECOSOCC Statutes because Article 22 of the Constitutive Act left the details be decided by the executive organs of the Union. Subsequently, the Draft Statutes were refined and developed by the Provisional Working Group in consultation with the CSDDCA Unit and the Office of the Legal Counsel. They organized regional consultations across the five regions of the continent with civil society organizations to deliberate upon and develop provisions of the Statute. The final outcome was reviewed by the administration of President Konare that succeeded the Essy Amara administration in 2004. The refined Statutes were then submitted to the Permanent Representative Committee of Ambassadors (PRC) that also made amendments and recommended the amended version to the Executive Council and Assembly of the Union, which adopted it in 2004. The important point to note here is that the Statutes was not rushed, hurried or carelessly prepared. It was a product of prolonged and sustained deliberation, and widespread stakeholder consultation.

## **5.0 The ECOSOCC Statutes: Setting the Context for Appraisal.**

The ECOSOCC Statutes is the fundamental law of the Organ that sets out specific details of functions and objectives of the Organ (Articles 2 and 7), composition and membership (Articles 3 and 4), Procedure for Election of Members and their Eligibility Requirements (Articles 5 and 6), Structure and Internal Organs (Articles 8-12) and other regulatory elements regarding the budget (Article 13), the quorum for meetings which is to be constituted by a simple majority (Article 15), voting procedures by a consensus or two-thirds majority of those present ( Article 16), the responsibility of ECOSOCC to adopt its own rules of procedure including additional modalities for selection of its members ( Article 17), working languages (article 18) and procedure for entry into force ( article 19) as well as procedure for amendment of the Statutes itself ( Article 20).<sup>6</sup> The Statutes also include an appendix providing for transitional arrangements for the launching of the Organ. A copy of the full text of the Statutes and its appendix is

attached for reference while a brief summary of the most salient aspects is provided here to set the context for analysis.

***i. Objectives and Functions.***

The functions and objectives of ECOSOCC are spread between Article 2 and 7 of the ECOSOCC Statutes. Article 2 stipulated that ECOSOCC should perform the following functions: a) promote continuous dialogue between all segments of the African people on issues concerning African and its future; b) forge strong partnership between governments and all segments of civil society, in particular, women, the youth, children, the diaspora, organized labor, the private sector and professional groups; c) promote the participation of African civil society in the implementation of the policies and programs of the Union d) support policies and programs that will promote peace, security and stability in Africa and foster development and integration of the continent e) defend and promote a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms as well as social justice; f) promote, advocate and defend a culture of gender equality; g) promote and strengthen the institutional, human and operational capacities of the African civil society.

Article 7 complements this by adding that as an advisory organ, ECOSOCC shall 1) contribute, through advise, to the effective translation of objectives, principles and policies of the Union into concrete programs, as well as the evaluation of these programs; 2) undertake studies that are recommended or deemed necessary by any other Organ of the Union and submit recommendations accordingly; 3) carry out other studies as it deems necessary and submit recommendations as appropriate; 4) contribute to the promotion of popularization, popular participation, sharing of best practices and expertise, and to the realization of the vision and objectives of the Union;5) contribute to the promotion of human rights, the rule of law, good governance, democratic principles, gender equality, and for the future of Africa and forge Pan-African values in order to enhance an African social model of life; 7) foster and consolidate partnership between the Union and CSOs through effective public enlightenment, mobilization and feedback on the activities of the Union;8) assume any other functions as may be referred to it by any other organ of the Union.

***ii. Composition and Membership***

Article 3 of the Statutes provides that ECOSOCC shall be composed of various social and professional groups of Member States of the African Union, including but not limited to a) social groups representing women, children, the youth, people with disability and special needs; b) professional groups such as association of artists, engineers, media, teachers, sports associations, legal professionals, social workers, etc.; c) non-governmental organizations (NGOs), community based organizations (CBOs)and voluntary organizations, d) cultural organizations; e) professional groups in the African Diaspora in accordance with the definition approved by the Executive Council

Article 4 provides that ECOSOCC shall be composed of 150 members in total including two (2) CSOs from each Member States of the Union, ten (10) operating at regional level. Eight (8) at continental level, twenty (20) CSOs from the Diaspora as defined by

the Executive Council and six (6) CSOs in ex-officio capacity nominated by the Commission based on special considerations, in consultation with Member States. Since the Statute was adopted in 2004, two new Member States, Morocco and South Sudan, have been admitted into the African Union and this has increased the total membership of the AU-ECOSOCC General Assembly to 154. The revised Statute of ECOSOCC must take this increase into account.

### ***iii. Election of Members.***

Article 5 on election of members devolves the responsibility for its conduct to “*competent CSO authorities* (italics mine) at various levels. Article 5 (1) stipulates that CSO authorities in each Member State shall establish a consultation process in accordance with the eligibility requirements contained in Article 6, for the purpose of determining modalities for election of two (2) CSOs to the ECOSOCC General Assembly of 150 members. Article 5(2) states that regional and continental CSOs shall establish an appropriate consultative process for determining modalities for election of 18 CSOs to ECOSOCC General Assembly. The African Diaspora shall do the same for 20 CSOs. Article 5 (3) similarly gives the Commission the responsibility for adopting appropriate criteria for selecting its six nominated members. The members shall have a mandate of four years renewable once.

### ***iv. Eligibility Requirements for Membership.***

Article 6 prescribes that CSOs contesting for Membership should meet a number of criteria. They must be national, regional, continental or African Diaspora without restriction to undertake regional or international activities and their objectives must be consistent with the principles and objectives of the African Union as set out in the Constitutive Act. The CSOs must be registered in Member States; meet the general conditions for the granting of Observer Status in AU and show a minimum of three years post registration operation experience. The CSOs shall adhere to a code of conduct and ethics and shall not discriminate on ethnic, religious, racial and political basis. Regional and continental CSOs must show proof of operations for at least three years in at least three Member States of the Union. CSOs are required to provide annual audit statements by an independent auditing company. They must show proof of African ownership and management that is made up of 50 per cent Africans. Finally, fifty (50) per cent of the basic resources of eligible CSOs shall be from internal African sources.

### ***v. Structures and Processes.***

ECOSOCC consists of five main internal organs, namely:

- a) A General Assembly



- b) A Standing Committee
- c) Sectoral Cluster Committees
- d) Credentials Committee
- e) The Secretariat

#### **vi. The General Assembly**

Article 9 establishes the General Assembly as the highest decision and policymaking body of ECOSOCC. It is composed of all members. Amongst others, its functions are; a) to elect members of the Standing Committee and oversee its work; b) to prepare and submit advisory opinions and reports, as appropriately c) submit proposals on budget and activities d) approve and amend the code of conduct and ethics for CSOs affiliated to or working for the Union; e) review the activities of ECOSOCC and propose appropriate actions and recommendations. The Assembly also elects the Bureau of ECOSOCC that is composed of a Presiding Officer and 5 Deputy Presiding Officers, on the basis of equitable geographical distribution and rotation, including one from the Diaspora.

The General Assembly shall meet once every two years and may meet in Extra-Ordinary Sessions under conditions to be specified in the rules of procedure of ECOSOCC.

#### **vii. The Standing Committee**

Article 10 establishes the Standing Committee as the cabinet or executive Committee of ECOSOCC. It specifies the composition of this Committee as comprising 18 members including the Presiding Officer and four Deputy Presiding Officers, 10 Chairperson of Sectoral Clusters and 2 representatives of the Commission. This Committee is entrusted with the following functions a) To coordinate the work of ECOSOCC; b) Preparation of the meetings of the General Assembly; c) Follow-up on the Implementation of the Code of Ethics and Conduct developed for civil society organizations affiliated to or working with the Union; d) Preparation and submission of annual reports of ECOSOCC to the Assembly. In addition, the Standing Committee also, in consultation with the Commission, determines the criteria and modalities for granting observer status to ECOSOCC.

The frequency of the meetings of the Standing Committee shall be provided in the Rules of Procedure.

#### **viii. The Sectoral Cluster Committees**

Furthermore, Article 11 establishes the Sectoral Cluster Committees as key operational mechanisms of ECOSOCC to formulate opinions and provide inputs into policies and programs of the African Union. The Sectoral Cluster Committees were charged with the task of preparing and submitting advisory opinions and reports of ECOSOCC as well as any other functions as may be assigned to it. 10 sectoral cluster committees were established under the provisions of Article 11. Among these are Peace and Security, Political Affairs, Infrastructure and Energy, Social Affairs and Health, Human Resources, Science and Technology, Trade and Industry, Rural Economy and Agriculture, Economic Affairs, Women and Gender. These eight (8) clusters approximate the Departments of the Commission with whom they share parallel mandates. There were also ninth and tenth Clusters on Women and Gender, and Cross-Cutting Programs to cover issues that are not covered in the first eight clusters such as women, gender and development, HIV-Aids, international cooperation, and coordination with other organs or institutions of the Union. The ECOSOCC General Assembly may recommend amendments to the established Sectoral Cluster Committees, as it may deem necessary. The approximation of the Clusters with the Departments of the Commission would necessarily imply that the character and number of the Clusters would be modified by the new structure of the Commission created by the reform agenda.

***ix. The Credentials Committee.***

Article 12 establishes the Credential Committee as the last major internal organ of ECOSOCC composed of 1 CSO from each of the five geographical regions of the continent, 1 CSO from the African Diaspora, 1 CSO from special interest group such as vulnerable groups, physically challenged and people living with HIV-Aids and two (2) representatives from the Commission. This Committee was charged with the responsibility for examining the credentials of members of ECOSOCC and their representatives. The rules of procedure of the Credentials Committee shall be adopted by the General Assembly

At inception, the Credentials Committee assumed the function of determining the eligibility of candidates for membership of the General Assembly, including those of its own members. However, the Secretariat challenged this interpretation on grounds that it was contrary to the provisions of Article 12 (1) which indicated that the General Assembly once elected would then establish the Credentials Committee and that in any case the idea that the Committee would be judge and jury in its own case violates the rule of natural justice, prejudices the prospect of free and fair elections, encourages self-perpetuation and was severely open to abuse. The Secretariat proposed instead that the eligibility of members of ECOSOCC General Assembly be determined by an Independent Interdepartmental body drawn from relevant Departments in the AU Commission - Audit, Office of the Legal Council, the Chairperson etc. The two positions were submitted to the Office of the Legal Counsel for advice and it upheld the Secretariat position. The Chairperson of the AUC approved this advice. It is therefore proposed that the Interdepartmental Committee on Elections be recognized as an organ of ECOSOCC in a revised Statute.

## **The Secretariat**

Article 14 of the ECOSOCC Statutes is focused on the Secretariat. It states that the competent Unit of the Commission shall serve as the Secretariat of ECOSOCC within the Commission. The competent unit of the Commission at the onset of the establishment of ECOSOCC was the CSSDCA Coordination Unit. However, as its responsibilities blossomed with the growth and implementation of the Diaspora agenda and the development of the ECOSOCC process the CSSDCA Unit metamorphosed into a full-fledged Citizen and Diaspora Directorate (CIDO) charged with the responsibility of driving the process of effective incorporation of non-state actors in the integration agenda of the African Union. CIDO then served as the ECOSOCC Secretariat and was responsible for the active development of the ECOSOCC and Diaspora process in the Commission as well as the wider Union framework. CIDO inspired the ECOSOCC framework. It also sought the active inclusion of CSO such as Interfaith Dialogue Groups that were not represented in ECOSOCC in AU agenda and nurtured the process of ECOSOCC engagement within them.

Strategically also, CIDO responsibility for the AU Diaspora program positioned it to promote synergies between non- State actors on the African continent and globally within the African Diaspora. Thus it was uniquely placed to fuse the two and energize the processes of partnership within and between states and governments and non-state actors on the continent and worldwide. CIDO also supported the processes of preparing and defending ECOSOCC budget. The staff of CIDO served as program officers for ECOSOCC activities in various fields, prepared and serviced ECOSOC meetings. They facilitated ECOSOCC interaction with Organs and Units of the AU and provided the impetus for the development and implementation of ECOSOCC Strategic Plans. Given the rapid development of the AU Diaspora initiative in the aftermath of the Global African Diaspora Summit, the growth and development of the ECOSOCC process and the increasing emphasis on its function to provide advisory opinion, the Executive Council saw the need to create a dedicated ECOSOCC Secretariat in Lusaka. A Revised ECOSOCC Statute must update the provisions regarding the Secretariat to take full account of this development.

## **6.0 ECOSOCC Performance Appraisal**

The provisions of the Statutes set the context for the evaluation and analysis of the efficiency and effectiveness of ECOSOCC since its inception. In this regard, it is important to underline that while the Executive Council Decisions, noted above, directed attention at the failure of ECOSOCC to fulfill its primary function of providing advisory opinions, they also requested a holistic assessment and a wider performance appraisal of the Organ. Thus the failure of ECOSOCC to perform its core function of providing opinions must not detract from the fact that ECOSOCC recorded some successes in performing secondary but critical functions as directed by executive policy making organs and its own Statutes.

The successes recorded by ECOSOCC were in two main areas, namely institution-building and performance of advocacy roles. Both were equally important. ECOSOCC at inception was confronted with the critical challenge of institution building and consolidation without which it cannot successfully perform any other responsibility assigned to it in the Constitutive Act or the Statutes. Beyond this, the bulk of objectives and functions assigned to the Organ under Article 2 and 7 of the ECOSOCC Statutes were mainly advocacy roles. Advocacy for the African Union is a key aspect of the assignment of ECOSOCC as a bridge between AU and the wider African society and ECOSOCC made positive contributions in this regard.

## **Positive Contributions**

### **6.1 Institution- Building**

The ECOSOCC Statutes approved by the Executive Council included an appendix on Transitional Arrangements for the Launching of the Economic Social and Cultural Council of the African Union. That Transitional Arrangement provided for the reconvening of the 2<sup>nd</sup> General Civil society Conference in 2002 that would serve as an Interim General Assembly of ECOSOCC. The Interim General Assembly that was convened in 2005 under the Nobel Laureate, Professor Wangari Maathai was entrusted with the task of organizing continent –wide elections to launch the 1<sup>st</sup> Permanent General Assembly within two years. The ECOSOCC Assembly required an extra year to complete the work, which was granted by the Executive Council and AU Assembly. By 2008 the work had been completed with the support of CIDO Secretariat in the Commission and the 1<sup>st</sup> Permanent General Assembly was launched successfully in Dar Es' Salaam, Tanzania, on 9 September 2008. At the launching, the then Chairperson of the African Union, President Jakaya Kikwete highlighted the scope of this enterprise as 'a historic event and important milestone in our quest for African unity 'that marks a crucial step in the consolidation of the institutional architecture of our Union".<sup>7</sup>

Within ECOSOCC itself such consolidation involved the setting up of internal organs, including the Standing Committee, the Credentials Committee and the Sectoral Cluster Committees as well as the drawing up of appropriate regulatory rules that will govern the conduct of operations of their constituent parts. For instance, the Interim ECOSOCC Assembly prepared Rules of Procedure for the functioning of the Assembly and Standing Committee at its first session in Nairobi after its establishment, which worked perfectly until the 2<sup>nd</sup> Assembly changed it. The process of Institution-building continued with the establishment and inauguration of the 2<sup>nd</sup> General Assembly in 2014 and the 3<sup>rd</sup> in 2018.

### **6.2 Organization and Management of Continent-wide elections,**

President Kikwete singled out one important aspect of the launching exercise by commending the success of the continent- wide elections held under ECOSOC auspices. He observed that from all reports received by the Council and Assembly of the Union, the elections have been considered free and fair and added that "In a

continent where elections and their outcomes are vigorously contested, we recognize that transparent, free and fair elections conducted under the vigorous scrutiny of robust civil society organizations is a remarkable exercise and we shall seek to adapt lessons learnt from this experience for application in the wider political arena.<sup>18</sup>

The election of 2008 was not a one-off event. Subsequent and successful continent-wide exercises were conducted variously in the life of ECOSOCC leading to the establishment of new ECOSOCC Assemblies in 2014 and 2018 respectively without rancor or reservations expressed by candidates. Internal elections were also conducted periodically for the ECOSOCC Bureaus as demanded by the Statutes. Only the internal elections of 2017 led to a complaint to the Commission and Council by the outgoing Presiding Officer who had also participated in the process and the results of that election were sustained. ECOSOCC has thus built up a tradition of democratic competition, free and fair elections and peaceful alternation of power, which are often considered as symbols of the right of choice among the electorate in functioning democracies.

### **6.3 Promoting Knowledge and Understanding of the AU Framework and Support for Capacity Building.**

One of the critical seminal contributions of the ECOSOCC Framework after its inception was the annual educational workshops on "Understanding the African Union." organized by ECOSOCC through its Secretariat in CIDO. The workshops were directed at introducing the wider African society to the aims, objectives, and updated strategic plans of the AU, its institutions and organs, their attributes and functions and work programs, collaborative opportunities between Member States and Non State actors, Summit outcomes and the processes of policymaking, decision making structure and Implementation processes.

The workshops also afforded the scope for reflection and review whereby recommendations could be made through ECOSOCC or CIDO to the Commission and Executive Policy Organs. Functionaries of various Organs offered presentations at the sessions and it also afforded a framework for networking and successive assessments of progress made generally and by constituent units of the AU in implementing the continental agenda of integration and development. More importantly, it served as support for capacity building in the wider civil society community to improve the ability of CSOs to engage productively and appropriately with the African Union. Initially the program was solely funded by the Commission and then jointly with contributions by donors. The program was finally defunded because of resource constraints and the pressures associated with the annual 5 per cent budget ceiling imposed by AU policy organs. Interestingly, it was a successful program much admired by the wider civil society community. Thus the Oxford Committee for Famine Relief (OXFAM) International subsequently began to organize the program annually on its own using the template afforded by ECOSOCC. It is essential that the AU should assume ownership of such training programs and processes in a reformed ECOSOCC structure. Moreover, a dedicated and resourced ECOSOCC Secretariat should develop a sustained education and information outreach capability using appropriate toolkits, research

support and analysis and a framework of collaboration and cooperation with universities, policy think tanks, CSO networks in specialized areas and research institutes across the continent and even beyond. This will help to create or support a knowledge management bank that will serve the AU appropriately as it responds to strains and stresses and responds to changes and challenges in the internal and external environments.

#### **6.4 Sustained Dialogue with Civil society in partial fulfillment of ECOSOCC mandate.**

Article 22 of the Constitutive Act highlighted the role of ECOSOCC as an advisory organ of the AU but the objectives and functions set out for the organ in Article 2 and 7 were largely those of advocacy. This element that created ambiguities in the interpretation of ECOSOCC mandate will be explored fully when we examine the Statutes in the latter part of this study. Meanwhile it is sufficient to observe here that advocacy is the traditional role of the civil society community in Africa. Unsurprisingly therefore, it became the main focus of successive ECOSOCC Assemblies which laid down a credible tradition in this regard. Meetings of ECOSCC organ were arranged in various regions of the continent and accompanied by sensitization and motivational campaigns that spread awareness of AU policies and programs on issues of currency such as the UN Reform processes, Union Government, AU reform agenda, peace and security initiatives including terrorism and Silencing the Guns, the Strategic Framework of Agenda 2063 and the work programs and institutions of the AU including ECOSOCC itself. The highlight of this effort was the 2014 sensitization campaign across the continent that received widespread commendation in the African media. The sensitization and motivation campaigns also set the pace for the ongoing efforts to establish ECOSOCC National Chapters in every country in the continent as a framework of accountability. The dialogue processes on thematic issues involved representatives of cognate departments and organs of the AU and has done much to spread awareness of the AU, its policies, programs and objectives.

#### **6.5 Creation of tools and platforms to support the process of structured dialogue between AU and diverse segments of the African society.**

As part of the process of ensuring sustained dialogue between the AU and the wider African civil society, ECOSOCC, with the support of its Secretariat in CIDO, created tools and platforms for structured dialogue between the AU and a wide variety of important social and professional groups in Africa and the Diaspora. These included CIDO- ECOSOCC AU-Civil Society Pre-Summit Forums that deliberated on the thematic thrust of each Summit and previewed the AU Policy documents to be considered by the executive organs in order to offer explicit civil society recommendations. In the period between 2003 and 2009 the recommendations were

presented directly to the Council and Assembly by a CSO representative and had direct influence on policy deliberations and outcomes. There was also a framework of annual consultations with workers through the AU-OATUU Partnership Forum to mobilize the Trade Unions for participation in ECOSOCC and AU programs and activities, discuss workers priorities and concerns on a continent wide basis and relate them to the development and integration project of the Union and ECOSOCC involvement in the annual Civil Society Diaspora consultations culminating in the Pre-Summit meetings preceding the global African Diaspora Summit of 2012, amongst others.

## **6.6 Civil Society Tracks of International Partnerships**

Another area of ECOSOCC impact was in support of AU International partnerships. ECOSOCC led the parallel and converging track of civil society segment of international partnerships across regions and continents including the civil society arms of the African EU-partnerships(JAES), the Africa- Turkey Partnership (TASAM), Africa-India and Africa-China. The most robust was the Africa-EU CSO framework where the Steering Committee model adopted by the African Group as a platform for engagement, under the leadership of ECOSOCC, was virtually duplicated as a model by the EU for its own civil society. The Framework remains active and had often submitted recommendations to the Africa- EU Summit directly or through the joint Ministerial and Summit Sessions and Commission-to-Commission frameworks. The civil society tracks of International partnerships complemented and interacted with governmental tracks and gave the partnership endeavors a people to people dimension. This tradition adds critical value to the intercontinental partnership agenda and it is vital that it should be maintained in partnership programs where it remains prominent and revived where it has become dormant or inert. The tradition where a civil society representative presents recommendations directly as inputs at the beginning of various Summits should be a central component of this agenda.

## **6.7 Impact on policy definition, policy trajectory, policy development, policy content, policy dissemination, policy implementation and policy review.**

It is also significant to observe that ECOSOCC activism in disseminating information and fostering engagement with the wider African society in regard of AU plans, agenda, programs and policies often impacted on policy trajectory, policy definition, policy content, policy substance, policy development, policy implementation and policy review. The consultations collated the views and perspectives of civil society in important policy issues that were factored into policy considerations, policy orientation and policy discussions and outputs and policy assessment and review in regard of the Ezulwini policy consensus on UN Reform and its aftermath, the Union Government debate within the African Union, the Framework and contents of Agenda 2063, the Kampala Convention on Refugees and Internally displaced Persons which adopted a significant part of the outcomes of the Civil Society Pre-Summit meeting that preceded it and the outcomes of the Sharm El Sheikh Summit that developed the Water and Sanitation agenda for Africa. In addition, ECOSOCC drew up three strategic plans frameworks that guided its programs and activities and these were guided by the AU Commission

strategic framework documents. Both were skewed towards emphasizing the advocacy roles of the Organ. In this context, ECOSOCC served as an advocate of the AU and popularized and disseminated AU Decisions in the aftermath of Summits and held regional and other CSO consultations to inform the wider African society about the process and dynamics culminating in the Decisions and how the wider civil society can support processes of implementation.

Within the AU, ECOSOCC also impacted meaningfully on policy development. It was the submission of the policy paper of the Peace and Security Cluster of the First ECOSOCC Permanent General Assembly that was largely adopted and amended by the Permanent Representative Committee of Ambassadors and distilled into the Livingstone formula in December 2008. International CSOs including IISS, Oxfam etc. offered alternative frameworks but the Permanent Representative Committee of Ambassadors (PRC) adopted the ECOSOCC proposal as its working document that culminated in the Livingstone Formula that was then adopted by the AU Executive Council.

#### **6.8 Increased profiling and participation of civil Society in the AU Policy framework**

The cumulative effect of the various ECOSOCC activities was increased profiling, participation and contribution of civil society to AU Policy and programs that was one of the cardinal aims of the creation of the Organ. Indeed ECOSOCC activities created a variety of ripple effects. International NGOs (excluded by the criteria for qualification for ECOSOCC membership 50 per cent of the resources of an organization must come from internal African sources) were galvanized and sought to open offices in Addis Ababa and to create and work with similar CSOs to directly influence policy makers in Addis Ababa. All of these contributed towards a robust civil society climate around the African Union.

#### **6.9 Setting the pace for Effective Diaspora Representation in AU Structures and Policy Process.**

ECOSOCC contribution to the Development of the Diaspora Initiative leading the Global Diaspora Summit has already been noted. Beyond this ECOSOCC acted as a pace setter by becoming the 1<sup>st</sup> AU organ to facilitate direct Diaspora representation in the policy making process. The trend began with the Interim Assembly under Wangari Matthai and was formalized and consolidated in the First and Second Permanent ECOSOCC Assemblies that coopted the heads of established AU Diaspora networks established in the context of preparations for and the Declaration of the Global African Diaspora Summit to serve as members of the General Assembly as an interim measure pending the implementation of Assembly Decision 443 (XIX) that decided “on the need to establish and set criteria for increasing presence and participation of the Diaspora in AU programs and policies in a systematic and global manner through the African Union Commission than in a piecemeal and uncoordinated fashion through various structures and Organs of the AU.” The ECOSOCC model of coopting representatives of Diaspora networks established by the AU within the framework of the Declaration of the Global



African Diaspora Declaration can serve as one of mechanisms for filling the 20 membership slots allotted to the Diaspora in ECOSOCC.

## **7.0 Ineffectiveness; the Issue of Advisory Opinion.**

The credits that ECOSOCC accumulated in the sphere of advocacy were duly acknowledged and often commended by the AU Executive Council over the years as evidenced in various decisions of the AU Executive Council on ECOSOCC over the years<sup>9</sup>. However, the goodwill they generated was gradually dissipated by the failure of ECOSOCC to deliver on its advisory role as envisaged in the Constitutive Act. The opening to civil society was designed to trigger a process that would enable the mobilization of the collective energy of all segments of African society in the integration and development agenda of the continent. The concept of partnership with civil society enshrined in the Preamble to the Constitutive Act was constructed as a means of tapping the credible, widespread and varied expertise of civil society in all areas of human endeavor in order to harness them to this aspiration. The advisory role of ECOSOCC and opinions to be derived from it were expected to be tools and platforms for this undertaking. The failure of ECOSOCC to produce such opinions meant that these expectations were unmet.

***However, a critical assessment of the failure of ECOSOCC to produce these Opinions reveal that it was a product of various factors exposed by strains and stresses of actual operations over the period 2005-2019. These factors were often interlocking and mutually reinforcing but in general embraces three sets of issues and related circumstances. First are supply- side issues pertaining to the production and delivery of advisory opinions to prospective users or consumers within the African Union. These issues are largely but not exclusively the responsibility of ECOSOCC.***

***The second are demand-issues pertaining to consumer needs and considerations and the processing and use of advisory opinions within the AU. These issues are largely but not exclusively the responsibility of other actors within the AU.***

***Third and deeply intertwined with the previous two is a third category embracing institutional, organizational and operational deficits, arising from gaps or lacuna in the legal frameworks, governance and structural shortcomings, vague and often imprecise electoral provisions, restrictive eligibility requirements for membership of ECOSOCC allied with the skewed structure and composition of the General Assembly and the Sectoral Cluster Committees that are designed as key operational mechanisms for issuing advisory opinions, a highly understaffed Secretariat and absence of technical infrastructural support to enhance the capacity of Sectoral Cluster Committees to draft, produce and process viable advisory opinions, lean budgetary support for the production of advisory opinions, management problems and internal conflicts associated with the absence of clear guidelines that would govern working relationships between the staff of the Secretariat, members of ECOSOCC and their respective political leaderships including set procedures for routine and regular consultations***

*between the administrative and political leadership and demarcation lines regarding AU procedures on recruiting staff and administration and monitoring of financial expenditure. ,<sup>10</sup>*

The dynamic interplay of these three factors account for the *failure of ECOSOCC to deliver on the very essence of its establishment* which is to provide advisory opinions on various critical socio-economic, peace, security, and political issues the continent is confronted with. The precise elements associated with the ineffectiveness of ECOSOCC in this regard are highlighted below.

## **8.0 Supply Side: production and delivery of Advisory Opinions.**

### **8.1 Ambiguity of Mandate,**

There is some ambiguity surrounding the mandate of ECOSOCC. It is evident from the provisions of the Constitutive Act that the overall design of ECOSOCC is to serve as a bridge or link between the African Union and the African civil society. However, the precise implications of this obligation are not clear or set out specifically in the ECOSOCC Statutes or other enabling laws governing its operations in a manner that would project a common view of ECOSOCC aims and objectives among Member States of the Union, functionaries in the Organ and the wider African civil society community.

This ambiguity begins with the definition of the purpose of the Organ within the framework of the ECOSOCC Statutes as set out in Articles 2 on Objectives and Article 7 that specifies the functions of the Organ. Presently, the emphases of both articles 2 and 7 are exhortatory and political roles of advocacy. Article 2 on objectives focuses solely on advocacy – to promote continuous dialogue between all segments of the African people, forge strong partnerships between governments and all segments of civil society, promote participation of African civil society, support policies and programs, promote and defend a culture of good governance, democratic principles and institutions etc. These are all expository and advocacy roles implying that the objectives of ECOSOCC are centered on advocacy. There is no mention of a technical policy advisory role.

Article 7 on functions does make reference to a policy advisory role. Indeed it begins with the caveat that “as an advisory Organ ECOSOCC should contribute, through advise, to the effective translation of principles and policies of the Union into concrete programme as well as the evaluation of such programs” but this is as far as it goes. The rest of Article 7 on functions focuses on undertaking studies and other advocacy roles Article 7 (4-7). The content of Articles 2 and 7 underlines the primary importance of the advocacy role of ECOSOCC. The strategic objective of providing technical advisory opinions is subsumed and not anchored effectively in the objectives and functions of ECOSOCC as contained in the Statutes.

### **8.2 Differences in Perception among key actors and stakeholders.**

The difficulty associated with this is that there is some difference in perception among Member States and ECOSOCC functionaries about the definition of the purpose of ECOSOCC and considerations of relative performance. In the course of Focus Group discussions and in-depth interviews, ECOSOCC functionaries often highlight the advocacy provisions of Articles 2 and 7 with the implication that they have largely performed the functions and objectives assigned within it, with a few exceptions such as undertaking and conducting studies. Some also add that in the process of advocacy they have offered advice, if not in the form of advisory opinions, to the AU beginning with the 1<sup>st</sup> Resolution of the Interim General Assembly of ECOSOCC in its inception in 2003 that proposed a tax or levy on air tickets for travel within Africa as a framework for financing the African Union, an idea that was not given much consideration at the time but later became a focus of intense deliberation within the AU and which has since been implemented by France.

Interestingly, stakeholders in the wider civil society are also largely focused on advocacy role with a twist, some consider ECOSOCC more as an organ for advocacy of civil society interests within the AU and perceive failings of ECOSOCC in terms of its inability or unwillingness to deliver on this perception.

## **9.0 Recommendations: What is to be done?**

In light of the above, the crucial question is what can or should be done to improve the effectiveness and efficiency of the organ so that it can deliver more appropriately on its advisory mandate?

### **10.0 Comprehensive Review of the ECOSOCC Statutes.**

*The resolution of the issues and problems highlighted above will necessarily involve a comprehensive review of the ECOSOCC Statutes. The review should be holistic in its approach and address gaps and inherent flaws and contradictions underlined by the experience of ECOSOCC since its inception in 2004 to the present date. Issue areas highlighted in the larger text of this study should serve as a template for identifying specific places where changes have to be made. Among others, provisions of the Statute and other pertinent areas listed below should be priority areas for attention.*

### **11.0 Definition of Purpose**

*To begin with and, as indicated earlier, there should be a clearer definition of the practical implications of the mandate of ECOSOCC as an advisory organ of the Union. In this regard, the provisions of Articles 2 and 7 should be aligned, combined and/or streamlined to allow for greater coherency perhaps within a framework of “Functions and Objectives” that will support a unified perception of goals and priorities in the manner considered most desirable by executive Organs of the AU. The political roles of advocacy and technical role of providing policy advice should be made complementary and mutually reinforcing in this common definition of purpose. Simultaneously, the definition of purpose must set priorities among objectives that uphold the primacy of advisory role of ECOSOCC and delineate the practical demands associated with it*

## 12.0 Diffusion of Roles and Responsibility among ECOSOCC internal structures without clear boundaries

In the same vein, institutional roles, competences and boundaries are not properly situated within the ECOSOCC Statutes. For example, diffuse and sparse references to technical advisory roles are scattered in the text of the ECOSOCC Statutes but not integrated or streamlined in an overall or coherent structure. Article 9 (b) states that one of the five functions of the ECOSOCC General Assembly is to prepare and submit advisory opinions and reports as appropriate. Similarly, Article 11 (a) establishes the Sectoral Cluster Committees as the key operational mechanisms to formulate opinions and provide input into AU policies and programs. This may appear as a duplication of functions or it could be the case that the Sectoral Committees are expected to submit formulated opinions through the General Assembly except that the ECOSOCC Assembly is also given the task of preparing opinions. Of course, the ECOSOCC General Assembly as the highest policy and decision-making body of the Organ has overall responsibility for overseeing all activities including advisory opinions but it is difficult to envisage a situation in which a General Assembly composed of 150 members that meets in regular sessions once every two years can prepare and submit advisory opinions as envisaged in Article 9 (2b) of the ECOSOCC Statutes. *The institutional roles and relationships between the ECOSOCC General Assembly and other internal organs must be fully integrated in the context of explicit roles and responsibilities that are interlocking and mutually reinforcing and supported by work methods that would enable each to interact appropriately and reinforce others, create greater effectiveness, coherence and a clear center of gravity for specific functions.*

## 13.0 Structure and Operations of the Sectoral Cluster Committees.

Moreover, the review of ECOSOCC Statutes must also focus on ECOSOCC internal organs, their composition, orientation, work methods and management structures. The Sectoral Cluster Committees established under Article 11 of the Statutes as key operational mechanisms of ECOSOCC to formulate opinions and provide inputs into the policies and programs of the African Union are important points for reference in this context. Since the Executive Council Decisions of 2014-2017 highlighting ECOSOCC failure of performance in producing advisory opinions, two of the Clusters, namely, the Peace and Security Cluster and the Political Affairs Clusters of ECOSOCC have produced advisory opinions suggesting that if the Clusters had paid earlier attention to this mandate much more could have been achieved. Hence, there was clearly a deficiency in effort. Yet the fate and aftermath of the two Advisory Opinions that ECOSOCC issued subsequently in 2017 and 2018 direct attention to deficiencies of the Statutes and ***constraints of the wider work environment of the African Union*** that tends to indicate that even with the best of wills not much can be achieved in the current context in view of the composition of the ECOSOCC Assembly and its impact on the Constitution of the Cluster Committees.

### **13.1 Composition of the ECOSOCC Assembly Vis a Vis the Constitution of the Sectorial Cluster Committees.**

The foundation of this problem lies in Articles 3, 4, 5 and 6 of the ECOSOCC Statutes that deals with the composition of the General Assembly, membership, procedure for election of Members and eligibility requirements for Membership. For ease of reference the content of this Articles are clearly referenced in my summary above and provided in greater detail in the attached Statutes. It is important to note in the first regard that to be a Member of the Sectorial Cluster Committee one has first to be a Member of the General Assembly as the association is derived. So the competences available in the General Assembly are what would be distributed among the Sectorial Cluster Committees.

Article 3 stipulated that the Organ would be composed of different social and professional groups of Member States of the African Union and subsequently lists an exhaustive array of categories that could be included such as social groups, professional bodies and associations, NGOs, Cultural Organizations etc. The purpose of this open-ended approach is to ensure that a wide array of expertise would be available to support technical functions of ECOSOCC. The difficulty is that there is no mechanism to ensure that this spread is actually available in the Assembly. Within the context of the Statutes, there could be a preponderance of one or more sets of categories such as NGOs, or cultural Organizations or trade unions and there often was so that ECOSOCC was severely restricted in its ability to provide expert advice or counsel in areas requiring other forms of skills or competence.

Article 4(2) is also problematic. The spirit of the Article is noble. It states that the elections of the Members of ECOSOCC at Member State, regional, Diaspora levels shall ensure fifty per cent (50%) gender equality, provided that fifty per cent (50%) of the representatives of the members shall consists of youths between the ages of 18 to 35. The record of members of ECOSOCC Assemblies show that this provision has proved difficult, if not impossible to fulfill. The gender equality provisions may appear easy. It seems easy to assert that each Member State representation should be one male and one female, except that there always are distinct CSOs each claiming the democratic right to select its own representative and resisting or flatly rejecting attempts to impose gender preferences on its right of choice. The same is applicable to regional and continental CSOs. This problem may be addressed upfront by imposing a consensus that stipulates that each CSO contesting election must provide an alternative slate of male and female candidates. As such once a male or female candidate is elected the gender alternate for the other CSOs remain the only viable candidates. This solution presumes that transsexuals are not present in the process. The case of youths complicates the case further because it seeks to impose further restrictions. Youth choices are limited in the wider canvass and are often not available at all in several cases. They could exist within organizations but are generally not selected to carry the flags of respective CSOs. In any case application procedures cannot impose such choices a priori on CSOs. Thus by the time the election is being held the available choices may not permit such criteria. It may be wise therefore, for the revised Statutes

to reserve a proportion of the composition of the ECOSOCC Assembly, (between 10-30 per cent for example,) for representatives of youth and/or gender-based organizations. This would be a minimum requirement that can be increased progressively as time passes

Finally, there is a persisting problem of methodology and sustenance. The Statute provides that Sectoral Clusters shall be the key operational mechanism of ECOSOCC that should produce advisory opinions but shies away from specifying the methodology by which this vital task must be accomplished. Of course, the Statutes cannot cover all contingencies as ECOSOCC itself has a burden under the Statutes to develop its own rules of procedure. However, the task is expensive and the process of budgeting for ECOSOCC over the years of its existence has not reflected the primacy given to the functions of the Sectoral Cluster Committees. This issue will be further examined subsequently.

#### **14.0 Eligibility criteria and conditions for membership**

Difficulties arising from the structure and composition of the General Assembly and the Sectoral Cluster Committees are complicated by the additional restrictions imposed by the eligibility criteria of Article 6 particularly the stipulation that all intending members must come from CSOs in which fifty per cent of resources were internally derived from African sources. The result was that at no time did the General Assembly get more than two thirds of the continental requirement of 130 members. Diaspora representation was largely absent because of the implication of Assembly Decision 443 cited above. Thus ECOSOCC since its foundation was confronted with a limited pool of members to choose from. More significant still, was that representation in ECOSOCC was organizationally based. Unlike the case for political party representation in all polities, there was no prescribed qualification or competence criteria set for the designation of selected representatives of CSOs that can participate in ECOSOCC. Theoretically therefore, a stark illiterate could be elected to represent a CSO in ECOSOCC within the framework of the Eligibility criteria provided in Article 6 of the ECOSOCC Statutes. This has never been the case but illiteracy comes in several guises and there was often a preponderance of NGOs focused on political and democracy issues to the neglect of developmental concerns of critical importance to the African Union.

*The issues surrounding the composition of the General Assembly Vis a Vis the Sectoral Cluster Committees and the eligibility criteria for elections draw attention to the need to reconceive ECOSOCC Membership criteria to ensure that there is ample distribution of necessary competences within the General Assembly to support the demands of ECOSOCC and its ability to deliver technical advisory opinions. This has three logical corollaries. The first is to ensure that Organizations elected into ECOSOCC as representatives in the General Assembly come with the necessary combination of organizational capacity and technical competencies required to support the development of advisory opinions. Second and related to this is the need to set, within the framework of the Statutes, minimum standards that would ensure that representatives of the Organizations have appropriate educational and technical*

*qualifications accordingly. The third and more difficult problem is to devise a process and formula that would ensure that the competences derived on both scores are evenly or nearly evenly distributed across the gamut of ECOSOCC needs and responsibilities.*

### **15.0 Composition and leadership of the Sectorial Cluster Committees.**

The constraints imposed by the limitations of the ECOSOCC General Assembly is complicated by the politics of leadership considerations and structure of membership of the Sectorial Cluster Committees. The sparse distribution of membership with necessary competence in all areas means ipso facto that the basis of choice was almost always heavily restricted. The situation was further complicated by the democratic model of the choice of leadership of sectorial Cluster committees. Cluster leadership carried perks and privileges. First it meant membership of the ECOSOCC Executive Committee, the Standing Committee and accession to the AU passport and influence over a significant part of the ECOSOCC agenda with increasing prominence within ECOSOCC in particular and the AU in general. The result was that square pegs were placed in round holes and we often had lawyers and civil society activist without any background in the concerned areas leading Clusters on trade, agriculture, infrastructure etc. <sup>11</sup>Leadership pressures and the demands for cohesion prompted even more narrow considerations. For instance, at the 2<sup>nd</sup> Meeting of the First Permanent General Assembly in Yaoundé Cameroon in 2009, the ECOSOCC Bureau responded to appeals proposing that those who had contested for specific Sectorial leadership posts and failed could be made leaders of other Sectorial Clusters that were still vacant. The Bureau accepted this proposal and the slots were filled without any accompanying consideration of skills or expertise.

### **16.0 Practical Approaches.**

Serious attempts to address these problems have often run into practical difficulties arising from important political considerations. Faced with the difficulty of getting a sufficiently wide pool of expertise within both the General Assembly and the Sectorial Cluster Committees to support the technical functions of ECOSOCC, the ECOSOCC Secretariat tabled the issue of promoting a merit based approach towards the composition of the two internal organs before both the Representative Committee of Ambassadors (PRC) and the AU Executive Council at the Summit in Malabo, Equatorial Guinea in 2014. The Secretariat proposed a series of options including the elimination or reduction of the percentage of resources required and a continent wide sensitization and motivation campaign to attract a higher caliber of applicants for membership, among others. The ensuing debate and policy decision revealed that there was no appetite within the PRC and AU Executive Council for the reduction much less the elimination of the 50 per cent resources requirement. The political leadership declared the fifty percent resource requirement as a “no go area” affirming the thrust of their previous position when they amended the draft statutes to insert the provision before the initial approval of the Statutes in 2004. The position was unanimous and the passion accompanying the debate on the subject categorically affirmed that the AU was more

inclined to favor authenticity rather than increased performance efficiency that they saw as carrying the risks of external influence or manipulation.

Within the wider African civil society the debate centers around the merits of democracy versus technocracy with trade unions, professional groups and community based organizations pitted against international NGOs and donor funded groups amidst claims that the pool of experts in the latter category are following policy directions dictated by organizations in foreign headquarters that may run contrary to genuine African hopes and development agenda and aspirations. It has been suggested that an elastic interpretation of the fifty per cent requirement could be adopted so that the requirement will only address basic resources of the CSOs rather the overall finance of the NGOs including operational budget, as is currently the case. It would be more appropriate however to submit this as a proposition for consideration to the policy organs for their evaluation and/or approval upfront in the context of a revised draft ECOSOCC Statutes.

### **17.0 Promoting a skill based membership**

The restrictions on membership of both the General Assembly and by implication, the Sectoral Cluster Committees directs attention to the need for an effective bridging mechanism with the wider African civil society to fill the vacuum at a technical level. There are four ways to expand the category of Membership to harness the wider expertise in civil society as envisaged in the Constitutive Act. The first, which the ECOSOCC Secretariat has been pursuing since 2008, is to increase representation from professional groupings. One assumption that has gained wide currency is that the pool of expertise that ECOSOCC requires to operate effectively at a technical level is only available in the ranks of international NGOs and largely donor funded organizations. This is fallacious. Wide ranges of expertise are to be found in the ranks of International NGOs and donor funded CSOs but much more so within the range of continental, regional and national professional groupings, including think tanks, research institutes and universities. There is no range of technical expertise that cannot be found among professional groups. Indeed most active members of the civil society community are members of professional groups and the resources of most professional groupings are largely derived from contribution of Members.

Article 3 (b) of the ECOSOCC Statutes already provides that the Organ shall be composed, among others of professional groups such as artists, engineers, media, and teachers. Sport organizations, legal professional, social workers etc. The challenge for ECOSOCC is to seduce them to be part of the process with a specific sensitization and campaign program directed at them as a target group. In addition, a revised ECOSOCC Statute can consider reserving places for designated representatives of such grouping at national, regional or local levels to complement Non-Governmental Organizations (NGOs) representations with a focus on securing wider competence based membership. Another consideration that must be attached to this is remuneration or sitting allowances during sessions of participation akin to the situation for parliamentarians in the Pan-African Parliament (PAP). Professionals leaving their jobs to attend to continental duties and demands would normally require attendant stipends



to facilitate their participation as they can suffer concurrent demerits in places of their primary assignment. This touches on the issue of ECOSOCC Budget that will be addressed later on.

Secondly under the provisions of 11(4) ' the General Assembly may recommend amendments to the established sectorial Cluster committees as deemed necessary. This path of recommendation suggests that ECOSOCC Assembly must make recommendations on this score for consideration and adoption of Executive Policy Organs. The comprehensive review of the ECOSOCC Statutes provides a rapid and wider entry point for this purpose. The review process may be complemented by a series of national, regional and or continental consultations involving civil society, private sector, the Diaspora and other experts in the sphere of interest.

A third avenue is contained in the recommendation of the 2nd Permanent General Assembly of ECOSOCC. It submitted a report to the 17<sup>th</sup> Ordinary Session of the AU Executive Council meeting held in Kampala, Uganda from 19-23 July 2010 proposing a three-tier framework of membership of Clusters including **core or elected members** of the General Assembly, **associate members** comprising members of the wider CSO community with expertise in a given area that wish to be associated with the work of specific Clusters and ECOSOCC and **invited members** specifically sought out by Clusters in areas of ascertained competence. The associate category of Members can then be linked to the clusters through work methods that include seminars, workshops, conferences and the creation of technical expert groups. The Executive Council welcomed the progress made in this regard and requested the Standing Committee as the Executive Unit of ECOSOCC to accelerate and consolidate the efforts made and to finalize and present a framework document.<sup>12</sup> The design was to harness the wider civil society expertise in each area of technical concern. The difficulty was to define the latitude and scope of participation of non-elected members. The development of this approach was not pursued to a conclusion and was gradually eclipsed by other arising political and resource constraints. This approach should be revived and concluded.

The fourth method is to ensure that the ECOSOCC Secretariat in Lusaka has a viable technical support base. CIDO as the Secretariat of ECOSOCC between 2004 and 2015 was chronically understaffed. Various decisions were taken by policy organs requesting increased and necessary staffing for CIDO but were not prioritized by facilitating AU Policy Organs in part because of wider resource constraints associated with a principle of imposing five per cent growth on budget ceilings. If ECOSOCC is to address the task of providing advisory opinions across that range of AU agenda, this situation must be rectified. This is the lesson of the European Economic and Social Council (EESC) and the UN-ECOSOC that would be considered in greater detail subsequently. It is also a necessary and sufficient condition for success. The new organogram for ECOSOCC in Lusaka has provisions for policy officers and administrative and financial staff but there should be a technical component focused solely on supporting the work of sectorial clusters to provide advisory opinions. This should not be permanent staff and could be supported by extra-budgetary funds and rotated on a biannual basis.

Finally, Sectoral Cluster Committee should be oriented to harness the benefits of computer, Internet and modern technology. *Technical and competence gaps can also be bridged through online processes of reaching out to harness the pool of expertise available in the larger African civil society, the private sector, workers, employers, Member States, the scientific community and even the wider international society as a logical benefit of our digital age.*

### **17.1 National Chapters and Framework of Interconnectivity and Accountability.**

The issue of extended membership in the context of a revitalized ECOSOCC draws attention to the need for a framework of accountability for ECOSOCC. Civil Society communities within Member States often complain that after the representatives are elected they do not often consult with their wider constituency in the course of their 4-year tenure. The ECOSOCC motivation and Sensitization campaign of 2014 that preceded the establishment of the 2<sup>nd</sup> Permanent ECOSOCC Assembly in 2014 brought this concern into bold relief. There is need to ensure the openness and accountability in the work of ECOSOCC, particularly with regard to information sharing and activity reporting from the leadership structures to the General Assembly and through the ECOSOCC Assembly to the Executive Organs and the wider African society. This concern was anticipated and reflected in the Decision of the Executive Council regarding the establishment of National Chapters in Member States of the Union to popularize AU policies and programs and promote accountability in civil society involvement in the process.<sup>13</sup>The 2<sup>nd</sup> ECOSOCC Permanent General Assembly has thus focused on this issue and put forward proposals that would support effective operations.

Meanwhile nascent chapters have been established in several Member States. *The gestation processes of National Chapters must also link the evolution and development of national chapters with the purpose of the Organ and, in particular, the requirements of developing advisory opinions. National Chapters should also develop appropriate Cluster Committees that will reinforce and support the operations of Cluster Committees at the continental level of ECOSOCC operations. ECOSOCC should also establish platforms of cooperation and partnerships with Member States that would help to provide national ECOSOCC with the requisite technical and financial resources and capacity to discharge accompanying responsibilities and to mobilize national communities to support ECOSOCC activities. The Executive Organs of the AU can support this process with appropriate recommendations and decisions. Once national chapters are established in all Member States they could also serve as the platforms for election of national representatives and enable the effective distribution of candidates across age, gender and the wide range of professional expertise required by the AU. Such processes could be replicated at regional levels with the formation of regional chapters. The AU Commission should facilitate elections at the continental level because a continental chapter will be an oxymoron posing as a credible equivalence of ECOSOCC.*

*The role of AU officials and meaningful ECOSOCC Secretariat participation in this context can then be confined to logistic support and preparation, the provision of electoral guidelines and election oversight to ensure that national elections comply with overall eligibility requirements. However, this is a long-term prescription because the rate of development of national chapters is currently uneven and there are yet many countries without one. The realization of a continental coverage of national chapters will take some time to accomplish. Moreover, the creation of national chapters across the length and breadth of the AU must be anchored in a comprehensive framework that derives legitimacy from direct approval of AU Executive Policy Organs or a revised ECOSOCC Statute adopted by the same.*

## **17.2 Legitimacy: Tension between Democratic and Competence Demands.**

In addition, the election procedures and format outlined in Article 6 of the ECOSOCC Statutes exposes the tension between democratic and technical demands of Membership. In their interaction with their counterparts in other regions of the world since 2004, representatives of AU-ECOSOCC have laid claims to legitimacy on grounds that they were elected and thus have a valid mandate. This claim has secured a credible degree of regard and respect globally though some CSOs in Europe have expressed some reservations about the restrictive character of eligibility requirements in terms of source of funding. The elected representational character of ECOSOCC Membership commands respect because it is inherently democratic. Yet it must be reconciled with the technical requirements of Article 11 that designates the Sectorial Cluster Committees as key operational mechanisms of ECOSOCC to formulate opinions and provide inputs into the policies and programs of the African Union. The Executive Policy Organs of the AU must set a priority between the two concerns to determine which is superordinate and which are coordinate and this priority must be reflected in the models for composition of the Organ and the related Constitutions and operational capacities of the Cluster Committees when the Statutes is revised.

The democratic model is an innovation of the AU that is unique in comparison to the UN-ECOSOC or the European Social and Economic Committee (EESC) and other sub regional bodies such as the EAC, WASCOFF IN ECOWAS, COMESA or IGAD. It has the advantage of providing a wider policy space for civil society participation in the integration and development agenda and provides direct access to executive decision makers. Adopting a purely technical approach to the Constitution of ECOSOCC would therefore involve some serious trade-offs. *However, if the democratic model is considered imperative, the composition of the General Assembly and its Internal Organs particularly the Sectorial Cluster Committees and their operations would require a measure of re-engineering. The Constitution of the General Assembly must be reconstructed to ensure that the spread of expertise required to support technical functions is available, that the various clusters is led and composed of experts and that work methods of the Cluster Committees involve the creation of platforms and other categories of Membership that can harness the required technical expertise in the wider African civil society and free-associate them with Cluster operations to promote*

*performance efficiency. This can be facilitated by ways and means explored previously in the section focused on promoting skill based membership.*

## **18.0 Election Frameworks**

Concern about legitimacy Vis a Vis the practical operations of ECOSOCC draws attention to the limitations of the framework for ECOSOCC elections

Article 5 of the Statutes that prescribes the procedure for elections is informed by the principle of 'extreme voluntarism'. It leaves to each constituency that is allowed representatives the decision as to how these representatives will be selected. Article 5(1) states that "Competent CSO authorities in each Member States shall establish a consultation process, in accordance with the provisions of Article 6, that spells out the eligibility criteria (see above and the Statutes), for the purpose of determining modalities for election, of two CSOs to the ECOSOCC General Assembly." Similar obligations were given to competent regional and continental CSOs, African Diaspora organizations and the Commission in terms of nominated ex-officio members.

This open-ended approach towards election embraced a series of problems. One is that it imposed obligations on other parties within the African Union system without a uniform or orderly procedure or resource support for ensuring its actualization. Second it gave responsibility to actors that were ill defined. The issue of who is the competent authority in various Member States was open to question. In some countries, there was a specific Ministry with authority over CSOs. In others, it was a Directorate or Office. In yet others, CSOs were supposed to be largely independent and competent authorities meant the National Forum of NGOs. The Secretariat of ECOSOCC approached the issue with creative ingenuity and worked with Member States to identify competent authorities within States but this drew its own backlash as International NGOs excluded from the process began to seek to delegitimize the Organ as consisting of GONGOs (Government sponsored NGOs) while National and community based NGOs countered that the accusers were DONGOs (Donor Sponsored NGOs).

The trust factor was another consideration. The provisions of the Constitutive Act on partnership with civil society notwithstanding, some Member States were not overly enthusiastic about participation of their CSOs in the AU framework at any level since the CSOs in question had often acted as watchdogs at home and were often considered members of the unofficial opposition at home. Thus there was little or no cooperation with the ECOSOCC Secretariat in organizing elections with critical impact on the spread and numbers of representatives in the General Assembly.

The problem had greater complications at the level of sub-regional and continental levels. There were cluster of 15 states in West Africa, 5 in the North, 8 in East Africa etc. with some states having overlapping membership across regional bodies. How could competent regional and continental consultative bodies be determined in this context? The issue was even more complex in the Diaspora where various actors offered alternative representatives selected by various methods- town hall gatherings, selection by prominent actors in the political and economic sphere etc. creating a wider

problem of legitimacy. The only level at which there was no problem was the Commission which had a central authority under the Chairperson.

As indicated earlier, there were also difficulties arising from the desire of the AU to ensure diversity in representation. The Statutes prescribed mutually exclusive requirements in this regard. It stipulated that fifty per cent of members must satisfy the demand for gender equality while fifty per cent of the total membership must be composed of youths between the ages of 18 and 35. The experience of all previous elections showed that it was impossible to fulfill these conditions simultaneously. Thus I had advised previously that a model of proportional representation limiting competition for certain seats to representatives of the two categories could produce better results in ensuring diversity requirements.

The ECOSOCC Secretariat dealt with the issues creatively by sorting out the applications with the support of an Interdepartmental Committee under the aegis of the Chairperson and then using either the totality of all applicants or eligible applicants to serve as an electoral body to determine who the representatives become. The approach worked underlining the fact that *the Statute must be revised to produce a uniform, regulated and practical model of elections, with neutral umpires as arbiters*. Another complication that was noted earlier on was that the Credential Committee was often used to vet the eligibility of candidates. This was not consistent with the mandate of the Credentials Committee as provided in Article 12(2) of the ECOSOCC Statutes stated that "it shall be responsible for examining the credentials of members of ECOSOCC and their representatives". Article 5 of the Statutes gave competent local authorities at various levels the mandate to undertake elections while Article 12(2) gave the Credentials Committee the complementary obligation to examine and certify the credentials ECOSOCC Members and their representatives once elected. A different interpretation would imply that Members of the Credential Committee who are themselves mostly applicants in the same process would vet their own qualifications as well as those of other contenders. This would be against the principle of natural justice. Contra wise, the Credentials Committee could play a more laudable role in sorting out applications for Sectoral Cluster Committees by ensuring that candidates for membership and especially leadership posts in the various Sectoral Cluster Committees can only qualify if they show clear evidence of competence criteria.

### **19.0 Diaspora Representation in ECOSOCC**

*The issue of election and composition of members of ECOSOCC leads to consideration of Diaspora representation in ECOSOCC as contained in Articles 3 (3) and 4: 1 (c) that provides for the inclusion of twenty CSOs from the African Diaspora as defined by the Executive Council, covering the various regions of the world. This is supplemented by the provisions of Article 5 (3) aligning their election procedure with continental contemporaries and Article 9:4 (a) and Article 12: 1(b) providing for inclusion of Diaspora representatives in the Bureau and Credentials Committee of ECOSOCC respectively.*

*The difficulty with the implementation of this provisions is that AU **Assembly Decision 443 (XIX)** decided “on the need to establish and set criteria for increasing presence and participation of **the** Diaspora in AU programs and policies in a systematic and global manner through the African Union Commission than in a piecemeal and uncoordinated fashion through various structures and Organs of the AU.”*

*This Executive Council Framework has not been finalized and in its absence ECOSOCC adopted the interim model of coopting representatives of Diaspora networks established by the AU within the framework of the Declaration of the Global African Diaspora Declaration to serve as a halfway mechanism for enabling a significant measure of Diaspora inclusion in ECOSOCC. ECOSOCC can also build on this to propose pro rata representation from the envisaged Diaspora networks and also propose mechanisms for determining the number and distribution of such representation within respective Diaspora regions. Even so, there is wider need to establish an AUC inspired comprehensive AU Executive Council framework for Diaspora representation in AU Organs and institutions as requested by the Assembly Decision. The comprehensive framework must tap into the diversity of talents and expertise available among people of African descent within the global system and be designed to leverage them to support African renaissance, the integration and development agenda of the continent and the projection of African reach, influence and capability within the international arena. The representational formula must match needs and wants with a view to assigning appropriate roles, duties and responsibilities to actors in this context and canvass alongside the requirements that will facilitate their efficient performance. Needless to add, that such a formula must take into account the dynamics and demand of the numerical distribution of the African Diaspora across respective regions of the world, the relative weight or comparative influence of the different regions in the global constellation and the specific requirements of the AU family and its various component organs and tributaries. ECOSOCC and other organs of the AU must work urgently and closely with CIDO and the AUC to facilitate this process.*

## **20.0 Technical Proficiency and Resource Availability.**

Furthermore, issues of technical proficiency and overall performance efficiency of ECOSOCC are intimately linked with that of resource availability. The prescription of the ECOSOCC Statutes that competent State authorities should hold consultations to elect 2 CSOs to represent the State imposed obligations on states that were resource driven. To ensure legitimacy of the elections and to give resonance to the designation of ‘competent State authorities, ECOSOCC Secretariat and the office of the Legal Counsel often collaborated with State authorities in the process of election of Member State and Regional representatives in organizing elections that were supervised by the National Electoral Commission of concerned States. Some countries such as Egypt, Kenya, Cameroon, Tunisia etc. cooperated enthusiastically, sometimes at their own cost. Others were not so willing underlining the limits of “voluntarism.”

The issue of resource availability and necessary support has two main aspects. First is available manpower or human resources to support day today management of operations. The provision of a dedicated Secretariat based in Lusaka as required by Executive Council Decision EX/CL 833 (of XVIII) of 2017, in part, addresses aspects of this problem. However, the infrastructural and technical support requirements of an Organ designed to provide advisory opinions across the range of the AU integrations and development agenda are much more demanding as will be evident in comparative lessons drawn from the experience and practices] of similar organs within intergovernmental organizations such as the UN- ECOSOC and the EESC that would be considered later on.

### **20.1 Demand Side: Processing and Use of Advisory Opinions and Consumer Considerations.**

In the aftermath of the Executive Council Decisions, the 2<sup>nd</sup> Permanent Assembly of ECOSOCC became focused on the issue of Advisory Opinions. Two were issued henceforth. The First by the Peace and Security Cluster was entitled “Advisory Opinion on Peace and Security Issues of Conflict arising from irregularities in Elections, Violent Extremism and Terrorism and the Illicit Proliferation of Small Arms and Light Weapons in Africa”. This Opinion was submitted through the ECOSOCC Secretariat in CIDO to both the Peace and Security Department of the Commission and the Peace and Security Council of the AU on December 21, 2017. It was also distributed within the larger African civil society community and among the ECOSOCC General Assembly members.

The Ag. Director, Peace and Security acknowledged receipt of the Opinion on March 7, 2018.<sup>14</sup> The Ag. Director noted that the Advisory opinion “provides a clear overview of the conflicts arising from election irregularities, violent extremism and illicit proliferation of small arms and light weapons and, most importantly, makes recommendations for action by the Peace and Security Council”. There was no invitation to the Cluster to make a presentation to PSC or enter into any discussion with the Peace and Security Department to discuss content, no indication that the Opinion was formally submitted or reflected in agenda of any Peace and Security Council of the African Union (PSC) meeting and no feedback or evidence that the Opinion informed programming or policy related issues. In short, there was no substantive feedback on the Advisory Opinion and whether and how it was processed or used.

The irony was that this was a sorely missed opportunity to implement the Mechanism for interaction between the Peace and Security Council of the African Union and Civil Society Organizations in the promotion of peace, security and stability in Africa within the framework of Article 20 of the PSC Protocol that is widely known as **the Livingstone Formula**. Section 5 of the Livingstone Formula provides that “The PSC will hold an annual meeting with ECOSOCC on a given theme relating to peace, security and stability in Africa on a related issue. Such a meeting should be timed in such a manner that relevant inputs provided by CSOs would be taken on board in the Report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa to the Assembly of the AU during the Summit”.<sup>15</sup> That provision of the Livingstone

Formula has never been implemented. Regrettably ECOSOCC did not require that the Advisory Opinion be made the subject of such annual meeting. Most significantly, the PSC Secretariat did not see the wisdom of proposing the same to the PSC to support the Implementation of the Livingstone Formula.

The second Advisory Opinion on Human Rights, Governance and Migration was issued by the ECOSOCC Political Affairs Cluster in April 2018 and submitted to the Department of Social Affairs and other departments of the AU Commission, AU Representational Offices worldwide, the African Group of Ambassadors in New York and Geneva and the UN Human Rights Council. Again, there was no substantive feedback or response within the AU framework. However, the Advisory Opinion was posted by the UN Human Rights Council on their website and referenced as one of the submissions to their sessions last year. Representatives of the AU office in Geneva also noted, in the course of ECOSOCC Stakeholder consultation on the 1<sup>st</sup> Draft Report on the In-depth Study held in Lusaka, Zambia, in June 2019, that the advisory opinion on migration was well referenced in subsequent discussions of the UN Human Rights Council on the subject in the build up to the determination of the Global Compact on Migration. Similar claims have not been made within the AU.

The experience of the two ECOSOCC Advisory Opinions of 2017 and 2018 raises critical questions about the absorptive capacity of the African Union system to process and use ECOSOCC opinions in particular and all Advisory opinions in general as ingredients for the policy process. The implication is that difficulties associated with the issue of Advisory Opinions are driven by both supply and demand problems. The critical elements on the demand side include the various factors noted below.

## **20.2 Absence of Format and Institutional Platform for Submitting Advisory Opinions.**

First is that there are no clear formats on the model and structure of advisory opinions and no set procedures or institutional platforms for submitting, conveying or relaying such opinion and no frame of reference for evaluating its use, import or significance.

## **21.0 Constraints of the Work Environment.**

This difficulty is reinforced by constraints of the AU work environment. The Audit Report of the African Union carried out by the High Level Panel led by Professor Adedeji under the Konare administration at the inception of the African Union highlighted the prevalence of a silo mentality in the AU system, which meant that units and organs tended to work apart from each other.<sup>16</sup> Recently and more than a decade later, a policy study conducted on Policy Coherence between the Commission and AU Organs asserted that “at present the different platforms and collaboration plans are still working independent of each other and there is no formal framework to link these platforms which poses a challenge to coherence”<sup>17</sup> suggesting that limited progress had occurred in the intervening years.



The situation complicates the work of ECOSOCC. ECOSOCC is supposed to be the AU bridgehead to civil society but several AU Departments have independent and uncoordinated civil society programs operated without reference to ECOSOCC. The Peace and Security Department even has officers responsible for civil society programs, gender etc. that fall within the realm of other arms of the AU. Various other organs such as the Pan- African Parliament (PAP), the African Commission for Human and People's Rights (ACHPR), African Peer Review Mechanism (APRM), and the New Partnership for Africa's Development (NEPAD) often convene civil society consultations and establish civil society platforms without reference to ECOSOCC. This undermines the relevance of the Organ in the consideration of the wider African civil society community and even foreign partners and external agencies. Ideally, all CSO engagement within the Union should be done through ECOSOCC as the central focus for such engagement so that the Union can have a comprehensive view of the range and latitude of CSO interactions, the strengths and weaknesses and how to improve and facilitate effective and productive outcomes and interlinkages in the various sectors. In this context, ECOSOCC can then produce and submit an annual report on the state of AU-CSO relations, or even a broader State of the Union Report, to the Executive Policy Organs for information, guidance and direction.

Of significance also, are policy inconsistencies that are disadvantageous to ECOSOCC. A major concern of the executive policy organs has been to ensure that the policy offerings of ECOSOCC are based on the principle of African ownership. This is even reiterated in the Decision underwriting the study. In the Statutes of ECOSOCC this concern underlines the provisions of Article 6(6) that the basic resources of any Organizations seeking membership of ECOSOCC shall substantially, at least fifty per cent be derived from internal African sources. The design of the policy is to insulate ECOSOCC from external influence or dictates and correctly so. Except that the same constraints are not imposed on the civil society programs conducted independently by other arms of the AU. It could be argued that the circumstances are different as ECOSOCC involves representation that other platforms within the AU doesn't but this would deny the larger impact on ECOSOCC and the African Union as a whole.

Since they are excluded from ECOSOCC Membership the tendency has been for International NGOs and their foreign donors to associate on preferential basis with other AU-CSO platforms outside ECOSOCC and for foreign donors to organize, finance and support the creation independent civil society coalitions, dominated by International NGOs that will work with other platforms in the AU while deriding the legitimacy of ECOSOCC as a body comprising Government sponsored NGOs, known in CSO parlance as GONGOs. Several International NGOs have even established offices in Addis Ababa that tend to work with the AU directly. This denies ECOSOCC the range of expertise available in International NGOs but makes it available to others. Moreover, the same external influences that the Policy Organs seek to deny in ECOSOCC are alive and paramount elsewhere within the system, including notably the African Peace and Security Architecture (APSA) and the African Governance Architecture (AGA) that significantly promotes coordination, consultation and continuous dialogue among AU Organs and institutions that share a mandate to promote governance, democracy and human rights.

Thus there is need to reconfigure civil society programming in the African Union to give ECOSOCC a key niche to enable it achieve the objectives entrusted to it. In this regard, ECOSOCC, in consultation with the Commission and other AU organs, should develop a unified accreditation procedure (UAP) as required by Executive Council Decision EX/CL Dec. 890 XXVII) requesting ECOSOCC as an advisory organ of the Union and in close consultation with the Commission, AU Organs and Members States, to actively pursue a harmonized mechanism and clear criteria for granting consultative status to CSOs in Africa<sup>18</sup>. The development of this mechanism of a Unified Accreditation Procedure through ECOSOCC affords a panoramic view of composite CSO activity within the AU, facilitate the construction of a comprehensive data base that that will marry capability to needs, encourage functional specialization and inspire support for ECOSOCC Cluster activities across the range of AU developmental objectives. It would also support the need to synchronize and integrate the scope and range of AU civil society programs and activities within the framework of the AU reform agenda.

## **22.0 Demand and Supply Nexus**

*The constraint of the AU work environment further suggests the facilitation of advisory opinions should be both supply and demand driven. For example, though Article 7 (2) of the ECOSOCC Statutes says that “ECOSOCC should undertake studies recommended or deemed necessary by any other Organ of the Union, it is significant that over 15 years of ECOSOCC operation, no single organ, department or structure of the AU has requested a study by ECOSOCC or through ECOSOCC. Yet various arms of the Union have commissioned studies and civil society consultations have been organized outside ECOSOCC constantly. The contribution of ECOSOCC has, for the most part, been restricted to extending invitations to one of two members to attend some consultations organized by Departments and organs of the AU and in several instances, no invitation has been extended at all.*

## **23.0 Status of Advisory Opinions**

*This consideration raises a related question regarding categories of Advisory Opinions. Advisory opinion comes in two main categories. The first is consultative which is demand driven, the second is supply driven which is expository. ECOSOCC as an advisory organ of the AU should be active in both categories but the consultative category would serve to underline the needs and responsive nature of ECOSOCC in the AU family of Organs. Surely there are matters about which an ECOSOCC civil society perspective would be required. This draws attention to the need to incentivize ECOSOCC advisory process. There should be established procedures and category of action and areas in which ECOSOCC opinion must be sought.*

## **24.0 Adapting Comparative Lessons from other Institutions.**

This lesson is reinforced by experience derived from the operation of similar institutions within a global setting. Civil society forums of sub-regional Organizations within the

African continental setting are not generally charged with the duty of producing Advisory opinions, as they are not favored with the kind of policy space given to ECOSOCC within the AU framework. A consultation organized by CIDO from 11 –14 March 2019 with CSO forums of sub-regional groups in Africa (EAC, UMMA, WASCOF, IGAD etc.) confirmed the view gathered from study tours that the prevalent mode of CSO participation is influence through advocacy or involvement in consultations or policy dialogue forum, including key policy makers or functionaries of the different Secretariats as well as Member States and provision of assistance in drawing draft protocols.

Within the AU also the delivery of advisory opinions is not standard currency. Apart from the Court in Arusha that offers opinions as part of its normal work processes and judicial interpretations, the standard practice is that most Organs produce annual or periodic reports that are considered by the Permanent Representative Committee of Ambassadors that can make recommendations to the Executive Organs for endorsement and, or approval. Alternatively, such submissions are presented to Specialized Technical Committees that then forward its conclusions for endorsement to Council and Assembly of the Union.

Consequently, the most relevant examples for consideration in terms of the production, processing and use of advisory opinion may be derived are the European Economic and Social Committee (EESC) and the UN-ECOSOC.

The EESC is an advisory body of the European Union comprising representatives of workers and employers' organizations and other interest groups. It issues (Advisory) opinions issues to the European Commission, the Council of Europe and the European Parliament, thus acting as a bridge between the EU decision-making institutions and EU citizens. Amongst others, it gives interests groups a formal say in EU legislative proposals, ensures that policy and laws are geared to economic and social conditions, promotes a participatory EU that gives workers, employers and other interest groups a voice and secures dialogue with them and promotes the values of European integration while advancing the cause of participatory democracy and civil society organizations.<sup>19</sup> In other words, it is charged with responsibilities that are similar in orientation to that of the AU-ECOSOCC. The EESC has 350 Members who are drawn from economic, social and interest groups. Members are nominated by national governments and appointed by the Council of European Union for a renewable 5-year term of office. The number of Member per country varies according to the size of their respective populations.

The UN-ECOSOC is one of the six main Organs of the United Nations. UN-ECOSOC consists of 54 Member States, which are elected yearly by the UN General Assembly for overlapping three-year terms. Seats are allocated ensuring equitable geographic rotation among UN regional groups with 14 being allocated the African group, 11 to the Asia-Pacific Group, 6 to the Eastern European Group, 10 Latin American and Caribbean Group and 13 to the Western European and Others Group. The main functions of the UN-ECOSOCC are to serve as a central forum for discussions on International economic and social issues, to promote high standards of living, full employment and economic and social progress and make appropriate policy recommendations to Member States and the United Nations system.<sup>20</sup> It is at the heart of UN development

agenda as it brings people and issues together to promote collective action for sustainable development.

As part of this process, it engages a wide variety of stakeholders- policy makers, parliamentarians, academics, major groups, foundations, business sector representatives and registered NGOs in a productive dialogue on sustainable development through a programmatic cycle of meetings. The work of the Council is guided by an issue-based approach, and there is an annual theme that accompanies each programmatic cycle ensuring a sustained and focused discussion among multiple stakeholders. The programmatic cycle involves discussions at a multilayered level. It has also established functional and regional commissions and specialized agencies to promote specific and integrated responses to regional and integrated responses and priorities within states in various regions.

UN-ECOSOC is also the main gateway for civil society to engage with the UN. Consultative Status to the UN-ECOSOC is the highest status granted by the United Nations to non-governmental organizations (NGOs), thereby allowing them to participate in the work of the United Nations. The Consultative Status is in three categories, First is the General Consultative Status, the highest level that may be granted to organizations that are concerned with most of the activities of the Council, have considerable membership that are representative of major segments of society in large number of countries and make substantive contributions in many fields. This category is entitled to make oral presentations during the Council's meetings. Second is Special Consultative Status that may be granted to organizations concerned with only a few fields of activity covered by the Council. Third is Roster Status for organizations that do not have General or special status but that the Council or the Secretary-General in consultation with the Committee on Non- Governmental Organizations considers can make occasional or useful contributions to the work of UN-ECOSOC. This consultative relationship is governed by ECOSOC resolution 1996/31. In this regard, the UN defines civil society as the third sector of society along with government and business. The UN Department of Economic and Social Affairs is responsible for ensuring civil society engagement by way of the ECOSOC body.

The functional elaboration of the EESC and UN-ECOSOC set a fair template for comparative analysis. Both are Government and Member State based and their orientation is to solicit the involvement of non-governmental bodies within regulated environments. In addition, the composition of the two bodies and working methods are clearly adapted to the technical needs of the two Organs In contrast, the AU approach is to create a political and democratic civil society representative Organ entrusted with establishing effective means, processes and platforms of cooperation within a broad framework of Union goals and objectives as encapsulated in the Constitutive Act of the Union and the ECOSOC Statutes. The first important lesson to be derived here is that if the basic objectives of the African Union are to be achieved the ECOSOC Statutes must be more precise in its articulation of goals and means.

*The emphasis on AU requirement for Advisory Opinions from ECOSOC could be much more specific and constrained in its orientation. The UN-ECOSOC experience*

*advises that the focus of Advisory opinion can be either thematic or issue based focused on the specific AU theme of the year. This orientation is also adapted to the demand and supply nexus and it implies that resources adapted for this purpose can be applied to a particularly pressing agenda. AU- ECOSOCC as presently constituted with the serious structural weaknesses of its sectoral cluster committees cannot deliver Advisory opinions across the wide range of political, economic, or social issues and this lesson would marry purpose and means. It should be the case that either the ECOSOCC Assembly is recomposed to focus on required technical expertise or the Sectorial Cluster Committees are reconfigured to link up effectively with the wider expertise available in the wider African civil society. As part of this process, ECOSOCC status and functions within the AU framework would have to be elevated and sustained as the gateway for civil society relations with AU as with the UN-ECOSOC Consultative Status. Existing legislations such as the Livingstone Formula that has similar provisions cited earlier should be also be facilitated forthwith.*

The experience of the EESC is even more instructive. Its functions are Treaty-based and it offers between 160-190 advisory Opinions each year. 70 per cent of these opinions are based on referrals from the European Parliament, Council, Commission, 21 per cent on its own initiatives and 9 per cent exploratory opinions generally requested by Member State holding the EU presidency. The Treaty (TFEU) stipulates that in certain specifically mentioned areas, a decision can only be taken after the Council and Commission has consulted with the EESC. These areas are a) agricultural policy Article 3 b) free movement of persons and services (Article 46, 50 and 59) c) transport policy (Articles 91, 95 and 100) and harmonization of indirect taxation (articles 91, 95 and 100). Any other Member State can also request an advisory opinion. The EESC also organizes several annual initiatives and events with focus on civil society such as Civil Society Day, Civil society prize, Europe Youth day etc. It can also lead a Citizen's initiative whereby by collecting one million signatures across Europe it calls upon the European Commission to propose or change an existing legislation. Finally, it also follows up on EESC opinions.

*The example of the EESC is one where advisory opinions are thriving and it shows the dialectic interaction between a demand and supply curve. The desire of the African Union to get advisory opinions from ECOSOCC should be accompanied by mandatory referrals in areas of interest where a wider society view is required as well as those undertaken through ECOSOCC self- initiative. This process could assist the desire for institutional and policy coherence to promote joint programming such that where civil society inputs, perceptions, reflections and assessments are required ECOSOCC opinions would be compelled in contrast to the existing situation that permits line departments to deviate from their main tasks to duplicate or establish separate, uncoordinated and independent CSO programs. This process will enhance synthesis, as ECOSOCC would become a partners, support and service arm for collation of inputs, mobilization of civil society and dissemination of outcomes across the length and breadth of the African society.*

### **30.0 Infrastructural Support.**

*Needless to add that the significant infrastructural support would be required to support the provision and sustenance of Advisory opinions by ECOSOCC. Recruiting and/ Coopting technical expertise across the range of needs and the prosecution of work agenda effectively will entail serious costs. The cost of the UN embracing several institutions process is considerable. The EESC in turn has about 700 staff Members and vast financial resources for support. Of course, there are variations in regional specificities and concerns. Moreover, range and scope of AU-ECOSOCC remit will be much smaller and AU processes can start with mandatory emphasis on yearly themes supplemented by supply side opinions in places of desired interest. Even so, there will need to be higher and more substantive program budget focused on specific areas.*

### **31.0 Ensuring Management Efficiency**

Management problems are an endemic part of organizational endeavor and ECOSOCC is not an exception. There have been disputes between the Presiding officer and the Bureau, between the Bureau and Standing Committee and within the General Assembly, between the political and administrative leadership, between ECOSOCC and the Commission and between ECOSOCC and other Organs.<sup>21</sup> Internal conflicts between the political and administrative cadre of ECOSOCC is a subject of primary concern in this context. Four areas in particular are enduring points of friction, namely control of budget and finances, program schedule and implementation, staff supervision and perks and privileges of ECOSOCC membership. Members of ECOSOCC General Assembly and component organs complain that they are treated as poor cousins in the AU family tree in contrast to other Organs such as PAP, ACHPR, and Advisory Board on Corruption, the African Court of Justice in Arusha etc. They observe that ECOSOCC General Assembly Members do not have the perks and privileges offered to Members of other AU organs such as passports for all members, sitting allowance and salaries etc. There are also complaints about relative influence in terms of determination of agenda, scheduling of meetings and programs and capacity for staff oversight and supervision.

*The frictions attending these issues distract from the ECOSOCC agenda and should be addressed upfront. The revised Statutes should contain clear guidelines that delineate the institutional roles and responsibilities, boundaries or demarcation points and lines of authority and other modalities that would govern working relationships between political and administrative staff of ECOSOCC. The process should highlight the procedure for staff recruitment and supervision at a global and other levels within the AU as well as the cardinal importance of Financial Rules and Regulations and an accompanying working document should state clearly the perks and privileges of membership taking into account the opportunity costs of participation in AU Policies and programs. Orientation programs should continue to hold at the inception of each General Assembly to acquaint members with duties, obligations, benefits and responsibility allied with a revised or updated Code of Conduct for Members, including sanctions for erring members and clear procedures for invoking such sanctions. More significantly, the Statutes of ECOSOCC and/or its Rules of Procedure must set out procedures for*

*routine, regular and even statutory consultation and coordination between the political and administrative leadership of ECOSOCC and methods of arbitration to resolve conflicts. As part of this process, each year should begin with an ECOSOCC Retreat involving the ECOSOCC Secretariat and the Bureau and Standing Committee of ECOSOCC to build solidarities and common perspectives, integrated plans and programs and synergy of efforts and complementary concerns within the framework of ECOSOCC Strategic Plan. Similarly, provisions should be made for end of the year seminars and retreats to harness lessons learnt and adapt them to future efforts.*

### **32.0 Conclusion**

In conclusion, the Economic, Social and Cultural Council of the African Union (AU-ECOSOCC), in spite of the various flaws highlighted in the context of this study, is still a pacesetter and unique institution. Its status as an elected civil society parliament that participates directly in conjunction with Ministers and Heads of State and Governments in the processes of policy decision-making, policy implementation, policy review, policy monitoring and evaluation is unprecedented in the annals of international organizations and remains an objective lesson for policy decision makers at global, continental regional and local levels. ECOSOCC began as an experiment in policy statecraft and as such, it has faced serious challenges. Many of these challenges are not peculiar to ECOSOCC and have often been reflected in the development of other organs of the AU such as the African Union Commission which has undergone successive series of audits and reform agendas, the Pan-African Parliament, the African Commission for Human and People's Rights, the Advisory Board on Corruption etc. What is significant about these challenges therefore, is not that they exist but that in spite of them, the commitment of African leadership is to address them and create a context for ECOSOCC to survive and grow in strength, influence and capacity. This is the thrust of Executive Council Decision EX.CL 849 (XXV) and others that compelled this in-depth study. The orientation is a commitment to ensure that ECOSOCC is nourished and sustained. It also acknowledges and underscores an appreciation of the contributions that ECOSOCC has made and the value that the leaders of the continent continue to attach to the Organ. Thus ECOSOCC that began as an experiment in civil society policy interface is no longer a novelty but has become the cornerstone of yet another thriving experiment that has taken hold, the people-centered and people driven integration experience of the African Union. The consolidation of ECOSOCC within the framework of a vibrant and developing African Union is therefore a mark of the strength and consolidation of the continental organization itself. This is why the lessons of this in-depth study should be taken to heart by the policy decision-making organs of the Union that must assess them and implement the recommendations as appropriate. The commitment to strengthen ECOSOCC must be underlined by a durable and abiding faith, which is accompanied by the ability to support performance efficiency with a thoroughly revised Statute, efficient programmatic agenda, effective tools and innovations, sufficient staffing, the development of necessary technical capacity and provision of adequate resource support,

### **33.0 Brief Overview: Summary and Preview of Recommendations.**

The recommendations of the Study are incorporated and often highlighted in the text, mostly in italics. **These recommendations include, but are not limited, to the following:**

- 1) *The study underlines the need for a comprehensive review of the ECOSOCC Statutes. The review should be holistic in its approach and address gaps and inherent flaws and contradictions underlined by the experience of ECOSOCC since its inception in 2004 to the present date. Issue areas highlighted in the larger text of this study should serve as a template for identifying specific places where changes have to be made. Specifically, and amongst others, important changes and/or modifications are required in respect of Articles 2,4,5,6,7,8,,9,10,11,12,13, and 17. Related recommendations have also been made in each and wider context.*
- 2) *As part of this process, Article 14 on Secretariat should also be amended with the updated provisions of Executive Council Decision EX/ CL 833 (XVII) and EX/CL 1054 (XXX11) on the establishment of a dedicated Secretariat in Lusaka Zambia. This article should also stipulate the functions of the Secretariat and its relations with the internal organs and other structures of ECOSOCC, including especially the ECOSOCC political leadership and the wider African Union.*
- 3) *The provision of ECOSOCC Statute on elections as contained in Articles 4, 5 and 6 must be revised to produce a uniform, regulated and practical framework of elections, with neutral umpires as arbiters. The character of organizations and minimum qualification of candidates that would represent such Organizations must be spelt out and well aligned to the functions and objectives of the Organ.*
- 4) *The institutional roles and relationships between the ECOSOCC General Assembly and other internal organs must be fully integrated in the context of explicit roles and responsibilities that are interlocking and mutually reinforcing and supported by work methods that would enable each to interact appropriately and reinforce others, create greater effectiveness, coherence and a clear center of gravity for specific functions. This process should be concretized through the cooperation framework approach introduced by the ECOSOCC Secretariat. The current Statute has sparse references in this regard that now requires substantial elaboration and consolidation.*
- 5) *There is need to reconceive the membership criteria of the ECOSOCC as contained in Article 4 and 6 to ensure that there is ample distribution of necessary competences within the General Assembly to support the demands of the Organ and its ability to deliver technical advisory opinions. This has three logical corollaries. The first is to ensure that Organizations elected into ECOSOCC as representatives in the General Assembly come with the necessary combination of organizational capacity and technical competencies required to support the development of advisory opinions. Second and related to this is the need to set, within the framework of the Statutes, minimum standards that would*



ensure that representatives of the Organizations have appropriate educational and technical qualifications. The third and more difficult problem is to devise a process and formula that would ensure that the competences derived on both scores are evenly or nearly evenly distributed across the gamut of ECOSOCC needs and responsibilities.

- 6) The constitution, operations and work methods of the Sectoral Cluster Committees must be properly aligned with its function as the key operational mechanisms of ECOSOCC to produce advisory opinions. The composition of the Sectoral Cluster Committees and their operations as outlined in Article 11 require a measure of re-engineering and a series of innovations to promote skill based membership, ensure that the spread of expertise required to support technical functions is available, and that the various clusters are led, composed and supported by experts with the capacity to produce incisive and instructive advisory opinions. The study proposes ways and means by which this can be done. It recommends, amongst others, setting up professional groupings across the range of occupational strata, think tanks, research institutes and universities in various Member States and regional economic groupings as a target group for ECOSOCC Membership, refining the work methods of Sectoral Cluster Group to involve the creation of platforms and associate categories of Membership that can harness the required technical expertise in the wider African civil society and free-associate them with Cluster operations through seminars, workshops, conferences and the creation and constitution of technical expert groups, The study also recommends the employment of technical support staff on a non-permanent basis to support the work of the Clusters and the Secretariat in drafting advisory opinion. Finally, Sectoral Cluster Committee should be oriented to harness the benefits of computer, Internet and modern technology. Technical and competence gaps can also be bridged through online processes of reaching out to harness the pool of expertise available in the larger African civil society, the private sector, workers, employers, Member States, the scientific community and even the wider international society as a logical benefit of our digital age.

## 7) **Diaspora Representation in ECOSOCC**

The issue of election and composition of members of ECOSOCC leads to consideration of Diaspora representation in ECOSOCC as contained in Articles 3 (3) and 4: 1 (c) that provides for the inclusion of twenty CSOs from the African Diaspora as defined by the Executive Council, covering the various regions of the world. This is supplemented by the provisions of Article 5 (3) aligning their election procedure with continental contemporaries and Article 9:4 (a) and Article 12: 1(b) providing for inclusion of Diaspora representatives in the Bureau and Credentials Committee of ECOSOCC respectively.

The difficulty with the implementation of the provisions is that AU **Assembly Decision 443 (XIX)** decided “on the need to establish and set criteria for increasing presence and participation of **the** Diaspora in AU programs and policies in a systematic and global manner through the African Union

*Commission than in a piecemeal and uncoordinated fashion through various structures and Organs of the AU.”*

*This Executive Council Framework has not been finalized and in its absence ECOSOCC adopted the interim model of coopting representatives of Diaspora networks established by the AU within the framework of the Declaration of the Global African Diaspora Declaration to serve as a halfway mechanism for enabling a significant measure of Diaspora inclusion in ECOSOCC. ECOSOCC can also build on this to propose pro rata representation from the envisaged Daispora networks and also propose mechanisms for determining the number and distribution of such representation within respective Diaspora regions. Even so, there is wider need to establish an AUC inspired comprehensive AU Executive Council framework for Diaspora representation in AU Organs, institutions, structures and processes as requested by the Assembly Decision. The comprehensive framework must tap into the diversity of talents and expertise available among people of African descent within the global system and be designed to leverage them to support African renaissance, the integration and development agenda of the continent and the projection of African reach, influence and capability within the international arena<sup>22</sup>. The representational formula must match needs and wants with a view to assigning appropriate roles, duties and responsibilities to actors in this context and canvass alongside the requirements that will facilitate their efficient performance. Needless to add, that such a formula must take into account the dynamics and demand of the numerical distribution of the African Diaspora across respective regions of the world, the relative weight or comparative influence of the different regions in the global constellation and the specific requirements of the AU family and its various component organs and tributaries. ECOSOCC and other organs of the AU must work urgently and closely with CIDO and the AUC to facilitate this process.*

- 8) *Beyond this, the establishment of National ECOSOCC Chapters is important as frameworks of accountability for ECOSOCC but functionally they should also be instrumental as effective vehicles for linking Sectoral Cluster Committees with technical competences available in civil society within Member States. National Chapters should be established within the framework of the Statutes as one of the main internal organs of ECOSOCC. National chapters should establish national Cluster Structures that can support and reinforce ECOSOCC Cluster Structures. In addition, once national chapters are established in all Member States they could also serve as the platforms for election of national representatives and enable the effective distribution of candidates across age, gender and the wide range of professional expertise required by the AU. Such processes could be replicated at regional levels with the formation of regional chapters. The AU Commission should facilitate elections at the continental level*

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<sup>22</sup> See Jinmi Adisa “African Union Perspective on the Diaspora” in Jack Mangala Africa and its Diaspora: The Policy and Politics of Emigration (Macmillan: Palgrave, 2017) pp39-57.

*because a continental chapter will be an oxymoron posing as a credible equivalence of ECOSOCC. The role of AU officials and meaningful ECOSOCC Secretariat participation in this context can then be confined to logistic support and preparation, the provision of electoral guidelines and election oversight to ensure that national elections comply with overall eligibility requirements. However, this is a long-term prescription because the rate of development of national chapters is currently uneven and there are yet many countries without one. The realization of a continental coverage of national chapters will take some time to accomplish. Moreover, the creation of national chapters across the length and breadth of the AU must be anchored in a comprehensive framework that derives legitimacy from direct approval of AU Executive Policy Organs or a revised ECOSOCC Statute adopted by the same.*

- 9) Adequate infrastructural capacity must support the demand for ECOSOCC to produce Advisory Opinion. Significant infrastructural support would be required to support the provision and sustenance of Advisory opinions by ECOSOCC. Recruiting and/ Coopting technical expertise across the range of needs and the prosecution of work agenda effectively will entail serious costs.*
- 10) The African Union needs to set clear formats on the model and structure of advisory opinions as well as set procedures or institutional platforms for submitting, conveying or relaying such opinion and a frame of reference for evaluating its use, import or significance.*
- 11) Advisory opinion comes in two main categories. The first is consultative which is demand driven, the second is supply is expository and supply driven. The constraints of the AU work environment and the experience two Advisory Opinions produced by ECOSOCC in 2017 and 2018 shows that ECOSOC Advisory Opinions should also be demand driven. The Commission and AU Policy Organs should have a responsibility to consult ECOSOCC in certain defined areas particularly those demanding civil society perspectives and inputs.*
- 12) The comparative lesson of the of the European Economic and Social Council (EESC) which has approximate mandate with ECOSOCC in the European Union is one where advisory opinions are thriving and shows the dialectic interaction between a demand and supply curve. The desire of the African Union to get advisory opinions from ECOSOCC should be accompanied by mandatory referrals in areas of interest where a wider society view is required as well as those undertaken through ECOSOCC self- initiative. This process could assist the desire for institutional and policy coherence to promote joint programming such that where civil society inputs, perceptions, reflections and assessments are required ECOSOCC opinions would be compelled in contrast to the existing situation that permits line departments to deviate from their main tasks to duplicate and establish separate, uncoordinated and independent CSO programs. This process will enhance synthesis, as ECOSOCC would become a partners, support and service arm for collation of inputs, mobilization of civil*

*society and dissemination of outcomes across the length and breadth of the African society. It would incentivize ECOSOCC Advisory process and promote a revolution in work methods in line with the aims and objectives of the ongoing AU Reform Agenda.*

- 13) There is need to reconfigure civil society programming in the African Union to give ECOSOCC a key niche to enable it achieve the objectives entrusted to it. In this regard, ECOSOCC, in consultation with the Commission and other AU organs, should develop a unified accreditation procedure (UAP) as required by Executive Council Decision EX/CL 924 XXVII) involving an harmonized mechanism and clear criteria for granting consultative status to CSOs in Africa. Thus any CSO that will work with AU Organs and Departments must be accredited by ECOSOCC. The development of the UAP will afford a panoramic view of composite CSO activity within the AU, facilitate the construction of a comprehensive data base that that will marry capability to needs, encourage functional specialization and inspire support for ECOSOCC Cluster activities across the range of AU developmental objectives. There is also a need to synchronize and integrate the scope and range of AU civil society programs and activities within the framework of the AU reform agenda.
- 14) *Significantly also, the emphasis on AU requirement for Advisory Opinions from ECOSOCC could begin as more specific and constrained in its orientation. The UN-ECOSOC experience advises that the focus of Advisory opinion can be either thematic or issue based focused on the specific AU theme of the year. This orientation is also adapted to the demand and supply nexus and it implies that resources adapted for this purpose can be applied to a particularly pressing agenda. AU processes can start with mandatory emphasis on yearly themes supplemented by supply side opinions in places of desired interest and increase sequentially as resource capacity improves.*
- 15) Management problems are an endemic part of organizational endeavor and ECOSOCC is not an exception. There have been disputes between the Presiding officer and the Bureau, between the Bureau and Standing Committee and within the General Assembly, between the political and administrative leadership, between ECOSOCC and the Commission and between ECOSOCC and other Organs.<sup>22</sup> Internal conflicts between the political and administrative cadre of ECOSOCC is a subject of primary concern in this context. Four areas in particular are enduring points of friction, namely control of budget and finances, program schedule and implementation, staff supervision and perks and privileges of ECOSOCC membership. Members of ECOSOCC General Assembly and component organs complain that they are treated as poor cousins in the AU family tree in contrast to other Organs such as PAP, ACHPR, and Advisory Board on Corruption, the Courts etc. They observe that ECOSOCC General Assembly Members do not have the perks and privileges offered to Members of other AU organs such as passports for all members, sitting allowance and salaries etc. There are also complaints about relative influence in terms of

determination of agenda, scheduling of meetings and programs and capacity for staff oversight and supervision.

- 16) *The frictions attending these issues distract from the ECOSOCC agenda and should be addressed upfront. ECOSOCC as an elected civil society organ within an intergovernmental organization, the African Union, is a unique institution within the framework of international organizations and as such, its modus operandi require a measure of explicitness. The revised Statutes and related Rules of Procedure should contain clear guidelines that delineate the institutional roles and responsibilities, boundaries or demarcation points and lines of authority, rules governing staff supervision and oversight and other modalities that would govern working relationships between political and administrative cadres of ECOSOCC. The process should highlight the procedure for staff recruitment and supervision at a global and other levels within the AU as well as processes of financial management underlining relevant provisions of AU Financial Rules and Regulations. This could be accompanied by a memo or working document that would set out the perks and privileges of membership taking into account the opportunity costs of participation in AU Policies and programs. The Rules of Procedure of the Organ must be vetted to ensure that it complements and supports the spirit and contents of the Statutes rather than working at odds with it. If, as provided in Article 17, ECOSOCC would continue to adopt its own rules of procedure then it should be vetted by the Office of the Legal and adopted by the Executive Council to assure congruity. Alternatively, the Rules of Procedure could be drawn initially by the Office of Legal Counsel and submitted for consideration and approval of the Executive Council. ECOSOCC should be a Rule based body.*
- 17) *Orientation programs should continue to hold at the inception of each General Assembly to acquaint members with duties, obligations, benefits and responsibility within the context of the Statutes, allied with a revised or updated Code of Conduct for Members. The updated Code of Conduct should provide for specified sanctions in cases of transgressions or violations. More significantly, the Statutes of ECOSOCC and/or its Rules of Procedure must set out procedures for routine, regular and even statutory consultation and coordination between the political and administrative leadership of ECOSOCC and methods of arbitration to resolve conflicts. As part of this process, each year should begin with an ECOSOCC Retreat involving the ECOSOCC Secretariat and the Bureau and Standing Committee of ECOSOCC to build solidarities and common perspectives, integrated plans and programs and synergy of efforts and complementary concerns within the framework of ECOSOCC Strategic Plan. Similarly, provisions should be made for end of the year seminars and retreats to harness lessons learnt and adapt them to future efforts.*

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<sup>1</sup> The Constitutive Act of the African Union.

<sup>2</sup> Ibid.

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<sup>3</sup> Ibid.

<sup>4</sup> ‘Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa’ Heads of State and Government First Standing Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), 8-9 July 2002, Durban, South Africa. See also The Lome Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa, Lome, Togo, 2000. The CSSDCA process was supported and reinforced by the decisions adopted by African leaders in the preceding period calling for the necessity of promoting the participation of the African people in the processes of government and development, in particular. This included The African Charter on Popular Participation in Development (1990), The Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental changes taking place in the World (1990), the Abuja Treaty Establishing the African Economic Community (1991), the Cairo Agenda for Action (1995), the Grand Bay Declaration of the OAU Ministerial Conference on Human Rights (1999), and the Sirte Declaration (1999), and the Lome Declaration on Unconstitutional Changes of Government (2000).

<sup>5</sup> See General Report of the OAU-Civil Society Conference 11-15 June 2001 and Report of the 2<sup>nd</sup> AU-Civil Society Conference, March 2002.

<sup>6</sup> Statutes of the Economic, Social and Cultural Council of the African Union.

<sup>7</sup> Keynote Address of HE President Jakaya Mrisho Kikwete, Chirperon of the African Union and President of the United Republic of Tanzania at the launch of the 1<sup>st</sup> Permanent ECOSOCC General Assembly, Dar Es Salaam, Tanzania, 9 September 2008.

<sup>8</sup> Ibid.

<sup>9</sup> See various Executive Council Decisions on ECOSOCC from 2008-2012.

<sup>10</sup> Some of these are already implied in AU Rules and Regulations including the Financial Regulations but they should also be translated literally within the framework of the ECOSOCC Statutes so that the various functionaries are clear on assignment of roles and responsibilities.

<sup>11</sup> See Attachment 2 on Chairpersons of Sectoral Cluster Committees from 2009-2018 with their respective CVs.

<sup>12</sup> See EX/CLDec.581 (XVII) of July 2010.

<sup>13</sup> See EX/CL 890 (XXVII) of June 2015.

<sup>14</sup> See related correspondence via internal memos 21 December 2017 and 7 March 2018 respectively.

<sup>15</sup> The Livingstone Formula, Mechanism of Interaction between the Peace and Security Council (PSC) and Civil Society Organizations (CSOs) in the promotion of peace, security and stability in Africa. Livingstone, Zambia, 4-5 December 2008.

<sup>16</sup> Adebayo Adedeji, Report of the Audit of the African Union, 2007.

<sup>17</sup> Adebayo Adeyemo, AU Issues Papers “Policy Coherence between African `Union and Au Organs: Issues and Options” Revised Final Draft, May 2018.

<sup>18</sup> Pers. Communications. I was discussing this requirement with Dr. Mary Maboreke, Executive Secretary of the ACPHR. I noted that the AU needed a common accreditation procedure and she suggested that it should be named the UAP. The AUP in my view should be a primary requirement for CSO engagement with the AU in almost similar fashion to consultative status with UN ECOSOC. AU-ECOSOCC must then develop a comprehensive database of CSO engagement with the African Union that could be made available on

request. Of course, organs and units such as ACPHR can add additional requirements for themselves based on area of concern but accreditation via ECOSOCC should be a condition for any further consideration and all AU units and organ should send a list of any such additional consideration to ECOSOCC for certification on the data base.

<sup>19</sup> See the European Economic and Social Council website.

<sup>20</sup> See the UN website.

<sup>21</sup> See Report of the External Board of Auditors on the Institutional, Administrative and Financial audit of the Economic, Social and Cultural Council of the Union (ECOSOCC), September 2012.

<sup>22</sup> See Jinmi Adisa “African Union Perspective on the Diaspora” in Jack Mangala Africa and its Diaspora: The Policy and Politics of Emigration (Macmillan: Palgrave, 2017) pp39-57.

<sup>22</sup> See Report of the External Board of Auditors on the Institutional, Administrative and Financial audit of the Economic, Social and Cultural Council of the Union (ECOSOCC), September 2012.

**Annex I: List of Officials interviewed/ Consulted individually or through focus group discussions, stakeholder consultations and/or validation seminars.**

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30th - 1st November 2017, Seychelles**

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ECOSOCC IN-DEPTH STUDY INCEPTION MEETIN - 15-16 DECEMBER 2018 - ACCRA,  
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	Mr	Youssef	Faraj	ADYFE		<a href="mailto:karim.saafi@adyfe.eu">karim.saafi@adyfe.eu</a>
35	Mr	Leonard	Zondetsa	Development Consultant	Malawi	<a href="mailto:zondetsaleonard@gmail.com">zondetsaleonard@gmail.com</a>

**Joint Sectorial Cluster Meeting and Validation 3 -4 DECEMBER 2019 - NAIROBI, KENYA**

PARTICIPANT LIST					
No.	Title	First Name	Last Name	Organization/Position	Country
<b>Bureau Members</b>					
1	Mr	Abozer	Ellegai	Presiding Officer	Sudan
2	Mr	Komi Francis	Mensah	Deputy Presiding Officer	Togo
3	Mr.	Patson	Malisa	Deputy Presiding Officer	South Africa
4	Mr.	Khalid	Boudali	Deputy Presiding Officer	North
5	Ms	Djibrine	Amalkher	Deputy Presiding Officer	Central
<b>Standing Committee</b>					
6	Mr.	Roll Stephane	Ngomat	Chair, Peace & Security	GABON
7	Mr.	Emmanuel	Saffa	Chairperson Political Affairs	Sierra Leone
8	Mr	Botho	Seboko	Chair, HRST	Botswana
9	Mrs.	Monde Reberiah	Kabandula	Chair, Economic Affairs Cluster	ZAMBIA
10	Ms.	Julie	Epse Kone	Chair, Gender	COTE D'IVOIRE
11	Ms.	LUYEYE	KUNDOMBA HADDOU	Chair, DREA	DRC
12	Mr	Abdourahman	Hassan Said	Chair, Cross Cutting	Djibouti
13	Mr.	Abdurrahman	Mokhtar	Chair, Trade & Industry	LIBYA

14	Dr.	El Hacene	Mbareck	Chair, Social Affairs	Mauritania
15	Mr.	Henry	Oriokot	Chair, Infrastructure	Uganda
<b>Cluster Member</b>					
16	Mr	Jonathan	Sandy	GA	Sierra Leone
17	Dr.	Tunji	Asaolu	GA	Nigeria
18	Ms	Moore	Brenda Brewer	GA	Liberian
19		Bakri			
20		Stephen Caleb			
21		Aminatou	Allakaye	GA	Niger
22		tamuka magwenzi			
23		Gowreesunkar	Gatree		
<b>CSO</b>					
26	Amb	Ezzeddine	Zayani	CSO	Tunisia
28	Mr	Ricahrd	Ssewanyankiranya	GA	Uganda
29	Mr	Raj	Chitaram	GA	Mauritius
31	Mr.	Cisse	Kane	GA	Senegal
32	Mr.	Tsonam	Cleanse Akpeloo	GA	Ghana
34	Mme	Fatima	Karadja	Former DPO	Algeria
35	Mme	Khady Fall	Tall	Former DPO	Senegal
36	Mr	Ismael	Noo	Former DPO	Kenya
37	Mr	Ezzeddine	Hamdene	GA	Tunisia
38	Mr.	Kassahun	Follo Amenu	GA	Ethiopia
39	Mr	Komlan	Messie	West African Civil Society Forum	
40	Ms	Martha	Makenge	East African Civil Society Forum EACSOFF	
41	Dr.	Sammawal	Khalil	Dean, School of Rural Extension Education and Development Ahfad University for Women	
42		Ngalim Eugene Nyuydine		CAMYOSFOP	Cameroun
<b>Facilitator</b>					
41	Dr.	Jinmi	Adisa	Consultant	Nigerian
<b>Local</b>					
1	Mr	Edward	Marienga	General Assembly member	Kenya
2	Mr.	Denise	Kodhe	General Assembly member	Kenya
3	Mr.	Shem	Ochuodho	General Assembly member	Kenya
4	Mr.	John		National Chapter Coordinator	Kenya
5	Prof.	Eusobio	Wanyama	Consultant	Kenya
<b>Validation Only</b>					

Member States					
1				Chairperson	Egypt
2				1st Vice President	South Africa
3				2nd Vice President	DRC
4		Adam	Maiga Zakariou	3rd Vice President	Niger
5				Rapporteur	Rwanda
6				Overall Dean	Cameroon
7		Tachie-Menson	Henry	Ambassador	Ghana
8				Ambassador	Kenya
9		Adjoba	Tchilabalo	Ambassador	Togo
10	Amb.	Mwamba	Emmanuel	Ambassador	Zambia
11				Ambassador	Morocco
12				Ambassador	Tunisia
13		Moro	Amarou	Ambassador	Mali
14				Ambassador	Ethiopia

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**DRAFT**

**DECISION ON THE REPORT OF THE ECONOMIC SOCIAL  
AND CULTURAL COUNCIL (ECOSOCC)**

**Doc. EX.CL/**

**The Executive Council,**

1. **TAKES NOTE** of the Annual Activity and In-depth study reports on ECOSOCC and the recommendations contained therein;

**On the Activity Report of ECOSOCC**

**2. COMMENDS:**

- i. The Government of the Republic of Zambia for the continued support offered to the ECOSOCC Secretariat in the mobilization of the budget resources to support the renovation and upgrade of the standalone facility.
- ii. The ECOSOCC Secretariat for the progress in the development of relevant CSO policy toolkits, operational frameworks and manuals for the effective implementation of the mandate of the organ.

**3. REQUESTS:**

- i. ECOSOCC Secretariat in collaboration with the relevant department of the Commission to finalize call for application of the 4<sup>th</sup> Permanent General Assembly of ECOSOCC during the first quarter on 2022 and ensure strict compliance with eligibility criteria of ECOSOCC membership as provided for in the Statutes of the Organ.
- ii. The Commission to undertake skills and competency based assessment on already existing staff of ECOSOCC to determine whether they meet the requirements of the revised structure of the Organ.

4. **DECIDES** ECOSOCC to undertake the recruitment of its remaining staff in the revised structure with the assistance of the Commission in line with AU Staff Regulations and Rules as well as the Merit Based Recruitment System (MBRS).

**On the In-Depth Study Report of ECOSOCC**

5. **RECALLS** Decision EX/CL 849 (XXV) of 2014 that called for “an in-depth study regarding the functioning and performance of ECOSOCC since its inception to provide appropriate recommendations on modalities to revamp the operations of the Organ, that would help deliver on its advisory role, in line with the current reform priorities of the AU that would support the principles of African ownership”.

6. **ENDORSES** the recommendations of the ECOSOCC In-depth study report to enhance the governance and operational capacity of ECOSOCC to fully deliver on its mandate of providing advice into the policies and programs of the African Union through effective engagements with African CSOs from across the continent and in the Diaspora.
7. **REQUESTS**
- i. The ECOSOCC, the Commission and PRC to ensure strict implementation of recommendations contained in the Report.
  - ii. The ECOSOCC Secretariat to work with the Office of Legal Counsel to facilitate a comprehensive and holistic review of the ECOSOCC legal instruments i.e. the Statute and Rules of Procedures in accordance with the recommendations of the Report.
8. **DECIDES** to remain seized of the matter and **FURTHER REQUESTS** the ECOSOCC Secretariat to report on progress and the implementation of recommendations of the In-Depth Study Report to the 42nd Ordinary Session of the Executive Council in January/February 2023.

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# Report of the Economic, Social and Cultural Council (ECOSOCC)

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