



**Centre for Human Rights  
University of Pretoria**

Impact analysis of ECOSOCC  
in the governance architecture  
of the African Union

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# Impact analysis of ECOSOCC in the governance architecture of the African Union



**ECOSOCC**  
Economic Social & Cultural Council

An Organ of the

**African  
Union**



UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA



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## Abbreviations

ACDEG	African Charter on Democracy, Elections and Democracy
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Commission on Human and Peoples' Rights
ACtHPR	African Court on Human and Peoples' Rights
AfCFTA	African Continental Free Trade Area
AFRODAD	African Forum and Network on Debt and Development
APSA	African Peace and Security Architecture
AU	African Union
AUBP	African Union Border Programme
AUC	African Union Commission
AUTJP	African Union Transitional Justice Policy
CBO	community-based organisation
CCP-AU	Centre for Citizens' Participation in the African Union
CEWS	Continental Early Warning System
CIDO	Citizens and Diaspora Directorate
CNIE	China NGO Network for International Exchanges
COMESA	Common Market for Eastern and Southern Africa
CSO	civil society organization
CSSDCA	Conference on Security, Stability, Development and Cooperation in Africa
CSVr	Centre for the Study of Violence and Reconciliation
DIC	Directorate of Information and Communication
DPA	Department of Political Affairs
DRC	Democratic Republic of Congo
ECOSOCC	Economic, Social and Cultural Council
EESC	European Economic and Social Committee
EU	European Union
EUPSC	European Union Political and Security Committee
FAS	Femmes Afrique Solidarité
FOCAC	Forum on China-Africa Cooperation
GIMAC	Gender is My Agenda Campaign
HLPF	High Level Political Forum
HRC	Human Rights Council
IDMC	International Displacement Monitoring Centre
IDP	internally displaced person
IPSS	Institute for Peace and Security Studies
ISS	Institute for Security Studies
JAES	Joint Africa-EU Strategy
LPI	Life and Peace Institute
MFPD	Maarij Foundation for Peace and Development
MoU	Memorandum of Understanding
MPFA	Migration Policy Framework for Africa
NGO	non-governmental organization
NRC	Norwegian Refugee Council
OAU	Organization of African Unity
OECD	Organization for Economic Cooperation and Development

OIO	Office of Internal Oversight
OLC	Office of the Legal Counsel
OSISA	Open Society Initiative for Southern Africa
PACIN	Pan-African Citizens Network
PALU	Pan-African Lawyers Union
PAP	Pan-African Parliament
PAPS	Political Affairs and Peace and Security
PAYFIG	Pan-African Youth Forum on Internet Governance
PRC	Permanent Representatives Committee
PSC	Peace and Security Council
PSD	Peace and Security Department
REC	Regional Economic Community
SALW	small arms and light weapons
SOAWR	Solidarity for African Women's Rights
SPFA	Social Policy Framework for Africa
SSR	security sector reform
STC	Specialized Technical Committee
TWG	Thematic Working Group
UNECA	United Nations Economic Commission for Africa
UNHRC	United Nations Human Rights Council
UNSC	United Nations Security Council
WGDD	Women, Gender and Development Directorate
WGYD	Women, Gender and Youth Directorate
YALI	Young African Leaders Initiative
YAWC	Young Africans Writing Contest

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# INTRODUCTION

Since its inauguration in July 2002, the African Union (AU) has sought to project itself and present a portrait of a continental body that is people-centred in decision-making and implementation. This posture is first and foremost a function of pragmatism. The AU has long acknowledged that achieving solid success of its core mission of integrating the continent lies in meaningfully involving the people in the attendant processes. As observed by Alpha Konaré, the inaugural chairperson of the AU Commission (AUC), “there can be no integration except one that is desired and driven by the people”. Beyond practicality, the AU ought to be people-centred by dint of statutory imperatives. The AU Constitutive Act provides that one of the principles that should underpin the functioning of the AU is the “participation of the African peoples in the activities of the Union”. Indeed, the establishment of the AU was guided by, among other considerations, “the need to build partnership between governments and all segments of civil society, in particular women, youth and the private sector”.

As the implementation of Agenda 2063 has gained momentum in recent years, the above provisions of the Constitutive Act on popular participation have come under sharp focus. Agenda 2063 is the AU’s 50-year strategic document on Africa’s transformation and development. It is touted as a people-driven initiative that captures the “voices of the African people indicating the Africa They Want”. Crucially, Aspiration 6 of the Agenda envisions that by 2063, Africa will be a continent where all citizens will be actively involved in decision-making in all aspects of development, including social, economic, political and environment. Yet, there is increasing acknowledgment within the AU that it is not performing as expected when it comes to being people-centred.

In a speech delivered to the AU Assembly in January 2017, Rwandan President Paul Kagame candidly said that the AU is perceived to have limited relevance to African citizens. In other words, African citizens have no trust in the AU. A key pillar of the AU institutional reform that he initiated concerns connecting the AU to the African people as a matter of urgency and priority. In this spirit, the vision of President Félix Tshisekedi of the Democratic Republic of Congo (DRC) during his 2021 chairmanship of the AU is “an African Union at the service of the peoples” in instructive.

When taking over as the chairperson of the AU in February 2021, he promised to strive to “take our Organization out from the conference rooms, the hard drives of our computers and the well-crafted files of our secretaries, into the classrooms, the refugee camps, the markets of our cities and in the fields our respective villages”. These words are a perfect backdrop for imagining how the AU can be truly people-centred. The starting point, though, is to take a step back and assess the extent to which the AU, as a collective and through its constituent parts, has thus far involved the people in its structures and processes.

## 1.1 FOCUS ON ECOSOCC

People’s participation in the AU as envisaged in the Constitutive Act is not intended to be a rhetorical and free-floating principle. The Constitutive Act provides for the establishment of the Economic, Social and Cultural Council (ECOSOCC) as one of the statutory two organs of the AU that are specifically charged with the responsibility of translating the principle into reality. ECOSOCC is an advisory organ, which means that it does not have decision-making powers within the AU governance architecture. However, it has a seat at the table in some of the platforms where AU policies and decisions are considered and adopted. The *raison d’être* of ECOSOCC is to mobilize and inject the voice of the African civil society and the African Diaspora into AU structures and processes. Put differently, ECOSOCC exists to ensure that the AU is indeed a people-centred institution, not in theory but in practice.

ECOSOCC has been in formal operation since March 2005. After 17 years of existence, the time is now ripe to ask whether ECOSOCC has lived up to the expectations about its anticipated role. In September 2008, Jakaya Kikwete, then the president of Tanzania and chairperson of the AU, described ECOSOCC as “more or less a civil society parliament” with the mandate to be a “full partner” in AU decision-making and implementation. Has ECOSOCC played this representational role, and has it been treated or acted as a full partner within the AU ecosystem? Is ECOSOCC today what it was imagined it would be: “an influential forum for the diverse voices of civil society”? If it had the potential to “truly give a voice to African peoples in the body politic of the organization”, has it realized this potential?

Or as was feared by some, has it become a mere “symbolic gesture”? And if so, what is the future that lies ahead for ECOSOCC?

## **1.2 STUDY OBJECTIVES AND CONTEXT**

In light of the above questions, this study seeks to critically analyse the extent to which ECOSOCC has fulfilled its mandate and objectives. Using the founding instrument and other pertinent texts as yardsticks, the study looks into the actual practice and performance of ECOSOCC since its inception. The focus is on outputs and outcomes as measured against ECOSOCC’s objectives and insofar as they reflect its role and contribution in harnessing and channeling the voice of civil society into AU structures and processes.

This study has been developed in the context of ongoing broader institutional developments within the AU. It fits into the ongoing institutional reform of the AU, under which the strengthening ECOSOCC as the main AU vehicle for engagement and interaction with civil society has gained new impetus and importance. This study also dovetails into and complements the AU’s own initiatives to assess the impact and functioning of ECOSOCC. In June 2014, the AU Executive Council called for “an in-depth study or audit exercise regarding the functions of ECOSOCC since its inception to produce appropriate recommendations on ways and means to revamp the operations of the organ, including a review of the Statutes, Rules of Procedure and models of representation that would support the principle of ownership”. The finalized study (‘In-depth Study’) was endorsed by the AU Executive Council in February 2022 during its 40<sup>th</sup> ordinary session.

## **1.3 METHODOLOGY AND PLAN**

This study is primarily based on extensive desk review of a wide array of primary literature. The foremost focus is on the outputs of ECOSOCC itself, including activity reports, meeting reports, strategic plans, advisory opinions, communiqués, press releases and public notices. Reports and policy decisions of the other AU organs and

institutions, to the extent that they relate to ECOSOCC are also analyzed. Reports and outputs of CSOs and other relevant stakeholders of ECOSOCC were examined. Published and non-published academic reflections on and critique of the work of ECOSOCC are also relied upon.

Although the study mainly draws on desk research, it also has a minor empirical component. Semi-structured or open-ended interviews were conducted with a limited number of representatives of ECOSOCC and CSOs. Conducted online via Zoom, the interviews sought to gather insights from actors with first-hand experience working at or engaging with ECOSOCC. The interviews also helped to place ECOSOCC’s impact within the context in which it has operated since inception. A preliminary draft of the study was reviewed and critiqued in a meeting held with the ECOSOCC secretariat on 12 November 2020. The study was then finalized taking into account the rich insights and feedback received at the review meeting.

As to the structure of the study, this introduction is followed by an overview of ECOSOCC in section 2. The overview provides a synopsis of ECOSOCC’s objectives, functions, composition, membership and structural design. Section 3 traces ECOSOCC’s historical evolution and institutional growth. This background is essential to a contextual of understanding ECOSOCC’s real or perceived performance and impact, which is analyzed in section 4. The analysis of ECOSOCC’s performance and impact is organized to correspond with six broad roles of ECOSOCC that have been identified for the purpose of the study. Section 5 of the study examines the main structural challenges that have impeded or continue to impede ECOSOCC’s performance and impact. The last section reflects on opportunities for strengthening ECOSOCC and provides a list of proposals in that regard.

# OVERVIEW OF ECOSOCC

The inclusion of a provision for the establishment of ECOSOCC in the AU Constitutive Act is a culmination of a series of decisions and events that date back to the twilight years of the Organization of African Unity (OAU). For the most part of its existence, the OAU did not have much in the way of a structured and sustained engagement with civil society. The voice of civil society rarely had any formal channels of reaching OAU's structures and processes. The state of affairs turned a corner in the early 1990s, a shift that coincided with the wave of democratization sweeping across the continent at the time. As evidenced by several normative texts adopted during this period, the OAU began to formally acknowledge the place and the critical role of the people and the civil society in Africa's development and integration.

A more concrete step was taken in 1993 when the OAU adopted a set of criteria for granting observer status to external actors, including CSOs. Another important milestone was reached in 1997 when the then secretary general of the OAU, Salim Ahmed Salim, presented proposals to the OAU policy-makers on building closer and more systematic collaboration with civil society. By 1999 when African political leaders decided to transform the OAU into the AU, the notion of popular participation had gained significant traction and acceptance. It accordingly found expression in the provision of the AU Constitutive Act establishing ECOSOCC.

Although the Constitutive Act provides for its establishment, the precise details regarding the objectives, composition and functioning of ECOSOCC are spelt out in the ECOSOCC Statutes adopted by the AU Assembly in July 2004. Further details are contained in ECOSOCC's working documents such as its Rules of Procedure. This section provides an overview of the objectives and functions of ECOSOCC, sketches its institutional design and structure, and traces the journey taken to operationalize and build it up.

## 2.1 ECOSOCC'S OBJECTIVES AND FUNCTIONS

Articles 2 and 7 of the ECOSOCC Statutes provide a cumulative list of 15 objectives and functions of ECOSOCC. For the purpose of this study, the objectives and functions of ECOSOCC have been broken down into six broad and

mutually-reinforcing roles: advisory, facilitative, representative, promotional, capacity-building and oversight. Under its advisory role, ECOSOCC is mandated to give advice to the AU. The advice may, for example, focus on how to ensure that AU objectives, principles and policies are translated into concrete programmes. The advice rendered by ECOSOCC may be informed by or based upon studies which it has undertaken following a request by another AU organ or on its own initiative.

ECOSOCC's representative role involves speaking on behalf of and guarding the interests of civil society at the AU. The facilitative role of ECOSOCC is concerned with ensuring civil society participation in the AU. It also includes fostering and consolidating partnership between the AU and civil society organisations (CSOs). The promotional role of ECOSOCC entails popularising the AU and its programmes. It also involves advocating for and defending a wide range of values and causes, including peace and security and human rights. The capacity-building role of ECOSOCC involves conducting training targeting African civil society with a view to developing and strengthening their institutional capacities to engage with the AU. The monitoring and oversight role of ECOSOCC involves evaluating AU programmes, policies and decisions.

In addition to the above roles, ECOSOCC may perform other functions given to it by any of the other AU organs. The Executive Council has, for instance, tasked ECOSOCC to take the lead in popularising Agenda 2063.

**Figure 1: Key roles and functions of ECOSOCC**



Source: Authors

## 2.2 COMPOSITION AND MEMBERSHIP

The AU Constitutive Act simply provides that ECOSOCC shall be composed of “different social and professional groups” drawn from AU member states.<sup>1</sup> This is clarified in the ECOSOCC Statutes to mean CSOs in their diversity, including the following: Non-governmental organisations (NGOs); community-based organisations (CBOs); social groups representing women, children, youth, persons with disabilities, and older persons; and professional associations across many and varied fields.<sup>2</sup> The number of CSOs that constitute ECOSOCC’s membership is statutorily capped at

150.<sup>3</sup> To reflect the diversity of African CSOs as much as possible, the 150 slots are allocated as follows:

- Two CSOs from each AU member state;
- 10 CSOs operating at the regional level;
- Eight CSOs operating at the continental level;
- 20 CSOs from the African Diaspora; and
- Six CSOs nominated by the AUC based on “special considerations”.<sup>4</sup> This category participates in ECOSOCC in an *ex-officio* capacity.

Apart from those nominated by the AUC, CSOs become members of ECOSOCC through

1 AU Constitutive Act, art 22(1).

2 ECOSOCC Statutes, art 3(2).

3 The number of ECOSOCC members was determined at a time when there were 53 AU member states. With the subsequent entry of Morocco and South Sudan, the number of AU member states has risen to 55. This means that if the statutory formula for membership is currently applied, there should be 154 members of the General Assembly.

4 ECOSOCC Statutes, art 4(1).

elections.<sup>5</sup> These elections are supposed to ensure that in each category of CSOs, there is a 50% balance between men and women as well as a 50% representation of the youth (defined as persons between the ages of 18 and 35).<sup>6</sup> The eligibility requirements for membership in ECOSOCC are provided under article 6 of the ECOSOCC Statutes. Candidates for election must demonstrate that they meet the following conditions:

- a) They are national, regional, continental or African Diaspora, with no restrictions to undertake regional or international activities.
- b) Their objectives and principles are consistent with those of the AU.
- c) They meet the general conditions of eligibility for the granting of AU observer status to NGOs.
- d) They have been duly registered in an AU member state or in the diaspora for a period of at least three years.
- e) Their management is composed of not less than 50% of Africans or African Diaspora;
- f) At least 50% of their funding is derived from members' contributions.
- g) They operate in at least three AU member states if they are regional or continental CSOs.
- h) They do not practice discrimination on any prohibited ground, particularly religion, gender, tribe, ethnic origin, race and political bias.
- i) They adhere to a code of ethics and conduct for CSOs affiliated to or working with the AU.

Different kinds of documentary evidence are required to prove most of the above requirements. These include proof of registration, audited financial accounts, and annual activity reports. Membership in the ECOSOCC, specifically its General Assembly (discussed below), is for a four-year term, renewable once.<sup>7</sup>

## 2.3 INSTITUTIONAL DESIGN AND STRUCTURE

### 2.3.1 Core structures

ECOSOCC is designed to consist of four main statutory structures: The General Assembly, the Standing Committee, the Sectoral Cluster Committees, and the Credentials Committee.<sup>8</sup> A description of the composition and functions of each of these structures is provided below.

- a) **General Assembly:** Composed of all the 150 elected members, the General Assembly is the highest decision-making structure in ECOSOCC.<sup>9</sup> It performs both administrative and substantive functions, including electing the Standing Committee, preparing and submitting advisory opinions, and reviewing the budget and activities of ECOSOCC.<sup>10</sup> The General Assembly is required to meet biennially in ordinary sessions, although it may meet in extra-ordinary sessions as and when circumstances demand.<sup>11</sup> It is headed by an elected bureau composed of the Presiding Officer and five deputies representing the regions of the continent and the diaspora. The bureau holds office for a term of two years. Since its inception, ECOSOCC has had four General Assemblies constituted.<sup>12</sup>
- b) **Standing Committee:** The Standing Committee is essentially the executive arm of ECOSOCC. It is responsible for coordinating ECOSOCC's work, including undertaking preparatory work for the General Assembly, developing annual reports, and following-up on the implementation of the code of ethics and conduct.<sup>13</sup> It is composed of 18 members: The six members who constitute the General Assembly bureau; the chairpersons of the 10 Sectoral Cluster Committees; and two representatives from among the members nominated by the AUC.<sup>14</sup> The Standing Committee is required to meet at least twice a year.<sup>15</sup>
- c) **Sectoral Cluster Committees:** The Sectoral Cluster Committees are ECOSOCC's "key

5 ECOSOCC Statutes, art 5.

6 ECOSOCC Statutes, art 4(2).

7 ECOSOCC Statutes, art 5(5).

8 ECOSOCC Statutes, art 8.

9 ECOSOCC Statutes, art 9(1).

10 ECOSOCC Statutes, art 9(2).

11 ECOSOCC Statutes, art 9(3).

12 See Annex 1 for full details.

13 ECOSOCC Statutes, art 10(2).

14 ECOSOCC Statutes, art 10(1).

15 ECOSOCC Rules of Procedure, Rule 29(2).

- operational mechanisms”.<sup>16</sup> Put differently, they are the operational arm of ECOSOCC. They are mandated to formulate advisory opinions or reports and to provide input into the policies and programmes of the AU. The ECOSOCC Statutes provides for the establishment of 10 cluster committees each with a defined thematic focus and scope. The cluster committees largely mirror the various departments and directorates of the AU, and thus focus on, for example, peace and security, political affairs, women and gender, and social affairs and health.<sup>17</sup>
- d) **The ECOSOCC Statutes** is not categorical on who should be members of the sectoral cluster committees. The presumption is that membership in a cluster is linked to membership in the General Assembly. In other words, one has to be an elected member of ECOSOCC General Assembly to serve in a cluster committee.<sup>18</sup> In order to ensure that they have the minimum needed thematic expertise, the Second General Assembly proposed the inclusion of non-ECOSOCC members in the various cluster committees. In particular, it was envisaged that cluster committees could be composed of three different types of members: core or elected members drawn from the General Assembly; associate members drawn from the wider CSO community and who, on the basis of their expertise, express interest in working with specific clusters; and invited members who would be requested by ECOSOCC to support the work of specific clusters.<sup>19</sup> The Second General Assembly did not follow through the proposal with the adoption of a formal framework document.<sup>20</sup> However, in the intervening years, non-ECOSOCC members have been involved in the work of cluster committees. There are no term limits for membership in cluster committees. However, the chairpersons serve for a period of two years, renewable once.
- e) **Credentials Committee:** Upon election, CSOs nominate or indicate their official representatives to the General Assembly, who in most, if not all, cases are the overall heads of the respective CSOs (e.g., executive directors, presidents or chairpersons).<sup>21</sup> The Credentials Committee is responsible for examining the credentials of members of ECOSOCC and their nominated representatives.<sup>22</sup> It is composed of nine members: five members representing the five regions of the continent; one representative of the diaspora; one representative of special interest groups; and two representatives of the AUC.<sup>23</sup> The members of the Credentials Committee are elected by the General Assembly and their term of office expires at the same time when the term of the General Assembly itself expires.<sup>24</sup>

### 2.3.2 Other structures

Members of the four core structures of ECOSOCC serve on a part-time basis; they transact business in statutory meetings of ECOSOCC as well as in other relevant meetings. The day-to-day functioning of ECOSOCC is thus supported by two other crucial structures: the secretariat and the national chapters.

- a) **Secretariat:** ECOSOCC’s secretariat is based since December 2019 in Lusaka, Zambia. Until then, the AUC’s Citizens and Diaspora Directorate (CIDO) located at the AU headquarters in Addis Ababa, Ethiopia, served as ECOSOCC’s secretariat. Beyond providing administrative and technical support to the core structures, the secretariat is also instrumental in building and maintaining collaboration and partnerships with the broader civil society across the continent. This is a particularly important role for it allows CSOs that are not members of the core structures to directly engage with

16 ECOSOCC Statutes, art 11(1).

17 See Annex 2 for the full list of the Sectoral Cluster Committees.

18 See 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), EX.CL/1328(XL), Annex, p. 26 (“It is important to note in the first regard that to be a Member of the Sectoral Cluster Committee one has first to be a Member of the General Assembly as the association is derived”).

19 Report of the President of the General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/599(XVII), para 3 (Report adopted during the 17th ordinary session of the AU Executive Council, 19-23 July 2010, Kampala, Uganda).

20 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), EX.CL/1328(XL), Annex, p. 30.

21 See ECOSOCC Rules of Procedure, Rules 10 & 11.

22 ECOSOCC Statute, art 12(2).

23 ECOSOCC Statute, art 12(1).

24 ECOSOCC Rules of Procedure, Rule 34(2).

and contribute to the work of ECOSOCC. The secretariat's collaboration with CSOs takes many different forms. For instance, it has signed Memoranda of Understanding with several CSOs and on the basis of which it conducts joint activities with these CSOs. The secretariat also runs an initiative aptly known as *Connect 2 ECOSOCC*.<sup>25</sup> Under this initiative, the secretariat has constituted a total of eight Thematic Working Groups (TWGs) whose membership is open to “all African nationals and Afro-descendants willing to contribute to the developmental agenda of the Union on a pro-bono basis”.<sup>26</sup> The aim of *Connect 2 ECOSOCC* is not only to tap into the enormous expertise within African civil society but to also widen civil society space within ECOSOCC by providing a platform for engagement. Individuals with subject matter expertise in one or more of thematic areas covered by the TWGs are registered in the *Connect 2 ECOSOCC* database upon verification of their credentials and professional experience. Following registration, they may be invited to provide technical expertise on specific issues. The secretariat also organizes regular open CSO consultations on topical issues, including on AU annual themes.

- b) **National Chapters:** The four main structures are also supported in their work by ECOSOCC National Chapters. These are intended to serve as accountability frameworks for ECOSOCC elected members and as conduits for the dissemination of information and mobilizing support for AU programmes and activities.<sup>27</sup> As at the beginning of 2021, ECOSOCC National Chapters were active and operational in 21 AU member states.<sup>28</sup>

25 See ‘Connect 2 ECOSOCC Today’, Connect 2 Ecosocc Today! | African Union ECOSOCC (au.int) (accessed 9 June 2022).

26 ECOSOCC, ‘Connecting African civil society to the African Union’, 10 February 2022, 8f79ca\_c105bb757c0441bb9a068ce970c350ef.pdf (auecosocc.org) (accessed 9 June 2022).

27 Decision on the 2nd ECOSOCC Permanent General Assembly, EX.CL/Dec.869(XXVI), para 3(ii) (Decision adopted during the 26th ordinary session of the AU Executive Council, 23-27 January 2015, Addis Ababa, Ethiopia.).

28 Report of the African Union Economic, Social and Cultural Council (ECOSOCC), EX.CL/1261 (XXXVIII) para 20 (Report adopted during the 38th ordinary session of the AU Executive Council, 3-4 February 2021, Addis Ababa, Ethiopia).

# HISTORICAL EVOLUTION AND GROWTH OF ECOSOCC

Tracing the historical evolution and institutional growth of ECOSOCC is essential to a contextual understanding of its real or perceived performance and impact. For purposes of this study, ECOSOCC is considered to have evolved in three major phases. The first phase covers the tenure of the Interim General Assembly which spanned from March 2005 to September 2008. This was a period dedicated mainly to establishing the procedures and mechanisms needed for the election of the First Permanent General Assembly. With a limited mandate to organize elections, the core functions and objectives of ECOSOCC were not substantially executed during the first phase. At the political or symbolic level, however, the very existence of ECOSOCC within the AU institutional architecture marked a noteworthy achievement in and of itself.

The second phase covers the tenure of the First and Second Permanent General Assemblies (September 2008 – December 2018). With the establishment of the First General Assembly, there was expectation that ECOSOCC would quickly get down to discharging its core mandate. However, this period was dominated by procedural and administrative matters involving establishing rules and structures. Although ECOSOCC registered some impact during this phase, especially towards the end of the term of the Second Permanent General Assembly, it generally paid less focus on programmatic and substantive work.

The last phase of ECOSOCC's institutional growth covers the past three years (2019-2022). It is a period that corresponds with the tenure of the Third Permanent General Assembly. More importantly, it is during this period that ECOSOCC relocated from Addis Ababa to Lusaka where it now operates with an independent and full-time secretariat. With this dedicated capacity, ECOSOCC has paid more attention on its core functions and objectives. Although the overall technical performance of ECOSOCC in the last

17 years has been limited or uneven, its capacity to execute its core objectives and functions has gradually increased over the years, especially in the last three years.

## 3.1 IN THE INTERIM: LAYING THE GROUNDWORK

When the AU Assembly adopted the ECOSOCC Statutes in July 2004, it also directed the AUC Chairperson to urgently launch and operationalize ECOSOCC.<sup>29</sup> While the urgency of operationalizing ECOSOCC was obvious, it had not been lost to the drafters of the ECOSOCC Statutes that the process would be complex and time-consuming. To get things rolling as soon as the enabling statute was adopted, they provided for transitional arrangements to be put in place pending the establishment of the permanent structures of ECOSOCC.<sup>30</sup> In terms of the provisions on the transitional arrangements, an Interim General Assembly of ECOSOCC was constituted and launched on 24 March 2005 at a “General Civil Society Conference” convened by the AUC in Addis Ababa. The Interim General Assembly then elected both the Interim Standing Committee and the Interim Credentials Committee.

With Professor Wangari Maathai as the Presiding Officer, the Interim ECOSOCC had a two-year mandate to facilitate the establishment and launch of the permanent general assembly.<sup>31</sup> In its first meeting held in Nairobi, Kenya, in June 2005, the Interim Standing Committee developed its two-year strategy which formed the basis of the awareness raising activities, consultations and mobilization that it subsequently carried out. By January 2007, however, it was already clear that the Interim ECOSOCC would not manage to deliver its core mandate of organizing elections for the First Permanent General Assembly before

29 AU Assembly Decision 48, para 3.

30 ‘Draft Decision on Transitional Arrangements for the Launching of the Economic, Social and Cultural Council (ECOSOCC) of the African Union’ annexed to the ECOSOCC Statutes.

31 The Interim Bureau was also composed of the following Deputy Presiding Officers: Maurice Tadadjeu (Central Africa); Ayo Aderinwale (West Africa); Fatima Karadja (North Africa); and Charles Mutasa (Southern Africa).

the expiry of its term. As such, its mandate was extended to December 2007.<sup>32</sup>

At the end of 2007, the Interim ECOSOCC had organized elections for the continental CSOs as well as for national CSOs from only a handful of countries, including Algeria, Cameroon, Egypt, Kenya and Tunisia. This meant that the critical mass for constituting the First Permanent General Assembly had not been achieved. The term of the Interim ECOSOCC was thus again extended, this time to 30 April 2008.<sup>33</sup> In the first half of 2008, elections for an additional 20 countries were organized. This allowed for the establishment and launch of a partially constituted First Permanent General Assembly on 9 September 2008 in Dar es Salaam, Tanzania.

### 3.2 IN-BETWEEN: INSTITUTIONAL-BUILDING AND CONSOLIDATION

With Akere Muna of the Pan-African Lawyers Union (PALU) as the Presiding Officer,<sup>34</sup> the First Permanent General Assembly commenced its tenure with an orientation meeting for its members. Held in October 2008 in Nairobi, Kenya, the orientation meeting also developed ECOSOCC's Rules of Procedure and a programme for the completion of elections in countries not yet represented in the General Assembly. In its second meeting held in December 2008 in Abuja, Nigeria, the First General Assembly adopted its four-year strategic plan of action. This was followed in May 2009 with the election of the

chairpersons of the sectoral cluster committees, ostensibly setting the stage for ECOSOCC to commence implementing its core functions. However, the activation of the cluster committees did not immediately translate to execution of programme work.

At the beginning of 2010, ECOSOCC hoped that it would soon be reaching its "cruising altitude" in terms of capacity to implement programmes and activities.<sup>35</sup> However, whatever pace and tempo it gathered during that year had slowed down by January 2011,<sup>36</sup> partly due to postponement of the General Assembly meeting that had been scheduled to take place in December 2010. The momentum for programme activities reduced even further in the years that followed. Crucially, about two years were lost between when the term of the First General Assembly expired in September 2012 and when the Second General Assembly took office in December 2014. Due to the apparent lack of the relevant working documents and frameworks, the term of the First General Assembly expired without the sectoral cluster committees actually getting down to substantive business.

With Joseph Chilengi of the Zambia-based Africa Internally Displaced Persons' Voice (Africa IDP Voice) as the Presiding Officer, the Second General Assembly started its term on what was basically a clean slate. From the outset, it indicated that its "overriding priority" would be "institutional building and consolidation",<sup>37</sup> and it did actually dedicate most of the first two years of its term on this specific endeavor.<sup>38</sup> However, the

32 Decision on the Report of the Interim Economic, Social and Cultural Council (ECOSOCC), EX.CL/Dec.338 (X), Decision adopted during the 10th ordinary session of the AU Executive Council, 25-26 January 2007, Addis Ababa, Ethiopia.

33 Decision on the Report of the Interim Standing Committee of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/Dec.384(XII), Decision adopted during the 12th ordinary session of the AU Executive Council, 25 January 2008, Addis Ababa, Ethiopia.

34 The following Deputy Presiding Officers were elected together with the Presiding Officer: Tarig Abdel Fatah (East Africa); Fatima Karadja-Zohra (North Africa); Abraham Boichoko Dithake (Southern Africa); and Koite Doumbia (West Africa). See Report of the Economic, Social and Cultural Council of the Union (ECOSOCC), EX.CL/745(XXI) para 15 (Report adopted during the 21st ordinary session of the AU Executive Council, 9-13 July 2012, Addis Ababa, Ethiopia).

35 Report of the President of the Permanent General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/574 (XVI) para 16 (Report adopted during the 16th ordinary session of the AU Executive Council, 25-29 January 2010, Addis Ababa, Ethiopia).

36 Report of the President of the Permanent General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC-AU), EX.CL/648(XVIII) para 14 (Report adopted during the 18th ordinary session of the AU Executive Council, 24-28 January 2011, Addis Ababa, Ethiopia).

37 Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/940 (XXVIII) para 1 (Report adopted during the 28th ordinary session of the AU Executive Council, 23-38 January 2016, Addis Ababa, Ethiopia).

38 Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/1031 (XXXI),

Second General Assembly crossed one important hurdle; it finalized guidelines and modalities for operationalization of the cluster committees.<sup>39</sup> In the second quarter of 2015, three cluster committees (Political Affairs; Peace and Security; and Women and Gender) were established.<sup>40</sup> However, efforts to establish the rest of the committees by the end of 2015 were frustrated by the AUC's austerity measures that abruptly froze ECOSOCC's planned activities for the year.<sup>41</sup>

Another milestone was achieved in 2016 when the Second General Assembly adopted a strategic plan setting out ECOSOCC's expected programme outcomes, strategies and activities for the two-year period between 2017 and 2018.<sup>42</sup> The Strategic Plan was endorsed by the AU Executive Council in January 2018.<sup>43</sup> The formulation and endorsement of the Strategic Plan marked a giant step forward in the institutional development of ECOSOCC. With some clear sense of strategic direction, the implementation of programmes could presumably now take place more earnestly. Prospects for shifting gears in terms of mandate

execution were boosted in March 2017 with the election of new office holders of the different ECOSOCC structures, including the heads of the cluster committees.<sup>44</sup> Indeed, 2008 saw a flurry of programmatic activities and interventions by the sectoral cluster committees.<sup>45</sup>

### 3.3 IN LUSAKA: DEEPENING PERFORMANCE AND IMPACT

The Third General Assembly was constituted in December 2018 with Abozer Elmana Elligai of the Sudan-based Maarij Foundation for Peace and Development (MFPD) as the Presiding Officer.<sup>46</sup> Since then, ECOSOCC implementation of programmes and execution of its core objectives and functions have continued apace. The establishment of a dedicated and independent secretariat in Lusaka has particularly invigorated ECOSOCC by injecting new blood and a fresh shot of energy. The process of relocating ECOSOCC to its permanent seat in Lusaka had started in January 2016 when the AU Assembly accepted Zambia's offer to host ECOSOCC.<sup>47</sup>

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para 12 (Report adopted during the 31st ordinary session of the AU Executive Council, 27 June – 1 July 2017, Addis Ababa, Ethiopia).

- 39 See '1st extraordinary session of the Standing Committee of the 2nd Permanent ECOSOCC General Assembly, 11-14 August 2015, Nairobi, Kenya, available at 1st Extraordinary Session of the Standing Committee of the 2nd Permanent ECOSOCC General Assembly, 11-14 August 2015, Nairobi, Kenya | African Union (accessed 23 October 2021).
- 40 See e.g., Report of the Operationalization of the Peace and Security Cluster, 13-14 October 2015, Nairobi, Kenya.
- 41 Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/940 (XXVIII) para 7 (Report adopted during the 28th ordinary session of the AU Executive Council, 23-28 January 2016, Addis Ababa, Ethiopia).
- 42 ECOSOCC *Strategic Plan 2017-2018* (2016) available at Strategic Plan | ECOSOCC (auecosocc.org) (accessed 23 October 2021).
- 43 Decision on the Report on the Offer of the Republic of Zambia to Host the Secretariat of the Economic, Social and Cultural Council (ECOSOCC) and the Adoption of its Strategic Plan 2017-2018, EX.CL/Dec.992(XXXII) Rev. 1 (Decision adopted during the 32nd ordinary session of the AU Executive Council, 25-26 January 2018, Addis Ababa, Ethiopia) (Hereinafter Decision on the Offer of Zambia)
- 44 During this election, Richard Ssewakiryanga of the Uganda National NGO Forum was elected ECOSOCC Presiding Officer. The following Deputy Presiding Officers were also elected: Fatma Mehdi Hassan (North Africa); Patson Malisa (Southern Africa); Khady Fall Tall (West Africa); and Alain Blaise Batongue (Central Africa). See Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/1031 (XXXI) (Report adopted during the 31st ordinary session of the AU Executive Council, 27 June – 1 July 2017, Addis Ababa, Ethiopia).
- 45 See Activity Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/1129(XXXIV) (Report adopted during the 34th ordinary session of the AU Executive Council, 7-8 February 2019, Addis Ababa, Ethiopia).
- 46 The following were also elected Deputy Presiding Officers: Djibrine Amakher (Chad – Central); Khalid Boudali (North Africa); Patson Malisa (Southern Africa); and Francis Akpa (West Africa). The tenure of Abozer Elligai Elmana as the Presiding Officer was cut short after MFPD was deregistered in Sudan, prompting the automatic cessation of its membership in ECOSOCC. Since late 2019, Denise Kodhe of the Institute for Development and Leadership in Africa (IDEA) has served as the Acting Presiding Officer.
- 47 Decision on the Items Proposed by Member States, Assembly/AU/Dec.591 (XXVI) para 8-10 (Decision adopted during the 26th ordinary session of the AU Assembly, 30-31 January 2016, Addis Ababa, Ethiopia).

The acceptance of the offer triggered a series of activities and decisions that culminated in the relocation of the secretariat three years later in December 2019.<sup>48</sup>

The leadership of the secretariat in Lusaka is particularly focused on setting the appropriate priorities and ensuring that planned activities are geared towards meeting the core objectives of ECOSOCC.<sup>49</sup> With the outbreak of COVID-19

pandemic in 2020, ECOSOCC quickly adapted to new ways of working. It particularly shifted its activities, such as the second ordinary session of the Third General Assembly held in December 2020, to the online space. It has also prioritized initiatives aimed at supporting AU's overall institutional response to the pandemic.<sup>50</sup>

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48 See e.g., Report of the Relocation of the Seat of ECOSOCC to Lusaka, Zambia, EX.CL/976(XXIX) (Report adopted during the 29th ordinary session of the AU Executive Council, 10-15 July 2016, Kigali, Rwanda).

49 'Interview: My plans towards making AU ECOSOCC secretariat live up to its desired objectives – William Carew', African Newspaper, 13 January 2020, available at [INTERVIEW | My plans towards making AU ECOSOCC secretariat live up to its desired objectives – William Carew – African Newspaper](#) (accessed 1 November 2021).

50 Report of the African Union Economic, Social and Cultural Council (ECOSOCC), EX.CL/1261(XXXVIII), para 12 (Report adopted during the 38th (virtual) ordinary session of the AU Executive Council, 3-4 February 2021, Addis Ababa, Ethiopia).

# PERFORMANCE AND IMPACT OF ECOSOCC

This section now turns to the crux and weight of the study: an analysis of the performance and impact of ECOSOCC. Over the last decade or so, the question of ECOSOCC's performance and impact has frequently popped up in policy discussions within and beyond the AU. In formal processes, the question was raised, for instance, in the context of the institutional review of the AU that resulted in the 2007 report of the Independent High Level Panel of the Audit of the African Union (Adebayo Adedeji Panel). However, the Adebayo Adedeji Panel eschewed the question as it concluded that "[a] practical and more complete evaluation of the ECOSOCC can only be made after the substantive General Assembly is launched in January 2008".<sup>51</sup> The Panel recommended that an analysis of "the adequacy of the Organ's process and spread of representation, the functioning of the Sectoral Clusters and the impact of their input on the work of the Commission" could only be realistically undertaken after the First General Assembly had operated for a year.<sup>52</sup>

After the election of the First General Assembly in 2008, six years passed before the question of ECOSOCC's performance and impact featured prominently again within the AU. In June 2014, the Executive Council called for an in-depth study into ECOSOCC's performance and impact,<sup>53</sup> a call that has been reiterated on at least two subsequent occasions.<sup>54</sup> As mentioned earlier, a final draft of the study was endorsed by the AU Executive Council in February 2022 during its 40<sup>th</sup> ordinary.<sup>55</sup> This section examines the performance and impact of ECOSOCC in light of its six broad roles highlighted in Section 2.1 above.

## 4.1 EXECUTION AND IMPACT OF ECOSOCC'S ADVISORY ROLE

Even if it is halfway through its second decade, the development of advisory opinions is a relatively recent or emerging practice within ECOSOCC. This section discusses ECOSOCC's track record of producing advisory opinions. It particularly discusses the two advisory opinions that ECOSOCC has generated in its 17-year history: the 2017 Advisory Opinion on Peace and Security Issues and the 2018 Advisory Opinion on Migration and Human Rights. Although the primary subjects of analysis in this section are the two advisory opinions, it is important to note that the execution of ECOSOCC's advisory role has involved the production of a variety of advisory outputs. In this context, ECOSOCC's basket of advisory outputs has included reports, policy statements, press releases and communiqués.

### 4.1.1 Advisory Opinion on Peace and Security Issues

As a follow up on a meeting held with the AU Peace and Security Council (PSC) in October 2017, the Peace and Security Cluster drafted an *Advisory Opinion on Peace and Security Issues of Conflicts from Irregularities in Elections, Violent Extremism and Terrorism, and the Illicit Proliferation of SALW in Africa*. A total of 18 pages in length and developed with the broad aim of supporting the work of the PSC, the advisory opinion provides an overview of the prevalence and root causes of election-related conflicts, terrorism and illicit proliferation of Small Arms and Light Weapons (SALW). It also, importantly, contains a raft of recommendations

51 Independent High Level Panel of the Audit of the African Union *Audit of the African Union* (2007) para 258 (hereinafter Adebayo Adedeji Report).

52 Adebayo Adedeji Report (n 80 above) para 258.

53 Decision on In-depth Study on ECOSOCC (n 15 above).

54 Decision on the Offer of Zambia (n 70 above) para 6; Decision on the Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/Dec.975(XXXI) para 5(i) (Decision adopted during the 31st ordinary session of the AU Executive Council, 27 June – 1 July 2017, Addis Ababa, Ethiopia).

55 The preparation of the in-depth study commenced in October 2017 with a technical consultation meeting held in Seychelles. The meeting defined the parameters of the study. In July 2018, ECOSOCC commenced the process of recruiting a consultant to undertake the study. In February 2020, the draft of the study was reviewed in a validation workshop held in Nairobi, Kenya.

to the PSC on how to strengthen its policies and programmes on these three specific issues.

In 2020, the Peace and Security Cluster embarked on a process of drafting an opinion on women, peace and security in Africa. It has also identified the need for an advisory opinion on the role of civil society in Security Sector Reform (SSR).

#### 4.1.2 Advisory Opinion on Migration and Human Rights

In April 2018, the Political Affairs Cluster issued an *Advisory Opinion on Migration and Human Rights*. The advisory opinion makes the case for a human rights-based approach to migration governance in Africa. In particular, it argues for a shift from a development approach to migration which is anchored in notions such as state sovereignty, national security and political impetus. This is contrasted with a human rights approach which places human rights at the centre of migration policies and treats migrants as human beings with rights rather than as mere units of labour and agents of development. As such, a key recommendation of the advisory opinion was that the AU should update its 2006 Migration Policy Framework for Africa (MPFA) and the African Common Position on Migration and Development. Regrettably, this recommendation came some three or so months late as the AU had in January 2018 already adopted a revised MPFA.<sup>56</sup>

The advisory opinion also recommended, *inter alia*, that the AU should consider appointing a special rapporteur on the human rights of migrants, a recommendation that failed to acknowledge that the ACHPR already had and still has a special rapporteur whose mandate explicitly covers the rights of migrants.<sup>57</sup> The inclusion of this particular recommendation reflected the cluster's lack of accurate or comprehensive knowledge

of AU structures. This is indeed a much wider problem that has traditionally affected members of ECOSOCC and is discussed in detail below.

#### 4.1.3 Impact of the advisory opinions

The two advisory opinions issued by ECOSOCC has had limited discernible impact within the AU. The Peace and Security Cluster submitted the *Advisory Opinion on Peace and Security Issues* to the PSC and the then Peace and Security Department (PSD) of the AUC on 21 December 2017. However, it was not until 7 March 2018, slightly more than two months later, that the PSD formally acknowledged receipt. More importantly, there was no concrete follow-up action on the advisory opinion. As noted in the In-depth Study, "there was no substantive feedback on the Advisory Opinion and whether and how it was processed or used".<sup>58</sup> The *Advisory Opinion on Migration and Human Rights* was equally distributed to the relevant AUC departments, including the Department of Social Affairs under which migration issues fell. It also did not elicit any substantive feedback or response.<sup>59</sup>

The two advisory opinions have also registered limited traction outside of the AU. In particular, this study could not find evidence that the opinions, for instance, have catalyzed public debate on the issues they address. This finding is not surprising because the advisory opinions are not publicly accessible. They were not disseminated to the public when they were adopted, and they remain unavailable on the website of ECOSOCC.<sup>60</sup> It follows that the external use of the advisory opinions is effectively curtailed. However, the *Advisory Opinion on Migration and Human Rights* has had some limited visibility. An abbreviated version of the advisory opinion was submitted to the 39<sup>th</sup> session of the United Nations Human Rights Council (UNHRC) held in September 2018. It was distributed to members of the UNHRC and

56 Decision on the Reports of the Specialized Technical Committees (STCs), EX.CL/Dec.987(XXXII)Rev.1, para 5 (Decision adopted during the 32nd ordinary session of the AU Executive Council, 25-26 January 2018, Addis Ababa, Ethiopia).

57 See 'Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa', available at African Commission on Human and Peoples' Rights Specialmechanisms (achpr.org) (accessed 8 February 2022).

58 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), EX.CL/1328(XL) Annex, p. 36.

59 Revised Draft of the In-depth Study on the Effectiveness and Efficiency of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/1328(XL) Annex, p. 37.

60 The lack of public access to the advisory opinions raises broader questions about ECOSOCC's facilitation of access to information. Beyond the advisory opinions, the activity reports of ECOSOCC, for example, are not available on its website.

posted on its website.<sup>61</sup> However, it is noteworthy that the advisory opinion was not submitted in the corporate name of ECOSOCC, but rather in the name of its then Sudan-based member, the MFPD. Indeed, the UNHRC's distribution note mischaracterized ECOSOCC as an NGO. It also did not acknowledge ECOSOCC or its Political Affairs Cluster as the author of the opinion. It instead indicated that ECOSOCC shared the views expressed in the opinion.

One factor that could explain the limited discernible impact of ECOSOCC's advisory opinions is the lack of a formal mechanism for initiating or requesting advisory opinions and tracking their impact. This could mean that even if ECOSOCC's opinions have been used by other AU organs and institutions, there is no established institutional channel for recording and reporting such use and impact. Unlike ECOSOCC, the European Economic and Social Committee (EESC) has a formal mechanism for following-up the impact of its advisory opinions. In particular, it periodically publishes a report indicating the position and actions of the European Commission in respect of the advisory opinions it has issued.<sup>62</sup>

#### 4.1.4 Other advisory outputs

There have been instances where different kinds of outputs and documents produced by ECOSOCC, such as press releases, communiqués and meeting reports, have been labelled as advisory opinions, although they are not necessarily framed and drafted as such. These documents are also not

structured as the two advisory opinions discussed above, though they contain recommendations to the AU and member states. During the first half of 2015, for example, the Presiding Officer issued two press releases, one concerning xenophobic attacks on nationals of other African countries in South Africa,<sup>63</sup> and the other on the political and human rights crisis in Burundi.<sup>64</sup> The press releases were described as “policy and advisory statements” in ECOSOCC's activity report submitted to the Executive Council.<sup>65</sup> In another instance, a report of the series of webinars convened in 2020 by ECOSOCC to raise awareness about the African Union institutional response to the COVID-19 pandemic, has been described as an “advisory report”.<sup>66</sup> Submitted to all AU member states, the report contains a range of recommendations, including on how to boost citizen contribution to the COVID-19 pandemic response.

The characterization of the 2015 press releases and the 2020 COVID-19 webinar series report as “policy and advisory statements” and “advisory report”, respectively, reflect a long standing ambiguity regarding the nature and categorization of advisory outputs and how ECOSOCC should execute its advisory role in practice. The question has also arisen whether participation in meetings in which AU draft policy documents or reports are reviewed amounts to providing advice to the AU in execution of ECOSOCC's advisory role.<sup>67</sup> These questions remain unresolved.<sup>68</sup> Back in 2012, and as part of its efforts to operationalize the Sectoral Cluster Committees,

61 Written statement submitted by the Maarij Foundation for Peace and Development, a non-governmental organization in special consultative status, A/HRC/39/NGO/8, 3 September 2018, available at Human Rights Documents (ohchr.org) (accessed 8 February 2022).

62 See ‘Follow-up on opinion’, Follow-up on Opinions | European Economic and Social Committee (europa.eu), Follow-up on Opinions | European Economic and Social Committee (europa.eu) (accessed 9 June 2022).

63 ‘ECOSOCC condemns xenophobic “acrophobic” attacks on African citizens in South Africa’, 22 April 2015, available at ECOSOCC Condemns Xenophobic “Acrophobic” Attacks On African Citizens In South Africa | African Union (au.int) (accessed 23 October 2021).

64 ‘ECOSOCC statement on the situation in Burundi’, 18 May 2015, available at ECOSOCC Statement on the situation in Burundi - Burundi | ReliefWeb (accessed 23 October 2021).

65 Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/924(XXVII), para 7 (Report adopted during the 27th ordinary session of the AU Executive Council, 7-12 June 2015, Johannesburg, South Africa).

66 Report of the African Union Economic, Social and Cultural Council (ECOSOCC), EX.CL/1261(XXXVIII), para 16 (Report adopted during the 38th ordinary session of the AU Executive Council, 3-4 February 2021).

67 In 2018, for example, the Sectoral Cluster Committee on Women and Gender participated in a meeting convened to review the AU Gender Policy Framework.

68 In its report to the Executive Council in February 2019, ECOSOCC noted that one of the challenges it continued to face was the lack of “institutionalized framework or mechanism for developing and submitting advisory opinions”. See Activity Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/1129(XXXIV) para 38 (Report adopted during the 34th ordinary session of the AU Executive Council, 7-8 February 2019, Addis Ababa, Ethiopia).

the First General Assembly had established a Sub-Committee on Operational Guidelines and tasked it to develop a framework document that would address several procedural issues, including the structure of advisory opinions, their initiation and processing.<sup>69</sup> The guidelines never materialized. The issue has now been picked up by the new ECOSOCC secretariat and a consultative process to agree on a standardized format for advisory opinions as well as the procedure for generating them was underway as at the time of writing.

#### 4.1.5 Explaining the paucity of advisory outputs

With only a limited number of advisory outputs to its name, it is clear that ECOSOCC has performed below expectation in the execution of its advisory mandate.<sup>70</sup> This is an observation that no less an organ of the AU than the Executive Council has previously made.<sup>71</sup> This performance is partly because of ECOSOCC's own faltering journey towards getting down to its core business. As discussed already, the terms of the Interim and the First General Assemblies were largely consumed with internal procedural matters so much so that little, if any, attention was paid to the advisory or other core functions of ECOSOCC. Even though the mandate of the Interim General Assembly was fairly limited, it was still expected to influence policies at the AU. However, it focused almost entirely on preparing for the election of the First Permanent General Assembly. Yet when the First General Assembly was in place, it too became preoccupied with internal administrative processes.

In the end, though, it is the failure of the Interim and First General Assemblies to establish functional cluster committees that had far-reaching implications. The election of chairpersons of cluster committees by the two Assemblies did not translate into robust execution of the core mandates of ECOSOCC. In certain instances, chairpersons did not have the subject-matter knowledge and expertise relating to the thematic cluster they had been elected to lead.<sup>72</sup> Without functioning cluster committees which are the lifeblood of ECOSOCC, there was no dedicated capacity to generate advisory opinions or reports during the terms of the Interim and First General Assemblies. As will be discussed below in detail, CIDO was too thinly stretched to offer much technical support as ECOSOCC's secretariat. In any event, it had its own, if competing, priorities on which it dedicated the bulk of its time and resources.

Although the Second and Third General Assemblies constituted functional cluster committees, it is also evident that only two of them – Political Affairs and Peace and Security – have developed and issued documents clearly framed and demarcated as advisory opinions. In 2018, the Social Affairs and Health Cluster identified the need for an advisory opinion that would advise the AU to update the existing Social Policy Framework for Africa (SPFA) to accommodate current trends.<sup>73</sup> It could not be established whether the cluster has followed through with the idea.

One other factor that explains the low rate of execution of ECOSOCC's advisory mandate is a general lack of technical know-how amongst

69 Report of the Economic, Social and Cultural Council of the Union (ECOSOCC), EX.CL/745(XXI), para 21 (Report adopted during the 21st ordinary session of the Executive Council, 9-13 July 2012, Addis Ababa, Ethiopia).

70 Although it is not comparable to ECOSOCC in many respects, including in terms of composition, mandate and institutional capacity, it is noteworthy that the European Economic and Social Committee (EESC) issues between 160 and 190 opinions and information reports a year. See Our work | European Economic and Social Committee (europa.eu) (accessed 24 October 2021).

71 Decision on the Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/Dec.975(XXXI), para 4 (Decision adopted during the 31st ordinary session of the AU Executive Council, 27 June – 1 July 2017, Addis Ababa, Ethiopia).

72 See e.g., 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), EX.CL/1328(XL) Annex, p. 28 (noting that “at the 2nd 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 Sectoral leadership posts and failed could be made leaders of the other Sectoral Clusters that were still vacant. The Bureau accepted this proposal, and the slots were filled without any accompanying consideration of skills and expertise”).

73 Activity Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/1129 (XXXIV) para 11 (Report adopted during the 34th ordinary session of the AU Executive Council, 7-8 February 2019, Addis Ababa, Ethiopia).

members of the cluster committees in the art or skill of drafting advisory opinions. This challenge has been exacerbated by the lack of an internal template or format for advisory opinions as well as the absence of an institutionalized quality assurance process. It is thus not surprising that the two advisory opinions so far issued by ECOSOCC are not only structured differently but they are also of varied depth and quality. The *Advisory Opinion on Peace and Security Issues* reads like a short research or information paper rather than an articulation of a clear institutional opinion or position on the issues under consideration. The recommendations at the end of the advisory opinion aim to strengthen PSC policies and programmes, but they are not anchored or grounded on any analysis of those policies and programmes to begin with.

The 15-page *Advisory Opinion on Migration and Human Rights* similarly reads like a research or information paper. In this context, it is particularly striking that although it is directed to the AU and its member states, the migration trends and statistical data presented in the advisory opinion entirely relates to countries in the Organization for Economic Cooperation and Development (OECD). It does not reflect any trends or data on migration in Africa. However, unlike the one on peace and security issues, the *Advisory Opinion on Migration and Human Rights* sets out its objective more clearly and makes a modest attempt at articulating ECOSOCC's position. In addition to including a section titled "The Position of AU ECOSOCC on Migration and Human Rights", ECOSOCC is explicit in the advisory opinion that it "supports and advocates a more holistic human rights approach to migration governance".

To bridge knowledge gaps, ECOSOCC has often conducted orientation for new members. At a more specific level, the Peace and Security Cluster convened a capacity building workshop on development of advisory opinions in November

2019. This study could not trace evidence that similar trainings have been organized for members of the other sectoral cluster committees.

Related to the issue of technical know-how in drafting advisory opinions is the limited understanding of the AU structures and processes amongst ECOSOCC members. Provision of advice is reliant on knowing what issues and questions the different AU organs and institutions are grappling with. Acquiring that knowledge is in turn dependent on whether ECOSOCC members are well-versed with the complex structure of the AU.<sup>74</sup> Or as ECOSOCC itself has noted, "appropriate and comprehensive information on what key constituents are up to and the challenges and demands associated with them are a necessary condition for offering useful advice".<sup>75</sup> Practically speaking, it may not be feasible for all members of ECOSOCC to possess deep understanding of AU structures and processes. However, members of clusters should actively seek to acquire such knowledge. They should additionally establish close working relationships with the leadership and staff of the various AUC departments and directorates.

Another reason that has possibly contributed to ECOSOCC's deficit in performance is the fact that the other AU organs have never formally requested advisory opinions. The two advisory opinions discussed above were drafted at the sole initiative of the relevant sectoral cluster committees. However, in the case of the *Advisory Opinion on Migration and Human Rights*, the Political Affairs Cluster was somehow nudged by "oral requests" during an AU Executive Council ordinary session. Still, the core problem is that the practice of formally requesting advisory opinions is yet to take root at the AU,<sup>76</sup> not just in the case of ECOSOCC, but also in respect of other AU institutions with advisory mandates such as the African Commission on Human and Peoples' Rights (ACHPR) and the African Court on Human

74 See K Stefiszyn 'The African Union: Challenges and opportunities for women' (2005) 5 *African Human Rights Law Journal* 358, 370 (observing that "[c]onsidering the advisory mandate of ECOSOCC, the necessity of understanding the intricate structure of the AU in its entirety becomes increasingly apparent").

75 Report of the President of the General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/599 (XVII) para 5 (Report adopted during the 17th ordinary session of the AU Executive Council, 19-23 July 2010, Kampala, Uganda).

76 This is in contrast to the practice in the European Union (EU) where 70% of opinions and information reports issued by the EESC in a year are triggered by requests from the European Council, the European Commission and the European Parliament. Only 21% of opinions and information reports issued in a year by EESC are own-initiatives while 9% are what are referred to as "exploratory opinions" generally requested by the country holding the EU presidency. See Our work | European Economic and Social Committee (europa.eu) (accessed 24 October 2021).

and Peoples' Rights (ACtHPR).<sup>77</sup> The Office of the Legal Counsel (OLC) is perhaps the only AU structure that has historically been favored by formal requests for legal opinions.

## 4.2 EXECUTION AND IMPACT OF ECOSOCC'S REPRESENTATIONAL ROLE

In assessing the performance and impact of its representational role, the primary issue to interrogate is whether ECOSOCC as a representative body has been a true reflection of African civil society and African Diaspora. This question essentially relates to the diversity and inclusivity of ECOSOCC's membership as well as the credibility and integrity of the process that creates that membership.

### 4.2.1 Representation of African civil society

A review of the membership of ECOSOCC's General Assembly reveals that it has never achieved full representation. However, it must be acknowledged that given the huge size of civil society in Africa, the membership of ECOSOCC General Assembly, capped as it is at 150 CSOs, will always most likely offer limited representation even if all the 150 seats are filled. This is particularly so when it is considered that the General Assembly ordinarily meets once in two years. This reality means that ECOSOCC national chapters are particularly important in ensuring that the voices

of a broader cross section of African civil society are channeled and represented in ECOSOCC.

Still, filling all the seats reserved for national and regional CSOs through elections has particularly proven to be a stubborn challenge. No ECOSOCC Permanent General Assembly has been constituted with all 150 members taking their seats. The First General Assembly was launched when it had civil society representation from 25 countries only,<sup>78</sup> meaning that more than 50% of the continent was not represented in the Assembly as it came into being. It eventually had a total of 60 members from 29 countries. The Second and Third General Assemblies have performed better, but they have still fell short of the required maximum numbers. Although the act of constituting it was treated as a "big achievement", the Second General Assembly had 83 members from 37 countries.<sup>79</sup> With 72 members, the Third General Assembly has even fewer members.<sup>80</sup>

At the heart of the inability to fully constitute ECOSOCC General Assemblies is the stringent eligibility criteria, particularly the requirement that eligible CSOs must derive at least 50% of the funding from the contributions of their members. This requirement limits eligibility to membership-based CSOs, yet many CSOs across the continent are not founded on this model. More importantly, it is practically difficult to find CSOs that meet the funding threshold even if they are membership-based. A large number of CSOs that have wished to join ECOSOCC have thus been disqualified for failing to meet the funding threshold. As such,

77 In its more than three decades of existence, no AU organ has requested an advisory opinion from the ACHPR although it has the mandate to render such opinions. The only advisory opinion ever issued by the ACHPR (Advisory Opinion on the United Nations Declaration on the Rights of Indigenous Peoples, 2007) was drafted at its own motion. In relation to the African Court, only two AU institutions, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and the PAP, have ever requested for advisory opinions. Indeed, the request by the PAP was lodged just recently in June 2021 and processed by the ACtHPR in July 2021.

78 These were: Algeria, Benin, Burkina Faso, Burundi, Cameroon, Republic of Congo, Côte d'Ivoire, Democratic Republic of Congo, Egypt, Ethiopia, Ghana, Guinea, Kenya, Malawi, Mali, Mauritius, Niger, Nigeria, Sudan, Tunisia, Madagascar, South Africa, Tanzania, Uganda and Zambia. See Report on Elections and Preparations for Launching the Permanent Assembly of the Economic, Social and Cultural Council (ECOSOCC) of the African Union, EX.CL/412(XIII) (Report adopted during the 13th ordinary session of the AU Executive Council, 24-28 June 2008, Sharm El-Sheikh, Egypt); Report of the Commission on Election into the Post-Interim ECOSOCC Assembly, EX.CL/377 (XII) (Report adopted during the 12th ordinary session of the AU Executive Council, 25-29 January 2008, Addis Ababa, Ethiopia).

79 Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/1031(XXXI) para 6 (Report adopted during the 31st ordinary session of the AU Executive Council, 27 June – 1 July 2017, Addis Ababa, Ethiopia).

80 Activity Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/1129 (XXXIV) para 25 (Report adopted during the 34th ordinary session of the AU Executive Council, 7-8 February 2019, Addis Ababa, Ethiopia).

the process of electing new members of the Permanent General Assemblies has always had to be delayed or postponed in a bid to allow more eligible candidates to offer themselves for election. For example, 219 CSOs initially expressed interest in joining the Second General Assembly, but only 52 or 24% met the eligibility requirements and could thus proceed to the election phase.<sup>81</sup> When the application period was extended, the number of applicants rose to 303, but only 64 or 21% of them met the eligibility criteria.<sup>82</sup>

The funding requirement is ostensibly meant to ensure that ECOSOCC is a platform for “authentic African voices”. However, its strict enforcement has only served to disqualify a wide array of African CSOs from joining the ECOSOCC General Assembly.<sup>83</sup> There have thus been numerous calls for this requirement to be revised, including from within the AU. In 2007, the Adebayo Adedeji Report recommended that the requirement needs to be re-examined.<sup>84</sup> In 2014, the AUC noted the negative effects of the funding requirement and recommended that the Executive Council should either suspend or lower it.<sup>85</sup> The Executive Council outrightly rejected the recommendation.<sup>86</sup> According to the In-depth Study, the debate at the Executive Council on whether the funding requirement should be reconsidered was not only passionate but it also “categorically affirmed that the AU was more inclined to favor authenticity rather than increased performance efficiency [of ECOSOCC] that they saw as carrying the risks of external influence or manipulation”.<sup>87</sup> In addition to revisiting this issue, the In-depth Study recommends that

a comprehensive review of the ECOSOCC Statute, including amending the eligibility criteria, is warranted. In February 2022, the Executive Council took note of the recommendations of the In-depth Study and specifically instructed the ECOSOCC Secretariat to work with the OLC to review the ECOSOCC Statute. A revised statute will then be submitted to the relevant PRC subcommittee for consideration.

#### 4.2.2 Representation of African diaspora

If the full inclusion of national and regional CSOs in the ECOSOCC General Assembly has been hard, then the on-boarding of CSOs from the African diaspora has been even harder. Participation of the African diaspora in the ECOSOCC General Assembly has been infrequent and *ad hoc*.<sup>88</sup> ECOSOCC has argued in the past that it has not been necessarily deprived of the input the African diaspora because it has co-opted individuals or CSOs from the diaspora in its structures.<sup>89</sup> This co-optation, as opposed to full membership by way of election, has acted as an important stop-gap measure but is undoubtedly not sufficient. It definitely does not rise to the level of diaspora participation envisaged in the ECOSOCC Statutes.

In terms of Article 3(3) of the ECOSOCC Statutes,<sup>90</sup> the Executive Council in July 2005 defined “African diaspora” as follows: “peoples of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building

81 Progress Report on the Process of Elections into the 2nd Permanent General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/859(XXV) para 3 (Report adopted during the 25th ordinary session of the AU Executive Council, 20-24 June 2014, Malabo, Equatorial Guinea) (hereinafter June 2014 Elections Report)

82 June 2014 Elections Report (n 110 above) para 7.

83 In a 2007 report, African Forum and Network on Debt and Development (AFRODAD), the Open Society Initiative for Southern Africa (OSISA) and Oxfam GB claimed that the strict funding requirement locks out more than 80% of African civil society that ordinarily work on AU. See AFRODAD *et al Towards a people-driven African Union: Current obstacles and new opportunities* (2007) 54.

84 Adebayo Adedeji Report (n 80 above) para 257.

85 June 2014 Elections Report (n 110 above) para 10.

86 Decision on In-depth Study on ECOSOCC (n 15 above) para 6.

87 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), EX.CL/1328(XL) Annex, pp. 28-29.

88 See Ikome (n 12 above).

89 Report of the President of the Permanent General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/574 (XVI) para 14 (Report adopted during the 16th ordinary session of the AU Executive Council, 25-29 January 2010, Addis Ababa).

90 Art 3(3) provides that “ECOSOCC shall also include social and professional groups in the African Diaspora organizations in accordance with the definition approved by the Executive Council”.

of the African Union”.<sup>91</sup> Together with providing a definition, the Executive Council asked the AUC to take necessary measures to facilitate the participation of the diaspora in the AU in general and ECOSOCC in particular. However, a question immediately arose as to what criterion would be used to ensure a fair and equitable distribution of the 20 seats in ECOSOCC among the diaspora who are spread across many regions of the world.<sup>92</sup> While ECOSOCC had long considered and started a process of developing a formula for diaspora representation, it was thrown off-balance when the AU Assembly in 2012 decided that there was a need for a set of criteria that would ensure diaspora participation in the AU takes place through the AUC “rather than in a piecemeal and uncoordinated fashion through various structures and organs of the AU”.<sup>93</sup>

With a dedicated secretariat in Lusaka, ECOSOCC has embarked on a new process of developing the relevant internal policy framework relating to diaspora participation. The process was temporarily suspended in the wake of the COVID-19 pandemic in 2020,<sup>94</sup> but resumed in 2021. It is expected that a draft framework will be presented for the endorsement of the AU policy organs in July 2022. Another challenge impeding diaspora representation in ECOSOCC, and perhaps a much deeper one, has been the lack of capacity to roll out the practical or logistical arrangements that are needed to conduct the elections in the diaspora.

#### 4.2.3 Representation of women

ECOSSOC has not always performed well in ensuring gender inclusion and diversity in the leadership of its structures, particularly in the cluster committees. Only a paltry number of women have served as cluster heads since the inception of ECOSOCC. In particular, only two

women were elected as cluster heads in the May 2009 election. In the October 2011 election, the number of elected female cluster heads doubled, but this number reduced to one in the March 2017 election. In the June 2019 election, three women were elected cluster heads. Similarly, the current General Assembly bureau and the one immediately preceding it had only one woman. Previous bureaux had at least two women. The challenge in ensuring gender diversity in ECOSOCC's leadership has been attributed to “the low representation and participation of women within the African civil society organizations leadership in general and within ECOSOCC in particular”.<sup>95</sup> The low representation of women in ECOSOCC in turn stems from the absence of a formula to implement article 4(2) of the ECOSOCC Statutes which requires 50% women and youth representation.

As earlier mentioned, CSOs that are elected to ECOSOCC General Assembly retain the prerogative of nominating their representatives. As most elected CSOs nominate male representatives, the overall women representation in ECOSOCC has been historically low and implementation of article 4(2) has proven to be difficult. In recent years, calls for applications has required CSOs interested in joining ECOSOCC to name two potential representatives, a male and a female. However, the eventual composition of ECOSOCC General Assemblies has still not reflected gender equality in terms of representation.

Going forward, it would be crucial for the process of accrediting representatives to ensure that for national CSOs, each country is represented by a male and a female representative. Similarly, the accreditation process should ensure that five of the representatives of the 10 elected regional CSOs, four of the representatives of the eight elected continental CSOs and 10 of

91 Decision on the definition of the African diaspora, EX.CL/Dec.221 (VII) para 2 (Decision adopted during the 7th ordinary session of the AU Executive Council, 28 June – 2 July 2005, Sirte, Libya).

92 Ikome (n 12 above) 8.

93 Decision on the Outcome of the Global African Diaspora Summit, Assembly/AU/Dec.443(XIX), para 7, adopted during the 19th ordinary session of the AU Assembly, 15-16 June 2012, Addis Ababa, Ethiopia. See also 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), EX.CL/1328(XL) Annex, pp. 21, 27 & 35 (discussing the implications of AU Assembly decision on diaspora representation in ECOSOCC).

94 Report of the African Union Economic, Social and Cultural Council (ECOSOCC), EX.CL/1261 (XXXVIII), para 26 (Report adopted during the 38th ordinary session of the AU Executive Council, 3-4 February 2021, Addis Ababa, Ethiopia).

95 Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/1031(XXXI), para 5 (Report adopted during the 31st ordinary session of the AU Executive Council, 27 June – 1 July 2017, Addis Ababa, Ethiopia).

the representatives of the 20 elected diaspora CSOs are women. For transparency and fairness in the designation of representatives, the two national CSOs representing the same country should be listed in alphabetical order. It should then follow that if the selected representative of the first listed CSO is male, the representative of the second CSO would automatically be female. A similar logic should be used to determine the representatives of the regional, continental and diaspora CSOs.

#### 4.2.4 Election process

The membership of ECOSOCC across time tells only a part of the story. For the story to be potentially complete, it is crucial to consider ECOSOCC's electoral practice. On this subject, ECOSOCC largely started on a wrong footing. The bureau of the Interim General Assembly was nominated by the AUC. Although she brought visibility and a big profile to ECOSOCC, the nomination of Professor Wangari Maathai as the Presiding Officer of the Interim General Assembly when she was a serving government official in Kenya was particularly criticized.<sup>96</sup> Moreover, the first attempt by the bureau and the Interim General Assembly to prepare the ground for the election of the First Permanent General Assembly backfired after it emerged that the consultations it had carried out were “often marked by irregularities including purported inadvertent or deliberate exclusion of significant segments of civil society and had limited scope, depth and credibility”.<sup>97</sup> The consultations had to begin afresh.

When the series of elections for the First General Assembly were eventually conducted, they were considered by the AUC to have been “open, free and fair”, although they were “a few bad losers”.<sup>98</sup> Commenting on the same election, Jakaya Kikwete, the then president of Tanzania and chairperson of the AU, observed that “[i]n a continent where elections and their outcomes are vigorously contested, we recognize the 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>99</sup>

In the intervening years, there have been much improvement in ECOSOCC's electoral processes. The elections are conducted by the OLC, invariably with the assistance of the electoral management body in the countries in which the elections are conducted. ECOSOCC elections have been lauded for being free and fair and for complying with the AU internal policy that its elected leaders must serve a maximum of two terms.<sup>100</sup>

Over the years, the major concern has been the fact that the elections attract relatively few candidates, a fact that is linked to the lack of awareness about ECOSOCC amongst CSOs across Africa, particularly those at the grassroots level. Ahead of elections, “sensitization and motivation campaigns” have been traditionally conducted to encourage as many CSOs as possible to express interest in joining ECOSOCC. These campaigns have always increased the number of applicants, even if marginally. However, it remains

96 C Mutasa 'A critical appraisal of the African Union-ECOSOCC civil society interface' in J Akokpari *et al* (eds) *The African Union and its institutions* (2008) 291, 298.

97 Report of the Commission on Elections into the Post-Interim ECOSOCC Assembly, EX.CL/377 (XII) p 1 (Report adopted during the 12th ordinary session of the AU Executive Council, 25-29 January 2008, Addis Ababa, Ethiopia).

98 As above, p 3.

99 Keynote address of H.E. President Jakaya Mrisho Kikwete, Chairperson of the African Union and President of the United Republic of Tanzania at the launch of the 1st Permanent ECOSOCC General Assembly, Dar es Salaam, Tanzania, 9 September 2008, cited in 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), EX.CL/1328(XL) Annex, pp. 17-18.

100 'AU Commission chairperson congratulates ECOSOCC on election results', 31 March 2017, available at AU Commission Chairperson congratulates ECOSOCC on election results | African Union (accessed 2 November 2021). See also 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), EX.CL/1328(XL) Annex, p 18 (observing that “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”).

obvious that much more needs to be done to attract wider pools of applicants going forward.

### 4.3 EXECUTION AND IMPACT OF ECOSOCC'S FACILITATIVE ROLE

In assessing the execution and impact of ECOSOCC's facilitative role, this study is concerned with the extent to which civil society engagement with the AU has occurred through ECOSOCC. This angle of questioning seeks to establish whether ECOSOCC has served as an effective platform for mobilizing and facilitating civil society engagement with the AU. The following three initiatives organized under the auspices of ECOSOCC to foster structured CSO engagement with the AU are specifically assessed: (a) the Annual Civil Society Pre-Summit Consultations; (b) CSO interactions with the PSC in terms of the Livingstone Formula; and (c) the Africa-EU Civil Society Forum. Although the focus in this section is on the three initiatives, it is important to note that there are many informal, *ad hoc* or once-off arrangements that provide the space for CSOs to engage the AU on specific issues or processes.<sup>101</sup> However, since the three selected initiatives have each existed for an extended period of time, it is possible to identify the practice that has developed, filter out the trends and draw the relevant conclusions.

#### 4.3.1 Annual Civil Society Pre-Summit Consultations

The sessions of the AU Assembly, commonly known as AU summits, are undeniably the most important events in AU's annual calendars. Preceded by the statutory meetings of the Executive Council and the Permanent Representatives Committee (PRC), the summits are the primary platform for debating and adopting AU policies and decisions. Many other crucial meetings and events take place ahead of or on the sidelines of the summits. It follows that they are a strategic site for civil

society engagement with the AU. To enhance a structured or systematic engagement, CIDO and ECOSOCC have established the practice of organizing the *Annual Civil Society Pre-Summit Consultations*, previously known as the *AU-CSO Forum*. The main purpose of these pre-summit meetings is to create a platform for civil society to influence the decisions and policies that emanate from the AU summits.

Organized by CIDO, the first civil society pre-summit meeting was held ahead of the July 2004 AU summit. With the establishment of ECOSOCC, the pre-summit meetings have been jointly organized by CIDO and ECOSOCC and attended by roughly 50 CSO representatives. The aim is to hold them annually, although this has not always been the case. The specific topics for discussion in the pre-summit meetings are often aligned with the prevailing or upcoming AU theme of the year while the official outcome is usually a communiqué containing recommendations to the AU and/or the member states. The communiqué may also elaborate the activities that ECOSOCC intends to undertake to popularize or give effect to the applicable AU theme of the year.<sup>102</sup>

As many actors are involved in the AU decision-making process that takes place during the summits, it is rather difficult to isolate the exact influence or contribution of the civil society pre-summit meetings. However, it would appear that the potential impact of the meetings has often been undermined by how they are organized. A major concern is the lack of transparency on the criteria used by CIDO and ECOSOCC to select participants. Public notice of the meetings or open calls for CSOs to express interest in participating have seldom been issued. Accordingly, the quality and worth of the meetings have been questioned. A review of the three pre-summit meetings held between 2004 and 2006 concluded that "the quality of the debate is often poor, with a lack of substance, and there are some concerns that the forums are rather used to endorse decisions that have already been taken than to provide a

101 See e.g., Report of the African Civil Society Consultation on the Draft African Union Policy Framework on Security Sector Reform, 22-24 November 2010, Abuja, Nigeria, available at Report of the African Civil Society Consultation on the Draft African Union Policy Framework on Security Sector Reform - International Security Sector Advisory Team (ISSAT) (dcac.ch) (accessed 31 October 2021).

102 See e.g., Communiqué of the Annual Civil Society Pre-Summit Consultations on the AU Theme of the Year 2020 (Silencing the Guns: Creating Conducive Environment for Africa's Development), 10-12 December 2019, Gaborone, Botswana, available at AU-ECOSOCC Civil Society Pre-Summit Consultations | African Union (accessed 30 October 2021).

real opportunity for civil society organisations to influence decision-making at the summit[s]”.<sup>103</sup>

On a positive note, the new ECOSOCC Secretariat has thus far made concerted efforts in issuing open calls for its events, including for the Civil Society Consultations on the AU Theme of the Year 2021. These efforts have included posting calls for CSO participation in events on ECOSOCC’s Twitter handle and Facebook page. More recently, ECOSOCC has also facilitated civil society involvement in extraordinary summits of the AU. For example, ahead of the AU Extraordinary Summit on Terrorism and Unconstitutional Changes of Government held in May 2022 in Malabo, Equatorial Guinea, ECOSOCC convened a technical working session that brought together CSOs active in the area of democracy, elections and governance to reflect on the subject of the summit.

It is noteworthy that in the context of AU summits, there have been other platforms for CSO engagement with the AU other than through the CIDO/ECOSOCC pre-summit meetings. A prime example in this regard is the *Citizens’ Continental Conference* that was often organized ahead of AU summits by a consortium of CSOs with the lead of the Pan-African Citizens Network (PACIN), previously known as the Centre for Citizens Participation in the African Union (CCP-AU).<sup>104</sup> The Citizens’ Continental Conference aims to collate civil society reflections and proposals on topical issues and formally relay them to the AU decision-making organs. The first such conference was held in June 2007 on the sideline of the 9<sup>th</sup> AU summit held in Accra, Ghana. It brought together over 150 participants from 100 organizations based in 30 African countries. The final communiqué of the conference made recommendations to the AU, including on how

to strengthen popular participation through PAP and ECOSOCC.<sup>105</sup> Since 2007, eight Citizens’ Continental Conferences have been held with the latest edition taking place in February 2019.<sup>106</sup>

Another relevant forum is the biannual *Gender is My Agenda Campaign (GIMAC) Consultative Meeting on Mainstreaming Gender Equality in the African Union and Member States* (GIMAC Meeting).<sup>107</sup> The GIMAC Meeting, or the *Women’s Pre-Summit Consultative Meeting* as it was originally known, is a collaborative initiative between the GIMAC Secretariat, the AU Women, Gender and Youth Directorate (WGYD),<sup>108</sup> and the United Nations Economic Commission for Africa (UNECA). It has been held since July 2004 in the margins of the AU summits. The platform’s main objective is to create a point of interface between CSOs in the gender sector and the AU. The ultimate goal is to use the platform to influence AU policies and programmes relating to women’s rights and gender equality, a feat that the platform has largely achieved.<sup>109</sup>

Outside the AU summits, many African CSOs establish relationships and engage directly with specific AU departments, sometimes on the recommendation or advice of ECOSOCC. The Solidarity for African Women’s Rights (SOAWR) and *Femmes Afrique Solidarité* (FAS), for example, have a long and cordial relationship with the WGYD. Think tanks, such as the Institute for Security Studies (ISS) and the Institute for Peace and Security Studies (IPSS), have also had an equally long working relationship with the PSD, which is now subsumed under PAPS.

In the last few years, there has also been a growing number of CSOs which have signed a Memorandum of Understanding (MoU) with various AUC departments and directorates.<sup>110</sup>

103 AFRODAD (n 112 above) 30.

104 On the origins of CCP-AU and the Citizens’ Continental Conference see e.g., C Mutasa ‘Civil society and the African Union: A critical analysis of the policy contributions of civil society and its interactions with the African Union Commission (2002-2015), Unpublished PhD thesis, University of Zimbabwe, 2017.

105 Civil Society Communiqué to the Assembly of Heads of State Meeting During the 9th Ordinary Summit, available at Microsoft Word - 28 june Civil Society Communiqué to the Assembly of the.doc (sarpn.org) (accessed 31 October 2021).

106 Mainly because of lack of funds, there was a long break from 2010 to 2015 in convening of the conference.

107 The GIMAC Meeting was originally known as the Women’s Pre-Summit Consultative Meeting.

108 Previously known as the Women, Gender and Development Directorate (WGDD).

109 For a description of the policy influences of GIMAC see *GIMAC advocacy strategy 2020-2022*, available at Advocacy Strategy – GIMAC (genderismyagenda.org) (accessed 31 October 2021).

110 This trend has also been fueled by the stringent eligibility criteria for CSOs to obtain observer status before the AU. The main concern is the requirement that two-thirds or 66% the basic resources of eligible CSOs must be derived from the contributions of their members. See Criteria for Granting Observer Status and for A System

The MoUs provide a formal basis for the CSOs to collaborate with the AU on areas of mutual interest and participate directly in policy-making. For example, as a technical partner of the AUC with which it has an MoU, the Centre for the Study of Violence and Reconciliation (CSVr), was instrumental in the elaboration of the AU Transitional Justice Policy (AUTJP).<sup>111</sup> Together with the AU Department of Political Affairs and Peace and Security (PAPS),<sup>112</sup> the CSVr also organizes the Africa Transitional Justice Forum, an annual multistakeholder platform that seeks to review the state of transitional justice in Africa.

### 4.3.2 Livingstone Formula

Within the institutional and governance architecture of the AU, the PSC is the principal organ responsible for peace and security matters. It is thus the central pillar of the African Peace and Security Architecture (APSA) which consists of multiple other structures, including the Panel of the Wise and the Continental Early Warning Mechanism (CEWS). The PSC strives to maintain a working relationship with a diverse range of internal and external stakeholders. In relation to civil society, the enabling instrument requires the PSC to “encourage non-governmental organizations, particularly women’s organizations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa”.<sup>113</sup> Towards this end, CSOs may be invited to address the PSC.

In December 2008, the PSC organized a retreat in Livingstone, Zambia, to discuss and agree on the specific modalities of engaging with civil society. As ECOSOCC’s secretariat at the time, and ahead of the PSC retreat, CIDO convened a CSO forum in Lusaka to brainstorm and formulate proposals for consideration by the PSC. The outcome document of the PSC retreat is what has come to be known as the

Livingstone Formula.<sup>114</sup> The Livingstone Formula drew upon the proposals submitted to the PSC by ECOSOCC and reflects ECOSOCC’s potential to influence policy at the AU. As observed in the In-depth Study, “[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”.<sup>115</sup>

The Livingstone Formula is the core policy document of the PSC that defines how it interacts with CSOs. A crucial provision of the Livingstone Formula relates to ECOSOCC’s facilitative or coordination role. Paragraph 4 categorically designates ECOSOCC as the “focal point” responsible for connecting and facilitating interactions between the PSC and CSOs. It thus pegs or conditions CSOs’ engagement with the PSC on compliance with the eligibility criteria for membership in ECOSOCC.

In terms of the specific ways of engagement, the Livingstone Formula provides for an annual meeting to be held between the PSC and ECOSOCC to deliberate on a selected theme or issue. More notably, it envisages that the purpose of the meeting is to create a platform for CSOs, through ECOSOCC, to contribute to the *PSC Report on its Activities and the State of Peace and Security in Africa* that it periodically submits to the AU Assembly. It goes further to provide that for CSO perspectives and contributions to be duly incorporated, the annual meeting should take place before the PSC finalizes its report. The Livingstone Formula also specifies several other avenues for CSOs to engage with the PSC. These include the following: participation in PSC meetings, albeit by invitation; submission of reports to the PSC; and provision of information to PSC field visits and AU fact-finding missions.

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of Accreditation within the AU, EX.CL/195 (VII) (adopted by the AU Executive Council during its 7th ordinary session, 28 June – 2 July 2005, Sirte, Libya).

111 U Lühe ‘Developing the African Union Transitional Justice Policy: An Assemblage perspective’ in B Jones & U Lühe (eds) *Knowledge for peace: Transitional justice and the politics of knowledge in theory and practice* (2021) 167.

112 PAPS is a merger of two departments that existed under the previous structure of the AUC: The Department of Political Affairs (DPA) and the Peace and Security Department (PSD).

113 Protocol Relating to the Establishment of the Peace and Security Council of the African Union, art 20.

114 Conclusion on a Mechanism for Interaction Between the Peace and Security Council and Civil Society Organizations in the Promotion of Peace, Security and Stability in Africa, PSC/PR/(CLX), adopted during the retreat of the PSC, 4-5 December 2008, Livingstone, Zambia.

115 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), EX.CL/1328(XL) Annex, p. 21.

Over the years, ECOSOCC's performance of its facilitative role under the Livingstone Formula has been undercut by the inability to hold the annual PSC-ECOSOCC meetings. As discussed below, this failure is not wholly the making of ECOSOCC. In 2009, ECOSOCC organized a meeting with CSOs in preparation for what should have been the first PSC-ECOSOCC annual meeting.<sup>116</sup> This inaugural meeting was meant to take place in November or December 2010. Despite the fact that ECOSOCC was in "effective contact" with the PSC secretariat for purposes of planning,<sup>117</sup> the meeting did not materialize. Frustration amongst CSOs became understandably palpable when in five years, no single PSC-ECOSOCC meeting had been held.<sup>118</sup> In a bulletin issued in the first quarter of 2013, Oxfam International's Liaison Office to the AU lamented that "leaving the task of convening the annual meeting to ECOSOCC is taking too much to chance and it is perhaps why five years after the adoption of the Livingstone Formula, no annual meeting has ever been held between PSC and ECOSOCC".<sup>119</sup>

In apparent response to critique by civil society, the PSC held a second retreat on the subject of its relationship with CSOs in February 2014. Held in Maseru, Lesotho, the retreat's main objective was to review the implementation of the Livingstone Formula. It was preceded by a CSO consultation forum which suggested in its outcome document that that ECOSOCC lacked the necessary capacity to act as an effective focal point for facilitating PSC's interaction with CSOs.<sup>120</sup> The CSO forum emphasized the need to speedily operationalize ECOSOCC. It also raised another major factor that had impeded

the implementation of the Livingstone Formula, that is, the requirement that CSOs interested in engaging the PSC must fulfill the eligibility criteria for membership in ECOSOCC.<sup>121</sup> The forum urged the PSC to apply a flexible interpretation of this requirement.

In the Maseru Conclusions, the outcome document of the PSC retreat, the proposals of the CSOs were taken on board. Acknowledging that it had not had much interaction with CSOs in the five years following the adoption of the Livingstone Formula, the PSC reaffirmed the eligibility criteria as enshrined in the Livingstone Formula, but at the same time, it allowed for flexibility in the application of the criteria. The Maseru Conclusions also modified the provisions of the Livingstone Formula relating to PSC-ECOSOCC annual meetings. In particular, the PSC resolved to hold at least two meetings with ECOSOCC every year. The first meeting would be an ordinary annual meeting, beginning from December 2014. The second meeting would be held before the last quarter of each year for the sole purpose of receiving CSOs input for the *PSC Report on its Activities and the State of Peace and Security in Africa*. Additionally, the Maseru Conclusions tasked CIDO to closely collaborate with the relevant clusters of ECOSOCC and the PSC secretariat to develop a database of CSOs working on peace and security issues. It was envisaged that this database would assist the PSC secretariat to widely circulate the monthly programmes, decisions and other relevant documents of the PSC.

The Maseru Conclusions have slightly increased the level of interaction between the

116 Report of the President of the Permanent General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/574 (XVI), para 12 (Report adopted during the 16th ordinary session of the AU Executive Council, 25-29 January 2010, Addis Ababa, Ethiopia).

117 Report of the President of the Permanent General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/599 (XVII), para 8 (Report adopted during the 17th ordinary session of the Executive Council, 19-23 July 2010, Kampala, Uganda).

118 In the absence of the envisaged PSC-ECOSOCC annual meetings, the now defunct PSD organized a consultative meeting with CSOs in May 2012 in Addis Ababa. During the meeting, strategies for effective collaboration between the AU and CSOs, including within the framework of the Livingstone Formula, were discussed. See 'Consultative meeting between the AU and the CSO's, Addis Ababa, Ethiopia, 30 May 2012, available at Consultative Meeting between The AU and The CSO'S, Addis Ababa, Ethiopia | CAERT (accessed 2 November 2021).

119 Oxfam International 'The Livingstone Formula: Boosting CSOs engagement with the AU PSC' (2013) 1 *Active Citizens* 4.

120 Report of the Outcomes of the Civil Society Organisations (CSOs) consultation in Maseru on the Implementation of the Livingstone Formula, 21 February 2014, available at Draft Maseru CSOs Communiqué- 21 Feb 2014 (au.int) (accessed 31 October 2021).

121 Livingstone Formula, para 4.

PSC and CSOs. The PSC now proactively invites CSOs to its open sessions, although only a small number of CSOs are invited because the database envisaged in the Maseru Conclusions has yet to be developed.<sup>122</sup> However, the PSC-ECOSOCC annual meetings are yet to be actualized in the same sense that the PSC holds annual consultative meetings with other AU institutions, such as the ACHPR<sup>123</sup> and the Regional Economic Communities (RECs).<sup>124</sup> The inability to hold the annual meetings is not entirely for want of effort on the part of ECOSOCC. One of the key challenges is PSC's busy monthly programmes of work and the disruption of such programmes by unexpected events. For this reason, even the meetings that are now regular and institutionalized are a relatively recent phenomenon. The annual consultative meetings with the ACHPR and RECs were both inaugurated in 2019, barely two years ago. The exception are PSC's annual meetings with the United Nations Security Council (UNSC) and the EU Political and Security Committee (EUPSC), which have been held for relatively extended periods of time.

On a positive note, ECOSOCC has enhanced its own engagement with CSOs within the spirit of the Livingstone Formula. The turning point was November 2016 when, ahead of the PSC

retreat on practical steps to silence the guns by 2020, ECOSOCC organised a *Civil Society Forum for the Operationalization of the Livingstone Formula* (CSO Forum on the Livingstone Formula).<sup>125</sup> Attended by more than 40 participants drawn from the five regions of Africa, the forum adopted a three-year action plan for the implementation of the AU's "Silencing the Guns by 2020 in Africa" flagship project. The outcomes of the forum were presented to the PSC retreat and were eventually reflected in the AU Lusaka Master Roadmap of Practical Steps to Silence Guns in Africa by the Year 2020 and which has specific tasks delineated for ECOSOCC.

The CSO Forum on the Livingstone Formula has now become a standard event in the annual calendar of ECOSOCC. It was held in Kigali in 2017,<sup>126</sup> Yaoundé in 2018,<sup>127</sup> and in Mombasa in 2019.<sup>128</sup> The forum has not only become the source of ideas and strategies, but it has also enabled ECOSOCC, through its Peace and Security Cluster, to initiate and implement several programmatic activities in the area of peace and security. In tandem with organizing the forum, ECOSOCC has also been working with PAPS and the Common Market for Eastern and Southern Africa (COMESA) to strengthen civil society engagement in the EU APSA Framework IV.<sup>129</sup>

122 The invite to PSC open sessions routinely goes out to a tiny group of CSOs not exceeding 20 in number. See Amnesty International *Counting gains, filling gaps: Strengthening African Union's response to human rights violations in conflict situations* (2017) 41.

123 The PSC has held annual consultative meetings with the ACHPR every August since 2019. These meetings are based upon Article 19 of the PSC Protocol which requires the PSC to develop "close cooperation" with the ACHPR. The latest PSC-ACHPR annual meeting took place on 10 August 2021. See PSC Communiqué on the Annual Consultation Between the PSC and the African Commission on Human and Peoples' Rights, PSC/PR/COMM. 1019 (2021), adopted by the PSC at its 1019th meeting, 10 August 2021.

124 The PSC has held two consultative meetings with RECs since 2019. These meetings are based on Article 16 of the PSC Protocol which requires the PSC to work closely with RECs. The latest PSC-RECs meeting took place on 26 August 2021. See Joint Communiqué of the 2nd Annual Consultative Meeting Between the Peace and Security Council and the Regional Economic Communities and Regional Mechanisms for Conflict Prevention, Management and Resolutions (RECs/RMs), PSC/RECs/RMs/2. (2021), 26 August 2021.

125 'The operationalization of the Livingstone Formula: A bold step towards peace in Africa', African Business, 8 November 2016, available at The Operationalization of The Livingstone Formula: A bold Step towards Peace in Africa - African Business (accessed 2 November 2021).

126 'Civil Society fully engaged to play a greter (sic) role in peace and security affairs, Kigali, 19-21 October 2017, available at Civil Society Fully Engaged To Play a Greter Role in Peace & Security Affairs Kigali 19-21 October, 2017 | African Union (au.int) (accessed 2 November 2021).

127 'Civil Society Forum on the Livingstone Formula: Countering violent extremism, terrorism, and the illicit proliferation of arms in Africa', Civil Society Forum on the Livingstone Formula: Countering Violent Extremism, Terrorism and the Illicit Proliferation of Arms in Africa - Teagan Alternatives (accessed 2 November 2021).

128 Report of the Peace and Security Cluster of the African Union Economic, Social and Cultural Council (ECOSOCC), June 2019-December 2020 (on file with the author).

129 'Tripartite technical workshop on enhancing civil society organizations participation in the African Peace and Security Architecture', 16 June 2021, available at Tripartite Technical Workshop on enhancing Civil Society Organisations participation in the African Peace and Security Architecture -African Union - Peace

The result is a joint plan of action that sets out the list of activities that will be implemented in 2022.<sup>130</sup> ECOSOCC has also supported the development and launch of an online information sharing platform that aims to facilitate CSOs' participation in conflict prevention and peace building in the COMESA region.<sup>131</sup>

It is noteworthy that ECOSOCC's formal participation in PSC meetings has also started to take root. For example, ECOSOCC addressed the PSC during its 3 September 2020 session on Africa Amnesty Month, and in so doing, it played a part in informing the text of the PSC communiqué that came out of the session.<sup>132</sup> This practice should be nurtured and sustained.

#### 4.3.3 AU-EU Civil Society Forum

The AU maintains horizontal partnerships with several intergovernmental bodies around the world.<sup>133</sup> These partnerships take many varied forms and pursue different objectives and outcomes. However, they mostly involve the convening of high-level joint meetings or formal dialogues during which decisions, policies and programmes that concern the continent are elaborated and agreed upon. One of the partnerships that the AU considers particularly strategic is with the EU. The AU-EU Partnership, as it is officially known,<sup>134</sup> was established in 2000 when the first AU-EU Summit was held in Cairo, Egypt. The Partnership's broad areas of cooperation are defined in the Joint Africa-EU Strategy (JAES) which was adopted in the 2007 Africa-EU Summit in Lisbon, Portugal. They include the following: peace and security; governance and human rights; and trade and regional integration. Formal interactions within the framework of

the partnership takes place at different levels, including at the levels of heads of state, ministers, and technocrats.

A key commitment that the AU and the EU have undertaken under JAES is to empower non-state actors and create conditions that allow them to play an active role in several relevant areas, including development, democracy building, conflict prevention and post-conflict reconstruction. The role of civil society in taking forward the objectives of the partnership is particularly recognized in JAES, which also specifically requires a "prominent place" for civil society to be defined within the framework of the partnership. In this context, a formal platform for civil society participation in the decision-making process of the AU-EU Partnership is the *Africa-EU Civil Society Forum*.<sup>135</sup> The forum takes place ahead of each AU-EU summit and aims to bring together CSOs from Africa and Europe to reflect on critical issues pertaining to both continents. The outcome of the forum is a declaration which is submitted to the summit.

Since the initiation of the Africa-EU Civil Society Forum, ECOSOCC has been involved in mobilizing and facilitating the participation of African civil society. Ahead of the 2007 Africa-EU Summit, the AU established the AU Civil Society Interim Steering Committee to coordinate the input of African civil society. With the establishment of the interim steering committee, the first consultation meeting of African civil society on the implementation of JAES was held in March 2008 in Bamako, Mali. The meeting reviewed the outcomes of the Lisbon summit and explored strategies for strengthening the participation of African civil society in the AU-EU Partnership.

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and Security Department (peaceau.org) (accessed 4 November 2021).

130 'ECOSOCC convenes the 3rd technical workshop on CSO engagement within the EU APSA Framework', 28 October 2021, available at ECOSOCC convenes the 3rd Technical Workshop on CSO engagement within the EU APSA Framework | African Union (au.int) (accessed 4 November 2021).

131 'COMESA unveils platform for non-state actors to participate in peace building', available at COMESA Unveils Platform for Non-State Actors to Participate in Peace Building – Common Market for Eastern and Southern Africa (COMESA) (accessed 4 November 2021).

132 PSC communiqué on the Africa Amnesty Month: Implementation of the AU theme of the year 2020 "Silencing the guns: Creating conducive conditions for Africa's development", PSC/PR/COMM.(CMXLII), 3 September 2020.

133 For a list of all AU partnerships, both with intergovernmental organizations and specific non-African states, see African Union Handbook 2021 (2021) 202-212. These partnerships are based on Article 3(e) of the AU Constitutive Act which provides that one of the objectives of the AU is to "encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights".

134 The partnership was previously known as Africa-EU Partnership.

135 See Africa-EU Civil Society Forum | The Africa-EU Partnership (africa-eu-partnership.org) (accessed 4 November 2021).

In March 2009, and under the leadership of ECOSOCC, the AU Civil Society Interim Committee was reconstituted and renamed the Africa CSO Steering Group.<sup>136</sup> The Africa CSO Steering Group and its counterpart, the European CSO Steering Group, are responsible for organizing the Africa-EU Civil Society Forum. The third and latest edition of the forum took place in July 2017 ahead of the Abidjan AU-EU Summit.

Within the framework of AU-EU Partnership, another forum for civil society participation is the *AU-EU CSO Seminar on Democratic Governance and Human Rights* (AU-EU CSO Human Rights Seminar).<sup>137</sup> This seminar takes place ahead of the annual AU-EU Human Rights Dialogue which is a platform for the AU and EU to share experiences and discuss collaboration on issues related to human rights, democracy and rule of law. The AU-EU CSO Human Rights Seminar is organized by a Joint CSO Steering Committee composed of representatives from both Africa and Europe. Over the last decade, more than 400 members of civil society from the two continents have participated in the seminar.<sup>138</sup> Two members of the CSO steering committee usually attend the formal AU-EU Human Rights Dialogue to present the “final recommendations” of the CSO seminar. The 9<sup>th</sup> and latest edition of the seminar took place in October 2019. The seminar was not convened in 2020 and 2021 due to “unforeseen circumstances”.<sup>139</sup> In the light of the CSO seminar in 2021, the AU and EU committed to engage with members of the Joint CSO Steering Committee

to discuss ways and means of ensuring meaningful civil society participation in future editions of the dialogue.<sup>140</sup>

Outside the AU-EU Partnership, there have been efforts to enhance ECOSOCC's participation in the entire range of AU's international partnerships, including with China, India, Japan, and Turkey.<sup>141</sup> For example, ECOSOCC has not only participated in relevant meetings convened within the framework of the Forum on China-Africa Cooperation (FOCAC) but it has also established a working relationship with the China NGO Network for International Exchanges (CNIE). ECOSOCC has also had representatives in meetings convened under Africa-India and Africa-Turkey partnerships.<sup>142</sup> It has additionally strived to forge collaborations with CSOs in India and Turkey. At a policy level, ECOSOCC's Cross-Cutting Cluster was engaged during 2018 in the process of developing the AU Policy Framework on Partnership.<sup>143</sup>

#### 4.4 EXECUTION AND IMPACT OF ECOSOCC'S PROMOTIONAL ROLE

This section examines ECOSOCC's performance and impact of its promotional role along two important axes, that of: (a) ECOSOCC's role in popularizing AU programmes; and (b) ECOSOCC's role in defending AU principles and standards.

136 At this meeting, it was agreed that the steering committee would consist of the following 21 members: six members selected by ECOSOCC; six members selected by CSOs that are not members of ECOSOCC; eight chairpersons of ECOSOCC cluster committees; and one representative of CIDO. Report of the Second AU-CSO Consultation on the Implementation of the Africa-Europe Partnership, 3-5 March 2009, Nairobi, Kenya, available at the 2nd AU CSO consultation report on Africa-EU Strategy implementation | The Africa-EU Partnership (africa-eu-partnership.org) (accessed 4 November 2021).

137 See AU-EU Human Rights Dialogue | The Africa-EU Partnership (africa-eu-partnership.org) (accessed 4 November 2021).

138 See FIDH, 'EU-African union: Promoting and protecting all human rights globally', 6 May 2020, available at EU-African Union: Promoting and protecting all human rights globally (fidh.org) (accessed 4 November 2021).

139 African Union, 'Organization of the AU-EU human rights dialogue', 8 November 2021, available at Organization of the 17th AU-EU Human Rights Dialogue | African Union (accessed 8 November 2021).

140 As above.

141 See Report of the African Union Economic, Social and Cultural Council (ECOSOCC), EX.CL/976 (XXIV) b, para 26 (Report adopted during the 29th ordinary session of the AU Executive Council, 10-15 July 2016, Kigali, Rwanda).

142 See R Chintaram 'African Union ECOSOCC: A symbol of the new African renaissance' in Voluntary Action Network India *India-Africa partnership: A civil society perspective* (2015) 13.

143 Activity Report of the Economic, Social and Cultural Council (ECOSOCC) EX.CL/1129 (XXXIV) para 21 (Report adopted during the 34th ordinary session of the AU Executive Council, 7-8 February 2019, Addis Ababa, Ethiopia).

#### 4.4.1 Popularizing AU policies and programmes

For the AU to be truly people-centered, citizens across the continent must at the very least be aware of its objectives, functions, policies and programmes. Within the AU institutional architecture, the primary role of popularizing the AU falls on the AUC, and mainly its Directorate of Information and Communication (DIC). However, the rest of AU organs and institutions have an equally crucial role to play. This is especially true of ECOSOCC which serves as a bridge between African citizens and the AU. From the outset, ECOSOCC has endeavored to formulate innovative ways of reaching African citizens and making the AU known to them. In December 2008, barely three months after its launch, the First General Assembly adopted a resolution in which it committed to organize a festival on African heritage and music. The stated purpose of the festival was to “popularise the African Union and effectively associate the grass-roots with its objectives and programmes”.<sup>144</sup> ECOSOCC activity reports for 2009 and 2010 do not indicate if the festival was eventually held, but the idea of a festival appear to have laid the foundation for similar future innovative activities, such as the 2020 *E-Caravan of Peace* campaign.

Traversing across the five regions of Africa during September 2020, albeit in a virtual format, the E-Caravan of Peace sought to popularise two AU interconnected AU initiatives: the AU 2020 Theme of the Year – “*Silencing the guns: Creating conducive conditions for Africa’s development*”; and the Africa Amnesty Month. The latter has been observed every September since 2017. It is

an initiative aimed at encouraging people who illegally possess arms to voluntarily surrender them in exchange for unconditional amnesty. In each country where the e-caravan “passed through”, the public was sensitized about the objectives of the 2020 AU Theme of the Year and the Africa Amnesty Month. The sensitization involved conducting media campaigns and convening webinars. In Rabat, Morocco, where the e-caravan was “flagged off”,<sup>145</sup> a total of 1400 people participated in a webinar held on 8 September 2020 through Zoom and Facebook. By the end of September, more than 4302 people had participated in webinars organized across the continent as part of the E-Caravan of Peace.<sup>146</sup>

Other than the subject of peace and security, ECOSOCC’s activities aimed at popularizing the AU have covered a long list of areas, including the African Continental Free Trade Area (AfCFTA),<sup>147</sup> the Single African Air Transport Market (SAATM),<sup>148</sup> and MPFA.<sup>149</sup> It is not by coincidence that the mentioned activities relate to programmes that are being implemented as part of Agenda 2063. As stated earlier, ECOSOCC has been specifically mandated by the AU Executive Council to take the lead in popularizing Agenda 2063. In its approach to popularizing AU programmes, ECOSOCC has also purposely focused on the AU yearly themes. It has also held side events at relevant international forums, including at the UN High Level Political Forum on Sustainable Development (HLPF) and at the sessions of the UN Human Rights Council (HRC).

Although the ultimate goal is to reach the entirety of African populace, ECOSOCC’s awareness raising activities in recent years have

144 Report of the President of the Permanent General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/488 (XIV), p 3 (Report adopted during the 14th ordinary session of the AU Executive Council, 26-30 January 2009, Sirte, Libya).

145 See ‘ECOSOCC/Morocco: Launch of the e-caravan of peace, flagship event of Amnesty Month in Africa’, available at ECOSOCC / Morocco: Launch of the e-caravan of peace, flagship event of Amnesty Month in Africa | CPNN (cpnn-world.org) (accessed 8 November 2021).

146 Report of the Peace and Security Cluster of the African Union Economic, Social and Cultural Council, June 2019-December 2020 (2021) 21-27.

147 In November 2018, the Trade and Industry Cluster held a consultative workshop on the AfCFTA for civil society and private sector actors in Dakar, Senegal. See Report of Activity Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/1129 (XXXIV) para 12 (Report adopted during the 34th ordinary session of the AU Executive Council, 7-8 February 2019, Addis Ababa, Ethiopia).

148 In September 2018, the Infrastructure and Energy Cluster held a symposium in Casablanca, Morocco, to raise awareness about the SAATM. As a sign of the impact of the symposium, Moroccan authorities committed to expedite the process of ratifying SAATM. See Activity Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/1129 (XXXIV) para 8 (Report adopted during the 34th ordinary session of the AU Executive Council, 7-8 February 2019, Addis Ababa, Ethiopia).

149 In June and July 2021, ECOSOCC held three webinars to promote the MPFA within the African civil society.

deliberately targeted the youth. This is a pragmatic and sensible strategy. With more than 400 million people aged between 15 and 35, Africa has the youngest population in the world.<sup>150</sup> ECOSOCC's sensitization and engagement events targeting the youth have taken different forms and structures. In May 2016, and ahead of celebrating 2017 as the "AU Year of Harnessing the Demographic Dividend through Investments in Youth", ECOSOCC tapped into the West African Regional Conference of the Young African Leaders Initiative (YALI) to connect with more than 250 young African leaders participating in the Mandela Washington Fellowship program.<sup>151</sup> Held in Accra, Ghana, the conference provided a platform for ECOSOCC to, among other things, popularise AU's Agenda 2063. In other instances, ECOSOCC has organized its own youth-specific conferences, such as the Pan-African Youth Forum on Internet Governance (PAYFIG) which was held in August 2018 in Ebene, Mauritius.<sup>152</sup>

In May 2021, ECOSOCC stepped up its efforts to reach the youth when it launched the annual Young Africans Writing Contest (YAWC).<sup>153</sup> Through an essay writing competition, the YAWC is designed to "bridge the gap between African Youth and the [African] Union".<sup>154</sup> It encourages the youth to reflect on their role in Africa's development and the attainment of Agenda 2063. The inaugural edition focused on theme "My Africa, My Future". Contestants were invited to articulate their aspirations and ideals for the kind of future they want for the African continent. The competition attracted more than 850 entries from across the continent,<sup>155</sup> with the youngest

participant aged just nine. The winner of the inaugural YAWC was announced on 9 September 2021 which also marked the AU Day.<sup>156</sup>

Since relocating to Lusaka, the new ECOSOCC secretariat has sought to popularize AU programmes and policies by organizing events (e.g., exhibitions, football tournaments and roundtable discussions) to commemorate important dates or days in Africa. In the last three years, commemorations organized by ECOSOCC have, for example, covered Africa Day (25 May)<sup>157</sup> and AU Day of African Sport (14 December).<sup>158</sup>

#### 4.4.2 Defending AU principles and standards

As the voice of the African people within the AU, ECOSOCC is mandated to promote and defend a long list of regional principles and standards, including on human rights, gender equality, good governance, democracy, and social justice. An assessment of ECOSOCC's performance of this role during the review period reveals an initial period of dormancy followed by some occasional vibrancy in later years. The launch of the Interim General Assembly in March 2005 raised expectation about ECOSOCC's potential role in specifically defending human rights. It was anticipated that it will speak boldly in the face of human rights violations and abuses. However, the Interim General Assembly did not activate this aspect of ECOSOCC's promotional mandate.

By 2008, when its tenure lapsed, it was claimed that Interim General Assembly had not issued

150 See African Union, 'Youth development', available at Youth Development | African Union (au.int) (accessed 8 November 2021).

151 Report of the African Union Economic, Social and Cultural Council (ECOSOCC), EX.CL/976 (XXIX)b, paras 16-19 (Report adopted during the 29th ordinary session of the AU Executive Council, 10-15 July 2016, Kigali, Rwanda).

152 Activity Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/1129 (XXXIV), para 6 (Report adopted during the 34th ordinary session of the AU Executive Council, 7-8 February 2019, Addis Ababa, Ethiopia).

153 See YAWC | ECOSOCC (auecosocc.org) (accessed 8 November 2021).

154 As above.

155 African Union, 'ECOSOCC Young Africans Writing Contest 2021 award ceremony "My Africa, My Future"', available at ECOSOCC's Young Africans Writing Contest 2021 Award Ceremony "My Africa, My Future" | African Union (au.int) (accessed 8 November 2021).

156 Uganda's Daniela Odong scoops ECOSOCC's Young Africans Writing Contest (YAWC) top prize; Amb. Susan Sikaneta awarded the ECOSOCC Stalwarts Award', available at Uganda's Daniela Odong scoops ECOSOCC's Young Africans Writing Contest (YAWC) top prize; Amb. Susan Sikaneta awarded the ECOSOCC Stalwarts Award | Africanews (accessed 8 November 2021).

157 ECOSOCC, 'ECOSOCC commemoration of Africa Day', available at ECOSOCC Commemoration of Africa Day | African Union ECOSOCC (au.int) (accessed 14 June 2022).

158 ECOSOCC, 'ECOSOCC commemoration of the AU Day of African sport', available at ECOSOCC Commemoration of the AU Day of African Sport | African Union ECOSOCC (accessed 14 June 2022).

even a single statement on cases of human rights violations and abuses.<sup>159</sup> However, it is noteworthy that in June 2008, Zambian CSO members of ECOSOCC issued a strongly worded statement on the political developments in neighbouring Zimbabwe.<sup>160</sup> The statement condemned the harassment, intimidation and deaths of opposition politicians in the run-up to the June 2008 second round of voting in the Zimbabwean presidential election and noted that these acts were contrary to, *inter alia*, the AU Declaration on Democracy, Political, Economic and Corporate Governance. In justifying their concerns over the situation in a neighbouring country, the Zambian CSOs asserted that the “political meltdown” in Zimbabwe was not only a national issue but it was also “a regional and continental problem for Africa and Africans”.

The term of the First General Assembly was not substantially different to that of its predecessor when it came to defending AU principles and standards. It was similarly criticized for having not issued “a statement, analysis or discussion paper on peace and security matters” during its term.<sup>161</sup> Against this background, one of the stated priorities of the Second General Assembly was to ensure “effective ECOSOCC engagement with affairs of the continent including the various crisis and conflicts as well as issues related to social and economic development”.<sup>162</sup> As such, the incumbent ECOSOCC Presiding Officer between 2014 and 2017 proactively and publicly reacted to some of the cases or situations that warranted a response from the AU more broadly and ECOSOCC in particular. In 2015, ECOSOCC issued at least three public statements concerning the following situations: the xenophobic attacks in South Africa; the political and human crisis in Burundi; and the military coup in Burkina Faso.

The ECOSOCC statement on South Africa condemned the xenophobic attacks that been carried out in the country against Africans of different nationalities. It described the attacks as “a blot on the African landscape which negates the very essence of the African Union and its purpose, principles and values”.<sup>163</sup> The statement called for investigations into the attacks, accountability for the perpetrators and compensation for the victims. It also called for an emergency session of the AU summit to discuss the situation and approve an appropriate regional response. The statement established precedence in relation to ECOSOCC’s response to the issue of xenophobia. In 2019, when another spate of xenophobic attacks hit South Africa, ECOSOCC’s Deputy Presiding Officer for Southern Africa issued a public statement condemning the attacks.<sup>164</sup> The statement particularly reminded South Africa of its commitment to protect migrants under the AU Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention) and the African Charter on Human and Peoples’ Rights (African Charter).

The statement on Burundi focused on the attempted coup in the country and the State violence against civilians, CSO and the media that followed. It condemned the attempted coup, but it also unequivocally said that “violence against peacefully protesting citizens is unacceptable and must stop”.<sup>165</sup> The statement also called for protection of civil society and the media. In relation to the situation in Burkina Faso, ECOSOCC’s statement condemned the coup and called for the military to “set a pathway for a return to democracy and the rule of law as soon as possible”.<sup>166</sup> The statement urged the AU to suspend Burkina Faso in terms of the

159 Mutasa (n 125 above) 302.

160 ECOSOCC Zambia ‘Statement on the recent political developments in Zimbabwe’, delivered at the Ndeke Hotel, Lusaka, Zambia, 25 June 2008, available at ECOSOCC STATEMENT ON ZIMBABWE (eisa.org) (accessed 8 November 2021).

161 Oxfam International (n 148 above) 3.

162 Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/924 (XXVII) para 3 (Report adopted during the 27th ordinary session of the AU Executive Council, 7-12 June 2015, Johannesburg, South Africa).

163 ‘ECOSOCC condemns xenophobic “acrophobic” attacks on African citizens in South Africa’, 22 April 2015, available at ECOSOCC Condemns Xenophobic “Acrophobic” Attacks On African Citizens In South Africa | African Union (au.int) (accessed 23 October 2021).

164 ‘Statement concerning xenophobic attacks in South Africa’, available at African Union: ECOSOCC – Statement concerning Xenophobic Attacks in South Africa (03.09.2019) – MinBane (wordpress.com) (accessed 8 November 2021).

165 ‘ECOSOCC statement on the situation in Burundi, 18 May 2015, available at ECOSOCC Statement on the situation in Burundi - Burundi | ReliefWeb (accessed 23 October 2021).

166 ‘ECOSOCC statement against the military coup in Burkina Faso’, available at ECOSOCC\_

African Charter on Democracy, Elections and Governance (ACDEG) and the AU Declaration on Unconstitutional Changes of Government.

Since 2015, ECOSOCC has issued several other statements that seek to defend AU principles and standards, including in December 2019 in response to the rejection of election results by former Gambian President Yahya Jammeh,<sup>167</sup> in April 2020 in relation to the COVID-19 pandemic,<sup>168</sup> and in October 2020 in reaction to the #EndSARS protests in Nigeria.<sup>169</sup> Individual ECOSOCC members at the country level have also sometime issued statements touching on a range of national issues.<sup>170</sup>

The foregoing description of ECOSOCC's public statements over the years discloses that the issues and situations to which it has responded are few and far between. There has been a particular focus on military coups, but the focus has not been consistently maintained across time and space. Since ECOSOCC statements have often been issued in relation to events or situations that trigger public reactions from a wide range of actors, it is difficult to point out their specific impact. In the case of the 2015 statement on Burkina Faso, the country was suspended from the AU as was recommended by ECOSOCC but given that the AU has an entrenched practice of suspending governments that come to power through military coups, causality is difficult to establish or tenuous at best.

The April 2020 statement on COVID-19 stands out as the one peculiar instance when ECOSOCC has put the spotlight on the enjoyment of socio-economic rights, particularly the right to health. This statement and others that explicitly touch on human rights issues speak to the need for ECOSOCC to forge linkages and

build close collaboration with existing regional human rights bodies, mainly the ACHPR and the ACERWC.<sup>171</sup> Although ECOSOCC has previously attended the ordinary sessions of the ACHPR, a dynamic cooperation involving joint initiatives and activities has yet to develop. As it has entered a new phase in its institutional evolution, and as part of a broader collaboration strategy, it is noteworthy that ECOSOCC and the ACHPR were in the process of developing a collaboration strategy as at the time of writing. ECOSOCC should similarly consider scaling up its interaction and engagement with the ACERWC.

#### 4.5 EXECUTION AND IMPACT OF ECOSOCC'S CAPACITY-BUILDING ROLE

The ECOSOCC Statutes visualizes a rather broad capacity-building role for ECOSOCC that involves strengthening the institutional, human and operational capacities of African CSOs.<sup>172</sup> A large proportion of the thousands of CSOs that are spread across the African continent require the strengthening envisioned in the ECOSOCC Statutes. Addressing these capacity needs demand enormous resources both in terms of finances and trainers. With a focus on how to engage with the AU or understanding its policies and programmes, the scope of ECOSOCC's capacity-building activities have thus been pragmatically and justifiably narrow and targeted. The magnitude of ECOSOCC's capacity building mandate, as juxtaposed to its own internal capacity, has also required building partnerships with relevant stakeholders in delivering trainings and related activities.

StatementBurikanaFaso\_ENG.pdf (wanep.org) (accessed 8 November 2021).

167 'AU ECOSOCC press statement', 22 December 2016, available at AU ECOSOCC Press Statement - 'The Point' (accessed 8 November 2021).

168 'African Union Economic, Social and Cultural Council (ECOSOCC) statement on the COVID-19 pandemic', 1 April 2020, available at African Union Economic Social and Cultural Council (ECOSOCC) Statement on the COVID-19 Pandemic | African Union (au.int) (accessed 8 November 2021).

169 'Statement on the situation in the Federal Republic of Nigeria', 24 October 2020, available at Statement on the situation in The Federal Republic of Nigeria | The Guardian Nigeria News - Nigeria and World News — APO Press Releases — The Guardian Nigeria News – Nigeria and World News (accessed 9 November 2021).

170 See e.g., 'AU ECOSOCC calls on FG to do more on rural women', 14 March 2018, available at IWD: AU-ECOSOCC calls on FG to do more on rural women - Vanguard News (vanguardngr.com) (accessed 8 November 2021).

171 See E Bekele 'Implications of ECOSOCC's mandate for the promotion and protection of human rights in Africa: An inquiry into the relationship between ECOSOCC and the human rights organs of the African Union, Unpublished LLM dissertation, University of Pretoria, 2006.

172 ECOSOCC Statutes, art 2(7).

Against the above background, among the early approaches of CIDO/ECOSOCC in relation to capacity-building was to organize a regular training on the sidelines of AU summits titled “Understanding the AU”. The training was unfortunately discontinued after a few years due to lack of funds. Oxfam International’s Liaison Office to the AU subsequently took the mantle of organizing the training. Between 2009 and 2012, Oxfam training enhanced the knowledge of more than 100 participants.<sup>173</sup>

More recent trainings organised with the support of or within auspices of ECOSOCC have focused on specific themes, such as security sector governance<sup>174</sup> and migration. Held in May 2022 in Accra, Ghana, the training on the latter topic focused on sensitizing civil society in West and Central Africa on the provisions of the AU Continental Free Movement Protocol.<sup>175</sup> There are also plans for ECOSOCC, in partnership with the International Press Institute (IPI), to build the capacity of African media in covering the COVID-19 pandemic.<sup>176</sup>

Another early initiative of ECOSOCC was the development of a guide for civil society on the implementation of the Kampala Convention.<sup>177</sup> Drafted and published in partnership with the International Displacement Monitoring Centre (IDMC) in July 2010, the guide identifies ways for African CSOs to advocate with their governments for the ratification of the Kampala Convention and its incorporation into national law. Currently, there are plans to develop several CSO training toolkits or manuals, including on the following topics: monitoring agenda 2063 at the national, regional and continental levels; strategic planning; monitoring and advocacy on the ratification of AU policy instruments in member states; enhancing

CSO engagement with RECS; and conducting advocacy.

Since relocating to Lusaka, ECOSOCC’s secretariat has been working on nurturing the practice of developing knowledge products in the form of policy booklets elaborating upon specific issues of strategic relevance to Africa and the AU. As at the time of writing, the drafting of two such policy booklets was nearing completion. The first of these focuses on the issue of migration generally and the MPFA in particular. The second policy booklet focuses on the AU theme for 2021: “Arts, Culture and Heritage: Levers for Building the Africa We Want”. It articulates the aspirations of African citizens with respect to arts, culture and heritage. It specifically highlights the policy linkages between the AU theme for 2021 and the AfCFTA, gender and women’s development, peace and security, and youth development. The process of developing the booklet begun with a series of virtual consultations attended by civil society actors, policy makers, academics and other stakeholders from across the continent. The methodology for developing the booklet also involved focus group discussions. As a knowledge product, the booklet is crucial to an understanding of arts, culture and heritage rooted in African realities and aligned with pan-African ideals.

Outside of AU-related policies and programmes, ECOSOCC has recently partnered with the University of Pretoria’s Centre for Human Rights and Konrad Adenauer Stiftung to produce a booklet that summarizes the bill of rights as contained in the Zambian Constitution. Aptly titled “Zambian Constitutional Literacy Booklet”, the aim of this simple-easy-reference knowledge product is to promote literacy of

173 ‘2009-2012 overview of Oxfam AU Office’, available at 2009 2012 overview Oxfam AU Office (slideshare.net) (accessed 8 November 2021).

174 ‘The AU hosts a training workshop for civil society organizations on security sector governance and management’, 12 September 2018, available at The AU hosts a Training Workshop for Civil Society Organizations on Security Sector Governance and Management - African Union - Peace and Security Department (peaceau.org) (accessed 8 November 2021).

175 ECOSOCC, ‘Communique of the Regional CSO Sensitization Forum on the AU’s Continental Free Movement Protocol’, 27 May 2022, available at Communique of the Regional CSO Sensitization Forum on the AU’s Continental Free Movement Protocol | African Union ECOSOCC (accessed 14 June 2022).

176 ‘ECOSOCC to build the capacity of African media in covering the COVID-19 pandemic’, 17 July 2021, available at ECOSOCC to build capacity of African media in covering the COVID-19 pandemic | African Union (au.int) (accessed 10 November 2021).

177 ECOSOCC & IDMC *Making the Kampala Convention work for IDPs: Guide for civil society on supporting the ratification and implementation of the Convention for the Assistance and Protection of Internally Displaced Persons in Africa* (2010).

constitutional provisions relating to human rights in Zambia.<sup>178</sup>

#### 4.6 EXECUTION AND IMPACT OF ECOSOCC'S MONITORING AND OVERSIGHT ROLE

Evaluation of AU decisions, policies and programmes is at the heart of ECOSOCC's monitoring and oversight role. A review of ECOSOCC activity reports reveals that ECOSOCC was particularly vigilant and vocal in 2015 and 2016 in relation to the question of AU institutional reform. In its June 2015 activity report, ECOSOCC faulted the AUC for proposing structural internal reform without broad based consultations involving the whole gamut of AU organs and institutions more generally and ECOSOCC in particular. According to ECOSOCC, one of the results of the proposed reform would have been the downgrading of CIDO, a potential outcome in which ECOSOCC had a direct stake. Proceeding from the premise that "any process of organization or re-organization of the AU must give prominence to the people-centred focus of the preamble and principles of the Constitutive Act", ECOSOCC called on the AUC to undertake a reform process that placed premium on openness, transparency and accountability.<sup>179</sup> In its January 2016 activity report, ECOSOCC once again noted that the institutional reform process was still not consultative.<sup>180</sup> It thus reiterated its call for transparency and inclusivity. Subsequent activity reports did not address this issue and it is thus not clear whether the call by ECOSOCC

was meaningfully taken on board in the reform process.

If ECOSOCC has continued to play its monitoring and oversight role in the years since 2016, the nature, scope and impact of that work has not been documented or reflected in its activity reports. The credibility, legitimacy and moral authority of ECOSOCC to effectively play this role has also been undercut by incidences of alleged unethical conduct by some members of the Second and Third General Assemblies. In November 2016, the ECOSOCC Standing Committee suspended a cluster chair pending a final determination into the propriety of his conduct relating to alleged non-payment of hotel bills in Ethiopia and Kenya.<sup>181</sup> At the time of the suspension, the cluster chair had a case pending against him before a Kenyan court while the United Nations (UN) and Ethiopian authorities had reportedly sanctioned him already.<sup>182</sup> More recently in 2020, ECOSOCC was faced with what it called "alarming and escalating pattern of illegal and unethical conduct by some current and former members of ECOSOCC".<sup>183</sup> These members were reported to have engaged in "persistent abuse of the African Union name, logo, emblem and other intellectual property rights".<sup>184</sup> Another episode of internal wrangling was witnessed in 2021, when a section of the Standing Committee disrupted the process of electing new members of the Committee.<sup>185</sup>

In response to the events of 2020, the Executive Council directed the AUC to conduct an independent investigation and to recommend

178 ECOSOCC, 'Launch of the Zambian Constitutional Booklet', 9 May 2022, available at Launch of the Zambian Constitutional Booklet | African Union ECOSOCC (accessed 14 June 2022).

179 Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), paras 9-14 (Report adopted during the 27th ordinary session of the AU Executive Council, 7-12 June 2015, Johannesburg, South Africa).

180 Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/940(XXVIII) para 12 (Report adopted during the 28th ordinary session of the AU Executive Council, 23-28 June 2016, Addis Ababa, Ethiopia).

181 Report of the Third Ordinary Session of the Standing Committee of the Economic, Social and Council (ECOSOCC), 17-19 November 2016, Nairobi, Kenya, p 4-5, report available at Report of the 3rd Ordinary Session of the Standing Committee of ECOSOCC, Nairobi, Kenya | African Union (au.int) (accessed 31 March 2022).

182 As above.

183 Report of the African Union Economic, Social and Cultural Council (ECOSOCC), EX.CL/1261(XXXVIII), paras 7 (Report adopted during the 38th ordinary session of the AU Executive Council, 3-4 February 2021, Addis Ababa, Ethiopia).

184 As above, para 9.

185 Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/1328(XI), para 6 (Report adopted during the 40th ordinary session of the AU Executive Council, 29 January – 3 February 2022, Addis Ababa, Ethiopia).

appropriate sanctions.<sup>186</sup> This investigation was conducted by the AU Office of Internal Oversight (OIO) in the course of 2021. On the basis of the report of the investigation, the Executive Council directed the AUC Chairperson to take a raft of measures to deal with unethical conduct within ECOSOCC, including measures to prevent the implicated General Assembly members from participating in any future activities of the AU.<sup>187</sup>

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186 Decision of the Activity Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/Dec.1115 (XXXVIII), para 3(ii) (Decision adopted during the 38th ordinary session of the AU Executive Council, 3-4 February 2021, Addis Ababa, Ethiopia).

187 Decision on the Report of the Sub-Committees of the Permanent Representatives' Committee (PRC), EX.CL/Dec.1143 (XL) para 30 (Decision adopted during the 40th ordinary session of the AU Executive Council, 29 January – 3 February 2022, Addis Ababa, Ethiopia).

# STRUCTURAL CHALLENGES TO ECOSOCC'S PERFORMANCE AND IMPACT

The performance and impact of ECOSOCC must be viewed in light of the many challenges it has faced since inception 17 years ago. Some of these challenges have already been mentioned in previous sections. They include the following: lack of institutional visibility on the continent; lack of technical expertise within the rank and file of ECOSOCC General Assemblies; lack of a culture among AU organs and institutions to seek advisory opinion; statutory and logistical barriers to fully constituting the General Assemblies; and internal wrangles and unethical conduct of some members. While myriad challenges have held it back, the discussion in this section focuses on two additional challenges that are of a structural nature and have arguably had the most adverse implications for ECOSOCC's performance and impact. These are: (a) the lack of a standalone secretariat for 15 of the 17 years of ECOSOCC's existence; and (b) the lack of adequate funding to smoothly run and sustain ECOSOCC's operations. It is important to note that as at the time of writing, major strides had already been taken to address these twin challenges.

## 5.1 STANDALONE SECRETARIAT

As originally adopted in July 2004, the ECOSOCC Statutes in Article 14 provided that the "competent unit" of the AUC would serve as the secretariat of ECOSOCC. For this reason, CIDO, a directorate that already existed within the AUC, was mandated to serve as ECOSOCC's secretariat. In January 2018, the AU amended article 14 of the ECOSOCC Statutes to allow for the establishment of an independent ECOSOCC

secretariat, thus providing the legal basis for the subsequent relocation of the secretariat from Addis Ababa to Lusaka.<sup>188</sup>

Given the original stipulation of Article 14 of the ECOSOCC Statutes, CIDO was the logical and natural "home" for ECOSOCC. Known initially as the CSSDCA Coordinating Unit, CIDO is the directorate within the AUC that is responsible for facilitating the involvement of African peoples, be they in Africa and in the diaspora, in the affairs of the AU. Despite its obvious logic, placing ECOSOCC within CIDO created the perception that it was subordinate to the AUC and lacked independence from it. However, what really impacted on ECOSOCC's ability to perform its core functions was the fact that CIDO was itself chronically understaffed between 2004 and 2015.<sup>189</sup> It was too thinly spread to be able to run its own programmes and activities effectively and efficiently and at the same time service the operational and programme needs of ECOSOCC. One of the instances when ECOSOCC particularly felt the constraints of lacking an independent secretariat of its own was during October 2011 session of the First General Assembly. The session did not receive the necessary secretariat support, a state of affairs that was attributed to the physical absence and failure of CIDO to play its assigned function.<sup>190</sup> With this experience, ECOSOCC began to call for the creation of its own dedicated secretariat.<sup>191</sup>

With its relocation to Lusaka, ECOSOCC now has a standalone secretariat with an initial approved staff component of 27 which was later revised upwards to 34.<sup>192</sup> However, only 13 staff

188 See Decision on the Reports of the Specialized Technical Committees (STCs), EX.CL/Dec.987 (XXXII) Rev. 1 (Decision adopted during the 32nd ordinary session of the AU Executive Council, 25-26 January 2018, Addis Ababa, Ethiopia).

189 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), EX.CL/1328 (XL) Annex, p. 30.

190 Report of the Economic, Social and Cultural Council of the Union (ECOSOCC), EX.CL/745 (XXI), para 12 & 25 (Report adopted during the 21st ordinary session of the AU Executive Council, 9-13 July 2012, Addis Ababa, Ethiopia).

191 As above, para 25.

192 See Decision on the Reports of the Sub-Committees, EX.CL/Dec.986 (XXXII) Rev. 1, Decision adopted during the 32nd ordinary session of the AU Executive Council, 25-26 January 2018, Addis Ababa, Ethiopia; Decision on the Reports of the Sub-Committees of the Permanent Representatives' Committee (PRC), EX.CL/Dec.1126 (XXXIX), Decision adopted during the 39th ordinary session of the AU Executive Council, 14-15 October

members had already been recruited and stationed in Lusaka as of May 2022.<sup>193</sup> The recruitment process was particularly impacted in 2020 by the outbreak of the Covid-19 pandemic. Recruitment and deployment of the remaining vacant positions is expected to be complete by the end of 2022. As such, and although it has an improved capacity to service ECOSOCC, the operations of the secretariat are still hampered by a lack of essential personnel in critical departments.<sup>194</sup>

## 5.2 ADEQUATE FUNDING

Article 13(1) of the ECOSOCC Statutes provides that the AU is the principal source of funding for ECOSOCC. However, lack of adequate funding has affected ECOSOCC's operations and programmes from its inception. In her valedictory speech to AU policy organs in July 2008, Wangari Maathai, the Presiding Officer of the Interim General Assembly, observed that ECOSOCC had been treated as the poor cousin within the AU in the context of budgetary allocation during her tenure.<sup>195</sup> In the intervening years, ECOSOCC continued to operate with a considerably tight budget. As shown in the table below,<sup>196</sup> the budgetary allocation to ECOSOCC has never risen to even 1% of AU's total budget. More importantly, ECOSOCC did not receive AU funding for programme activities until just four years ago. Before 2018, ECOSOCC only received AU funding for operational costs. The allocated budget for programs in 2016 was secured from donors rather than the AU.

Article 13(2) of the ECOSOCC Statutes provides that ECOSOCC may raise funds from "extra-budgetary sources" subject to AU financial rules and guidelines. The ability of ECOSOCC to mobilize funds from donors in terms of Article 13(2) was thus particularly crucial during the years it did not receive AU budgetary allocation for programs. However, on at least one occasion, ECOSOCC missed the opportunity to receive funding from the World Bank due to its own internal bureaucratic tape.<sup>197</sup>

Lack of adequate funds has often led to suspension or cancellation of critical operational and programme activities of ECOSOCC. In 2015, for example, the Credentials Committee could not organize by-elections for vacant positions in the Second Permanent General Assembly because no funds had been allocated for this purpose during that year.<sup>198</sup> In the same year, the Standing Committee's process of operationalizing the sectoral cluster committees was interrupted by austerity measures announced by the AUC which resulted in the freezing of ECOSOCC funds.<sup>199</sup> More recently in 2020, ECOSOCC could not undertake planned activities due to austerity measures occasioned by the COVID-19 pandemic, a cash crunch that affected organs and departments across the AU.

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2021, Addis Ababa, Ethiopia.

193 Report of the Economic, Social and Cultural Council (ECOSOCC), EX.CL/1328(XL), p. 2 (Reported adopted during the 40th ordinary session of the AU Executive Council, 2-3 February 2022, Addis Ababa, Ethiopia).

194 As above.

195 Report of the President of the Permanent General Assembly of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/488 (XIV), Report adopted during the 14th ordinary session of the AU Executive Council, 26-30 January 2009, Addis Ababa, Ethiopia.

196 As at the time of writing, the data for 2012 and 2021 were not publicly available and is thus not reflected in the table.

197 Report of the Economic, Social and Cultural Council of the Union (ECOSOCC), EX.CL/745 (XXI), para 26.

198 Report of the Economic, Social and Cultural Council of the African Union (ECOSOCC), EX.CL/940 (XXVIII), p. 2.

199 As above.

# ECOSOCC ANNUAL BUDGET ALLOCATION, 2009-2022

Year	Operating Budget	Programs Budget	Total ECOSOCC Budget	Total AU Budget	ECOSOCC Budget as % of Total AU Budget
2009	1,616,500	-	1,616,500	164,256,817	0.98%
2010	1,531,500	-	1,531,500	250,453,697	0.61%
2011	1,608,075	-	1,608,075	256,754,447	0.63%
2012					
2013	1,015,372	-	1,015,372	278,226,622	0.36%
2014	993,710	-	993,710	308,048,376	0.32%
2015	1,023,521	-	1,023,521	552,121,602	0.19%
2016	1,043,396	991,223	2,034,619	416,867,326	0.49%
2017	1,119,557	-	1,119,557	782,108,049	0.14%
2018	1,214,363	1,314,303	2,528,666	769,381,894	0.33%
2019	2,246,004	1,771,000	4,017,004	681,485,337	0.59%
2020	1,770,000	1,797,004	3,567,004	647,379,441	0.55%
2021				623,836,163	
2022	1,793,481	919,911	2,713,392	651,110,573	0.42%

## CONCLUSION AND RECOMMENDATIONS

The existence of ECOSOCC, a body composed of entirely civil society actors, within the institutional architecture of the AU, an intergovernmental organization formed by states, presents a unique development in the growth and evolution of international organizations. The establishment of ECOSOCC in 2005 as an organ of the AU gave meaning and traction to the idea that citizens should be at the centre of multilateral processes as active contributors in the making of policies that affect them. This study sought to examine the extent to which ECOSOCC has lived to the ideals and aims that inspired and informed its establishment.

The starting point was an analysis of ECOSOCC's performance of its primary mandate as an advisory organ of the AU. The study finds that ECOSOCC has generated a paltry number of advisory outputs in the last 17 years, with only two of these been clearly identified and framed as advisory opinions. Similarly, ECOSOCC's advisory outputs have had limited discernible use and impact within and outside of the AU. A number of factors account for this state of affairs, including ECOSOCC's faltering journey towards settling down to its core business, general lack of technical know-how amongst General Assembly members in the art and skill of producing advisory outputs, and the absence of a tradition of requesting, using and tracking the impact of advisory outputs within the AU.

On its representational mandate, the study finds that ECOSOCC's General Assemblies have hardly offered full representation of African civil society. None of the ECOSOCC Permanent General Assemblies have been constituted with all 150 members taking their seats, a situation that is linked to the stringent eligibility criteria, particularly the requirement that eligible CSOs must derive at least 50% of the funding from the contributions of their members. At the same time, any form of participation of the African diaspora in ECOSOCC has been infrequent and *ad hoc* while women representation has been generally low. Although concerted efforts must be taken to ensure that full representation of African civil society in all its diversity is represented in ECOSOCC, the study also acknowledges that given the huge size of civil society in the continent and the diaspora, the membership of ECOSOCC General Assembly, capped as it is at 150 CSOs, will always most likely offer limited representation

even if all the 150 seats are filled. In this context, the efforts of the new standalone secretariat in engaging and involving civil society actors outside the confines of the General Assembly in a wide range of ECOSOCC activities is particularly commendable.

In relation to facilitating civil society participation in AU processes, ECOSOCC has periodically organised the CSO Pre-Summit Consultations, the CSO Forum on the Livingstone Formula and the AU-EU Civil Society Forum. However, the lack of transparency in selecting participants for the Pre-Summit Consultations held in the early years and the failure to hold meetings with the PSC as envisaged in the Livingstone Formula have undermined ECOSOCC's facilitative role. Over the last few years, though, there has been much improvement in this area. For example, the new ECOSOCC Secretariat has made it a practice to issue open calls for its events, including posting such calls on its Twitter handle and Facebook page. The study's assessment of ECOSOCC's performance in defending AU principles and standards reveals an initial period of dormancy followed by some occasional vibrancy in later years, particularly since 2015. It has issued several public statements condemning state deviations from AU norms and standards. However, the issues and situations to which it has responded are few and far between. It has had a particular focus on military coups, but the focus has not been consistently maintained across time and space. Similarly, ECOSOCC's execution of its monitoring and oversight role has been intermittent. It was particularly vigilant and vocal in 2015 and 2016 in relation to the question of AU institutional reform.

In the final analysis, the study reveals that ECOSOCC is on an upward trajectory with the establishment of its standalone secretariat in Lusaka. Its visibility has improved in recent years, in part because of its work in building the capacity of African CSOs on diverse subjects as well as in popularizing AU policies and programmes through innovative initiatives such as the E-Caravan of Peace and the Young Africans Writing Contest. More importantly, there are currently several initiatives, including the development of frameworks for the establishment of national chapters and for representation of the diaspora, that aim to place ECOSOCC on a firm footing in terms of delivering its core objectives

and functions. There are also ongoing efforts to address some of the perennial challenges that ECOSOCC has faced. For example, AU's funding of ECOSOCC has significantly increased in recent years, thus making it possible for ECOSOCC to execute planned programmes and initiatives. Similarly, ongoing recruitment of staff members has ensured that ECOSOCC has an improved capacity to deliver on its mandate.

In light of the findings of the study, the following recommendations are proposed. First, working with national chapters, ECOSOCC should consider organizing national CSO pre-summit consultations as a build up to AU-CSO pre-summit consultations. Second, ECOSOCC should consider developing an annual state of civil society involvement and engagement in the affairs of the African Union. This kind of a report will serve to collate data and track the extent to which civil society participate in the activities of the AU, including policy-making. Third, in the context of the ongoing reforms of the AU, ECOSOCC should advocate for the reform of the ECOSOCC Statutes. In this regard, particular areas of reform should target the funding requirement for eligibility for CSOs to join the ECOSOCC General Assembly. Fourth, ECOSOCC should institutionalize a training on the art of developing and drafting advisory opinions. This training should target its members in general and those serving in the sectoral cluster committees in particular.

# ANNEX 1: ECOSOCC GENERAL ASSEMBLIES, 2005-2021

	General Assembly	Term	Presiding Officer(s)	Deputy Presiding Officers
1	Interim General Assembly	Mar 2005 – Sep 2008	Prof Wangari Maathai (2004 Nobel Peace Prize Laureate and assistant minister for environment and natural resources (2003-2005), Kenya, East Africa)	<p>Maurice Tadadjeu (National Association of Cameroonian Language Committees, Cameroon, Central Africa)</p> <p>Ayo Aderinwale (Africa Leadership Forum, Nigeria, West Africa)</p> <p>Fatima Karadja (Association Nationale de Soutien aux Enfants en Difficulté en Institution, Algeria, North Africa)</p> <p>Charles Mutasa (AFRODAD, Zimbabwe, Southern Africa).</p>
2	First Permanent General Assembly	Sep 2008 – Sep 2012	Akere Muna (Cameroon, Central Africa, representing Pan-African Lawyers Union, a continental NGO based in Tanzania)	<p>Tarig Abdel Fatah (East Africa)</p> <p>Fatima Karadja-Zohra (Association Nationale de Soutien aux Enfants en Difficulté en Institution, Algeria, North Africa)</p> <p>Abraham Boichoko Dithake (South Africa, Southern Africa, representing SADC Council of NGOs, a regional NGO based in Botswana)</p> <p>Koite Doumbia (Mali, West Africa, representing FEMNET, a continental NGO based in Kenya)</p>

	General Assembly	Term	Presiding Officer(s)	Deputy Presiding Officers
3	Second Permanent General Assembly	Dec 2014 – Dec 2018	<p>Joseph Chilengi (Africa IDP Voice, Zambia, Southern Africa) (2014-2017)</p> <p>Richard Ssewakiryanga (Uganda National NGO Forum, Uganda, East Africa) (2017-2018)</p>	<p>Fatma Mehdi Hassan (National Union of Sahrawi Women, Western Sahara, North Africa)</p> <p>Patson Malisa (Organization of African Youth, South Africa, Southern Africa)</p> <p>Khady Fall Tall (West African Women's Association, Senegal, West Africa)</p> <p>Alain Blaise Batongue (Groupement Interpatronal du Cameroon, Cameroon, Central Africa)</p>
4	Third Permanent General Assembly	Dec 2018 – Dec 2022	<p>Abozer Elmana Elligai (Maarij Foundation for Peace and Development, Sudan, East Africa) (2018-2019)</p> <p>Denise Kodhe (Institute for Development and Leadership in Africa, Kenya, East Africa) (2019-present)</p>	<p>Djibrine Amakher (ONG NIRVANA pour la promotion de la femme et de la jeunesse africaines, Chad, Central Africa)</p> <p>Khalid Boudali (Clé de la paix pour le développement et la solidarité, Morocco, North Africa)</p> <p>Patson Malisa (Organization of African Youth, South Africa, Southern Africa)</p> <p>Francis Akpa (Partage et Action en Synergie pour le Développement, Togo, West Africa)</p>

## ANNEX 2: ECOSOCC SECTORAL CLUSTER COMMITTEES

Sectoral Cluster Committee		Thematic Focus and Scope
1	Peace and Security	<ul style="list-style-type: none"> <li>• Conflict anticipation, prevention, management and resolution</li> <li>• Post-conflict reconstruction and peace building</li> <li>• Prevention and combating of terrorism</li> <li>• Use of child soldiers</li> <li>• Drug trafficking</li> <li>• Illicit proliferation of small arms and light weapons and security reforms</li> </ul>
2	Political Affairs	<ul style="list-style-type: none"> <li>• Human rights</li> <li>• Rule of law</li> <li>• Democratic and constitutional rule</li> <li>• Good governance</li> <li>• Power sharing</li> <li>• Electoral institutions</li> <li>• Humanitarian affairs and assistance</li> </ul>
3	Infrastructure and Energy	<ul style="list-style-type: none"> <li>• Energy</li> <li>• Transport</li> <li>• Communications</li> <li>• Infrastructure and tourism</li> </ul>
4	Social Affairs and Health	<ul style="list-style-type: none"> <li>• Health</li> <li>• Children</li> <li>• Drug control</li> <li>• Population</li> <li>• Migration</li> <li>• Labour and employment</li> <li>• Family</li> <li>• Aging</li> <li>• Physically challenged</li> <li>• Sports</li> <li>• Culture</li> <li>• Youth</li> <li>• Protection and social integration</li> </ul>
5	Human Resources, Science and Technology	<ul style="list-style-type: none"> <li>• Education</li> <li>• Illiteracy</li> <li>• Information and technology</li> <li>• Communication</li> <li>• Human resources</li> <li>• Science and technology</li> </ul>

## Sectoral Cluster Committee

## Thematic Focus and Scope

6	Trade and industry	<ul style="list-style-type: none"><li>• Trade</li><li>• Industry</li><li>• Handcrafts</li><li>• Customs and immigration matters</li></ul>
7	Rural Economy and Agriculture	<ul style="list-style-type: none"><li>• Rural economy</li><li>• Agriculture and food security</li><li>• Livestock</li><li>• Environment</li><li>• Water and natural resources</li><li>• Desertification</li></ul>
8	Economic Affairs	<ul style="list-style-type: none"><li>• Economic integration</li><li>• Monetary and financial affairs</li><li>• Private sector development (including the informal sector)</li><li>• Resource mobilization</li></ul>
9	Women and Gender	<ul style="list-style-type: none"><li>• Women</li><li>• Gender and development (as a cross-cutting issue)</li></ul>
10	Cross-Cutting Programmes	<ul style="list-style-type: none"><li>• HIV/AIDs</li><li>• International cooperation</li><li>• Coordination with other institutions and organs of the AU</li><li>• All other cross-cutting issues that are not covered by the other sectoral cluster committees</li></ul>

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