

CSO ENGAGEMENT CONSULTATION ON THE MARGINS OF THE 36TH ORDINARY AU SUMMIT

FEB 17TH -18TH, 2023
ADDIS ABABA

THEMATIC PRIORITIES

2023 marks the AU Year of focusing on the African Continental Free Trade Agreement (AfCFTA), titled “Acceleration of AfCFTA Implementation”. It will be marked through targeted actions promoting additional implementation and seeing economic dividends materialise. This is coupled with an increased focus on conflict prevention, the fight against terrorism, the Post Conflict Reconstruction and Development agenda, including transitional justice, the commitment to addressing the root causes of unconstitutional changes of Government (UCG), and the ongoing work on positioning the AU as a leading actor in humanitarian response in Africa, which are leading issues currently. The consultation will deliberate on these key priority areas within targeted sessions and provide an opportune moment to consolidate the gains achieved and re-establish the engagement of African civil society in the affairs of the AU.

Find a brief overview of the thematic priorities which will be discussed in the consultation listed below.

HUMANITARIAN POLICY- AFRICAN HUMANITARIAN AGENCY (AFHA)

The overarching mandate of the African Union, with its regional economic communities, is to promote peace, stability, cooperation and economic integration. Critical normative frameworks have been developed, and policy harmonisation has progressed considerably over the AU’s existence.

One such policy process that has reached its completion stage is the African Humanitarian Agency, which will be established officially following the protocol’s adoption by the AU HoSG at the upcoming 36th Ordinary Summit. Its establishment, which will be the newest addition to the global humanitarian architecture, has been underway since 2010, when the AU decision to strengthen the humanitarian response capacity of states was followed by the 26th Ordinary Summit in January 2016, where African HoSG called for its formal establishment. The AfHA’s mandate will be to facilitate the harnessing of the necessary political will and resources of its Member States, national and international humanitarian governmental/non-governmental organisations and CSOs in addressing humanitarian challenges, creating tools that support disaster preparedness and resilience, directly participating in humanitarian coordination and response and mobilising technical and material support for humanitarian action in Africa.

Different CSOs have been part of the consultations leading up to the drafting and adoption of the leading documents, the African Humanitarian Policy Framework and the Common African Position on Humanitarian Effectiveness, the two leading documents framing the humanitarian operations and system in Africa. At the culmination of the

decade-long process to establish the humanitarian agency in the AU, the CSO engagement consultation will create a platform for leading humanitarian actors and networks to discuss the AfHA, its role and that of CSOs in the future humanitarian architecture.

PEACE AND SECURITY

The first ten years of the Agenda 2063 implementation period have been marred with an upsurge of conflicts, humanitarian crises, violent acts of terrorism in parts of the Continent and the rise of unconstitutional changes of government, a worrying trend eroding the established norms and institutions for the peaceful transfer of power. The resurgence of coups in the Continent over the last couple of years is a worrying trend highlighting the importance of governance to ensure stability and security. The AU Peace and Security Council (PSC) is positioned strategically to bring the necessary attention to the governance and peace and security nexus, further expanding its conflict prevention and structural work on addressing the root causes of peace and security challenges.

The Transitional Justice landscape continentally is shifting and is quite dynamic in the different regions. Precarious transitions are the reality, with increased political upheavals and violence, ensuring governance and security setbacks and laying the ground for persistent political and security crises. It is imperative to involve national and local stakeholders to engage in and influence national TJ and reconciliation processes to ensure legitimacy, promote peace and human security, and champion the strategic engagement envisioned in the ground-breaking African Union Policy Framework on Transitional Justice.

The CSO consultation provides an opportunity to take stock of the normative and practical developments in the peace and security, and governance field and examine the structures for CSO engagement.

ECOSOCC

Following structural and institutional challenges over the good part of the last decade, the Economic, Social and Cultural Council (ECOSOCC)- an advisory organ of the African Union composed of different social and professional groups of the Member States of the African Union [Assembly/AU/Dec.42 (III)]- has inaugurated its 4th Permanent General Assembly (PGA), the highest decision-making body for a period of two years (2023-2025). Established under the provisions of Articles 5 and 22 of the African Union's Constitutive Act, ECOSOCC is the formal mechanism for government and African civil society engagement. ECOSOCC convened its annual CSO meeting on the state of peace and security in Africa- sharing experiences and lessons learnt in the field; from November 16-18, 2022. Key outcomes were decisions to improve collaboration with CSOs in implementing the Livingstone Formula/Maseru Conclusions, including giving visibility to CSOs in the work of the mechanisms. Given the efforts to re-establish the loose network of CSOs engaging the AU and further strengthening the collaboration with existing mechanisms, it will be timely and strategic to request a briefing by an ECOSOCC Representative on the development of legal and operational frameworks in pursuance of the relevant decisions of the AU's Executive Council relating to the establishment of ECOSOCC National Chapters, the establishment of an accreditation mechanism for African CSOs, and modality for the engagement of the African CSOs in the AU peace and security frameworks.

AFRICAN GOVERNANCE ARCHITECTURE/AFRICAN GOVERNANCE PLATFORM

Pan-African civil society engagement with the African Governance Platform (AGP), facilitated by the African Governance Architecture¹ (AGA)- for the protection and promotion of democracy, governance and human and people's rights- is getting a boost following the increasing evidence that civil society, namely youth and women, actively contributing to governance and building lasting peace in Africa. Direct implementation of norms is only effective with the involvement of the citizenry, and such involvement needs to be supported with well-designed

and funded strategic plans. To increase citizens' buy-in on democracy, governance and peace and security, the AGA-APSA is doubling its effort to engage CSOs and build effective collaboration between African citizens/CSOs and the African Governance Platform. Such an effort has been the evaluation and review of the impact (Stocktaking) of the Youth Engagement Strategy (YES) and AGA-Women Engagement Strategy (WES), which concluded in 2020 and 2021, respectively, and the development of a renewed CSO Engagement Strategy. The Comprehensive Citizen's Engagement Strategy, which is currently being developed, aims to be a robust and inclusive engagement mechanism for civil societies and is a welcome development in the overarching CSO engagement space.

POST COP 27

Climate Change is being defined as the most important crisis of our time. It is also understood to be a threat multiplier. Countries in fragile situations face multiple challenges due to Climate change, causing considerable damage to communities and impacting their livelihoods. This is the case for all the regions in Africa.

We are witnessing considerable negative impacts with the merging of health and other security issues compounded by the impacts of climate change. These are unprecedented times, and African states are being asked to mobilise and show their capability to respond to multiple threats all converging. This presents a tremendous challenge for African governments and a generational dilemma for civil society actors that are organised to engage constructively to understand the convergence dynamics and ascertain critical components states need to respond to and prepare for their oversight role in the policy process. There have been advances in the continental policy space, where proactive policies have been put in place for countries to respond better and build resilience. However, there is so much more to be done.

The strong advocacy capacity which has complemented the AU's efforts on climate change at the global stage has shown not only the potential capacity which exists at the continental level for the equitable advancement of climate response but that it is high time to democratise the idea of climate change in Africa. It is important to make it real and relevant in people's lives. Critical to involve the citizenry in the climate change discourse, ensure that engagement with relevant policy actors brings dividends from the climate change debate, and frame it as a holistic issue, not limited to the environment alone, but understand it as a vital cornerstone to ensure human security. Continental organised civil society actors¹

working on climate change would add tremendously to the consultation, update the participants on the latest decisions taken at the COP27, and help frame the advocacy priorities and debate around climate change for the foreseeable future.

AFRICAN CONTINENTAL FREE TRADE AGREEMENT (AfCFTA)

The African Continental Free Trade Agreement (AfCFTA) was launched in January 2021 with the potential of transforming the Continent's trade and regional integration agenda- promoting intra-African trade by up to about \$35 billion annually². Trade liberalisation and facilitation of goods, services and movement of people offer considerable opportunities for African countries, resulting in the realisation of aspirations of Agenda 2063 and the AU Vision of a peaceful, prosperous, and integrated Africa³. The economic dividends that can be attributed to the effective implementation of the AfCFTA would also directly contribute to poverty eradication programmes, advancing socio-economic and governance targets, addressing violence and insecurities and strengthening the overall capabilities of states to ensure human security.

¹ AGA consists of the following institutions: AU Peace and Security Council; African Union Commission ; Regional Economic Communities (RECs)

- AMU/UUMA, CEN-SAD, COMESA, EAC, CEEAC-ECCAS, CEDEAO-ECOWAS, IGAD and SADC; African Commission on Human and Peoples' Rights; African Court on Human and Peoples' Rights (AfCHPR); Pan-African Parliament ; African Peer Review Mechanism ; Economic, Social and Cultural Council (ECOSOCC) ; AU Advisory Board on Corruption ; African Committee of Experts on the Rights and Welfare of the Child (ACERWC) ; African Union Commission on International Law ; NEPAD Planning and Coordination Agency.

From its inception, the AfCFTA benefited greatly from the concerted efforts of various stakeholders in research institutes, think tanks, government policy actors and civil society organisations. In principle, CSOs have considerable oversight roles ensuring that good governance principles, including in trade, are respected. Increasingly, the mainstreaming of social, economic and environmental priorities in free trade agreements has paved the way for civil society participation in the negotiation and implementation process.⁴ The AfCFTA greatly benefited from the active role played by CSOs during the negotiations, and Article 29 of the agreement recognises the technical advisory and advocacy role that African CSOs should play in support of State Parties' efforts towards implementation.⁵

How, then, do we ensure the invited space for continuous civil society participation in the implementation of the AfCFTA at the regional and national levels, and what role do we see the AU playing in terms of facilitating this engagement? Two years into the implementation, what examples exist of CSOs' actions in bringing citizens' concerns to public authorities, monitoring policy and programme implementation? How can the continental CSO platforms support the agenda around awareness creation and ensuring visibility for the AfCFTA and other trade initiatives?

CIVIL SOCIETY KNOWLEDGE ON THE AU

CSOs are expected to play an active role in the ratification, domestication, implementation and monitoring of various AU policy instruments. With sustained access to information and advocacy towards formal institutions and mechanisms, CSOs will also help ensure the protection of human rights and mobilise their efforts towards strengthening systems and structures responsive to African citizens.²

As the efforts of civil society to engage the AU organs and institutions have evolved over the years, the review has been mixed in terms of success, depending on the different organs and the engagement of African vs International NGOs. Consequently, some of the AU institutions and organs are more open and accommodating of CSOs' initiatives, whereas others are less receptive to such citizens' initiatives. However, a common trend across the board remains the need for more knowledge and understanding of the AU and its decision-making process.

Traditionally, financial dependence on international partners, political legitimacy and credibility are recurrent challenging topics in the institutional characterisation of the AU. We are now witnessing a potentially transformative period of the AU through the continental body's decision on financial autonomy and broader reform agenda- for greater transparency, accountability and effectiveness. Through this process, the African civil society actors expect to have a solid partner promoting governance, human rights and peace and security in the Continent. Collaboration for the advancement of key priority issues remains the most effective approach. Hence, the need for a greater understanding of the structural and thematic entry points for a holistic engagement from African civil society. In this vein, OSF and Amani Africa have commissioned studies focused on the role and space for CSO engagement in the AU, the Executive Council's decision-making role, AUC Secretariat, and the overall engagement landscape analysis, forming a body of work in and around AU's Civil Society Engagement space. The consultation will provide a conducive space to launch these papers and discuss them in detail officially.

² Institute for Security Studies (2019) *The AfCFTA is set to create greater economic opportunities in Africa, which could, in turn, prevent conflicts from escalating* < <https://issafrica.org/pscreport/psc-insights/africas-free-trade-initiative-could-bolster-continental-peace> >

³ African Union (2021) *CFTA- Continental Free trade Areas*, <https://au.int/en/ti/cfta/about>

⁴ <https://www.tralac.org/blog/article/13387-identifying-the-role-of-civil-society-in-the-sadc-epa>

⁵ *Ibid*