ENGAGING THE NEW PAN-AFRICANISM

Strategies for Civil Society

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This is a joint publication of ActionAid International-Southern Africa Partnership Programme and the Open Society Initiative for Southern Africa, in partnership with Centre for Policy Studies, Mwelekeo wa NGO, Southern Africa Regional Poverty Network, World Alliance for Citizen Participation, and Southern African Development Community-Council of Non-Governmental Organisations

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OSISA is a Johannesburg-based foundation established in 1997 and working in the nine Southern African countries of Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe. Through facilitation, advocacy, grant-making, partnership-building and capacity development support, OSISA seeks to foster in Southern Africa the values, ideals, institutions, policies and practices of open society. Open society is essentially an ethos that seeks to entrench human rights and democratic openness, as well as to foster the accountability of those who hold and exercise power in public and other domains.

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FOREWORD

Initiative – is what it is all about

Working in the non-profit sector has taught me to always be ready for the strangest of questions – 'who is civil society?', is a standard among these. Those from other sectors will often ask about how best to consult civil society, where those in organized groups within civil society draw their strength from, what is the source of their commitment and why they always appear to favour the political opposition in any given setting…the list goes on and on. One cannot fail to recognize the stereotypes that exist regarding the so-called third sector and how important it is to keep answering these questions as honestly and constructively as possible. By the same token though, we in the civil society sector have to admit to harbouring our own stereotypes. We may have our frustrations about the public sector and our misgivings about the private sector.

Given all the work that will continue to require attention in the region, no one can doubt the fact that we all need to work together – as constructively as possible. There are numerous lessons that we can learn from each other. There are many opportunities for synergy between the sectors if we care to exploit these. Many colleagues in the NGO sector have cited instances when they have been asked if they would facilitate an interface between civil society and some public institution – at first because the institution wanted to look good in the eyes of some donor or other. More recently though, it appears that creative leaders are starting to recognize the value that comes from engaging broadly and seeking wide participation of all stakeholders in the development initiatives that many of us may care to engage in.

For me, this reader is an important initiative where the question of engaging regional and continental institutions is concerned. To engage meaningfully, we need to have a sound understanding of the landscape. Beyond that we also need to know what value may come out of the potential engagement, for all stakeholders. This reader is useful on both counts. Besides describing the more important continental and regional bodies, the reader attempts to anticipate those questions that average civil society organizations seeking to make a meaningful contribution at the regional level would ask. Considering that most of these bodies are at different stages in their own development, there are few standard answers to the questions that may arise. It is clear however, that the better we in the civil society sector understand these bodies and the stages they have reached in their evolution, the better we will be prepared to interact with them and hopefully infuse them with the human face that they invariably will require if they are to genuinely serve the needs of citizens of both the region as well as the continent as a whole.

The ultimate goal of all citizens must be to secure the ownership of all African institutions in a manner that ensures their accountability and enhances their value to each African. We should perceive each African institution as a part of a larger continental infrastructure which we have a duty to construct and maintain. For me, this must remain the vision that we set our sights to and pursue as effectively as we can. We should also keep in mind though, that we are dealing with a variety of interests and constantly changing dynamics. Our creativity will therefore be tested time and again as we seek to affirm our ownership of the institutions that are rightly ours. After all, they were all created in our name. We now need to take the initiative to ensure that they address the needs of the citizens in whose name they exist. This reader is an important step in acquainting us all with these institutions and how best we stake our claims over them.

Ezra Limiri Mbogori,
Mwengo

LIST OF ABBREVIATIONS

AfriMAP	Africa Governance Monitoring and Advocacy Project
AISA	Africa Institute of South Africa
API	Africa Peace Institute
ACCORD	African Centre for the Constructive Resolution of Disputes
APRM	African Peer Review Mechanism
APRMF	African Peer Review Mechanism Forum
ARI	African Renaissance Institute
ASDR	African Security Dialogue & Research
AU	African Union
AIDC	Alternative Information and Development Centre
ASCCI	Association of SADC Chambers of Commerce and Industry
Bocongo	Botswana Council of NGOs
CCR	Centre for Conflict Resolution
CDS	Centre for Defence Studies
CDD	Centre for Democracy & Development
CPS	Centre for Policy Studies
CSOs	Civil society organisations

COMESA	Common Market of Eastern and Southern Africa
COSATU	Congress of South African Trade Unions
DBSA	Development Bank of Southern Africa
ECA	Economic Commission for Africa
EAC	Economic Community
ECOWAS	Economic Community of West African States
ECOSOCC	Economic, Social and Cultural Council of the African Union
EISA	Electoral Institute of Southern Africa
FANR	food, agriculture and natural resources
GCIS	Government Communications and Information Service
GEAR	Growth, Employment and Redistribution
IT	information technology
ISS	Institute for Security Studies
ICM	Integrated Committee of Ministers

Afronet	Inter-African Network for Human Rights and Development	PRSPs	Reduction Strategy Programmes
IGAD	Inter-Governmental Authority on Development	RECs	Regional Economic Communities
		RISDP	Regional Indicative Strategic Development Plan
IOM	International Organization for Migration	RPTC	Regional Peacekeeping Training Centre
IPA	International Peace Academy	PRC	Representatives Council
ISDSC	Interstate Defence and Security Committee	SADC-CNGO	SADC Council of NGOs
MEJN	Malawi Economic Justice Network	SACAR	South African Chapter of the African Renaissance
MISA	Media Institute of Southern Africa	SACC	South African Council of Churches
MoU	Memorandum of Understanding	SAIIA	South African Institute of International Affairs
MEF	Mindolo Ecumenical Foundation's	SANGOCO	South African National NGO Coalition
NEPAD	New Partnership for Africa's Development	SAPES	Southern Africa Political Series
NORAD	Royal Norwegian Embassy	SACPN	Southern African Conflict Prevention Network
OPDSC	Organ for Politics, Defence and Security Co-operation	SACU	Southern African Customs Union
OAU	Organisation of African Unity	SADC	Southern African Development Community
PAP	Pan-African Parliament	SADCC	Southern African Development Co-ordination Conference
PSC	Peace and Security Council		
PUDEMO	People's United Democratic Movement	SAHRINGON	Southern African Human Rights NGO Network
SPA	Plan of Action		
PSG	Project Support Group	SARIPS	Southern African Regional Institute for Policy Studies
RDP	Reconstruction and Development Programme		

SARPN	Southern African Regional Poverty Network
SATUCC	Southern African Trade Union Co-ordination Council.
SAPs	Structural Adjustment Programmes
SFTU	Swaziland Federation of Trade Unions
SWAYOCO	Swaziland Youth Congress
NNLC	the Ngwane National Liberatory Congress
UN	United Nations
UNDP	United Nations Development Programme
WLSA	Women and Law in Southern Africa Research and Education Trust

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CHAPTER 1
Introduction: Engaging the new Pan-Africanism

The past decade witnessed many efforts to give new meaning and substance to Pan-Africanism. This new Pan-Africanism remains as committed to African unity and solidarity as previous attempts. But it also goes further; it links issues of development with issues of peace and security, democratic governance, co-operation, and economic integration. For Africans therefore there is no choice betweeen devlopment, peace and security, and democracy. These three elements are inextricably intertwined. All actors engaging this new Pan-Africanism should take this challenge on board. They therefore need new innovative tools and strategies to influence political, economic, and social devlopments in Africa.

The past seven years in particular have witnessed many efforts to address Africa's vast developmental, socio-economic, peace and security and governance challenges. Key drivers of these efforts such as presidents Thabo Mbeki of South Africa, Olesugun Obasanjo of Nigeria, Abulaziz Bouteflika of Algeria, Abdulaye Wade of Senegal, John Kuofor of Ghana, and former Mozambiquen president Joachim Chissano called it "the 'new' African agenda". This 'new' African agenda, or new Pan-Africanism, seeks to establish an African Union (AU); it has a purported socio-economic development plan, called the New Partnership for Africa's Development (NEPAD), and has introduced an African Peer Review Mechanism (APRM) to promote democratic behaviour by African states. The new Pan-Africanism regards Africa's sub-regional bodies such as the Southern African Development Community (SADC), the Southern African Customs Union (SACU), the Economic Community of West African States (ECOWAS), the Common Market of Eastern and Southern Africa (COMESA), the Inter-Governmental Authority on Development (IGAD) and others, as the building blocks and implementing agencies of the new African agenda.

Africa's "big" issues

Civil society actors should realise that the new Pan-Africanism puts some big strategic issues on the agenda. It is concerned with:
- Reducing poverty;
- Social development, including addressing HIV/AIDS, unemployment, and illiteracy;
- Ending wars and conflicts;
- Promoting peace-building;
- A new trade regime that is both free and just;
- Promoting human rights and democratic governance;
- Fostering regional integration and co-operation; and
- Seeking a 'new' partnership with the outside world, notably the industrialised powers.

The goals of this guide

This is a guide for civil society organisations aimed at empowering non-state actors to effectively develop strategies for influencing inter-state institutions and programmes in Africa. The manual seeks to inform civil society organisations and social partners in Africa on the most important aspects of the new Pan-Africanism and new African agenda. It also details how, and under what conditions, non-state actors can participate in new African inter-state institutions and programmes. This guide recognises from the outset that, apart from campaigning, protests, lobbying, and workshopping, there is a need for engagement as a means of reforming Africa's regional bodies and making them people-centred; it makes the case for a participatory approach to helping to shape the new continental architecture in the spirit of democratisation.

Globalisation, coupled with the growing importance of regional inter-governmental bodies and regional integration processes aiming to address poverty, underdevelopment and marginalisation, makes it necessary for civil society actors to develop new strategies to engage governments and interstate bodies and foster regional integration processes. This manual is targeted at different groups of non-state actors across Africa.

The case for a new participatory paradigm

Various elements of the new African agenda invite civil society to get involved, to engage and to participate. This call was a break with the traditional model of state-dominated and elite-driven approaches; the new paradigm calls for a people-centred, participatory approach.

But this new paradigm can only come about if both governments and civil society adopt a deliberative approach to governance and policy-making in Africa. Such an approach necessitates a critical form of engagement.

The case for engagement

The cost of non-engagement is to leave Africa's inter-state bodies as mere extensions of governmental interests; not to engage is to leave these institutions untransformed and undemocratised. The challenge is transformation and this can only happen by means of critical and independent engagement by civil society. Such a transformative paradigm could be found in a deliberative policy-making approach. Deliberative policy-making is about the challenge to citizens and civil society actors in engaging and influencing government decision-making processes. Deliberative policy-making is about civil society actors

grabbing the mandate to participate and play oversight and representative roles in governance and decision-making. It seeks to bring about a new paradigm in governance and policy-making by making these accessible to marginalised and poor sectors of society. It teaches us that public participation in public policy decision-making is not a favour by governments to citizens; it is a right, and governments have a duty to effect it. This new paradigm calls for accessibility, openness and representation, and a move away from policy and governance processes dominated by governmental and NGO elites and the organised. Deliberative policy-making seeks to give a voice to the voiceless. Thus the organised sectors of civil society and those with access to resources must engage in initiatives to ensure that the poor, marginalised and unorganised have access and can participate. It must be conceded that we have weak institutions, mechanisms, and structures for public participation in decision-making processes on the continent and in the region. Executive policy-making processes in Africa still remain inaccessible; even today there is very little public engagement.

Challenges for civil society

Civil society actors are poor at engaging executive and other organs of decision-making. The quality of debate to inform deliberation on policy choices is weak, and civil society actors are ambivalent about engaging and supporting government institutions and structures. Civil society actors have to ask themselves whether they are effective at involving citizens, not only at the implementation stages of policy, but also at the creation, evaluation, monitoring and institutionalisation stages of policy. Indeed, the public must become involved at the initiating stages of public and continental policy processes. Participatory spaces must be created, and deliberately so. Organised civil society actors must realise that governments are not going to hand over avenues for participation to people; civil society actors must canvass for the space for people's participation. They must campaign for inclusive policy-making. They must

argue that participation ensures effective policy, makes for legitimacy, credibility and sustainable governance processes. After all, participation is about power relations – power is often a barrier to participation. It is a political process; a process of negotiation and bargaining. Civil society is key in opening up policy-making spaces for new actors and voices.

The benefits of participation

What are the benefits of participation? Participation reduces public opposition and increases support for policies; it makes for greater burden sharing of the cost and benefits of policy. It promotes state-citizen interaction, and it helps to close the gap between citizens and policy-makers. Real participation goes beyond traditional 'consultative' methods such as public hearings. Participation democratises policy and governance processes; it brings legitimacy to governance in Africa. It brings innovation to Africa's development challenges and it puts people at the heart of the efforts.

Given this, there is a need for new approaches based on consultation, collaboration and feedback. Civil society will have to become better at data collection, analysis, engagement, dialogue and debate. It must engage bureaucracies, officials, researchers, parliamentarians, and politicians. There is a need to develop best practices and guidelines on deliberative policy.

Critical dialogue is at the core

There can be no engagement without critical dialogue and debate; engagement is about dialogue. Political dialogue should be seen as quite critical and strategic to dialogue. Dialogue should not be ad hoc and haphazard; it should contribute to the public debate in a sustained manner. Dialogue should occur on a wide range of issues affecting the new Pan-Africanism: poverty, trade, governance, human rights, wars and conflict. Dialogue should happen at four levels at least: national, sub-regional, continental

and global. Dialogue should be based on well-informed policies.

The case for a regional civil society approach

Regional integration processes in southern Africa and elsewhere in Africa, in bodies such as the Southern African Development Community (SADC), the Southern African Customs Union (SACU), the Common Market for East and Southern Africa (COMESA), the African Union (AU), and programmes like the New Partnership for Africa's Development (NEPAD), have all come about largely through state-driven processes. There has been very little civil society input into their making. Fallout over the policy orthodoxies of these institutions has come about due to the exclusion of civil society.

One way of ensuring a corrective is for civil society to engage these institutions and deliberately seek to influence their policy trajectories. Indeed, issues of participation and 'voice' are key in the broader context of development and the implementation of NEPAD. The putative African Union, Africa's most important inter-state body, opens up new avenues for engagement; the challenge for civil society is to independently and critically engage these inter-state and multilateral bodies in order to advance pro-poor and people-oriented policies and programmes.

The challenge is how to engage but still remain independent.

Even though all the inter-state bodies (with the exception of SACU) make explicit reference to the need for civil society involvement, there are typically gaps between the rhetoric and actual practice of many of these institutions. Indeed, many have all manner of articles, declarations, treaties and protocols which call for civil society participation, but in practice little civil society involvement actually occurs.

Civil society actors themselves have a key role to play in closing this gap between rhetoric and reality; they can do this through quality engagement.

While civil society engagement remains poor, inter-state institutions and programmes are building strong policy and programmatic synergies and coherence amongst themselves. And as long as civil society actors fail to engage strategically, it will remain difficult to steer these institutions and programmes in more people-oriented directions.

Civil society principles for engaging the new African agenda

- Co-operation should be underpinned by focused and goal-oriented dialogue with formal actors;
- Non-state actors should have the freedom and will to express their views, no matter how critical and unpopular;
- Specialist and non-specialist organisations should be involved in the dialogue;
- Full transparency and accountability should apply to state and non-state, and official and civil society actors;
- The highest possible degree of inclusion and accommodation should be sought;
- A non-partisan and independent approach may be the best method to pursue for maximum results;
- All parties engaged in the new Pan-Africanism should live up to commitments undertaken.

Strengthening civil society capacities

There exists a real void in terms of civil society's engagement with Africa's regional bodies; civil society has, in the main, been weak in both its capacity and strategies for engaging such entities. Civil society actors need to deliberately enhance their capacity for engaging inter-state bodies. To this end they need to:

- Forge partnerships with one another;

- Strengthen their cross-border collaboration capacities;
- Become more skilled at research into and technical analysis of regional integration;
- Conduct training and development activities;
- Forge partnerships with pro-poor organisations;
- Become better at disseminating research and best practice on engagement; and
- Providing accessible information to people.

Why capacity building?

Poor and marginalised people and community-based organisations are the ones who are disempowered and often lack the capacity to make their voices heard. Yet it is their voices that must be heard in order to influence policy and governance processes. Capacity building would equip social and economic actors to influence formal processes and formal actors. The analytical capacity of NGOs should be enhanced if they are to influence processes in an intelligent and functional way. Non-state actors are often invited to participate in dialogue, but find themselves poorly prepared to do so; capacity building could help to address this problem. Many NGOs and other civil society organisations need skill building in basics such as applying for funding, putting together proposals, and incorporating accounting procedures. Non-state actors are often poor at forging networks. They are also poor at articulating common positions on key issues, and often find themselves outmanoeuvred by state actors. Capacities to address such weaknesses are crucial. Dialogue and engagement also tend to be dominated by a few NGOs – "the usual suspects", so to speak – and this often happens at the expense of poor, mass-based and marginalised groups. Such neglected organisations need to be engaged.

Africa's leaders must learn that the first step toward a self-reliant future is that of governmental and institutional legitimacy and accountability

The dangers to watch out for

In undemocratic and autocratic contexts there are real dangers in engagement and participation; under such circumstances, participation can serve to merely legitimise such dictatorial situations and actors. In such circumstances it is better to oppose rather than to engage. Moreover, governments and inter-state institutions often pay lip-service to engagement and participation without being serious about it. There is a similar problem when civil society actors are under pressure to placate donors and do their bidding rather than taking part in genuine engagement efforts. Such NGOs often respond to the needs and priorities of donors, rather than those of the continent and African realities.

Engaging inter-state bodies

There is an even greater gap in terms of civil society engaging inter-state bodies in Africa. Civil society organisations (CSOs) need to develop innovative strategies to engage such bodies as the AU, SADC, SACU, COMESA and the AU's development programme, NEPAD. The challenge is how to engage these bodies and still remain independent. Engagement can only come through consultation and dialogue. This should happen across a vast array of policy consultation and dialogue forums, and it should go beyond business and labour.

CSOs rely too heavily on conferences, seminars and workshops as a means of participation in the policy process; there is need for them to deepen their capacity in lobbying, consulting, and engagement, with both other grass-roots organisations and governmental institutions.

Overall, they have tended to lack the vision and innovation to become vehicles for people to voice themselves in more creative ways.

Civil society actors need to put on the agenda the transformation of Africa's inter-state bodies into democratic developmental institutions. These bodies need to become institutions in which citizen participation in democratic public life is recognised and encouraged. Moreover, the elites in these bodies need to be convinced of the importance of citizen participation. The strength of such institutions should be determined by their commitment to, and levels of, public participation in their processes. Africa's leaders must be made to understand that the first step toward a self-reliant future is that of governmental and institutional legitimacy and accountability.

The guide considers the opportunities and methods that can be employed by CSOs to engage Africa's inter-state bodies and programmes in independent fashion. It contemplates how African and non-African CSOs can facilitate dialogue and policy debates to help shape policy outcomes and processes, without feeling that they have to act as mere rubber stamps of official bodies and processes. The guide argues that a key factor in tackling poverty and underdevelopment is to ensure that the poor have voice and access to influence policy-making and governance bodies and processes. In fact, the guide goes beyond defining poverty in just material and poverty datum-line terms. Poverty is also defined in terms of voice and participation, or the lack of voice and participation.

In simple terms, poor people and ordinary citizens should help to shape decisions that are taken about there lives and existence. This is what the democratisation of the new Pan-Africanism really mean: it is about giving people a stake in policy, governance and development matters and it calls for true participation of people.

CHAPTER 2
Definitions and Context

It is only proper for a guide of this nature to start by clarifying concepts and definitions, and give the proper political and social context. Too often academics, activists, policy pundits and governing elites engage in confusing hifalutin language, that only serves to confuse people rather than inviting them into policy, governance, and devlopment processes. In short, language should be clear and simple; it is the power of ideas that matters. They also tend to engage in debates which lacks nuance, perspective and context.

We will now proceed first to define concepts that are central in this guide; these include regional intigration and civil society. We will also provide the nessecary regional social and political context in which the new Pan -Africanism is unfolding.

Regional integration

Regional integration is creating a common approach, complete with institutions, by states in a region, around economic, political or social issues. It is about liberation, self-determination, peace, security and development. Integration is transformational and calls for a radical approach to bringing together disparate states. This transformation depends heavily on regional cohesion in securing societal integration within a region; it builds regional awareness and identity. It requires regional inter-state co-operation and co-ordination, as well as inter-state civil society cooperation and co-ordination. But regional co-operation should not be confused with regional integration and unification. Regional co-operation is merely part of the process that leads to regional integration and unification.

Regional integration seeks to move beyond nation-state identities in order to develop new and common regional identities and citizenships. It leads to the emergence of cohesive and consolidated regional units. Its ultimate goal is the creation of a singe regional entity out of many disparate groups, such as one regional southern African nation. Real integration leads to unification and a common citizenship, such as a southern African citizenship and a common identity - both long-term goals. Regional integration is about states agreeing to live by common norms and values, the deepening of co-operation and the creation of common markets.

Civil society

Civil society is the realm in which citizens associate with one another to ensure that government and state institutions respond to their needs and are accountable to them. This requires that citizens enjoy independent access to the means to organise and, therefore, to resources. This entails civil society engaging the state in independent but critical fashion. The idea is, therefore, to engage. But this engagement should not be restricted to a particular class - or any group in society - simply because it has the necessary resources to engage the state. Perhaps its greatest mission is to be an effective vehicle for capturing and expressing the voice and choice of the poor and indigent.

Thus, its greatest challenge is how to give the poor a voice. But while civil society organisations are meant to be a channel for citizens to express their choices and views to government, they often become substitutes for citizen views. This situation arises when civil society organisations are deliberately used as a substitute for proper citizen participation in policy processes that affect the people

directly. Governments seek to create the impression of a consensus on policy by evoking consultation with and approval by 'sweetheart' civil society organisations – often with little, if any, connection to the grass roots.

Civil society is not an alternative to the democratic state or its institutions; instead it complements the state and democratic institutions. Citizens do not band together in civil society organisations to avoid the state. Instead, they band together to ensure that they, and in particular the poor, have a voice in government decisions and governance programmes. Government cannot govern alone; it needs civil society if it is to respond appropriately to citizens' desires and needs, while civil society needs government to protect its freedom to associate and implement the will of the people. Thus, civil society is that set of organisations that are autonomous from the state but constantly interface with it, yet do not seek to take it over.

It follows from this understanding that civil society is not the preserve of a single section of society: it is - by its very nature - pluralistic and diverse. NGOs are not civil society; they are but one dimension of it. They are the most organised sector of civil society and often make protestations on behalf of it, but are not the sum of it.

Regional integration, civil society, the state, poverty & marginalisation

There is no disputing that southern African states have, for the last twenty years, embarked on an 'integration' project. Despite this, there has been little real integration; it has been more a case of regional co-operation and collaboration, than integration and unification. The southern African project has been a limited, elite-driven one. It has relied heavily on governments and colonially-inspired, weak nation-states in the region. This elite-driven project has yielded many results with respect to government-to-government and state-to-state integration. Probably the

greatest achievement of regional integration in southern Africa is the fact that the region's premier integration body, SADC, has successfully built inter-state and government-to-government solidarity. This solidarity has been spurred by the liberation struggles and has created a strong southern African identity amongst governing elites, albeit not amongst the peoples of the region. There have also been efforts at harmonising policies, laws and programmes, aligning the region around common policy positions.

Some of these breakthroughs preceded the formation of SADC in 1992. When the Southern African Development Co-ordination Conference (SADCC) was formed in 1978, government-led initiatives focused on ridding the region of apartheid, racism, white minority domination, and lessening the region's economic dependence on apartheid South Africa. From 1992, the new SADC sought to form a society based on common norms, values, principles and laws. These norms have been developed on the values of peace, security, good governance, regular elections and the like. We also saw the establishment of the SADC Parliamentary Forum and the SADC Electoral Commissions Forum. Both these entities have, for example, developed regional norms and standards. While some SADC leaders have shown a real commitment to regional co-operation and co-ordination, others have been in the forefront of putting stumbling blocks in the way of progressive integration and unification.

Southern African governments have played important roles in promoting region-wide 'good' governance in the context of initiatives such as NEPAD, the nascent African Peer Review Mechanism, and the establishment of the AU.

Some impediments to regional integration and poverty alleviation

Regional integration in southern Africa takes place against the backdrop of certain characteristics. Divisions among states and the debilitating conflicts in the region have set

back the advancement of democratic governance. Some of the outstanding obstacles to integration and poverty alleviation have included:

- A lack of consensus on the rules that should be applicable for stabilising democratic internal governance within core democratic institutions;
- The chaotic and fractious politics within and between parties;
- Ineffective legislative and policy-making processes and machinery;
- The lack of adequate civil society capacity;
- The inadequate implementation of the rule of law, particularly with respect to limiting corruption;
- The slow progress in implementing gender equity – women constitute only 5.25% of the members of parliament in the region;
- Insufficient implementation of constitutionally guaranteed human rights;
- Inadequate governmental policy-implementation capacity, particularly with respect to agriculture and other dimensions of economic development;
- The emasculation of provincial and local governmental autonomy; and
- Insufficient care and nurturing of human resources through education, health care, and measures to counter HIV/Aids.

HIV/AIDS

Southern Africa is by far the region most affected by HIV/Aids. Available statistics indicate that the rates of infected people could be as high as one in five in some member states. The box below contains some facts on HIV/AIDS in southern Africa.

Diagram 1: HIV/AIDS in Southern Africa

- At least four member states have rates higher than 400 per 100 000 population.
- Without HIV/Aids, life expectancy could be 59 years in southern Africa.

- Some southern African statistics estimate that as many as 25% of the age cohort 15-49 (the productive and skilled age group) are infected in 12 African countries.
- Seven out of these 12 countries are in southern Africa; this makes southern Africa the most HIV/Aids-affected sub-region in the world.
- The HIV/Aids prevalence in some countries looks drastic: Botswana – 38.8%; Zimbabwe – 33.7%; Swaziland – 33.4%; Lesotho – 31%; Namibia – 22.5%; and Zambia – 21.5% of the population.

Economic impediments

Added to the HIV/AIDS pandemic is continued economic difficulty, which clearly impacts negatively on prospects for regional integration. The region is confronted with a plethora of enormous developmental challenges. While in recent years economic growth rates in the region have reached levels of between 2% and 8%, the promise of great economic prospects in the region has clearly been overstated. Many states have been compelled to support 'donor democracy' and pursue economic policies termed by many as 'neo-liberal'. This has not resulted in sustainable growth paths. Even in countries where economic growth rates have been high, such growth typically is off a low base. From a governance perspective, poor economic performance exacerbates poverty and compounds the daunting development challenges.

Summary

The new Pan-Africanism unfolds against the backdrop of significant global changes such as globalisation, and a western inspired war on "terror" which has serious implications for Africa's agenda of fighting poverty, inequalities, underdevelopment and social injustice. This context will tax the resolve, skills and determination of civil society actors to the utmost.

CHAPTER 3

Key continental and southern African inter-state institutions and programmes

The African Union

Over the past seven years, African governments have been preoccupied with the transition from the Organisation of African Unity (OAU) to the African Union (AU). The July 2001 OAU Summit in Lusaka, Zambia, mandated the transition; the AU was launched during the 2002 Summit in Durban, South Africa. The Maputo Summit of July 2003 was crucial, as it took important decisions with respect to the establishment of key organs of the Union. The AU is an interstate venue for African integration. But the AU has inherited a very weak, chronically debt-burdened organisational apparatus. Moreover, familiar governmental jealousies regarding sovereignty appear likely to hamper successful continental integration. The organisation is at risk of becoming a thicket of constitutional and legal provisions, declarations and protocols lacking tangible implementation capacity. The southern African regional integration project, and projects of other sub-regions such as ECOWAS, could find themselves in competition with the AU.

Comparing the OAU and the AU

When the AU is compared with its predecessor, the differences are clear.

- While the OAU had a single source authority, namely the all-powerful Assembly of Heads of State and Government, the AU possesses multiple sources of authority, namely the Assembly of Heads of State and Government, a Judicial Court, and a host of democratic institutions led by the Pan-African Parliament.
- The OAU's power was purely executive power; the AU envisages a democratic decision-making tapestry.
- The OAU was an institution based purely on the collaboration of governments of sovereign states where respect for sovereignty was paramount, and interference in internal affairs of member states was treated with disdain.
- There was almost no pooling of sovereignty in the OAU, and the prime objective of the organisation was the collective struggle for national liberation from colonialism and white minority domination and the defence of national sovereignty.

The AU differs significantly from its predecessor. While it also stresses respect for national authority, it crucially articulates a right to intervene in grave circumstances. Indeed the AU singles out four situations justifying intervention:

1. Genocide;
2. Gross violations of human rights;
3. Instability in one country threatening broader regional instability; and
4. Unconstitutional changes of government (to date the most advanced doctrine of them all). In other words there is a provision to suspend governments which come to power unconstitutionally.

Article 4 of the Constitutive Act determines that member states have a right to "request intervention by the Union in order to restore peace and security". The AU makes provision for a Peer Review Mechanism through its development plan, the New Partnership for Africa's Development (NEPAD). It further makes provision for public monitoring of delivery and commitments through its Conference for Stability, Security, Development and Co-operation in Africa. The prime objective of the AU is to help Africa meet the challenges of the 21st century by making a link between peace, security, governance,

democracy and development. The Union makes provision for the establishment of some 18 new organs; the key ones amongst these, according to Article 5.1 of the Constitutive Act of the Union, are the:

- Assembly of the Union;
- Executive Council (that is the Ministers Council);
- Pan-African Parliament (PAP);
- The Commission, which has some executive powers and own authority of initiative;
- The influential Permanent Representative Committee (or committee of Ambassadors in Addis Ababa);
- Specialised technical committees;
- Economic, Social and Cultural Council (ECOSOCC); and
- Financial institutions.

The Assembly

The Assembly is the supreme organ of the Union and meets twice in ordinary session. The Executive Council of the Assembly is responsible for co-ordinating and taking decisions on policies of common interest to member states.

The Pan African Parliament

The Pan-African Parliament is one of the most important representative bodies on the continent. It is a single-chamber legislature composed of five representatives from each African country's state Parliament (at least one of which must be a woman). It will adopt legislation by a two-thirds majority and eventually evolve into a Parliament elected by universal suffrage. The PAP is based in South Africa.

The Economic, Social Council and Cultural Council

Another representative body is the putative Economic, Social Council and Cultural Council (ECOSOCC), an advisory organ composed of different social and professional civil society groups from member states, particularly youth and women's organisations. These will be instrumental in giving civil society a voice.

The African Court of Justice and the African Court of Human and Peoples Rights

The African Court of Justice will adjudicate in civil cases and will be responsible for the protection of human rights and monitoring of human rights violations. It will, in the long term, constitute itself into a real criminal court. Separate from the African Court of Justice will be the African Court of Human and People's Rights, which will be composed of 11 judges elected by the Assembly for a six-year mandate. It will have jurisdiction over all disputes and requests submitted to it in respect of the interpretation and implementation of the African Charter on Human and People's Rights.

The Commission

The Mozambique Summit made important progress with respect to the Commission, one of the most important organs of the Union. It provided the Union with its elected leadership, including the Chairperson, former Mali president, Alpha Oumar Konare, and also approved the structure and conditions of employment, and provided a general orientation of its programmes.

Conflict prevention

The AU has placed emphasis on the need to strengthen AU actions in conflict prevention, management and resolution, with special emphasis on the African missions such as those in Burundi, the Comoros, Ethiopia-Eritrea, Sudan, the Democratic Republic of Congo, and Liberia. Related issues of illicit trafficking in light weapons, anti-personnel landmines, child soldiers, and human security are also on the agenda. The AU seeks to move away from strict notions of militarily defined state security to a greater emphasis on human security and social justice. Modalities for resource mobilisation so as to enhance Africa's peace support operations capabilities are key challenges.

Governance, democratisation and the rule of law

As far as the political issues of governance, democratisation and the rule of law are concerned, the AU seeks to ensure greater political participation, pluralism, transparency, accountability and freedoms for the citizenry to participate and entrench democratic governance processes. In this respect, the following issues are highlighted: establishing and strengthening organs and mechanisms of good and democratic governance such as the Pan-African Parliament (PAP), the Court of Justice, ECOSOCC and the Regional Economic Communities (RECs), and the involvement and participation of civil society. Also of concern are issues such as the prevention and combating of corruption, strengthening of efforts such as the Peer Review Mechanism, effective promotion and protection of human rights, and addressing issues of humanitarian and refugee crises.

Peace and security

The important issue of peace and security focused on institutional challenges, efforts to effect peace and security on the continent through the ending of conflicts and wars, and post-conflict peace building. Institutionally, the focus was on establishing various organs such as the Peace and Security Council; an African Standby Force; an effective and efficient Early Warning System; and co-operation modalities between the AU and RECs, as well as relations with the United Nations (UN).

The Peace and Security Council (PSC) came into force in December 2003 and its first members were elected in March 2004. It makes provision for a Panel of the Wise, to perform preventive diplomacy and mediation, and comprise five highly respected Africans. The Panel is not yet operationalised.

Provision is made for a Continental Early Warning System to enhance the conflict prevention mandate of the PSC. As part of its efforts to operationalise the PSC,

a policy for the establishment of an African Standby Force and a Military Staff Committee. The Standby Force would be better implementation at Regional Level, as opposed to a grand continental scheme. Indeed, there are also moves afoot to establish a Common African Defence and Security Policy which is largely premised on the notion of Human Security, and identifying common threats to the continent, with the RECs as the building blocks of the policy. The biggest policy decision to date is the Act against Elimination of Mercenarism in Africa.

But relations with RECs are tenuous and fragile, as RECs are very jealous of their sovereignty and some are in competition with the AU. The AU must win over the confidence of the RECs; this can only be done through its producing results and strengthening itself.

Economic development

On the economic front, the AU is committed to addressing economic development challenges such as regional economic integration, and the AU and NEPAD. There is also a focus on social and cultural challenges, such as the HIV/AIDS pandemic, malaria, tuberculosis and other related infectious diseases. The theme of cultural challenges for Africa in the 21st century sought to grapple with issues such as the promotion of interaction between culture and development; modalities for promoting African languages, including the establishment of an African Academy of Languages; and practical modalities for implementing the Cultural Charter for Africa.

Given the acute institutional weaknesses of the OAU and its successor, the AU, there are major worries about challenges of institution building, enhancing the delivery capacity of the AU Commission, developing communications strategies, relations with partners, resource mobilisation, and civil society participation in the building of the AU. The working methods of organs like the Assembly, the Executive Council and the AU Commission

need to be sorted out, and public participation will be crucial in this regard.

There is a pressing need to operationalise existing organs of the AU and establish new ones. The emphasis here should fall on prioritisation and resource mobilisation in order to strengthen institutions like the Commission and establish others like the Peace and Security Council (PSC), the Pan-African Parliament (PAP), the Court of Justice, and the African Court on Human and People's Rights. Three years ago the OAU's budget stood at some US$35 million per annum and it battled to raise dues owed to it. Today the budget stands at some US$45 million, and it battles even more. During the annual summit in 2004, the AU approved a budget of some US$90 million, with five states, Egypt, Algeria, Libya, Nigeria and South Africa, each expected to pay 9,2% of this budget. But the chances of the AU successfully raising US$200 million in years to come, remain rather slim.

The Constitutive Act of the Union determines that financial institutions have to be set up. These include the African Central Bank, the African Monetary Fund, and the African Investment Bank. Added to this are issues of management systems, including basic issues such as proper information technology systems, information management and outreach issues. The above is a reflection of the AU's overwhelming continental integration agenda; it is a complex and ambitious agenda and it is clear that the AU will face an almost insurmountable challenge in the decades to come.

The New Partnership for Africa's Development (NEPAD)

NEPAD and regional integration

The NEPAD initiative is the second candidate as a venue for regional integration. Indeed, the objectives of NEPAD are to reform the delivery system for overseas development assistance and to ensure that such assistance is more effectively utilised by recipient African countries. NEPAD's proponents also view the initiative as the quest for an external partnership between African leaders and international donor governments on the basis of common commitment to upholding global standards of democracy and good governance. Moreover, the interests and requirements of southern African states will necessarily compete with those of other countries and regions in the continent. At this time, however, the requirements and costs of making the NEPAD initiative effective have yet to be fully clarified, making it an improbable vehicle for effective regional integration.

What is NEPAD?

NEPAD sees a dialectical relationship between politics and economics, and makes an explicit link between development, peace, security, governance and democracy. NEPAD wishes to inculcate into African politics a culture of democracy, accountability and 'good' governance. It seeks 'new', enhanced partnerships with the countries of the industrialised North so as to involve them in efforts to underwrite such new African initiatives through debt relief, increases in levels of official development assistance, infrastructural development, and direct foreign investment. NEPAD is based on a trade-off: in exchange for African leaders holding each other accountable, the industrialised powers of the world would recommit themselves to Africa's development.

NEPAD is attempting to turn around Africa's image abroad, and encourages Africa to break with the culture of victimisation. It hopes to do so by inculcating into African politics a culture of 'taking responsibility' for Africa's own mistakes, and by becoming more self-critical of African political developments and bad practice.

For NEPAD's architects, Africa and the industrialised countries had to be locked into a new and genuine

Diagram 1: The OAU and the AU

OAU: all about unity

- Single source of authority: Assembly of Heads of State and government
- Therefore: purely a collaboration of governments of sovereign states
- Respect of national sovereignty paramount
- No interference in internal affairs
- No questioning in public of actions of other governments
- No pooling of sovereignty envisaged
- Prime objective: collective struggle for national liberation from colonialism & defence of national sovereignty
- OAU separate from AEC established by Abuja Treaty – merged in 1994 as 'OAU/AEC'

AU: all about union

- Multiple sources of authority: Assembly of Heads of State and Government; Judicial (Court) and democratic institutions (Parliament);
- Respect for national authority
- Right to intervene in grave circumstances
- Provision to suspend governments coming to power unconstitutionally
- Provision for peer review mechanism in NEPAD
- Provision for public monitoring of delivery in CSSDCA
- Prime objective: enabling Africa to meet challenges of 21st century & strengthening position of Africa vis-à-vis global economy & international community
- AEC and its regional integration programme incorporated in AU

The OAU Secretariat

- Authority: Executive (SG gradually acquired power of initiative in later years)
- Elected Secretary-General and Assistant Secretaries-General
- Carry out decisions of Heads of State
- Purely inter-governmental approach

The Commission

- Authority: executive and own power of initiative
- Elected Commissioners with fully recognised political mandate
- Collegial decision-making
- Specific political task of its own
- Community approach possible as well as inter-governmental
- Custodian of the treaties

partnership. Africa's states had to become more democratically accountable, while Northern countries had to recommit themselves to participating in Africa's vast development challenges. The best way to extract commitments from both sides was to lock these opposing sides into a new pact. Such a pact had to be based on 'genuine' partnership that would stress mutual responsibilities and commitments on politics, democracy and socio-economic issues that would map out Africa's future.

What is NEPAD hoping to achieve?

NEPAD is a bold and ambitious political project. It seeks to redefine and alter power relations between one of the

world's poorest continents - Africa - and the world's most powerful and dominant actor - the industrialised North. For Mbeki and others, NEPAD and the AU form part of a 'new agenda for African recovery' on the basis of 'genuine partnership' in concrete plans of action. Such an agenda, together with the requisite policies and plans of action, has to generate new forms of co-operation and articulate mutual interests between Africa and the developed world.

NEPAD represents a vision of those African states that have signed on to it, to reposition Africa globally, eradicate poverty and place the continent on the road to sustainable development. It is premised on the attainment of peace and stability in Africa through sound governance based on democratic values and principles. The overall purpose of NEPAD is to give practical effect to the African Renaissance vision. This is to be reinforced by new commitments by Northern powers in the form of financial assistance and the enhancement of the continent's capacities to consolidate peace and democracy. Yet, in proposing the new partnership, NEPAD recognises that Africa holds the key to its own development. The logic of NEPAD is thus to make a clear link between development and stability. NEPAD singles out three prerequisites for social and economic regeneration, poverty alleviation and empowerment:
1. Peace and Security;
2. Democracy and Political Governance; and
3. Economic and Corporate Governance.

This is clearly illustrated by the dictum: 'no peace without development; no development without peace'.

NEPAD goes further and asserts that of crucial importance to Africa and the rest of the world is the establishment and protection of a political order and system of governance that are:
• Legitimate and enjoy the support and loyalty of the African people;
• Strong enough to advance the interests of African

people;
• Able to address the fundamental development interests of African people; and
• Able to engage effectively with various global processes that characterise the world economy.

NEPAD acknowledges that in those regions and countries marred by armed conflict the overwhelming priorities are to achieve peace, disarm and demobilise combatants and resettle refugees. Africa's capacity to prevent, mediate and resolve conflicts on the continent and deploy African peacekeeping forces, when necessary, must be strengthened.

NEPAD recognises that if peace and security are to lead to sustained growth and development, it is of the utmost urgency that the capacity of the state in Africa to fulfil its responsibilities is strengthened. These responsibilities include poverty eradication, development of the state, entrenchment of democracy, human rights and respect for the rule of law, creating a conducive environment for private sector mobilisation, and responding appropriately to the process of globalisation.

Only if the state is equipped with the capacity to deliver can it provide an unambiguous and tangible indication that good governance offers a better alternative than the practices of the past. It is, therefore, essential for the industrialised powers to realise that a new partnership between themselves and African multilateral institutions on the one hand, and African states on the other, is vital to bringing about peace, democracy and development in Africa.

Diagram 2: The AU and NEPAD

Assembly of the African Union

⬍

Heads of State & Government
Implementation Committee

⬍

NEPAD Steering Committee

⬍
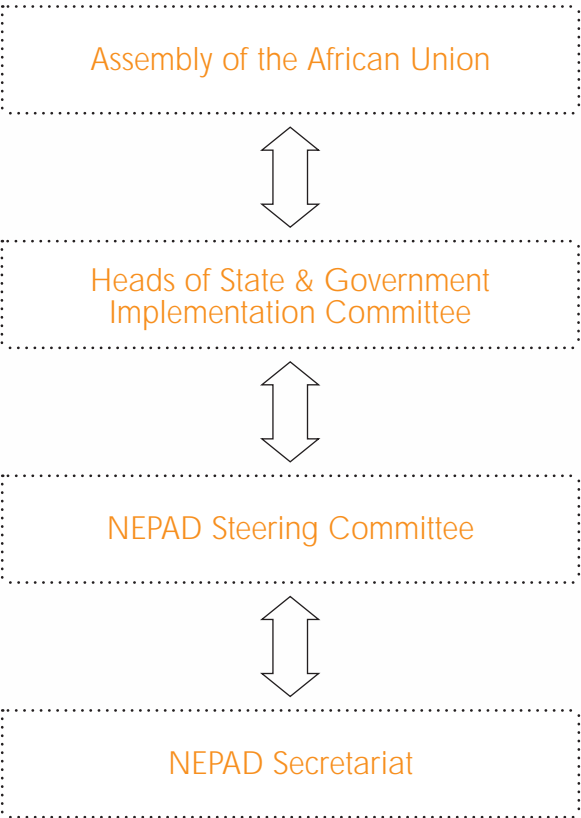
NEPAD Secretariat

How is NEPAD structured?

The Governing Structure of NEPAD is composed of an Implementation Committee of Heads of State and Government, a Steering Committee, and a Secretariat. President Obasanjo has been elected Chairman of the Implementation Committee, and presidents Bouteflika and Wade as his deputy chairmen. The Midrand headquarters of the Development Bank of Southern Africa (DBSA) was chosen as the location of the NEPAD Secretariat.

NEPAD's action plans

NEPAD members have worked on elaborating Action Plans for five sectors:

1. Peace, Security, Democracy and Political Governance Initiatives;
2. Economic and Corporate Governance Initiative;
3. Bridging the Infrastructure Gap;
4. Human Resource Development Initiative, especially Education and Health; and
5. Market Access Initiative.

Peer review

Engaging these processes and making inputs into them will require unique and refined skills for civil society actors and state actors alike. Importantly, for those who work in electoral administration, the Peer Review Process commits signed-up members to ensuring 'impartial, transparent and credible electoral administration and oversight systems'. It promotes a 'dedicated, honest and efficient civil service', and wishes to 'establish oversight institutions providing necessary surveillance, and ensure transparency and accountability by all layers of government'. It is also strongly in favour of the creation and strengthening of 'institutional capacity to ensure the proper functioning of democratic institutions and instruments'.

The Economic and Corporate Governance Peer Review Mechanism for its part, goes beyond just neo-liberal economic and fiscal dictates. It recognises that good political governance is a prerequisite for good economic and corporate governance. It says the ability of the state to deliver on its promises is key.

The peer review singles out a number of areas in need of institutional reform. These include: administration and the civil service; strengthening parliamentary oversight; promoting participatory decision-making; adopting effective measures to combat corruption and embezzlement; and undertaking judicial reforms. It states

that the key factors which enhance good governance of economies are transparency, accountability, an enabling environment for private sector development and growth, and institutional capacity and effectiveness.

The APRM will also be effected by NEPAD's convergence with SADC and ECOWAS restructuring. There is need for convergence between continental initiatives such as the AU and NEPAD and sub-regional bodies. Such convergences will place Africa in an advantageous strategic position to manage the development of synergies between these different initiatives. This in turn will provide Africa with an excellent opportunity to reinforce the new Pan-Africanism.

Case study 1: Open Society Institute: AfriMap Project

The Open Society Institute established an Africa Governance Monitoring and Advocacy Project (AfriMAP) to promote the compliance of African states with the new commitments undertaken by the African Union in the field of good governance, democracy, human rights, and the rule of law. AfriMAP will work with African civil society organisations to evaluate how far state performance conforms to or falls short of the expected standards, as well as to highlight examples of innovative and successful efforts to improve performance.

In particular, AfriMAP will work to strengthen the peer review mechanism established for NEPAD, as it develops its objectives, standards and indicators for monitoring progress in these fields. AfriMAP will collaborate with national reporters from African civil society organisations to produce independent, analytical reports based on a consistent methodology that will contribute constructively to the NEPAD peer review process and other efforts to improve governance in Africa.

AfriMAP will also monitor donor assistance to such efforts, with the aim of promoting better practice by the principal donors to African states.

AfriMAP has already started working in two main subject areas: the justice sector and rule of law; and political representation and elections. Other themes will be added as the project develops, including work on corruption and the civil service. The first four countries selected for reporting are Ghana, Mozambique, Senegal and South Africa. Other countries will follow, providing information that can be compared across the continent.

AfriMAP hopes to evaluate the extent to which AU mechanisms respect democratic standards in practice, and to suggest ways to improve the transparency of governments and the accountability of politicians and other public representatives to citizens.

AfriMAP reports will have a single reporting methodology, based on a questionnaire that provides the subject headings that will structure the final report and a list of detailed research questions that will be used to provide its content, as well as suggested case studies. This system is designed to ensure that information will be standardised across different countries to allow for comparison and learning.

The Southern African Development Community (SADC)

SADC is an obvious vehicle for deep integration in southern Africa. However, SADC's complex systems of management and co-ordination have not produced as much as was expected. SADC's regional integration efforts

are highly elite-driven, and this has been the case since the formation in 1978 of its predecessor, the Southern African Development Co-ordination Conference (SADCC).

From SADCC to SADC
In 1992 the Southern African Development Community (SADC) was formed and placed an emphasis on the priorities of: the consolidation of democratic governance; and the establishment of a sustainable and effective mechanism for conflict prevention, management and resolution. Again here, the challenge is clearly that of institution building, human resources development, implementation, and management capacities. SADC needs to be empowered by heads of states and government to undertake new mandates that would allow it to do these tasks. There was thus the transformation from SADCC with two `Cs' to SADC with one 'C'. But transformation from a co-ordinating council to a regional society was indeed complex, and the change of name from SADCC to SADC, and a change of objectives, did not guarantee effective implementation. This change did not guarantee an effective sub-regional society capable of promoting economic prosperity, political solidarity, and peace and security, while at the same time inculcating norms of democracy and democratic governance. This was called the development of the 'Common Agenda'.

SADC management relies heavily on protocols in strategic areas like democracy, governance, and human rights; security sector reform; peace support operations; and humanitarian assistance and disaster relief. By 1996 SADC started developing a protocol on Politics, Defence and Security, and in 2000 a Regional Indicative Strategic Development Plan (RISDP), aimed at providing member states, SADC institutions, and key stakeholders with a comprehensive plan for operationalising (or effectively implementing) the Common Agenda and Strategic Priorities over the next decade.

Notwithstanding the creation of the SADC 'community', the security organ, the Organ for Politics, Defence and Security Co-operation (OPDSC), and the RISDP, the region's premier organisation has serious capacity problems. These deficits include poor co-ordination, constant pressure for trade-offs between the priorities of states which often pull in different directions, a constant battle to raise funds and account for such funds, thereby distracting SADC from more strategic work, weak human resources capacities, and the like. This capacity shortfall has detracted from the region's ability to maintain peace and security, and promote democratic governance and democratisation. In brief, SADC is struggling to become a true community.

SADC's challenges
There remains an imposing gap between the making and adoption of norms, values and institutions in SADC on the one hand, and their implementation on the other. There is an implementation crisis in respect of all its sub-regional institutions, as well as theAU. SADC and other sub-regional organisations and the AU are good at making impressive policies and adopting high-sounding norms and standards, but are poor at ensuring that the outcomes and practice of such initiatives match their creation.

SADC has been criticised for lacking enforcement capabilities. In other words, SADC is good at adopting statements and policies, and agreeing on protocols, but lacks both political mandates and the capacity to ensure that member states abide by such policies. Those actors who really wield all the influence and power in SADC, the Heads of State and Government, have been accused of lacking the political will to affect real and meaningful change in the direction of implementation.

SADC lacks political gravitas, institutional capacity and mandates. The Secretariat in Gaborone, which will host the OPDSC, needs capacity building in policy implementation, management, and human resource development. It is also

heavily dependent on external resources, and a great deal of the time and energies of Secretariat staff go into servicing donor relations and obligations.

SADC's Sector Co-ordinating Units, most of which are run by national administrations, operate on insufficient resources, although the SADC secretariat is currently undergoing a major restructuring process to enable it to meet this challenge.

The formation of SADC-related institutions has arisen from the need to create common institutions within southern Africa, and the need for regional reinforcement of the integration processes. To arrive at the agreed-upon objectives, norms and values, the SADC Treaty has provided for member states to conclude a series of protocols to spell out policies, areas of co-operation and harmonisation, and their obligations for effective implementation of agreed decisions. The protocols have been developed by member states and other stakeholders, and after approval and signature by the Summit and ratification by member states, become an integral part of the Treaty.

In 2004, efforts were made to bring the season of protocol drafting to a close, and the emphasis has now turned to protocol implementation. But on protocol after protocol, implementation initiatives to date have exposed fundamental problems of poorly specified strategies and methodologies, inadequate tools and resources, and weak organisational capacities. On numerous fundamental democratic governance objectives, regional co-operation has yet to grow beyond the formulation of protocols, which proclaim norms, to incorporating clear implementation strategies and initiatives. At the inter-state level, the need has been felt for better conflict resolution mechanisms. To address this problem, the SADC Organ on Politics, Defence and Security Co-operation has recently created the Inter-state Politics and Diplomacy Committee to engage in preventive diplomacy, mediation and conflict resolution. But as it stands, the committee continues to lack the requisite structures and human and financial resources to make effective contributions to this end.

Southern African Customs Union (SACU)

SACU was established in December 1969, essentially as a trade regulation agency by apartheid South Africa. The focus was specifically on trade relations in general, and import and export activities in particular, in the region. In spite of its heavily politicised nature resulting from its association with the crude motives of apartheid South Africa, SACU has been very successful as a revenue-sharing provision derived through trade. This was based on an agreed formula which sought to divide the common revenue pool amongst member countries proportional to the value of their imports and their production and consumption of dutiable commodities.

The SACU agreement made specific provision for measures aimed at encouraging industrialisation in the smaller countries. The goal for South Africa was to maintain SACU as both a political and economic tool to advance a well-intentioned co-operation policy towards its neighbours and the rest of the African continent. But the SACU problem is that the southern African economy is skewed in South Africa's favour; South Africa trades with its neighbours as the northern industrialised powers trade with Africa. Southern African trade is 6:1 in South Africa's favour. The past decade has seen South Africa becoming the biggest Foreign Direct investor on the continent, a state of affairs that is likely to continue for the foreseeable future.

SACU's restructuring

Like most other sub-regional and continental intergovernmental bodies, SACU has been involved in a major restructuring process over the past decade, and in 2002 the New SACU Agreement came into existence. SACU now has five member countries – South Africa,

Namibia, Botswana, Lesotho and Swaziland. Its policy-making structure suggests that, like SADC, NEPAD, COMESA and others, decisions are typically at the elite level, as decisions are taken by the highest level of authority, called the Council of Ministers of Trade and Industry of the five member states. Below the Council of Ministers is the SACU Commission, consisting of permanent secretaries or directors general of the countries. The administrative work is carried out by the Secretariat - currently housed in Windhoek, Namibia. Functional responsibilities are mandated to regional sectoral boards, such as the Board of Tariffs, Agriculture or Trade, on which members from all the member countries serve. Then there are smaller technical committees of experts that do the spadework for decision-makers on aspects of SACU's activities.

Each member country is expected to establish its own national boards on tariffs, agriculture and trade, so that when countries meet bilaterally and multilaterally all participating countries bring their individual positions, which will then be collated and dovetailed to constitute a regional position.

The Common Market for Eastern and Southern Africa (COMESA)

COMESA was established in 1994 as a regional integration grouping of the twenty African states. These states came together to promote regional integration through free trade. By free trade was meant the trading of goods between the members without payment of customs duties or charges of equivalent effect.

Immediate benefits of COMESA membership include:

- Bigger markets for the goods of producers and manufacturers of exportable commodities;
- An opportunity to operate at optimum plant capacity levels so that economies of scale can be maximised;
- An opportunity to compete freely and equitably;
- An opportunity to source raw materials and other production inputs at world prices and in the process enhance one's own global competitiveness;
- Access to cross-border investment opportunities, franchises, agency arrangements and joint venture operations; and
- Boosting consumer welfare by the availability of a wider range of choices and competitive prizes in the wide market.

The policy-formulation and -implementation processes in COMESA, like those of all other inter-state initiatives and bodies, are dominated by high-level meetings of Heads of State and Government, COMESA Ministers of Finance and commissions appointed by governments to undertake specific specialised tasks.

COMESA is currently in the process of negotiating new free-trade and economic competitiveness strategies. It is looking for new market oppertunities, foreign direct investment, traade liberalisatian. The continents experience during the past two decades suggest that these economic models typically leads to both higher growth and prosparity for some and greater levels of poverty and inequality for many of the excluded people. Civil society actors from east and southern Africa and further afield will have to engage COMESA critically so as to ensure more humane and pro-poor economic models. This means that they will have to become better in doing critical research and analysis on trade and economic issues, as well as doing more effective lobbying and advocacy in order to influence formal economic processes.

CHAPTER 4

The decision-making approaches of inter-state bodies

The AU

Unlike the OAU, the AU has multiple sources of authority:

- The Assembly of Heads of State and Government is the highest decision-making power; the Assembly meets at least once a year, and moves are afoot to ensure that the Assembly meets at least twice.
- The Executive Council (of Ministers) advises the Heads of State and Governments, and co-ordinates and takes decisions on policies.
- Then there is the powerful Permanent Representatives Council (PRC), comprising permanent representatives of member states, which prepares the work for the Executive Council, acting on the instructions of the latter.

The Commission of the AU

A very important structure is the Commission of the AU.

- The Commission serves as the Secretariat, and is composed of the Chairperson, his deputy, and ten commissioners. The Commission represents the Union, and defends its interests;
- It serves under the instructions and mandates of Heads of State and Government, but also has a clear policy-making and advisory structure. In fact, under the leadership of President Alpha Konare, the Commission has proved to be a key policy-making body, and has actually served to guide the Assembly and Executive Council.
- The Office of the Chairperson, President Konare, is structured around a powerful and influential Cabinet, and the Cabinet is a key policy-making structure.

The Peace and Security Council

The Peace and Security Council (PSC) comprises 15 members and is responsible for promoting peace and security, and is an important and key policy-making structure. The PSC is considering setting up a Panel of the Wise that will consist of five eminent Africans; the Panel of the Wise will engage in preventive diplomacy.

All the above could be considered executive bodies; but there are also important representative bodies, such as the unicameral Pan-African Parliament and the ECOSOCC. These will be important structures for holding the executive bodies accountable.

NEPAD

The NEPAD decision-making structure is heavily influenced by its three-tier governing structure, composed of:

- An Implementation Committee of Heads of State and Government, the most powerful and most influential decision-making structure;
- A five-person Steering Committee, made up of personal representatives of the presidents of Algeria, South Africa, Egypt, Nigeria, and Senegal. Again, this shows just how personalised the decision-making structure is;
- A Secretariat.
- The Midrand headquarters of the Development Bank of Southern Africa (DBSA), in South Africa, was chosen as the location of the NEPAD Secretariat, giving South Africa major influence over NEPAD matters.
- It is thus important for civil society to lobby South Africans strongly over NEPAD matters.
- The Secretariat is key in drafting plans and policy documents for consideration by the Steering Committee

Diagram 4: The Decision-making Structures of the AU

Assembly of Heads of State and Government
- highest decision-making power
- Meets at least once a year.

The Commission
- Serves as the secretariat
- Under the mandate of the Assembly of Heads of State and Government
- Under Konare it has served to guide the Heads of State & Government and the Executive Council of Ministers

Office of the Chairperson
- Structured around a powerful and influential Cabinet
- This Cabinet is a key policy-making structure.

Peace & Security Council
- Comprises of 15 members
- responsible for promoting peace and security,
- An important and key policy-making structure
- Is Considering a 'Panel of the Wise' consisting of 5 eminent Africans
- Panel of the Wise will engage in preventive diplomacy

Steering Committee
- Consists of 5 people,
  - These are representatives of the presidents of Algeria, South Africa, Egypt, Nigeria and Senegal

Executive Council of Ministers
- Advises the Assembly of Heads of State and Government
- Co-ordinates & takes decisions on policy issues

The Permanent Representatives Council
- comprised of permanent representatives of member states
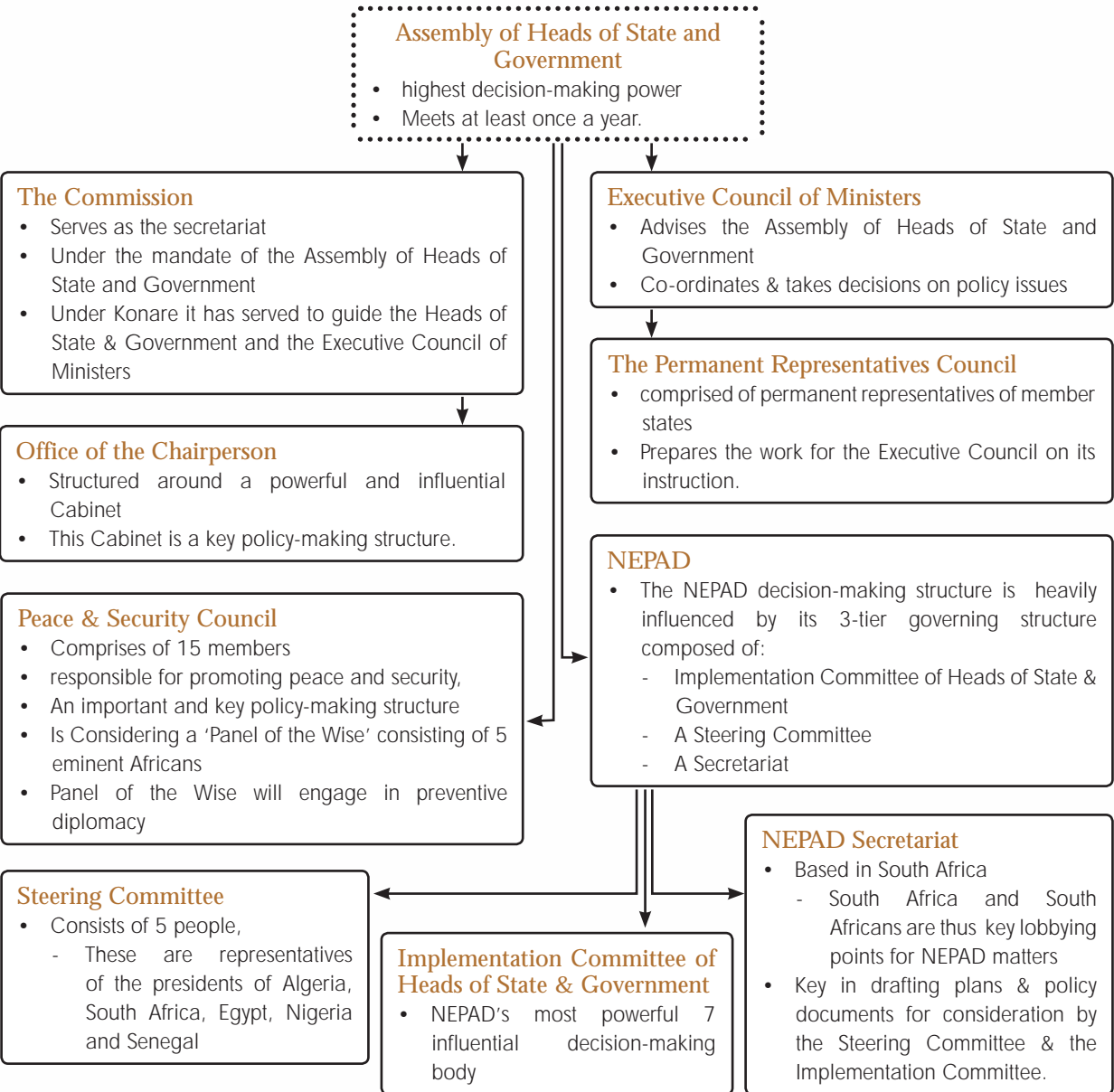- Prepares the work for the Executive Council on its instruction.

NEPAD
- The NEPAD decision-making structure is heavily influenced by its 3-tier governing structure composed of:
  - Implementation Committee of Heads of State & Government
  - A Steering Committee
  - A Secretariat

NEPAD Secretariat
- Based in South Africa
  - South Africa and South Africans are thus key lobbying points for NEPAD matters
- Key in drafting plans & policy documents for consideration by the Steering Committee & the Implementation Committee.

Implementation Committee of Heads of State & Government
- NEPAD's most powerful 7 influential decision-making body

Strategies for Civil Society

and the Implementation Committee.
- Five countries have been assigned key sector responsibilities for NEPAD:
- Human Development, especially Health and Education – Algeria;
- Political Governance, Peace and Security – South Africa;
- Market Access and Agriculture – Egypt;
- Economic and Corporate good governance – Nigeria; and
- Infrastructure, the Environment, ICTs, and Energy – Senegal.
- President Obasanjo has been elected Chairman of the Implementation Committee, and presidents Bouteflika and Wade as his deputy chairmen.
- The Implementation Committee also has four representatives from each of the continent's five regions.

NEPAD has established the Peer Review Mechanism with a two-tier structure: the African Peer Review Mechanism Forum (APRMF), and the Peer Review Panel, comprising seven eminent personalities. The Peer Review Panel is also located in Midrand, South Africa, but seperate from NEPAD.

SADC

Like the AU and NEPAD, SADC has a decision-making structure dominated by politicians and their officials. There is first the Summit, consisting of Heads of State or Government of all member states. The Summit is the ultimate policy-making institution of the SADC, and is responsible for the overall policy direction and control functions of the organisation; the Summit usually meets once a year. Then there is the Troika, consisting of the Chair, incoming Chair, and outgoing Chair of SADC. Introduced in 1999, this instrument has improved the functioning of the SADC, enabling it to take decisions more expeditiously, and provide better policy direction. The Organ for Politics,

Defence, and Security Co-Operation (OPDSC) operates on a troika basis for a period of one year, and reports to the chairperson of the SADC. The Organ is co-ordinated at the level of the Summit, and regulated by the Protocol on Politics, Defence, and Security Co-operation; the chairperson of the Organ cannot simultaneously hold the chair of the Summit. Again, it is Heads of State and Government and Ministers that dominate the Organ.

The Council of Ministers, consisting of ministers of each member state, usually from the ministries of Foreign Affairs and Economic Planning and Finance, is responsible for overseeing the functions and development of the SADC, and ensuring that policies are properly implemented. The Council endeavours to meet four times a year to ensure speedy decision-making. The Integrated Committee of Ministers (ICM) is constituted by at least two Ministers from each member state and is responsible to Council for overseeing the core areas of integration: trade, industry, finance and investment; infrastructure and services; food, agriculture and natural resources (FANR); social and human development and special programmes, and implementation of the Regional Indicative Strategic Development Plan (RISDP) process.

SADC National Committees comprise key stakeholders, notably the government, private sector, and civil society in member states, and are mandated to 'provide inputs at the national level in the formulation of regional policies, strategies, SADC Plan of Action (SPA) as well as co-ordinate and oversee the implementation of these programmes at the national level'. A Standing Committee of Senior Officials, consisting of one permanent secretary or an official of equivalent rank from a SADC national contact point in each member state, will be key to influencing SADC developments.

The Secretariat, it was recommended, had to be strengthened 'in terms of both its mandate and the

provision of adequate resources' to enable it to plan and
manage the SADC programme, implement Summit and

Diagram 5: The Decision-making Structures of the SADC

SADC Summit
- Consists of Heads of State or Government of all member states
- SADC's ultimate policy-making institution
- Responsible for overall policy & control functions
- Meets once a year

The Trioka
- Consists of the Chair, incoming Chair and outgoing Chair
- Has improved the running of SADC and facilitates decision-making

Council of Ministers
- Consists of the Ministers of each member state
  - These are usually from the ministries of Foreign Affairs, Economic Planning and Finance

Organ for Politics, Defence & Security Co-operation
- Operates on a troika basis for 1 year.
- Reports to the chair of SADC
- Regulated by the Protocol on Politics, Defence & Security Co-operation
- Dominated by the heads of State and Government

Integrated Committee of Ministers
- Constituted by at least 2 Ministers of each member state
- Responsible for overseeing the core areas of integration, namely: trade, industry, finance and investment; infrastructure and services; food, agriculture & natural resources; social & human development and special programmes; and implementation of the Regional Indicative Strategic Development Programme

SADC National Committee
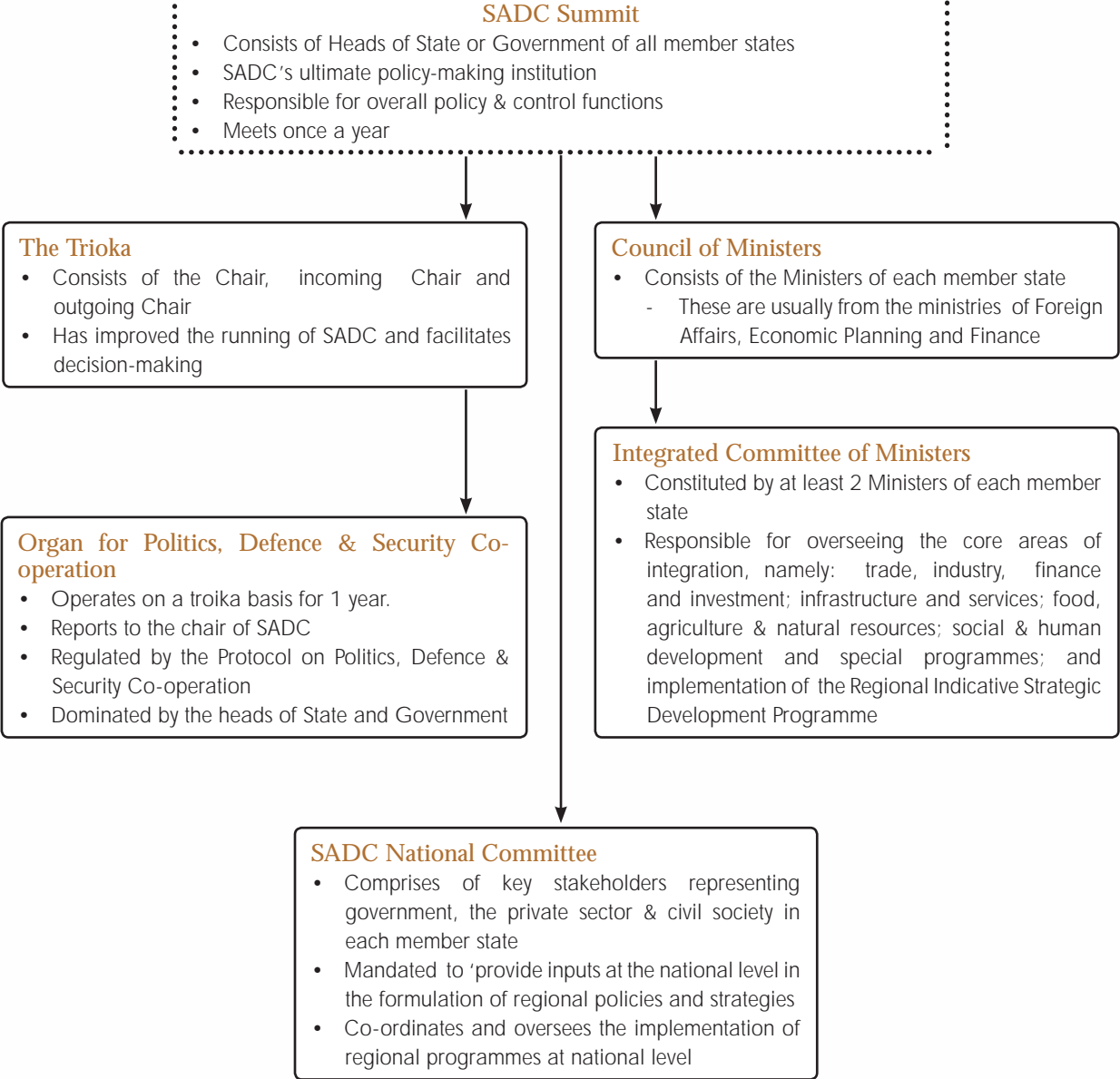- Comprises of key stakeholders representing government, the private sector & civil society in each member state
- Mandated to 'provide inputs at the national level in the formulation of regional policies and strategies
- Co-ordinates and oversees the implementation of regional programmes at national level

Strategies for Civil Society

Council decisions, organise and manage SADC meetings, undertake financial and general administration, represent and promote the SADC, and promote the harmonisation of policies and strategies of member states (through a structure including an Office of the Executive Secretary, a Strategic Planning, Gender Development, and Policy Harmonisation Department, and directorates in the four core areas).

SACU

In terms of institutional and decision-making structure, the new 2002 SACU agreement makes provision for the creation of six institutions. For the first time there are now SACU-specific institutions, whereas previously the South African government and institutions provided all the administrative and managerial backing to SACU. An interim secretariat will be based in Windhoek, Namibia.
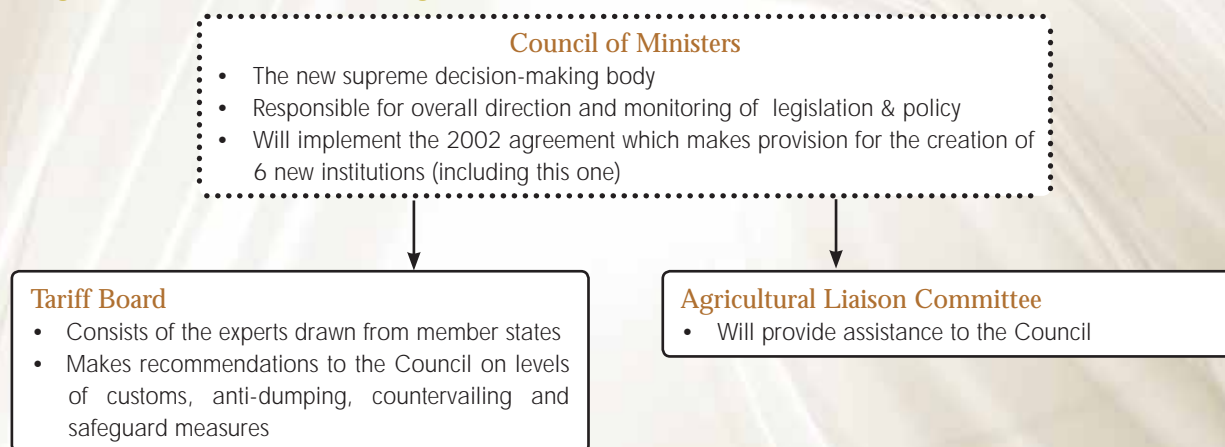
The SACU Council of Ministers is the new supreme decision-making body, and the Council will provide overall direction and monitoring of legislation and policy. Establishment of the Council shifted decision-making away from South African domination to joint management and accountability. A SACU Commission will implement the overall 2002 agreement. A Tariff Board will consist of experts drawn from member states. The board makes recommendations to the Council on levels of customs, anti-dumping, countervailing and safeguard measures. Technical Liaison Committees will provide assistance to the Commission. There will be four kinds of liaison committee: agricultural liaison committees; technical liaison committees; trade and industry liaison committees; and transport liaison committees.

There will also be an Ad hoc Tribunal. This dispute settlement mechanism is an important breakthrough and the tribunal will settle disputes, which are bound to occur. Again, what is important about the tribunal is that the dominant role of South Africa has been neutralised. The tribunal is supposed to be independent, and will report directly to the Council of Ministers.

Diagram 6: The Decision-making Structures of the SACU

Council of Ministers
- The new supreme decision-making body
- Responsible for overall direction and monitoring of legislation & policy
- Will implement the 2002 agreement which makes provision for the creation of 6 new institutions (including this one)

Tariff Board
- Consists of the experts drawn from member states
- Makes recommendations to the Council on levels of customs, anti-dumping, countervailing and safeguard measures

Agricultural Liaison Committee
- Will provide assistance to the Council

Case Study 2: Network of Experts from the Continent and the Diaspora

The AU convened meetings on the establishment of a network of experts from the continent and the Diaspora. Participating were experts from within the continent and the Diaspora, representatives of civil society organisations, international organisations such as the International Organization for Migration (IOM), the Economic Commission for Africa (ECA) and delegates of the AU Commission. The Chairperson of the AU Commission also attended these meetings, suggesting how serious they were. The meetings highlighted the need for an African Human Resources Bank, a vast database of skills and competencies within Africa and the African Diaspora that can take advantage of the new opportunities offered by information technology (IT). In particular, the Working Group would explore strategies required for the creation of this Human Resource Skills Bank and the resources needed to support it. The Group would also look into the creation of a Network of Experts that could assist the various portfolios of the African Union in key sectors and areas of demand, as the need arose.

This Network of Experts would interact, consult and advise as the need arose and facilitate the resolution of critical problems affecting the Union. It was agreed that AU ownership and co-ordination of this process was essential. The need was expressed to establish indicative guidelines that would facilitate the inclusion of all stakeholders in the process, including the Diaspora, member states, civil society organisations, organs of the Union, and partner institutions.

Case Study 3: NEPAD civil society

NEPAD has established a civil society desk, a "one-stop shop". But by its own admission it describes this desk as "generic". This could mean any number of things: that its information flows are not directed enough; projects and programmes could be poorly formulated; and there could be a misunderstanding about what civil society wants. NEPAD prides itself that all its programmes and projects are being implemented in consultation with civil society actors. It regards civil society as an integral part of the Peer Review process. It is however sceptical about civil society's capacity to engage NEPAD effectively, and to participate in implementation.

But there is clearly a problem and challenge here: while NEPAD expects civil society participation in the implementation phases of projects, it says very little about civil society engagement in the actual design and formulation stages of projects and projects. Civil society actors cannot be expected to be mere rubber stamps or legitimising agents for NEPAD. Genuine engagement requires involvement from all actors – governmental and non-governmental alike. NEPAD's architects should therefore not be surprised by this lack of participation; it might reveal scepticism on the part of civil society who may feel that leaders are not serious about true engagement. This gap could be addressed by NEPAD creating forums where there could be genuine debate with civil society actors, and where the views and perspectives of non-state actors are taken seriously. NEPAD's leaders and actors should also take the overtures and invitations of civil society actors for engagement, dialogue and debate seriously.

CHAPTER 5

Inter-state bodies and national obligations

The AU and national obligations

The 2002 AU Summit in Durban, South Africa, the 2003 Mozambique Summit, and the 2004 Summit in Addis Ababa all made important progress with respect to national obligations of members states and AU provisions. These obligations deal with an array of challenges, including:

- The cross-cutting issues of gender and gender mainstreaming;
- Mobilising youth for Africa's development,
- Political challenges (including the challenge of tackling the issues of peace and security), and
- The promotion of governance, democratisation and the rule of law.

Just as the AU stresses the need for women's participation in its work and activities and for a gender equity perspective in its approach, so there is an expectation that member states should take issues of gender equality seriously. The key issues of peace and security, poverty reduction, democratic governance and human rights, co-operation and integration, and the role of civil society organisations in supporting the integrative agenda of the AU are all issues which member states have to start taking seriously at the domestic level. There is indeed need for civil society to encourage member states to do so.

Peace and security

Just as there is a need to strengthen AU capacities in conflict prevention, management, resolution, peace building, and post-conflict reconstruction, so member states have to make advances in these areas. Implementation of existing decisions, declarations and modalities for resource mobilisation to enhance Africa's peace support operation capabilities are key challenges facing Africa. African states are known for signing on the dotted lines of declarations, protocols and charters without living up to their obligations. They need to strengthen their capacities and commitments to combating illicit trafficking in small arms and light weapons, anti-personnel landmines and child soldiers, and improving human security. There is a need to move away from strict notions of militarily defined state security and put a greater emphasis on human security and social justice.

Governance

As far as the issues of governance, democratisation and the rule of law are concerned, African states need to entrench democratic governance processes by ensuring greater political participation, pluralism, transparency, accountability, human rights and fundamental freedoms for all, as these factors will enable the citizenry to participate fully in the decision-making processes. Consideration should be given to preventing and combating corruption, and strengthening mechanisms such as the African Peer Review Mechanism.

The AU cannot tackle health, social and cultural challenges on its own. It will need the support of member states to tackle communicable diseases such as the HIV/AIDS pandemic, malaria, tuberculosis and other related infectious diseases.

> ### Case study 4: AU Commission brainstorming meeting in Addis Ababa
> In October 2003, the AU Commission convened a brainstorming meeting in Addis Ababa. This meeting was convened in partnership with the Centre Conflict

Resolution (CCR),Cape Town, South Africa; the Centre for Policy Studies (CPS), Johannesburg, South Africa; and the International Peace Academy (IPA), New York, US. The United Nations Development Programme (UNDP) provided financial support for this meeting. This co-operation was instrumental in helping the AU to develop its four-year workplan and its vision and mission.

The three-and-a-half day meeting focused on an array of challenges, covering the cross-cutting issues of gender and gender-mainstreaming; mobilising youth for Africa's development; political challenges, including the challenge of tackling issues of peace and security; the promotion of governance, democratisation and the rule of law; and the critical issue of accelerating solutions to the continent's AIDS pandemic.

Participants also focused on development challenges such as economic development and regional integration, and the important role of the NEPAD Secretariat and its working relations with the AU Commission. Finally, participants assessed some of the major financial and institutional challenges facing the AU and its Commission. The civil society actors helped to develop a set of policy recommendations on areas including: peace and security; strategic planning; democratisation and governance; economic development and integration; AU/NEPAD integration; the health sector; the role of civil society; partnerships and accountability; engaging the African private sector; and financial and institutional reforms.

The meeting considered issues around personnel and financial challenges faced by the AU, including: institution-building;

implementation; unity and sovereignty; relations with RECs and the UN; and relations with civil society. Policy recommendations covered peace and security; strategic planning; democratisation and governance; economic development and integration; AU/NEPAD integration; the health sector; the role of civil society; partnerships and accountability; engaging the African private sector; and financial and institutional reforms.

NEPAD and national obligations

Member states are expected to draw up plans for the integration of NEPAD into national development programmes. This could be done through organising and managing NEPAD Focal Points.

Regional NEPAD focal points

The NEPAD implementation committee has said that Africa's sub-regional bodies and regional economic committees (RECs) such as SADC, ECOWAS, IGAD, and the EAC, as well as national governments, are the focal points for NEPAD implementation.

National NEPAD focal points

National Focal Points should be set up in appropriate and relevant government structures or departments at national level, such as the Presidency, the departments of planning, or foreign affairs. National Focal Points should certainly deal with NEPAD issues but could also deal with other issues such as African transformation questions, including the restructuring of sub-regional bodies, and the operationalisation and implementation of the AU.

Mini focal points

Countries could go further and set up mini-NEPAD focal points within individual departments, or within clusters of departments. For example, in South Africa, a number of individual departments have already set up NEPAD units,

and it is expected that all 27 government departments will set up NEPAD divisions and have their own NEPAD focal points. The Presidency in South Africa has a very influential Policy and Communications Unit, and this unit together with the Government Communications and Information Service (GCIS), is instrumental in the Presidential NEPAD Outreach Programme. The Presidency has two people dedicated to working on NEPAD activities, and the Policy and Communications Unit is generally heavily involved in NEPAD work.

South Africa also initiated a NEPAD outreach programme in August 2002, soon after the launch of the African Union. The Presidential Outreach Programme is aimed at popularising the AU and NEPAD within Parliament, provincial and local government structures, and among traditional leaders, the business community, research and academic institutions, the media, and the diplomatic corps represented in South Africa.

Participants in the Outreach Programme include representatives from the Presidency, DFA, GCIS, the Africa Institute of South Africa (AISA) - which focuses on civil society involvement - and the South African Chapter of the African Renaissance (SACAR). These two NGOs have been tasked with mobilising civil society actors and popularising NEPAD within civil society. The National Focal Points should encourage government ministries, provincial governments and legislatures, and premiers of provinces, to identify programmes and activities that could be undertaken to popularise the AU and NEPAD in South Africa. Outreach activities could include meetings and workshops with members of various political parties in Parliament, traditional leaders, provincial and local governments, the business community, youth and women's organisations, universities, schools and research organisations, the media, and events such as sporting occasions.

Diplomatic missions abroad could be utilised in the process of promoting NEPAD and the AU with the understanding that the South African missions must co-ordinate their work and efforts with other African missions abroad. The South African government expects its missions to show sensitivity to the views of other African states.

SADC and national responsibilities

SADC has put the issue of national mechanisms for the harmonisation of regional co-operation and integration on the agenda. In 2001, it approved the creation of national committees as an integral part of the new SADC structure to ensure that member states effectively participate in SADC affairs so as to provide maximum benefits from regional integration. Countries were requested to put in place structures that would assist with the implementation, monitoring and evaluation of national states' roles in SADC. SADC countries are supposed to establish National Committees or National Contact Points to co-ordinate national participation in SADC. Such committees or contact points should co-ordinate and oversee the formulation and implementation of policies, strategies, programmes and projects at the national level in the following core areas: politics and security; trade and investment; food, agriculture and national resources; infrastructure and service; and social and human development, in respect of regional and continental co-operation and integration. Member states could set up sub-committees to tackle these priority areas. The sub-committees must all involve members from relevant government departments.

The national committees should involve all relevant stakeholders, including senior officials, civil society organs and the private sector; they are expected to conduct regular briefings, consultations, workshops and conferences on these issues of regional integration.

CHAPTER 6
Mechanisms for civil society engagement

The AU and civil society

This guide comes at an opportune time, coinciding as it does with the call by Africa's leading Pan-African institution, the AU, for the creation of people-centred and people-driven integration processes and institutions. When it adopted the Constitutive Act of the African Union, which was to become its article of faith and constitutional legal framework, the member states of the Organisation of African Unity (OAU) and African Economic Community (EAC) articulated the vision of a people-centred AU. The preamble to the Constitutive Act said it would be "guided by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our people". Article 3 of the Act, which deals with the objectives, makes a commitment to "promote democratic principles and institutions, popular participation and good governance".

Thus, the AU recognises that the full realisation of its common vision of a united and strong Africa requires the building of partnerships between government and all segments of civil society, in particular women, youth and the private sector. It calls for the strengthening of solidarity among its people. To this end the AU created the Economic, Social and Cultural Council (ECOSOCC).

ECOSOCC

ECOSOCC is designed to provide a mechanism for interface between the AU and African civil society. It is to be based on consultation, collaboration and partnership between governments and civil society in Africa. Such consultation is intended to be permanent and systematic in manner, and ECOSOCC is supposed to be an advisory organ composed of different social and professional groups from member states of the Union, particularly youth and women's organisations.

The objectives of ECOSOCC include:
- The promotion of a permanent dialogue between the African people and their leadership on vital issues concerning Africa and its future;
- Promoting strong partnerships between governments and all segments of civil society, in particular women, youth, children, the Diaspora, and the private sector;
- Supporting the political and socio economic development and integration of the continent;
- Promoting democratic principles and institutions, popular participation, good governance, human rights and freedoms, and social justice;
- Collaborating with and strengthening linkages with other organs of the Union and with Regional Economic Communities (RECs).

ECOSOCC has to ensure that the AU's activities effectively meet the aspirations of the African peoples and contribute to building and sustaining the institutional, human and operational capacities of African civil society.

A key function of ECOSOCC in its advisory role is to ensure that African people effectively contribute to policy-making, implementation and evaluation processes. It can undertake studies and submit recommendations to the AU.

Case Study 5: West African Consultation on Nepad's APRM and the Role of Civil Society
The Centre for Democracy & Development (CDD) in Abuja, Nigeria, and African Security Dialogue & Research (ASDR) in Accra, Ghana, engaged in several consultative meetings of West African civil society institutions on NEPAD and ECOWAS.

These meetings were intended to influence the Independent Panel of Experts on NEPAD's Peer Review Mechanism as they prepared for the first phase of their assessment. And with West African leaders' endorsement of ECOWAS as the sub-regional focal point for NEPAD's implementation in Yamoussoukro, Cote d'Ivoire, CDD and ASDR considered it crucial for civil society institutions in West Africa to play a critical role in the NEPAD peer review process. To this end, the consultations were aimed at bringing together different stakeholders from all sectors of civil society in order to review the parameters for measuring governance, security and development in West Africa and agree on a complementary monitoring framework in the context of the NEPAD Action Plan, the CSSDCA process, the ECOWAS Conflict Mechanism, and the Protocol on Democracy and Good Governance. Faith-based organisations and institutions engaged in the socio-economic field, governance, conflict prevention/ management, human rights, gender issues, and development, were involved.

The consultations sought to critically examine NEPAD's baseline documents guiding the APRM and the framework for its operationalisation in the context of the CSSDCA's monitoring parameters as well as ECOWAS' existing mechanisms and protocols, and provide necessary guidance.

It also aimed to develop and agree on civil society's own parameters for monitoring human security and human development in the countries of West Africa; identify regional and national institutions that could anchor complementary monitoring processes; examine the framework for the operationalisation of NEPAD's Action Plan at the sub-regional level; identify the opportunities and challenges in promoting ECOWAS/NGO relationships; discuss the establishment of a non-partisan forum that will facilitate collaboration between ECOWAS and civil society in playing their respective roles in the co-ordination, peer assessment, and monitoring processes; and deliberate on existing and emerging inter-regional civil society monitoring initiatives.

The civil society monitoring framework thus developed would require close linkages with other institutions and organisations and the cross-fertilisation and better integration of respective areas of expertise would be vital for improving governance, security and development in West Africa.

NEPAD and civil society
NEPAD has established a civil society desk, and has placed a high premium on information sharing with civil society organs. The NEPAD secretariat committed itself to consultation, and has conducted many workshops on NEPAD. Many civil society actors, including the labour movement, the print and electronic media, universities, and NGOs, have hotly debated NEPAD.

The NEPAD civil society sector has reached out to business and the private sector, and there has been a considerable amount of workshopping and engagement by businesses on NEPAD issues. The NEPAD political and economic governance initiatives recognise the role of

civil society in the development of NEPAD. Key NEPAD documents have made it clear that the role of women and the poor needs to be promoted, and these documents call on civil society to engage NEPAD. Indeed, it is worthwhile for the political governance dimensions of NEPAD are worth subscribing to by civil society actors.

Because the mechanisms pledge to empower people and institutions within civil society to ensure an active and independent civil society that can hold government accountable, CSOs could set about initiatives that would:
- Help governments adhere to the principles of constitutional democracy, the rule of law and the strict separation of powers;
- Promote political representivity;
- Ensure the periodic democratic renewal of leadership;
- Ensure impartial, transparent and credible electoral administration and oversight systems;
- Ensure the effective participation of women, minorities and disadvantaged groups in political and economic processes; and
- Combat and eradicate corruption.

For example, the initial draft of the Political and Good Governance Peer Review Mechanism stresses the importance of 'political will' to keep to core values, commitments and obligations on democracy, human rights and good governance. It recognises the need to 'empower people and institutions of civil society' so as to ensure an active and independent civil society that can hold government accountable to the people. It stresses the need to "adhere to principles of a constitutional democracy, the rule of law and the strict separation of powers, including the protection of the independence of the judiciary". It aims to ensure "the periodic democratic renewal of leadership, in line with the principle that leaders should be subjected to fixed terms in office". It is committed to the "freedom of expression, inclusive of a guaranteed free media".

NEPAD is conspicuously silent on the issue of gender and effective participation of women. Indeed, NEPAD lacks gender sensitivities; there is no real gender framework or policy except for some allusions to the fact that the role of women needs to be promoted.

SADC and civil society
It is seldom appreciated that SADC has always made provision for working with civil society actors; civil society should make capital on this tradition. In the early 1980s, for example, SADC established an NGO liaison desk; this desk has been inundated with problems thus far, but CSOs should seek to revive this body. SADC has long had a Sector Co-ordination Unit on Employment and Labour, which was headed up by Zambia. This body is supposed to regulate and create space for tripartite relations between labour, the private sector and governments to address regional employment and labour challenges. This again shows that there are prospects for engaging SADC on a sector-specific basis.

The 1992 Windhoek Treaty, which established SADC, gives special status to the role of CSOs. The Treaty states that "…SADC shall seek to involve fully the peoples of the region and non-governmental organisations in the process of regional integration…SADC shall co-operate with, and support the initiatives of the peoples of the region and non-governmental organisations, contributing to the objectives of this Treaty in the areas of co-operation in order to foster closer relations among the communities, associations and peoples of the region".

In subsequent amendments to the Treaty, especially in the 2001 amendment, reference is made to the roles to be played by 'key stakeholders', including 'private sector, civil society, non-governmental organisations and workers and employers organisations'. The 1997 SADC Declaration on Gender and Development was an important declaration but lacks enforcement. Because it is a declaration and not

a protocol, this makes its enforcement twice as difficult as the protocols. Seven years after its adoption, only three countries in the region have reached the 30% threshold of women in politics and decision-making. This poses major challenges for women's engagement.

So what about civil society and regional integration in southern Africa? How is civil society faring in pursuing regional integration? We should first point out that we know very little about the overall state of civil society in southern Africa, the degree to which civil society is pursuing regional integration objectives and how the players wish to influence policy at this level. We tend to know more about the state of civil society at national levels, and how civil society actors within states seek to influence and mobilise nationally; but civil society seems poor at engaging regional integration agendas and processes.

Moreover, we tend to know more about the state of civil society in South Africa than in other parts of the region, and we even proceed to confuse regional civil society with South African civil society.

In 1998, a SADC Council of Ministers Committee assessed the state of civil society in southern Africa. The report of the SADC committee came to the conclusion that there may be as many as 17 000 in southern Africa, with some 10 000 located in South Africa. This report seems to be talking about those formal, networked NGOs and CBOs that work across borders in the region. If that is the case, then the estimated figure of 10 000 CBOs in South Africa seems rather high. But a figure of 17 000 in the whole region sounds like a gross underestimation. Former director of the South African NGO Coalition, Abie Dithlake, has estimated that South Africa alone has some 80 000 NGOs. The problem with this figure of 80 000, gleaned from the Johns Hopkins study, is that it includes the vast array of the non-profit sector organisations in South Africa.

During an interview with Abie Dithlake, now president of the nascent SADC NGO Council, the point was made that southern Africa could boast no fewer than 100 000 NGOs and CBOs. Dithlake also observed that those NGOs and civil society organisations that could influence regional integration could number some 17 000; there are, therefore, great opportunities to influence the regional integration agenda in southern Africa. It should be stressed here that both these numbers could be overestimates as much as they could be underestimates. The point is that we simply do not know what the state of civil society is throughout the region. There exists no audit; we tend to merely speculate about these things.

There is therefore a need to find out more about the state of civil society in southern Africa in general, and in particular about those bodies involved in regional integration.

SACU and civil society

The point has been made that SACU's pronouncements on civil society engagement have been poorly defined, probably the least well defined of all the sub-regional and continental initiatives. SACU says very little about the role of civil society, which suggests that there is a great need for the democratisation of SACU and its governance operations.

That is not to say, however, that SACU operators would not be open to ideas and suggestions on non-governmental participation in general and gender mainstreaming in particular. It is incumbent upon formations within the NGO sector to explore ways and pathways of communication with SACU in its present form, especially while the South African side of SACU is undergoing some rethinking on its relationship with the region and Africa. The new South African government, as much as it enjoys its inherited power in relation to its neighbours, cannot feel the same as the apartheid government about the extent to which

SACU is stacked in favour of South Africa. There is a genuine concern amongst ANC leaders about this skewed relationship, and they would welcome proactive ideas on how to reconfigure the SACU arrangements such that South Africa is not seen to be selfish and/or indifferent to the concerns of its neighbours.

COMESA and civil society

As in all other sub-regional and continental structures, there is now a recognition by COMESA that the role of civil society is crucial if this entity is to live up to its goals and ambitions. There is particularly a key role to be played by poor communities and women's groups, given the fact that women make up 30% of the 380 million people inhabiting the COMESA space. Considering the location of women and the youth who constitute the majority of the populations, there is an immediate need to bring into the mainstream of economic activity women and the youth who have been marginalised. There is, therefore, important work to be done in the area of gender mainstreaming in COMESA. In this respect, much work could be done to strengthen outfits like the COMESA Women in Business organisation. COMESA works closely with donor partners such as the United Nations - notably UNESCO, UNDP and UNIFEM. CSOs could engage both COMESA and these partners in order to ensure ownership, legitimacy and credibility of programmes.

As in other parts of the continent, COMESA leaders typically regard CSOs as critics rather than partners of government. This has led to tensions between governments and CSOs, and this stand-off attitude should be replaced by critical and independent engagement. For example, the issue of HIV/Aids cannot be tackled decisively and organically without a good measure of strategic co-operation between NGOs and governments. This is not a call for a rubber-stamp or co-opted relationship. It is, instead, a call for a mature relationship characterised by mutual responsibility and mutual accountability.

This suggests that the bulk of COMESA's activities, which are characterised by elite-driven decision-making and governance cultures, should become more people-centred. This is by no means a hint that it would be easy to turn around this culture and make it more people-oriented overnight. It will indeed be difficult to turn the tanker. But it is a suggestion that civil society actors could become real partners in development. They are not nuisances and irritants, as many governments would like to believe. However, civil society might require a specialised approach when engaging governments; civil society engagement could be done on an issue-specific basis. For example, there may be a need to bolster the technical skills and capacities of CSOs in the areas of trade, development, poverty alleviation and the like.

Case Study 6: Civil Society Shadow Peer Review Process

In 2003, NEPAD leaders adopted the African Peer Review Mechanism to foster democratisation through adoption of appropriate laws, policies, standards and practices. The APRM focal point and APR Panel does Country reviews which happen in five stages. Stage one involves the preparatory process at national and APR Secretariat level; Stage two is the Country Review Visit by the APR Panel and the Country Review Team; Stage Three is the drafting of the Team's Report. Stage Four begins when the Team's report and Final Programme of Action are sent to the APR Secretariat and the APR Panel. During the fifth stage the report is made public to the REC's, the PAP, the Peace and Security Council, ECOSOCC, and other structures. Civil society actors should engage these processes through research, lobbying, advocacy, and through soliciting NGO and civil society perspectives.

CHAPTER 7

Opportunities for civil society influence

The AU and civil society opportunities

While many of the AU's provisions make lofty commitments to the idea of popular and civil society participation, the commitment of member states and the institutions that are being set up for such participation remain weak. Yet the real strength and success of the AU will be determined by the extent to which it empowers people and creates opportunities for them to improve their lives. The launching of ECOSOCC should be completed as soon as possible, and the unit dealing with civil society within the Commission should be sufficiently staffed and equipped to perform its catalytic role more effectively and reach out to civil society entities throughout the continent. The Commission should also be prepared to overcome the apprehension of some African governments and the prevailing suspicion between governments and NGOs, as these tensions are unhealthy for the AU–civil society partnership.

Gender

The AU faces the crucial challenge of taking on board and mainstreaming gender in its operations and empowering women. This challenge of gender mainstreaming requires the Commission to introduce the idea of integrated governance and decision-making through which all the departments in the Commission will jointly formulate policy orientations so as to bring about synergy on gender matters.

Peace and security

As far as the peace and security agenda is concerned, civil society has a key role to play in the final operationalistion of the PSC, and it could lobby for setting up the Panel of the Wise and an African Standby Force. While one cannot quibble with the idea that both these are important undertakings, the challenge will be to operationalise both at once, given the AU's resource limitations. CSOs could help to create policy and dialogue forums to debate these issues in a realistic fashion.

Civil society actors could lobby and work with the Commission and engage governments and African parliaments to urgently ratify protocols, declarations and charters. They could work with AU structures to encourage them to work in more realistic ways and avoid duplication, competition and waste of resources. They have important roles to play in encouraging and supporting the AU and RECs to work together more closely. They could similarly create space and opportunity for RECs like SADC, SACU, COMESA, ECOWAS, ECCAS and others to work together.

Democratisation

As far as democratisation is concerned, the Commission has proposed draft guidelines on electoral observation in Africa. What is now needed is to finalise the handbook on African elections, setting up the elections governance and democracy unit, as well as the actual implementation of the declaration. In this regard, the Commission could work with African NGOs, think-tanks and centres of excellence specialised in the democracy and governance fields so as to build up a network of researchers and resource persons.

NEPAD and opportunities for civil society

NEPAD came about through a top-down, elite-driven process; civil society actors were basically marginalised from its construction. NEPAD is in need of democratisation and opening up. Civil society actors could insist that

NEPAD be opened up so as to allow for civil society inputs. NEPAD is in need of refinement and civil society actors have a major role to play in its reshaping and remaking

Specialist civil society actors could focus on trade issues, including fair trade. CSOs are generally weak in specialist areas like trade and investment, and they could develop their skills in this respect. CSOs could campaign for debt cancellation and market access for Africa's trading goods, and could do so in the context of NEPAD. They should team up with their counterparts in the North and South and focus on issues which they have long regarded as moral questions, such as debt cancellation, ending farming subsidies, and addressing issues of global inequality. African CSOs should insist that their Northern counterparts place the issue of mutual accountability and mutual responsibilities on the agenda. They should lobby their Western counterparts to play more active roles in holding their own governments more accountable.

CSOs could canvass NEPAD and urge it to focus not only on donor priorities but also on the imperatives of inter-African co-operation. CSOs should ensure that NEPAD becomes African-owned and African-driven. This will come about only if NEPAD is based on the priorities and concerns of peoples. NEPAD appears weak on implementation, and its architects can close this implementation gap only by working closely with African partners and continental civil society actors.

CSOs could engage the political and economic Good Governance Peer Review Mechanisms, and governments and corporate actors to live by the sets of norms, values and criteria spelled out in these initiatives. Both the Political and Economic Peer Review Mechanisms stress the need to generate the necessary political will to keep to the core values, commitments and obligations of NEPAD and other legal instruments.

CSOs could engage in even more basic activities. NGOs could raise the awareness of civil society on NEPAD issues, and both popularise and critically scrutinise NEPAD documents and processes. They could monitor and evaluate NEPAD processes. For example, CSOs should attempt to directly influence NEPAD's proposed African Peer Review Mechanism and CSOs could even consider doing their own shadow peer reviews. Another alternative would be to insist on actual civil society input and participation in the peer review process. CSOs could garner opinions and perspectives amongst themselves and feed them into the formal processes. They could create parallel projects or get involved in ongoing ones.

SADC and opportunities for civil society engagement

The recently completed restructuring process of SADC opened new opportunities for civil society participation in regional integration and policy matters. Civil society actors could play important roles in pushing for states to implement and operationalise protocols, treaties, declarations, and the like. Civil society actors should regard the restructuring processes under way in SADC as a window of opportunity for engagement and participation. They have to become better at setting up regional associations and cross-border networks so as to maximise their engagement impact. However, this suggests that civil society actors need to brush up and strengthen their own negotiation, lobbying and policy-making skills; they will have to familiarise themselves with the various protocols, declarations, and treaties, and canvass for the implementation and operationalisation of these instruments.

CSOs should also appreciate that the establishment of national SADC committees in each SADC member state will open up new opportunities for engagement. The restructuring process determines that all key stakeholders, including government, the private sector, NGOs and broader civil society should be involved in such processes.

But civil society actors should not assume that SADC countries are eager and committed to setting up such national committees. They will have to be lobbied and almost pushed by civil society actors to move ahead with such processes. It will not come automatically.

Women

The fact that the 1997 SADC Declaration on Gender and Development lacks enforcement, suggests that women and other civil society actors have their work cut out on engagement. Engagement on this issue won't be easy, and women's organisations will have to forge partnerships across borders and with other entities to place this issue on the agenda. They will have to remind not only SADC, but individual SADC member states that, seven years after implementation, only three countries in the region have reached the 30% women in politics and decision-making target. They will specifically have to canvass SADC on the 30% threshold.

In the pre-restructured SADC, women and gender organisations in the region used to participate in what was known as the Regional Advisory Committee, constituting government, NGO representations and national gender focal points in the sector co-ordinating units were part of the institutional framework in SADC. However, this is no longer the case, and this phased-out structure could be resurrected. It could be renegotiated, or else an alternative structure should be put in place.

SACU and opportunities for civil society engagement

It is recommended that non-South African civil society components that are abreast with the issues of customs and excise initiate a meaningful dialogue with their South African counterparts with the aim of understanding this situation better. The next step would be to reform SACU in the context of NEPAD and other far-reaching commitments that the South African leadership has made since 1994.

South Africa would be open to this, as many leaders would like to see better relations in the sub-region.

Civil society is better positioned to participate and influence policy-making at a national level where the boards operate. These national boards deal with specific issues such as prices, tariffs, mobility of agricultural commodities and other goods, and the mobility of persons. ActionAid could initiate a consultation of national boards on agricultural goods for example, for such a consultation is non-threatening and would get the attention of decision-makers.

COMESA and opportunities for civil society engagement

COMESA has weak structures and weak policy-making capacities. This suggests that civil society has tremendous scope to influence COMESA processes and become independent partners of COMESA and its structures. In spite of the criticisms of, and sensitivities about civil society actors, many officials within COMESA appear to be accessible to civil society. Many in the COMESA Secretariat based in Lusaka, Zambia, are eager to engage with civil society.

Because COMESA works fundamentally on issues of trade, development and poverty alleviation, there is an appreciation in COMESA that civil society actors can help to greatly enhance its capacities in these areas. There is great appreciation in some COMESA quarters that the CSO sector could assist the public sector in development work. Entities like ActionAid could play an important catalytic role in creating opportunities for CSOs to constructively and independently engage COMESA and its development partners. This relationship should seek to foster social dialogue and policy dialogue between COMESA and relevant stakeholders, notably NGOs, CBOs, and organisations representing the poor and indigent.

CHAPTER 8

Overview of civil society organisations and networks in southern Africa

Instead of focusing here on a general overview of civil society actors in southern Africa, we will focus instead on those NGOs and CSOs involved in cross-border work and regional integration issues such as democratic governance and poverty alleviation. Some cross-border entities include the SADC Council of NGOs, the SADC Parliamentary Forum, the SADC Electoral Commission's Forum, the Southern African Human Rights NGO Network, the Southern African Forum Against Corruption, the Southern African Media Network Against Corruption, the Media Institute of Southern Africa, the SADC Chief Justices' Forum and the SADC Bar Association.

Organisations dealing with poverty alleviation

Regional organisations
- The Southern African Regional Poverty Network (SARPN) is based in Pretoria and was established to contribute to sustainable reduction of poverty through effective pro-poor policy, strategy and practice in the SADC region. Its purpose is to deepen and widen participation by bringing people together across the region to exchange ideas and disseminate information in order to deepen their understanding of poverty issues and improve poverty alleviation policy and practice. SARPN's understanding is that poverty is the central challenge in the region. It believes that a rights-based approach to development is needed to address poverty effectively, and the inclusion of all stakeholders is essential for the effective reduction of poverty.

National organisations
- There have been other efforts to create alliances and coalitions on poverty reduction and alleviation, but many such alliances have been formed at a national rather than regional level. For example, civil society alliances in support of poverty reduction have been established in Zambia, Lesotho, Malawi and Zimbabwe.
- The Oasis Forum was established In Zambia and has been instrumental in mobilising not only for poverty reduction, but also against Chiluba's third presidential term ambitions.
- The Civil Society Poverty Reduction Forum has also been formed in Zambia.
- A Poverty Reduction Forum has been formed in Zimbabwe with a strong anti-poverty reduction agenda. This forum is housed by the Institute for Development Studies and was strongly supported by UNDP.
- The Malawi Economic Justice Network (MEJN) in Malawi formed a secretariat and began to benefit from donor funding. It provides economic literacy training to CSOs and the public, and is strong in lobbying parliament through newsletters and press releases, analysing the economy and the national budget and implications for poverty alleviation.
- The Namibia NGO Forum operates in Namibia and has played a key role in pushing for the land reform issue. It pushed for changes in Namibia's land policy and has had a positive impact in this regard. For example it successfully campaigned for the Communal Land Bill to be sent back to the National Assembly.
- In countries like Lesotho, Zambia and Mozambique, we have witnessed many civil society organisations forming poverty reduction coalitions, and in particular playing a role in Poverty Reduction Strategy Programmes (PRSPs). On PRSPs in the region, civil society organisations have stressed participation by governmental actors, CSOs and the public at large.

- While South Africa does not have a specific PRSP, many CSOs were involved in the drafting and negotiation of the Reconstruction and Development Programme (RDP), which was negotiated during the two years preceding the 1994 election. However, in the two years after 1994, government gradually moved away from the RDP and replaced it with the Growth, Employment and Redistribution (GEAR) strategy. This was a highly controversial and contested move which saw CSOs and the government becoming far more confrontational and bellicose, as CSOs accused government of engaging in a self-imposed structural adjustment programme and marginalising CSOs from policy and governance processes.
  - CSOs such as the Congress of South African Trade Unions (COSATU), and the South African National NGO Coalition (SANGOCO) and the South African Council of Churches (SACC) have in recent years responded by developing a 'People's Budget', wherein they respond critically to aspects such as privatisation, trade liberalisation, deregulation and business-led development. They draw up a people's budget by introducing an integrated development perspective and focusing on job creation and poverty eradication.

Regional and cross-border civil society networks
- Two prominent coalitions in this category are those in Botswana and South Africa. The Botswana Council of NGOs (Bocongo), based in Botswana, and Sangoco, established by South African NGOs in 1996, both have long-established cross-border support.
- In 1998 the national NGO coalitions in SADC countries established the SADC Council of NGOs (SADC-CNGO) and Bocongo served as its Interim Secretariat. A major breakthrough was made when the SADC Secretariat and the SADC-CNGO entered into a Memorandum of Understanding (MoU). If effectively operationalised, the SADC-CNGO could be a key boost for regional integration and for civil society's role

in the process. But the Council got off to a bad start. The Secretariat in Botswana has been bedevilled by capacity constraints, and given Sangoco's key role in the development of the SADC-CNGO, its own internal crises have already negatively affected the council's progress.

Labour
- The Southern African Trade Union Co-ordination Council. (SATUCC) was established as early as 1983 by the main national trade unions and federations in the region. The labour movement in southern Africa is one of the most advanced in building cross-border networks and coalitions. SATUCC is managed by a small secretariat in Gabarone, and it is a key participant in SADC's Employment and Labour Sector Co-ordination Unit.
  - Since the mid-1980s, SATUCC defined the fundamental challenge for labour as the need to develop robust strategies in opposition to the neo-liberal policies that were increasingly being introduced in the region, such as the Structural Adjustment Programmes (SAPs) introduced by the IMF and World Bank as a pre-condition for loans. Over the years, many SATUCC meetings have discussed the severe social hardships and economic devastation that have resulted from these SAPs. SATUCC has, over the years, concerned itself with poverty and inequality in southern Africa. Under the SATUCC umbrella, unions have been concerned with what they see as the narrow economic concerns of SADC states, which have overridden the political aspirations for regional integration, as individual countries were increasingly pursuing competing policies at national level that contradicted efforts towards regional integration. SATUCC sought to define its own alternative agenda. Unions have long called for minimum labour standards to be applied to all workers, including migrants. COSATU has been

in favour of a Commission on Labour Migration and proposed that this be established at a regional level. At a deeper level, SATUCC identified the need for an integrated policy of industrial and human resources development.

- The Association of SADC Chambers of Commerce and Industry (ASCCI) was formed in 1999, started off with its Secretariat based in Mauritius and later moved this Secretariat to Blantyre, Malawi. It is currently housed at the Malawi Chamber of Commerce and Industry. SADC has signed a Memorandum of Understanding with ASCCI.

Churches

- The various churches and religions in the region also maintain regional links and networks, but there are very few established networks for southern Africa. The most extensive SADC network is probably the Fellowship of Christian Councils in Southern Africa, bringing together the Council of Churches in southern African countries, including Madagascar, but excluding the DRC, Mauritius, and Seychelles. The fellowship runs active programmes on issues such as HIV/AIDS, economic justice, globalisation, the debt question, internally displaced people, and refugees.

Media

- The Media Institute of Southern Africa (MISA) is a regional NGO with headquarters in Windhoek, Namibia, and chapters in eleven SADC countries. It was established in 1992 to promote free, independent and pluralistic media in the region. It encourages free flow of information across southern Africa and is committed to democracy and human rights.

Judiciary

- A SADC Bar Association has also come into existence. But its strategic approaches and implementation capacities for bringing these institutions to bear on weak judiciaries in the region remain unclear.

Human rights

- The Southern African Human Rights NGO Network (SAHRINGON) was established in 1997, and it is co-ordinated by the Lusaka-based, Inter-African Network for Human Rights and Development (Afronet). Its main focus is on building capacity for human rights education, campaigning against police brutality and promotion of freedom of expression. This Human Rights network has few formal links with and engagement of SADC. It is individual members, rather than the network, who have sought to influence SADC policies on human rights.

Advocacy organisations

- The region boasts a growing number of advocacy NGOs and CSOs that have emerged to campaign against globalisation and in favour of economic justice and equality. There are a growing number emerging to network on HIV/AIDS and these are increasingly organising across borders. There is, for example, the NORAD sponsored Project Support Group (PSG) with ongoing projects in Namibia, Botswana, Malawi, Mozambique, Swaziland, Lesotho, Zambia and Zimbabwe. This programme campaigns for advocacy on treatment, access to anti-retroviral drugs, and the like.

- There are many vocal NGO groups and networks in the region campaigning on issues of debt relief, trade injustices, and international financial inequality. Included are such organisations as the Zimbabwe-based African Forum and Network on Debt and Development, and the Southern and Eastern African Trade, Information and Negotiations Initiative, the South African-based Jubilee South Africa, and others. The tragedy is that given the growing political crisis in Zimbabwe, many of these networks and NGOs have been beset with financial and political challenges.

Research organisations

- The Alternative Information and Development Centre (AIDC), based in Cape Town, focuses on alternative

development models to the dominant free-market driven orthodoxies. Many left-oriented development NGOs in the region utilise the research emanating from AIDC.

- The Namibian Economic Policy Research Unit convenes annual research workshops on aspects of SADC, notably the economic integration aspects, and brings together researchers, academics, practitioners, and overseas-based specialists. It publishes monographs, research papers and policy-oriented research, mainly on economic integration.
- The Harare-based Southern Africa Political Series (SAPES) Trust has traditionally played a pivotal research and network role on regional co-operation, integration and policy analysis role. It served as an important intellectual home for scholars in the region and the continent more broadly. It produced important research and scholarship, such as the Southern African Human Development Reports in collaboration with the SADC Secretariat and UNDP.
- The SAPES Trust has been associated with the Zimbabwe political and economic crisis and over the last couple of years, it has experienced a major decline, and its future remains uncertain. There has been considerable staff turnover at SAPES, and many donors have actually withdrawn their support. SAPES once boasted a subsidiary, the Southern African Regional Institute for Policy Studies (SARIPS). SARIPS was the research and training arm of SAPES Trust, whose principal mandate is to nurture and promote indigenous capacity in the social sciences and the enhancement of the policy-making capacity of African states. SARIPS' goal was to promote and deepen the exchange of ideas between practitioners and scholars through discourse and building capacity for advocacy activities in Southern Africa. This was the case until SARIPS was fully subsumed into SAPES in 2002-2003.
- The Electoral Institute of Southern Africa (EISA) is another cross-border oriented civil society outfit working

in the area of elections promotion and governance. Established in 1996, EISA's core business is to provide technical assistance for capacity building of relevant government departments in the fields of elections, electoral management bodies, political parties and civil society organisations operating in elections and governance areas throughout the SADC region and further a field in Africa. Assistance to SADC and other African countries included electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; encouraging citizens' participation in the law-making process; and enhancing the institutional capacity of the election management bodies and parliaments.

- The South African Institute of International Affairs (SAIIA) is an international public policy institute promoting free trade in southern Africa and the role of the private sector in regional integration, and it views globalisation as largely a positive phenomenon. It produces the SADC Barometer and e-Africa, an electronic journal on political and corporate governance in Africa, and especially on NEPAD.
- The Africa Institute of South Africa (AISA) focuses primarily on political, socio-economic, international and development research in Africa. AISA's mission commits it to knowledge production, education, training and the promotion of awareness of Africa, for Africans and the international community. Its method for achieving this is through policy analysis, collection, processing, interpretation, and dissemination of information. Its clients include the government of South Africa; foreign missions; the academic and research community; NGOs and civil society; the business community; schools; and sub-regional organisations such as SADC. AISA depends on its research fellows, currently about 65 in number, to undertake its research

activities in the areas of African studies, political parties, party systems and governance in Africa; the African Renaissance, regional peace and security, globalisation, regional integration, and South Africa's foreign policy in Africa.

Security-oriented organisations

- In South Africa, organisations engaged in policy research and training on issues related to conflict resolutions and security are the Institute for Security Studies (ISS), the Centre for Conflict Resolution (CCR), and the African Centre for the Constructive Resolution of Disputes (ACCORD). These agencies are all high profile, have broad mandates, usually beyond South Africa, and network with a large number of international donors, perhaps reflecting the hope and generally favourable attitude associated with South Africa internationally.

- The Institute for Security Studies (ISS) is an established regional think-tank office in Pretoria, Cape Town and Maputo. Among its major achievements is its sub-regional capacity-building work on civil-military relations in the southern African region and its work with South Africa's Department of Defence, parliamentarians and academia within SADC. ISS has worked closely with the OAU and has been able to publish books and reports based on seminars involving a wide range of actors from across the continent. ISS works through and with national, sub-regional, and continental organisations. It had close links with the former Organisation of African Unity (OAU), in engaging debates within Africa.

- The Centre for Conflict Resolution (CCR) was created in the 1980s and started off as the Centre for Inter-Group Studies. Its activities in post-apartheid South Africa have grown to include training, mediation, facilitation and public consultation, and research policy advocacy. Its beneficiaries include southern African governments and research and scholarly constituencies. It has

worked with the Western Cape Education Department, the Western Cape Correctional Services and the South African Police Services in the Western Cape. At the national level, CCR has worked with the Department of Defence, the Department of Foreign Affairs, the Department of Intelligence and the Ministry of Water Affairs and Forestry. CCR has helped train police forces in Namibia and Zimbabwe and worked with Swaziland's Regional Security and Human Rights committees; ruling and opposition parties in Malawi; the Lesotho Government and its interim political authority and security services and SADC secretariat. From 2003, CCR is looking to stretch its focus beyond South Africa, and is considering working with the AU, other sub-regional bodies in Africa such as ECOWAS, and the role of the UN in Africa. It will also do work on South Africa's role in the rest of Africa.

- The African Centre for the Constructive Resolution of Disputes (ACCORD) is one of the largest and fastest growing NGOs in South Africa, dealing with a range of conflict-related issues. ACCORD has developed a peace model recognised by the United Nations as viable for Africa. This model focuses based on three key areas: intervention, training, and research. ACCORD's current programmes focus on conflict management training; track-two diplomacy initiatives in Africa; peacekeeping training programmes in all SADC countries; training for women in the Great Lakes region and the Horn of Africa; a preventive action programme in SADC; and a programme on constitutional development in Africa.

- In the rest of the region are the Zimbabwean organisations such as the Centre for Defence Studies (CDS), the Southern African Regional Institute for Policy Studies (SARIPS), and Botswana's African Renaissance Institute (ARI). These institutions are part of broader sub-regional partnerships.

- The Southern African Conflict Prevention Network (SACPN) is a loose civic network that seeks to share

information and expertise as a way of developing a common understanding and sub-regional identity with regard to conflict prevention and peace building. Co-ordinated from Zambia, SACPN draws its members from Angola, Botswana, Lesotho, Namibia, Malawi, Mozambique, South Africa, Swaziland, Zambia, and Zimbabwe. SACPN's structure involves a Regional Steering Group, consisting of one representative from each member country, as well as National Conflict Prevention Networks or Reference Groups. The Steering Group is conceived as a planning and organising unit for the activities of the network.

Case Study 7: Mindolo Ecumenical Foundation's (MEF)

The Zambia-based Mindolo Ecumenical Foundation's (MEF) peace-building and conflict transformation courses target peace workers at the national community and family levels. In addition, the Foundation offers a university certificate programme on peace building and conflict resolution. With support from the Eastern Mennonite University in the United States, MEF is restructuring itself into the Africa Peace Institute (API).

API seeks to combine the theory and practice of conflict management within the African continent as a means of creating a critical mass of actors that can help manage conflicts across the continent. The organisation draws an average of thirty participants annually from across Africa. In addition to its full-time staff are six part-time lecturers, all of whom are holders of at least a Master's degree in conflict resolution.

- The Southern African Defence and Security Management Network comprises the Centre for Defence Studies at the University of Zimbabwe in Harare, the Centre for Foreign Relations in Dar Es Salaam, Tanzania, the Institute Sonadde e Adminitracao at Eduardo Mondlane University in Mozambique, the Department of Political and Administrative Studies at the University of Namibia, and the Department of Politics and Administration at the University of Botswana. All the members of this network provide training and education for defence management, as well as management of peace missions, good governance, and transparency.

- In Botswana, the African Renaissance Institute (ARI) aims to serve as a vehicle for Africa's research and development workers to marshal and deploy a critical mass of able people dedicated to Africa's political and economic recovery. ARI is a product of two years of consultations and organisational work with African governments and civil society organisations to promote the effective mobilisation and networking of Africa's human resources and intellectual wealth. ARI seeks to bolster the capacities of Africans to resolve their own problems in the areas of poverty and deprivation; technological backwardness; financial and economic dependence; private-sector enterprise development; and youth and women.

- The overall aim of the SADC Regional Peacekeeping Training Centre (RPTC) in Zimbabwe is capacity building, specifically by supporting sub-regional co-operation in peace and security in southern Africa and by building SADC's capacity in conflict prevention, conflict management and peace support operations. RPTC seeks to achieve these objectives through training peace-keeping practitioners; facilitating the participation of all SADC countries in peace support operations; and assisting SADC in planning peace-keeping ventures. The RPTC is widely perceived among stakeholders in southern Africa as having great potential to build capacity for conflict management and peace keeping. So far it has assisted SADC's Interstate Defence and Security Committee (ISDSC) to promote cohesive sub-regional security policies.

Zimbabwe, the host country of RPTC, is responsible for the implementation of RPTC's programmes through the Zimbabwean Ministry of Defence.

- Faith-based organisations have been key in pursuing social and economic justice and poverty alleviation. They have served as catalysts for effective action against poverty. The Zimbabwe-based Church-linked Economic Justice Network, the Fellowship of Christian Councils Network, concerned with economic justice and comprising eleven Christian Councils in the region, focuses mainly on trade, food security and foreign debt. There is also the Southern Africa Churches in Ministry with Uprooted People, which is headquartered in Johannesburg. The strongest members are in Zimbabwe, Mozambique and South Africa.

Case Study 8: The Gender Relations of Power

Women's movements have acted to collectively bring pressure to bear on governments to live up to the principles and commitments of the 1995 Beijing conference. For the women's movement there is a need to go beyond the numbers; the idea is to ensure the representation and participation of women in key positions of power and decision-making. At the 1997 SADC Summit in Blantyre, Malawi, women's organisations presented to heads of state and government the Declaration on Gender and Development. Through this declaration, leaders commit themselves to ensure that women constitute at least one third of all decision-makers by 2005. ADC established a Gender Unit at headquarters in Gaborone; the unit was tasked with monitoring and recording women participation in decision-making throughout the region. But women constituted only 17,5% of members of national assemblies, with South Africa, Mozambique and Seychelles leading the way. At local government level the figures were even more abysmal, ranging from 1,2% in Angola to 57,7% in Seychelles.

Namibia, Tanzania, South Africa and Mozambique were close to the 30% mark. In terms of Cabinet positions, the average increased from 12% to 16,4%, and of deputy ministers from 17,6% to 19,8%.

Beyond the issues of representivity, the regional women's movements have played a crucial role in campaigning for women's rights, developing viable poverty reduction agendas, and being in the forefront of campaigning for rights and treatment of people living with HIV/AIDS. There are growing numbers of networks where women come together on issues such as violence against women, children and the sick and frail; insistence on democratic norms and values in the region; and challenging gender-based poverty.

In Botswana and South Africa, women have successfully campaigned for women's rights. In Mozambique, the urban-based women's networks have sought to establish linkages with rural women's networks, but have found this difficult to do. In Lesotho, the Lesotho National Council of Women, an umbrella organisation of some 19 organisations committed to development projects and advocacy, have successfully fought for women's pensions and the minimum wage for domestic workers.

Parliament and elections

- The SADC Parliamentary Forum and the SADC Electoral Commissions Forum have been instrumental in adopting and refining norms and values for regional parliamentary democracy and electoral norms and standards respectively. These platforms have also envisaged the development of regional competencies well beyond the specific confines of parliamentary democracy and elections, such as combating corruption. But it remains to be clarified

Table: Global and regional ranking of women in parliament

	% Women in lower or single house	Global rank	SADC rank
Mozambique	30	13	1
South Africa	30	14	1
Seychelles	29.4	15	3
Namibia	26.4	19	4
Tanzania	22.3	29	5
Botswana	18	53	6
Angola	15.5	56	7
Zambia	12	67	8
Lesotho	10.8	72	9
Zimbabwe	10	79	10
Malawi	9.3	83	11
Mauritius	5.7	106	12
Swaziland	3.1	116	13

Table: Percentage of women in southern African countries, pre & post 1997

Country & date of election	Number of women to men pre-1997	Percentage women	Number of women to men post-1997	Percentage women	Change
Botswana (1999)	4/44	9	8/44	18	9
Lesotho (2000)	4/80	5	13/120	10.8	5.8
Malawi (1999)	9/ 171	5.2	18/193	9.3	4.1
Mauritius(1999)	5/65	7.6	4/70	5.7	-1.9
Mozambique	71/ 250	28.4	75/250	30	1.6
Namibia (1999)	14/72	19.4	19/72	26.4	7
Seychelles(2002	8/33	24	10/34	29.4	5.4
South Africa (1999)	111/400	27.8	120/400	30	2.2
Tanzania (2000)	45/275	16.3	61/274	22.3	6
Zambia (2001)	16/158	10.1	19/158	12	1.9
Zimbabwe (2000)	21/150	14	15/150	10	-4

how implementation will work and fit within the SADC architecture.

Other organisations

- Apart from these CSOs with strong regional foci and programmes, there have also been local CSOs in southern Africa who reach out to the broader region in order to realise their goals. In Swaziland, for example, civil society organisations and banned political organisations continue to push for democratisation in their country by trying to forge linkages with progressive civil society outfits in the region, and especially in South Africa. For example, after deciding to boycott the 1998 elections, and following major tension and confrontation with the government, Swazi CSOs like the Swaziland Federation of Trade Unions (SFTU), the People's United Democratic Movement (PUDEMO), Swaziland Youth Congress (SWAYOCO) and the Ngwane National Liberatory Congress (NNLC), all embarked on the search for regional solidarity to advance their cause.

Case study 9: Nelson Mandela Thinkers Forum and the COMMISSION for AFRICA

In 2005, the Nelson Mandela Foundation, in partnership with CIVICUS, convened a series of Nelson Mandela Thinkers Forums on the Commission for Africa. The forums brought together civil society actors from Southern Africa, East Africa and West Africa. The forums discussed the merits of the CFA report, whether and how it should be taken forward, how to make it genuinely Africa owned, and how the report coul be an instrument to mobilize global action. Participants critically engaged issues of Governance, democratization, peace and security, aid, trade and debt relief. Participants noted the importance of the CfA process complimenting other initiatives such as the AU programmes, NEPAD and the G8-Africa Action Plan.

Case study 10: Civil society and the G8

Before the G8 meeting in Gleneagles, Scotland in July 2005, some African civil society actors sought to influence the process by putting together policy notes that would influence NEPAD and the AU. These CSOs included FEMNET, AWOMI, Kenya Youth Education and Community Development Programme (KYCEP), ANCEFA, All Africa Conference of Churches, the Media Institute of South Africa, ActionAid International, Oxfam and the Centre for Policy Studies. Some initiatives were canvassed under the auspices of the Global Call to Action Against Poverty.

Civil society were critical of conditionalities and challenged the idea that industrialised powers should link concessions to tight spending and macro-economic demands around privatisation and user fees by the International Monetary Fund. They insist that increased revenue derived from aid increases and debt cancellation should go to fighting poverty, education and health. They recommended that the G8 should move away from the days of crude austerity measures foisted upon Africans of the nineties. Civil society actors recognised the need for African leaders to commit additional resources from debt cancellation or debt moratorium packages to investments in social and economic interventions that directly benefit people living in poverty, particular women and children.

They called for comprehensive debt relief packages, because with debts, African states have no chance of meeting the MDGs. On trade, these actors campaigned for a more just trading regime and have engaged the Uruguay and Doha rounds of global trade talks to affect this. CSOs depicted the quality of past aid as poor and unpredictable, and made calls for "tied aid" to seize.

9. APPENDIX 1:

Strands in Political discourse brought together in the AU

OAU strand:
- African political unity strengthens Africa's position in the world and Africans should handle conflict prevention, management and resolution in their continent themselves;

Lagos Plan of Action
- Adopted in 1990 and provides guidelines for policies and programmes in economic, scientific and cultural sectors. The Plan was the basis of regional economic communities

Abuja Treaty (1991):
- African economic integration to promote development, creation of AEC on basis of RECs as pillars (Regional Economic Communities), Treaty provides for gradual establishment of PAP, Court of Justice and ECOSOC and recognizes African Charter of Human and People's Rights.

Arusha Declaration:
- African Charter on popular participation in development

CSSDCA:
- involvement of civil society, thus bringing in accountability; transparency and principles of action in four key areas to be known as the '4 Calabashes'
  - Security – AU to be responsible for security in Africa
  - Stability – rule of law, good governance, human rights, democracy, etc
  - Development – promotion of economic cooperation and integration
  - Cooperation – member states should act jointly & collectively.

NEPAD:
- 'Partnership for development' between African leaders and the international donor community and in which the former pledge to work to eradicate poverty, ensure good governance and efficiency while the latter would provide new and additional resources;   it involves and African Peer Review Mechanism (APRM) and is organized around 3 components:
  - Conditions for sustainable development: peace, security, good governance, sub-governance, sub-regional and regional integration
  - Sectoral priorities: infrastructure, human resources, agriculture, environment, culture, science and technology
  - Mobilising Resources: debt relief, ODA, domestic resources mobilization and a Market Access Initiative.

APRM:
- An African surveillance system to provide democratic governance, good governance, peace and security. The APRM is not a punitive tool. It is a socialising and an encouraging instrument. It therefore cajoles governments in the direction of development, peace, security, and governance.

APPENDIX 2:

Organs of the African Union

1. The Assembly of the Union:

- This, the supreme organ of the Union, is composed of Heads of State and Government or their duly accredited representatives. This organ meets at lease once yearly in extraordinary session.

2. The Commission of the African Union:

- This is the Secretariat of the Union. It is composed of the Chairperson, his or her Deputy and Commissioners. It represents the Union and defends its interests under the direction of the Assembly and the Executive Council. It can initiate proposals for submission to the other organs of the Union and executes decisions taken by them. It assists member states in executing the policies and programmes of the Union, particularly the CSSDCA and NEPAD. It formulates common positions of the Union and coordinates the work of member states during international negotiations.

3. The Executive Council:

- Composed of the Foreign Ministers or such other Ministers or representatives as are designated by the governments of Member States. It is responsible for coordinating and taking decisions on policies in areas of common interest to Member States.

4. The Permanent Representatives' Committee:

- Composed of Permanent Representatives or other Plenipotentiaries of Member States, it is responsible for preparing the work of the Executive Council and acting on the latter's instructions.

5. The Peace and Security Council:

- Composed of 15 Member States and responsible for the promotion of peace, security and stability, preventive diplomacy and restoration of peace in Africa. It is also responsible for disaster management and humanitarian activities. It is expected to replace the Central Organ of the Conflict Prevention, Management and Resolution Mechanism established in 1993 by the Heads of State at the Tunis Summit. To enable it to discharge its responsibilities with respect to deployment of peace support missions and interventions in the event of genocide, war crimes and crimes against humanity, the Peace and Security Council may consult a Panel of the Wise composed of five African personalities and mobilize a Standby Force.

6. The Pan-African Parliament:

- Is unicameral and represents all Parliaments of the countries of Africa. It will adopt legislations by two-thirds majority of its members. It will be composed of five members per country - at least one of which must be a woman.

7. The African Court of Justice:

- Will adjudicate in civil cases and be responsible for human right protection and monitoring human rights violations. It will also constitute itself into a real criminal court in the long term.

8. The Economic, Social and Cultural Council:

- An advisory organ composed of different social and professional groups from Member States of the Union, particularly youth and women's associations.

9. The African Court of Human and People's Rights:

- Adopted at the Ouagadougou Summit in 1998, it has jurisdiction in cases of human rights violation by any State party, the African Commission on Human

and People's Rights and African intergovernmental organizations. The Court can also hear cases filed by individuals and nongovernmental organizations with observer status in the Union, where the State party concerned makes a declaration to this effect. It is composed of 11 Judges elected by the Assembly for a mandate of 6 years, renewable only once.

10. The Three Financial Institutions:
- The African Central Bank;
- The African Monetary Fund;
- The Investment Bank.

11. Specialised Technical Committees:
- These are composed of Ministers or senior officials responsible for the sectors falling within their respective areas of competence. Seven Technical Committees, the number and composition of which are not limited, are provided for in the Constitutive Act of the Union; namely:
    i) The Committee on Rural Economy and Agriculture;
    ii) The Committee on Monetary and Financial Matters;
    iii) The Committee on Trade, Customs and Immigration Matters;
    iv) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;
    v) The Committee on Transport, Communications and Tourism;
    vi) The Committee on Health, Labour and Social Affairs; and
    vii) The Committee on Education, Culture and Human Resources.

APPENDIX 3:
Commision for Africa

The report of the Commission for Africa was published on 11th March 2005. It examines "Africa's past, present and future" and provides an "assessment of the situation in Africa and policies towards Africa".

What does the Commission want to see done?
- governance and capacity building
- peace and security
- investing in people
- growth and poverty reduction
- more and fairer trade
- resources from internal and especially external sources
- both African and external actors have responsibilities

Making it happen
The report singles out certain institutions for key roles in Africa's turn around:
- The World Bank, IMF, and WTO;
- African representation on the UN Security Council;

What will it achieve?
The report almost makes bold promises if all the recommendations are implemented:
- Africa will a growth rate of 7%;
- By 2010: people needing Anti-retrovirals will get it; HIV/AIDS infections will be reduced by 25%; orphans will be provided with access to basic services.
- By 2015, 40m allowances of $6 per month will receive child support; there will be universal free primary education; secondary school gross enrolment rate will reach 50%; there will be free access to basic health services for all.

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