



CENTRE FOR PUBLIC PARTICIPATION

Advocacy for Participation in Governance

**Deliberative Policy,
Civil Society
and Africa's Continental
Mechanisms and Programmes**

Civil Society Guide

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This Guide is a result of a NePAD Sector Plan that strives towards a pro-poor NePAD Framework. It is a partnership work of the Netherlands Institute of Southern Africa (NiZA) and the Centre for Public Participation, to build civil society organisations' capacity to engage with continental structures and thus ensuring that they gain more influence in (inter) national decision-making, and in political and economic spheres.

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Civil Society and Deliberative Policy

A strategy paper developed by the Centre for Public Participation in Durban on the opportunities and challenges for Africa's civil society actors in using deliberative policy strategies to influence the continental governance and peace and security architecture.

This guide deals with the opportunities and challenges for Africa's civil society actors in their efforts to use deliberative policy strategies to influence the regional and continental governance and peace and security architectures.

Civil society rarely engages Africa's inter-state bodies and when it has, it has in the main, been weak in its capacity and strategies for engaging such inter-state entities. Civil society actors need to deliberately enhance their capacities for engaging these inter-state bodies.

To this end, they have to begin to:

- forge partnerships with each other;
- strengthen their cross-border collaboration capacities;
- improve their research capabilities;
- develop their technical analytical skills on regional integration issues;
- conduct training and development programmes;
- forge partnerships with pro-poor organizations; and
- become better at disseminating the results of their research and work on engagement.

There is an even greater gap in terms of civil society engaging inter-state bodies in Africa. Civil society organizations (CSOs) need to develop innovative strategies to engage such inter-state bodies as the African Union (AU), Southern African Development Community

(SADC), Southern African Customs Union (SACU), COMESA and the AU's development programme, the New Partnership for Africa's Development (NEPAD). The challenge for civil society is how to engage yet still retain its independence. Engagement can only come through consultation and dialogue. This should happen across a vast array of policy consultation and dialogue forums, and should go beyond the business and labour sectors.

There is need for extensive dialogue and consultation with CSOs. CSOs need to become better at lobbying, consultations and engagements, both with ordinary grass-roots organisations as well governmental institutions. The problem is that they rely too much on conferences, workshops and seminars as a means of participation in policy. To date, NGO's have not had sufficient vision or been innovative enough in providing people with more creative ways to voice themselves.

Defining civil society

- Civil society is the realm in which citizens associate with each other in order to ensure that government and governmental and state institutions responds to their needs, and are accountable to them;
- This requires that citizens enjoy independent access to the means to organise and, therefore, access to resources. Civil society must engage the state in an independent yet critical fashion;
- The idea is, therefore, to engage. But this engagement should not be restricted to the middle class – or any other group in society simply because they have the necessary resources to engage the state. It must also be an effective vehicle for the poor. Thus, the challenge is how to give the poor a voice;

- Civil society is not an alternative to the democratic state or democratic institutions. Instead it complements the state and democratic institutions. Thus, the idea is not for citizens to band together in civil society organisations to avoid the state. Instead, civil society actors band together so as to ensure that they have a voice in government decisions and governance programmes;
- Government cannot govern alone; it needs civil society if it is to respond to citizens' desires and needs, while civil society needs government to protect its freedom to associate and.
- Thus, civil society is that set of organisations that are autonomous from the state but constantly interface with the state. It is that set of 'associations that interact with the state but don't want to take it over'.
- Civil society is not the preserve of a single section of society: it is by its very nature pluralistic and diverse, and that diversity should be encouraged. For civil society, the challenge is that of engagement. NGOs are not the sum of civil society; they are but a single dimension of it.

To conclude, NGOs are an organised sector of civil society; but they are not civil society. They often behave as if they are the sum total of civil society; make protestations on its behalf, but are not the only voice of civil society. The challenge is to give ordinary citizens a voice. Just as governments are poor at connecting with, and engaging people, so NGOs are poor and weak at engaging and consulting people.

Defining Deliberative Policy-making

When we talk about deliberative policy-making, we talk about the challenges for citizens and civil society actors in engaging and influencing government decision-making processes.

Deliberative policy is about civil society actors seizing the mandate to participate and play oversight and representative roles in governance and decision-making. Deliberative policy is about a new paradigm in governance and policy-making. It teaches us that public participation in public policy decision-making is not a favour granted 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. It calls for a move away from policy and governance processes dominated by government, NGO elites and the organised.

Deliberative Policy-making and Civil Society

- Deliberative policy seeks to give a voice to the voiceless;
- Governance and policy processes and governmental mechanisms must become accessible to marginalised and poor sectors of society. The organised sectors of civil society and those with access to resources must embark upon initiatives to engage citizens and 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;
- Civil society is poor at engaging executive organ of decision-making. Executive policy-making processes are not accessible, and there is very little public engagement; and
- The quality of debate to inform deliberation on policy choices is weak.

Deliberative policy requires careful design and facilitation of participatory mechanisms, and capacity-building and support to both government institutions and civil society structures. Civil Society is poor at the macro, micro and meta-policy-levels. The meta-level refers to policy on public policy management. Ordinary citizens have to be involved not only at implementation stages, but also at the initiating, evaluating, monitoring and institutionalisation stages. The public must be involved at the initiating stages of public and continental policy processes.

Public Participation

- Participatory spaces must be created, and deliberately so;
- Governments are not going to hand this over to civil society; they must lobby and canvass for the space;
- Participation is about power relations – power is often a barrier to participation;
- Participation is a political process involving negotiation and bargaining;
- Civil society is key in opening up policy-making spaces for new actors and voices; and
- Civil society needs to campaign for inclusive policy-making processes.

Civil society must argue that participation ensures effective policy processes and makes for legitimacy, ownership, credibility and sustainable governance, as set out in the figure below.

Why Participation?

- Participation reduces public opposition and increases support for policies; it makes for greater burden sharing of the cost and benefits of policy;
- Promotes state-citizen interaction;
- Participation closes the Gap between citizens and policy-makers.

Civil society will need to go beyond traditional 'consultative' methods – such as public hearings. There is need to develop best practices and guidelines on deliberative policy. To this end:

- We need new approaches on consultation, collaboration and feedback;
- Civil society needs to become better at data collection, analysis, engagement, dialogue, and debate;
- Civil society needs to engage, more determinedly, bureaucrats, officials, researchers parliamentarians and politicians;
- Citizen participation must be firmly grounded in legislation or policy wherein government's obligations are clearly stated;
- There should be clarity on the objectives and limitations of citizen participation as well as government and citizens' roles and responsibilities;

- The commitment of politicians and officials is necessary;
- The timing should be such that there is adequate provision for citizens' input;
- Government needs to be objective and treat all citizens equally in the process;
- Advisory bodies such as citizens' juries and electronic public forums are also important;
- Research and data collection are important information resources;
- Deliberative processes need to be inclusive;
- Civil Society also needs to consider instituting deliberative bodies such as 'issues forums'; and
- There needs to be consensus around participation.

Continental Integration & Civil Society: An Overview

African states have for the last twenty years been involved in an 'integration' project. The problem is that even though this regional project went by the name of 'integration', it has been an elite driven project, dominated by governments, officials and state decision-makers generally.

This development came about as the result of a government-to-government and state-to-state-process, in large measure, through inter-state and government –to-government solidarity.

This solidarity was spurred by the liberation struggles and created a strong Pan-African identity amongst governing elites; there is not necessarily a similar solidarity among the peoples of the region and continent. There have even been efforts at harmonizing policies, laws and programmes; and attempts to align the region around common policy positions. These have not worked out as expected.

It is governments, rather than citizens, that have played important roles in promoting region-wide 'good' governance in the context of initiatives like the New Partnership for Africa's Development (NEPAD); a nascent African Peer Review Mechanism; and the establishment of an African Union (AU).

But African integration takes place against the backdrop of certain characteristics. Divisions among states and the debilitating conflicts in the region that have set back the advancement of democratic governance have exacerbated this. 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 political parties;
- ineffective legislative policy-making;
- the lack of 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 per cent of the members of parliaments in the region;
- insufficient implementation of constitutionally guaranteed human rights;
- inadequate governmental policy-implementation capacity, particularly with respect to agricultural 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.

Africa is by far the region most affected by HIV/Aids. Available statistics indicate that the rates of infected people in the region could be as high as one in five in some member-states. At least four member states have rates higher than 400 per 100 000 population, indicating the magnitude of the problem.

It is estimated that, without HIV/Aids, life expectancy would be around 59 years in southern Africa, 16 years more than at present. Some southern African statistics estimate that as much as 25 per cent 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.

As can be seen in the figure below, the HIV/Aids prevalence in some countries is quite dramatic.

HIV/Aids Prevalence in the Region as a Percentage of Population

Botswana	–	38.8%
Zimbabwe	–	33.7%
Swaziland	–	33.4%
Lesotho	–	31.0%
Namibia	–	22.5%
Zambia	–	21.5%

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, which have not been resolved since the 1980s. While in recent years economic growth rates in the region have reached levels between 2% and 8%, the promise of great economic prospects in the region have been clearly overstated.

The macro-economic philosophies adopted in Africa have not delivered the promised dividends. Many states have been compelled to pursue economic policies termed by many as 'neo-liberal'. This has not necessarily 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.

Key Continental Inter-state Institutions & Mechanisms

The African Union (AU)

Over the past four 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, and the actual launch of the AU occurred at the 2002 Summit in Durban, South Africa.

The Maputo Summit of July 2003 was a crucial one as it took key decisions with respect to the establishment of key organs of the AU.

The African Union is an interstate venue for African integration, but the AU has weaknesses, as can be seen in the figure below.

Figure 1: Some of the African Union's Weaknesses

- The AU has inherited a very weak, chronically debt-burdened organizational apparatus from the OAU;
- Governmental jealousies amongst African states regarding their sovereignty could hamper successful continental integration.
- The AU runs the risk of becoming a litany of constitutional and legal provisions, declarations and protocols lacking tangible implementation capacity.
- Sub-regional bodies like ECOWAS, IGAD, SADC and others could find themselves in competition with the AU.

But the AU has important strengths and it is an important breakthrough with the past. If we compare the AU to its predecessor, the strengths become clear.

- While the OAU had a single source authority, namely the all-powerful *Assembly of Heads of State and Government*, in which there was a tendency to close ranks, the AU possess multiple sources of authority, namely the Assembly of Heads of State and Government, a Judicial Court, and democratic institutions, lead by the Pan-African-Parliament.
- The OAU's power was purely Executive; 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, and the prime objective of the OAU was the collective struggle for

national liberation from colonialism and white minority domination, and the defence of national sovereignty. For the AU it is different.

- While the AU also stresses respect for national authority, it crucially articulates a right to intervene in grave circumstances. Indeed the AU singles out four pretexts for intervention: genocide; gross violations of human rights; instability in one country threatening broader regional instability; and to date the most advanced doctrine of them all, unconstitutional changes of government.
- The AU makes provision for a Peer Review Mechanism through its purported development plan, the New Partnership for Africa's Development, and 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, include:

- the Assembly of the Union;
- the Executive Council (that is the Ministers Council);
- the Pan-African Parliament (PAP);
- the Commission, who has some executive power and own authority of initiative;
- the influential Permanent Representative Committee (or committee of Ambassadors in Addis Ababa);
- the Specialised Technical Committees;

- the Economic, Social and Cultural Council (ECOSOCC); and
- the Financial Institutions.

The Assembly

The Assembly will be the supreme organ of the Union, and meets at least once in Extraordinary session.

The Executive Council

The executive council is responsible for co-ordinating and taking decisions in policies of common interests to member states.

The Pan-African Parliament

The Pan-African Parliament (PAP) will be one of the most important representative bodies, and will be unicameral with representatives from all Parliaments of the countries of Africa.

The Pan-African Parliament

- The PAP will adopt legislation by two-thirds majority;
- It will be composed of five members per country with at least one woman representative.
- It will subsequently evolve into a parliament elected by universal suffrage.
- South Africa has been elected as the permanent host of the PAP.

Economic and Social Council

Another representative body is the putative Economic and Social Council (ECOSOC); an advisory organ composed of different social and professional civil society groups from member

states, particularly youth and women's organizations. The will be instrument to give civil society a voice. Some of the important objectives of ECOSOCC are listed below.

ECOSOCC's Objectives

- The promotion of a permanent dialogue between the African people and its leadership on vital issues concerning Africa and its future;
- The promotion of 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 (REC's).

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

The African Court of Justice

The African Court of Justice will adjudicate in civil cases and will be responsible for human rights protections, and monitoring of human rights violations.

The African Court of Justice

- 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 Peoples Rights;
- Will be composed of 11 judges elected by the Assembly for a 6-year mandate.
- Will have jurisdiction over all disputes and requests submitted to it in respect of interpretation and implementation of the African Charter on Human and People's Rights.

Peace and Security

As far as peace and security is concerned, the AU places an emphasis on the following:

- Conflict prevention, management and resolution, with special emphasis on the African missions such as that in Burundi, the Comoros, Ethiopia-Eritrea, Sudan, the Democratic Republic of Congo, and Liberia.
- Related issues of illicit trafficking of light weapons, anti-personnel landmines, child soldiers, and human security are also on the agenda.
- Moving away from strict notions of militarily defined state security to a greater emphasis on *human security* and *social justice*; and

- Modalities for resource mobilisation so as to enhance Africa's peace support operations capabilities are key challenges.

Peace and security focuses both on institutional challenges as well as efforts to affect peace and security on the continent through the ending of conflicts and wars, and post-conflict peace building. Institutionally, the focus is on the factors listed in the figure below.

The AU's Institutional Challenges in Securing Peace and Security

- The establishment of a *Peace and Security Council*;
- The establishment of an *African Standby Force*;
- The establishment of an effective and efficient *Early Warning System*; and
- Devising and operationalising co-operation modalities between the AU and Regional Economic Communities (REC's), as well as relations with the United Nations (UN).

THE PEACE AND SECURITY COUNCIL

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* comprised of five highly respected Africans to undertake preventive diplomacy and mediation. The panel had yet to be operationalised at the time of writing.

CONTINENTAL EARLY WARNING SYSTEM

Provision is made for *Continental Early Warning System* to enhance the conflict prevention mandate of the PSC, as part of its efforts to operationalised the PSC, and a policy for the establishment of an African Standby Force and a Military Staff Committee

- The Standby Force would be better implemented at Regional Level, as opposed to a grand continental scheme,
- Establishing a Common African Defence and Security Policy which is largely premised on the notion of Human Security,
- Identifying common threats to the continent, with the Regional Economic Communities (REC's) as the building blocs of the policy, and
- Elimination of Mercenary activity in Africa

But relations with REC's are tenuous and fragile as REC's jealously guard their sovereignty and are often in competition with the AU. The AU, therefore, has to win over the confidence of the RECs and can only do this by strengthening itself and proving that it can achieve its objectives.

Economic, Social and Cultural Development

On the economic front, the AU is committed to addressing economic development challenges such as regional economic integration and implementing NEPAD.

There is also a focus on social challenges such as tackling the HIV/AIDS pandemic, malaria, tuberculosis and other related infectious diseases.

The AU has adopted the theme of *Cultural Challenges for Africa in the 21st Century*, which seeks to grapple with issues such as the promotion of the 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 Organisation of African Unity (OAU) and its successor, the African Union (AU), there are major worries about the challenges it faces (see the figure below).

Challenges Facing the AU

- Institution building;
- Enhancing the delivery capacity of the AU Commission;
- Developing communications strategies;
- AU relations with its partners;
- Resource mobilisation; and
- Civil society participation in the building of the AU.

In order to meet these challenges a number of things need to happen. To start, the working methods of AU organs such as the Assembly, the Executive Council and the AU Commission need to be sorted out; there is thus space for public participation in determining these workings.

Emphasis needs to be placed on operationalising some AU organs and establish some new ones. The emphasis here needs to fall on:

- Resource mobilisation to strengthen institutions like the Commission;
- Establishing other institutions such as the Peace and Security Council , the Pan-African Parliament, the African Court of Justice, and the African Court on Human and People's Rights.

Finances and the AU

Resourcing the AU remains a major challenge especially since many member states renege on paying their dues. 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\$150 million, and it battles even more. Five states - Egypt, Algeria, Lybia, Nigeria and South Africa – are each expected to pay 8, 25% of this budget. But the chances of the AU successfully raising US\$150 million remain rather slim.

The Constitutive Act of the Union determines that financial institutions have to be set up. This includes:

- The African Central Bank;
- African Monetary Fund; and
- The African Investment Bank.

Added to this are issues of management systems including basic issues such as proper and appropriate information technology systems, information management, and outreach issues.

Governance, Democratisation and the Rule of Law

The AU's objectives for the political issues of governance, democratisation and the rule of law include:

- Greater political participation, pluralism, transparency, accountability and freedoms for the citizenry to participate and entrench democratic governance processes;

- Establishing and strengthening organs and mechanisms of good and democratic governance such as the Pan-African Parliament (PAP), the African Court of Justice, ECOSOCC, and the REC's;
- The involvement and participation of civil society in governance;
- Prevention and combating of corruption;
- Strengthening efforts such as the Peer Review Mechanism;
- Effective promotion and protection of human rights, and addressing issues of humanitarian and refugee crises.

The above is clearly a reflection of the AU's overwhelming continental integration agenda; it is a complex and ambitious agenda, and it is clear that the Union will face daunting challenge in the decades to come.

The New Partnership for Africa's Development (NEPAD)

The objective of NEPAD is to reform the delivery system for overseas development assistance and to ensure that such assistance is more effectively utilized by recipient African countries.

NEPAD

- NEPAD's proponents view the initiative as a search for an external and genuine partnership between African leaders and international donor governments on the basis of common commitment to upholding global standards of democracy and good governance. At this time, however, the requirements and costs of making the NEPAD initiative effective have yet to be fully clarified, making it an improbable venue for effective regional integration.

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.

NEPAD's Objectives in its Relations with the Outside World

- 'New', enhanced partnerships with the countries of the industrialised North;
- Addressing issues of debt relief;
- Increasing levels of official development assistance;
- Infrastructural development; and
- Increased foreign direct 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 it to break with the culture of victimisation. It sees itself as pursuing a very 'mature' approach by seeking to break with a perceived tendency of blaming the outside world for all of Africa's ills. It hopes to do so by inculcating into African politics a culture of 'taking responsibility' for Africa's own ills and becoming more self-critical of African political developments and bad practices.

For NEPAD's architects, Africa and the industrialised countries have to be locked into a new and genuine partnership. Africa's states have to become more democratically accountable while northern states have 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; a new deal of sorts. Such a deal had to be based on 'genuine' partnership that would stress mutual responsibilities and mutual commitments on politics, democracy and socio-economic issues that would map out Africa's future.

NEPAD is a bold and ambitious political project. It seeks to redefine and alter power relations between one of the world's poorest continent's – Africa – and the world most powerful and dominant actors – the industrialized North. For President Mbeki and others, NEPAD and the AU forms part of a 'new Agenda for African Recovery' on the basis of 'genuine partnership' and concrete action plans. Such an agenda is aimed at generating new forms of co-operation and articulating mutual interests between Africa and the developed world.

NEPAD represents a vision by African states and the AU, to:

- Reposition Africa globally;
- Eradicate poverty; and
- Place the continent on the road to sustainable development.

NEPAD is premised on the attainment of peace and stability 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 capacity 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. It 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 consolidation of a political order and system of governance that is:

- Legitimate and enjoys 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;
- to disarm and demobilise combatants; and
- to resettle refugees.

Africa's capacity to prevent, mediate and resolve conflicts on the continent must strengthen, including, the capacity to deploy African peacekeeping forces when necessary.

NEPAD recognises that if peace and security is 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 be strengthened. These responsibilities include:

- Poverty eradication and development;
- Entrenching 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 to the practices of the past. It is therefore vital 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, are vital to bring about peace, democracy and development in Africa.

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 (South Africa) headquarters of the Development Bank of Southern Africa (DBSA) was chosen as the location of the NEPAD Secretariat.



Engaging these processes and making inputs into, for example the economic and corporate governance and the market access initiatives, will require unique and refined skills for civil society and state actors alike.

Importantly for civil society organisations who work in electoral administration and governance, the figure below shows some of the issues that the Peer Review Process commits signed-up members to.

What Signed-up Members of the African Peer Review Mechanism have Committed to.

- Ensuring 'impartial, transparent and credible electoral administration and oversight systems';
- Promoting a 'dedicated, honest and efficient civil service', and 'establishing oversight institutions providing necessary surveillance;
- Ensuring transparency and accountability by all layers of government'; and
- Favouring 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 on 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 good 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:

- Administrative and civil service reform;
- 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 that enhance good governance of economies are:

- Transparency,
- Accountability,
- An enabling environment for private sector development and growth; and
- Institutional capacity and effectiveness.

NEPAD's convergence with the restructuring of sub-regional bodies such as SADC and ECOWAS, allowed it to influence and become incorporated into the new emerging SADC framework at the same time that Pretoria hosted the launch of the AU. These convergences placed South Africa in an advantageous strategic position to manage the development of synergies between these different initiatives which, in turn, provided the UN with an excellent opportunity to reinforce this process - starting with SADC.

The Southern African Development Community (SADC)

SADC is an obvious vehicle for deep integration in southern Africa. However, there is universal recognition among all the stakeholders that SADC's complex systems of management and coordination have produced little. SADC's regional integration efforts are highly elite-driven, and this has been the case since the formation in 1978, of the Southern African Development Co-ordination Conference (SADCC).

In 1992 the Southern African Development Community was formed and placed an emphasis on:

- The consolidation of democratic governance;
- The establishment of a sustainable and effective mechanism for conflict prevention, management and resolution;

- Institution building;
- Human resources development;
- Implementation and management capacities.

SADC needed 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 and 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 a 'Common Agenda'.

The SADC Common Agenda and Strategic Priorities

SADC management relies heavily on protocols in strategic areas like democracy; governance; human rights; security sector reform; peace support operations; 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.

The Organ for Politics, Defence, and Security Co-operation

The Organ for Politics, Defence, and Security Co-operation (OPDSC) is the region's premier peace and security mechanism. It has to promote regional peace and stability, collective security, free and fair elections, the rule of law and good governance.

But the OPDSC 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 the SADC from more strategic work; and
- Weak human resources capacities.

There is still a need to strengthen SADC's conflict resolution mechanisms. Specifically the OPDSC *Inter-state Politics and Diplomacy Committee's* ability to engage in preventive diplomacy, mediation and conflict resolution needs to be properly set up and strengthened. Civil society actors have a role to play in seeking to ensure that this structure is set up and strengthened. For example, this structure continues to lack the requisite structures and human as well as financial resources to make effective contributions to this end.

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.

The Implementation Gap

- Southern Africa, like other regions, has a serious operationalisation gap. There is 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.
- Indeed, there is an implementation crisis in respect of all sub-regional institutions as well as the African Union (AU). 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.

There are prospects for civil society to work on SADC's enforcement capabilities. CSOs should realize that SADC is good at adopting statements and policies and agreeing on protocols, but lacks both political mandates, and capacity to ensure that member states abide by such policies; there is thus an implementation crisis.

Its heads of state and government, those actors who really wield all the influence and power in SADC 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; civil society actors could engage it to help strengthen it. The Secretariat in Gaborone, which will host the OPDSC, needs to build its policy implementation capacity and develop its management and human capabilities.

It is also heavily dependent on external resources and a great deal of the time and energy of Secretariat staff is spent on 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 challenges.

SADC Protocols

- The formation of SADC-related institutions has arisen out of a need to create common institutions within southern Africa, and for regional reinforcement of 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 cooperation and harmonization, as well as the obligations of member states for effective implementation of agreed decisions. The protocols have been developed by member states and all stakeholders and, after approval and signature by the Summit and ratification by member states, become an integral part of the Treaty.

Over the past year, efforts were made to bring the season of protocol drafting to a close, and the emphasis has now turned to protocol implementation. But protocol implementation initiatives to date have exposed fundamental problems of poorly specified strategies and methodologies, inadequate tools and resources, and weak organization capacities. On numerous fundamental democratic governance objectives, regional co-operation has yet to grow beyond the formulation of protocols proclaiming norms sufficiently to incorporate clear implementation strategies and initiatives.

Interstate bodies and programmes & national obligations

The AU and National Obligations

The 2002 AU Summit in Durban, South Africa, together with 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; civil society must seize these opportunities. National obligations deal with an array of challenges; this includes the cross-cutting issues of:

- Gender and gender mainstreaming;
- Mobilising youth for Africa's development;
- Challenges of peace and security; and
- Promotion of governance, democratisation and the rule of law.

Just as the AU stress the need for women's participation in the work and activities of the AU, and for a gender perspective and lens 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, cooperation 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. And there is need to encourage member states to do so.

Just as there is need to strengthen AU capacities in conflict prevention, management and resolution, as well as peacebuilding and post-conflict reconstruction, so member states have to make advances in these areas. Implementation of existing decisions and declarations and

modalities for resource mobilisation to enhance Africa's peace support operations capabilities are key challenges facing Africa. African states are known for signing the dotted lines on declarations, protocols and charters without living up to their obligations.

Peace and Security Capacities

- African states need to strengthen their capacities and commitments to combat illicit trafficking of small arms and light weapons, anti-personnel landmines, child soldiers, and human security.
- There is need to move away from strict notions of militarily defined state security and put a greater emphasis on human security and social justice.

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 prevent and combat corruption, and strengthen 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.

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.

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

Other Issues for NEPADs National Focal Points

- National Focal Points should deal with NEPAD issues but could also deal with other issues such as African transformation questions, including the restructuring of SADC and other sub-regional bodies, and the operationalisation and implementation of the AU.

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. For example, the Presidency in South Africa has a very influential Policy and Communications Unit, and this is instrumental in the Presidential NEPAD Outreach Programme together with the Government Communications and Information Service (GCIS). The Presidency has two people dedicated to working on NEPAD activities. But the Policy and Communications Unit is generally heavily involved in NEPAD work.

South Africa has also initiated a NEPAD outreach programme which began in August 2002, soon after the launch of the African Union. The Presidential Outreach programme is aimed at popularising the African Union 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 Africa Chapter of the African Renaissance (SACAR). These two NGOs have been tasked with mobilizing civil society actors and popularizing 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 can be undertaken to popularize 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 organizations, the media, and events such as sporting occasions.

Diplomatic missions abroad could be utilized to promote 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 harmonisation of regional co-operation and integration on the agenda. In 2001, SADC 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 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 can also set up sub-committees to tackle these priority areas. Such sub-committees must 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 issues of regional integration.

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 African Union, for the creation of people-centred and people-driven integration processes and institutions. When they adopted the Constitutive Act of the African Union, which was to become the article of faith and constitutional legal framework of the African Union, the member states of the Organisation of African Unity (OAU) and African Economic Community (EAC) articulated the vision of a people-centred African Union.

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 governments and all segments of civil society - in particular women, youth and the private sector. To this end the AU created the Economic, Social and Cultural Council (ECOSOCC).

Civil Society and ECOSOCC

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

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

NEPAD and civil society

NEPAD has established a civil society desk and placed a high premium on information sharing with civil society organs. The NEPAD secretariat in Midrand, South Africa, 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 section has reached out to business and the private sector, and there has been a considerable amount of workshopping and engagement by businesses in general 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 been clear that the role of women and the poor needs to be promoted, and call on civil society to engage NEPAD. Indeed, the political governance dimensions of NEPAD are worth subscribing to by civil society.

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;
- The promotion of political representivity;

- Ensuring the periodic democratic renewal of leadership;
- Ensuring impartial, transparent and credible electoral administration and oversight systems; and
- Ensuring the effective participation of women, minorities and disadvantaged groups in political and economic processes; and
- Combating and eradicating corruption.

For example, the initial drafts of the Political and Good Governance Peer Review Mechanism stress 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 hopes 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 gender and the effective participation of women. Indeed, NEPAD lacks gender sensitivity; there is no real gender framework and no real policy exists except a reference to the fact that the role of women needs to be promoted.

SADC and civil society

It is seldom appreciated, but the region's premier multilateral institution, SADC, has always made provision for working with CSOs actors; civil society should seize onto 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 tri-partite relations between labour, the private sector and governments to address regional employment and labour challenges. This again illustrates that there are prospects for civil society to engage 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 organizations in the process of regional integration...SADC shall cooperate with, and support the initiatives of the peoples of the region and non-governmental organizations, 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 organizations and workers and employers organisations’. So, just like the AU and NEPAD makes bold commitments in terms of engaging civil society, so SADC makes similar commitments.

The 1997 *SADC Declaration on Gender and Development* was an important declaration but lacks enforcement. Because it is a declaration and not a protocol its enforcement is twice as

difficult as that of a protocol. 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.

Civil society and regional integration in southern Africa

We should first point out that we know very little about the overall state of civil society in southern Africa and the degree to which it is pursuing regional integration objectives and it wishes 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 mobilize nationally; but civil society seems poor at engaging regional integration agendas and processes. Also, there is a trend where 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.

The State of Civil Society in SADC

- In 1998 a SADC Council of Ministers committee assessed the state of civil society in southern Africa and 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 formal networked NGOs and CBOs that work across borders in the region. If that is the case, then the figure of 10 000 for South Africa seems a bit much.
- But if it is talking about all NGOs this sounds like a gross underestimation. Former director of the South African NGO Coalition, Abie Dithlake, estimates 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 non-profit sector organizations in South Africa.

Southern Africa boasts tens of thousands (10 000) of NGOs and CBOs that could influence regional integration; there are therefore great opportunities to influence the regional integration agenda in the region. But we simply do not know what the state of civil society is throughout the region. There exists no audit or inventory; we tend to 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 involved in regional integration.

The Decision-making Approaches of Interstate Bodies

Unlike the OAU, the AU has multiple sources of authority. The *Assembly of Heads of State and Government*, is the highest decision-making power; it meets at least once a year, and moves are afoot to ensure that it meets at least twice annually. 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 of permanent representatives of member states, which prepares the work for the Executive Council, and acts on the instructions of the latter.

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/her Deputy, and 10 Commissioners. The Commission represents the Union, and defend 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 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, is responsible for promoting peace and security, and is a 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 will also be important representative bodies, such as the unicameral Pan-African Parliament and ECOSOCC. These will be important structures to hold the executive bodies accountable.

Decision-making in 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 5 person *Steering Committee*, made up of personal representatives of the presidents of Algeria, South Africa, Egypt, Nigeria, and Senegal (this shows just how personalised the decision-making structure is); and the Secretariat.

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; 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. Civil society will thus do well to lobby South Africans strongly over NEPAD matters. The Secretariat is key in drafting plans and policy documents for consideration by the Steering Committee and the Implementation Committee. The secretariat is thus an important target for Civil Society in its quest to influence NEPAD.

The Allocation of Key Sector NEPAD Responsibilities

- 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 good governance – Nigeria; and infrastructure, the environment, ICTs, and energy – Senegal.

NEPAD has established a *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.

SADC and decision-making structures

Like the AU and NEPAD, SADC has a decision-making structure dominated by politicians and their officials. First there is the Summit, consisting of heads of state or government of all member states. The summit is the ultimate policy-making institution of SADC and is responsible for the overall policy direction and control 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 SADC, enabling it to take decisions more expeditiously, and provide better policy direction.

Decision-making in the Organ for Politics, Defence, and Security Co-Operation

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 shall not simultaneously hold the chair of the summit. Again, it is heads of state and government, and ministers that dominate the Organ.

Decision-making in the Council of Ministers

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.

Decision-making in the Integrated Committee of Ministers

The Integrated Committee of Ministers (ICM) is 'constituted by at least two Ministers from each Member State and 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.

Decision-making in the SADC National Committees

SADC National Committees comprising key stakeholders, notably the government, private sector, and civil society in member states, and mandated to 'provide inputs at the national level in the formulation of regional policies, strategies, the SADC Plan of Action (SPA) as well as co-ordinate and oversee the implementation of these programmes at the national level'.

Decision-making in the Standing Committee of Senior Officials

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 for influencing SADC developments.

Decision-making in the Secretariat

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 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).

Civil Society Engagement

One of the reasons there has been so much fall-out over the policy-orthodoxies of these institutions, is because civil society have been excluded. One way of doing the corrective is to ensure that civil society engages these institutions and deliberately seeks 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 how to independently and critically engage inter-state and multilateral bodies in order to advance pro-poor and people's oriented policies and programmes.

It should be recognised however, that even though all the inter-state bodies, with the possible exception of SACU, makes explicit reference to the need for civil society involvement, there is typically a gap between the rhetoric and actual practice of many of these institutions. In practice, little actual civil society involvement occurs. All these bodies and protocols make statements on how peoples should drive the processes. In practice however, very little happens.

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

Indeed, while civil society engagement remains poor, these institutions and programmes are building strong policy and programmatic synergies and coherence amongst them; and for as

long as civil society actors fail to engage strategically, the more difficult will it become to steer these institutions and programmes in more people's-oriented directions.

Civil Society & Transforming Africa's Inter-state Bodies

- Civil society actors should put on the agenda the idea of transforming Africa's inter-state bodies into democratic developmental institutions. In other words they must become institutions and programmes in which citizen participation in democratic public life is recognized and encouraged, and elites recognize that citizen participation is vital. The strength of such institutions should be determined by their commitments to, and levels of, public participation in their processes. Africa's leaders must learn that the first step toward a self-reliant future is that of governmental and institutional legitimacy and accountability.

The guide considers how CSOs can engage such bodies in independent fashion; how they can facilitate dialogue and policy debates to help shape policy outcomes without feeling that they have to act as mere rubberstamps for official bodies. We argue that a key way of tackling poverty and underdevelopment is to give poor people a 'voice' or access to policy-making and governance processes.

Opportunities for Civil Society Influence

The AU and Civil Society Opportunities

While many of the AU's provisions makes lofty commitments to the idea of popular and civil society participation, the commitments 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 needs to be completed as soon as possible, and the unit dealing with civil society within the Commission should be sufficiently staffed and equipped in order 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 shown by some African governments and the prevailing suspicions between governments and NGOs, as these tensions are unhealthy for the AU – civil society partnership.

The AU faces the crucial challenge of taking on board and mainstreaming gender in its operations. The 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.

As far as the peace and security agenda is concerned, Civil Society organs have key roles to play in the final operationalising of the PSC; they could lobby for setting up the Panel of

the Wise and an African Standby Force. While one cannot quibble with the idea that both are important undertakings, the question remains how all these can be done simultaneously given the AU's resource limitations. CSOs can help to create policy and dialogue forums to debate these issues in realistic fashion.

Civil society actors could also lobby and work with the AU 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 begin to work together.

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;
- set up the Elections, Governance and Democracy Unit; and
- embark on the actual implementation of the Declaration.

In this regard, the Commission could work with African NGOs, think tanks and centres of excellence specialising in the democracy and governance fields so as to build up a network of researchers and resource persons.

NEPAD and Deliberative Policy Opportunities for Civil Society

NEPAD came about through a top-down, elite driven process; civil society actors were basically marginalized from its construction. NEPAD is in need of democratisation and wider ownership. 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 such as the need for fair trade. It is the economic policy dimensions of NEPAD that are contentious. CSOs are generally weak in specialist areas such as trade and investment, and they should deliberately develop their skills in this respect. Even though they are knowledgeable about the political governance dimensions of NEPAD, they are not as good at influencing it as they claim.

Civil Society & Transforming Africa's Inter-state Bodies

- CSOs could campaign for debt cancellation and market access for Africa's trading goods in the context of NEPAD. This means they have to become better at working with each other across borders than is commonly happening, and better at engaging their overseas counterparts.
- CSOs 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 not to focus 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 can come about only if NEPAD is based on the priorities and concerns of peoples. NEPAD appears weak on the implementation, and it 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 canvass 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 the core values, commitments and obligations of NEPAD and other legal instruments.

Other Civil Society Activity

- CSOs could engage in even more basic activities. NGOs could raise the awareness of civil society on NEPAD issues, and can both popularise and critically scrutinise NEPAD documents and processes;
- They could monitor and evaluate NEPAD processes. For example, NEPAD's proposed African Peer Review Mechanism could inspire CSOs to attempt to directly influence the process, and they 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. They could garner opinions and perspectives amongst themselves and feed them into the formal processes; and
- CSOs 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 firstly 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 underway in SADC as the opening up of windows of opportunity for engagement and participation.

In order to engage these organs and processes strategically, civil society actors have to become better at setting up regional associations and cross-border networks. This means that civil society actors will have to:

- strengthen their own negotiation and policy-making and policy-lobbying skills;
- familiarize themselves with the relevant protocols, declarations, and treaties; and
- canvass for the implementation and operationalisation of these instruments.

Civil Society and Setting Up the National SADC Committees

- 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 committed to and eager to set up such national committees; they will have to be lobbied and cajoled by civil society actors to move ahead with such processes. They will not happen automatically.

The fact that the 1997 SADC Declaration on Gender and Development is an important declaration but lacks enforcement, suggest that women's movements and other civil society actors have their work cut out on engagement. Women's organizations will thus 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% mark for women in politics and decision-making positions. 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. However, this is no longer the case, and this phased-out structure could be resurrected. It could be re-negotiated or an alternative structure could be put in place.

Conclusion

Civil society organisations should effectively develop engagement strategies for influencing Africa's inter-state institutions and programmes, ranging from the African Union, to NEPAD, to SADC. CSOs. Not to engage would to leave integration programmes and structures to elitist and state- and government driven agendas.

Engagement should seek to make these initiatives people-centred. Civil society, therefore, has to make the case for engagement. The cost of non-engagement is to leave Africa's inter-state bodies as mere extensions of governmental interest. Not to engage is to leave these institutions untransformed and undemocratised. We cannot wait for the good-will of governments to make these institutions peoples-centred. Such transformation can only come through critical and independent engagement.

Globalisation, coupled with the growing importance of regional inter-governmental bodies and regional integration processes to address poverty, underdevelopment and marginalisation, necessitate that civil society actors develop new strategies to engage governments and interstate bodies, and foster regional integration processes.

Regional integration processes in southern Africa and beyond, 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, and the New Partnership for Africa's Development (NEPAD), have all come about largely through state-driven processes; there have been very little civil society input into their making.

An important means of engagement should be through deliberative policy strategies. Deliberative policy strategies should appreciate that civil society actors will have to grab opportunities and seize the mandates to participate and play oversight and representative roles in governance and decision-making. CSOs should use deliberative policy to drive for new paradigms in governance and policy-making in the region. Civil society will do well to remember that public participation in public policy decision-making is not a favour granted by governments to citizens; it is a right, and governments have a duty to affect it. The new paradigm calls for accessibility, openness and representation. It calls

for a move away from policy and governance processes dominated by governmental, NGO elites and the organised.