

idasa

**Political Information and
Monitoring Service**

**“THE ROLE OF CIVIL SOCIETY IN THE AFRICAN UNION AND NEPAD:
STRATEGIES FOR CIVIL SOCIETY’S INVOLVEMENT IN NATIONAL
DEBATES AND PROCESSES”**

JUNE 19 TO 20, 2003

**HOLIDAY INN
GARDEN COURT, EASTERN BOULEVARD
WALMER ESTATE, CAPE TOWN**

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Summary

The workshop on the "***Role of Civil Society in the African Union and Nepad***" was held at the Eastern Boulevard Holiday Inn in Cape Town from June 19 to 20, 2003. It was organised by the Political Information and Monitoring Service of Idasa. The fifty participants were drawn from civil society, non-governmental organisations, universities, the South African Parliament and research institutes.

Six plenary sessions focused on the following themes:

- The character of African civil society and its role in the political and economic renewal of Africa;
- Practical co-operation between civil society and parliamentary structures working on the African Union and Nepad;
- Civil society's advocacy function through structures of the African Union;
- Mobilising and empowering rural communities and women's organisations for participation in the African Union and Nepad;
- The African Peer Review Mechanism: An overview of the process and potential civil society interventions;
- Exploring the constraints confronting civil society as it seeks to strike a partnership with governments and other key players on the African Union and Nepad.

During the second day of the workshop the participants were divided into two working groups to engage with the ideas that emerged from the presentations and to draw up strategies for civil society's meaningful engagement in the process of the African Union and Nepad. The following report summarises the presentations, discussions, questions, comments, proposals and follow-up commitments made by participants at the end of the workshop.

Welcome and overview of the workshop

Judith February (Idasa)

Over the last few months Nepad and the African Union (AU) have occupied an increasingly dominant media position. Although the quality of reporting on these institutions has been debatable, the momentum of the discussion is undeniable. The appointment of the Eminent Persons Group and the recent G8 Summit has only signalled increased commitment to the AU and Nepad.

The Constitutive Act of the African Union refers to the creation of space for the inclusion and participation of civil society in its processes. Various advocacy opportunities for civil society are also provided for in the structures of the AU. In exploring these options we can give voice to the voiceless of this continent. In part, the aim of this conference is to clarify what these opportunities mean for us as civil society organisations working in Africa.

In recent Afrobarometer public-opinion surveys a sample question on Nepad and the AU was included to probe the South African public's awareness of these issues. About 17% of respondents had not heard about these two bodies. Out of the group that had heard about Nepad and the AU, about 15% believed that even if the two succeeded, they would not change their lives for the better. We have to apply our minds to this disillusionment and ensure that while this workshop engages with pertinent theoretical matters, it also provides a map on the practical way forward.

These statistics also remind us of the ongoing debate within civil society organisations around the perception that Nepad is a "top-down" process and that civil society has been fundamentally excluded from its formulation. Though this too is a debatable conclusion, it is one worth unpacking.

Finally, this workshop squares with Idasa's mission statement insofar as it signals an attempt to start a dialogue amongst civil society organisations on the AU and Nepad, but also within the institutions and structures of these bodies. In particular we want to focus on drawing marginalised groups such as women and rural people into these debates. The workshop is oriented around two themes. The first speaks to the nature and definition of African civil society, and is a largely theoretical debate. The second aims to elucidate the constraints and challenges for advocacy by civil society organisations within these structures.

“The character of African civil society and its role in the political and economic renewal of Africa”

Speaker: Prof Jimi Adesina (Rhodes University, Grahamstown)

Chair: Zanethemba Mkalipi (Idasa)

Comment from Chair:

I would like to welcome all the participants attending this small yet significant initiative. A special welcome to our comrades from Parliament, as well as those participants who have come from other provinces. The discussions and questions raised in this workshop should be familiar to parliamentarians, as their work as representatives of the people increasingly involves the operationalisation and making sense of modalities for civil society engagement with the emerging democratic governance order on the African continent.

When we were organising this workshop we were well aware that the concept of civil society is often grossly misunderstood, more so when speaking of African civil society. Yet this is an important ingredient of the process of democratisation in Africa. The emerging institutional framework of the African Union and its programmes of action seem to agree that collaborative efforts between civil society organisations and their governments is important for democracy. This is reflected, for example, in article 22 of the Constitutive Act of the African Union.

This workshop provides a useful space to debate and clarify certain important questions regarding the role and character of civil society on the African continent. These include what constitutes civil society, whether it is the panacea it is often held up to be, and whether it is vibrant enough to play the role its advocates require of it. Importantly, we also need to investigate whether civil society is able to utilize the space provided by the institutional framework of the AU and Nepad to benefit the rank and file.

Presentation

As a point of departure, this presentation focuses on conceptual issues pertaining to the notion of civil society and the evolution of this discourse in and for Africa. This introductory discussion also focuses on the way in which this discourse generally affects African countries. Essentially it revolves around the growth of democracy and civil society.

This presentation will also examine the way in which this discourse has evolved over the last 30 years, and its implications for the nature and diversity of civil society in Africa. The relationship between structural adjustment or neo-liberalism and democracy is also important in this regard. The introduction of neo-liberal adjustment processes often brought about choiceless and disempowered democracy, characterized by policy atrophy and a lack of socio-economic justice. A further consequence of this discourse is the crucial disconnection it has introduced between first and second-generation rights. This disconnection is carried over into the Nepad document and is prominent within the African Peer Review Mechanism (APRM) monitoring system. The highly problematic nature of this disjunction is even more evident when one considers the synergy between economic and political renewal as portrayed in the Nepad document.

The discourse around civil society is informed by two dominant theoretical sources. The first is a Hegelian formulation, the second is rooted in the work of Gramsci. A clear understanding of

both positions is important if we are to understand the conflicting interaction between the African state and civil society.

With the rise of the modern state we find that resource extraction is no longer based on extra-economic coercion. Whereas resource extraction used to be dependent on political power as the basis of authority, with the rise of the modern state we see the separation of the political and economic spheres. Thus the modern state is viewed as the legitimate owner of the means of coercion, and stands in contrast to various non-violent mechanisms for regulating social relations. What emerges then is the notion of civic laws, which become the means through which agents mediate commodity relations once they are no longer entitled to use instruments of coercion.

In terms of the Hegelian formulation, the state can thus be conceptualised as having a monopoly over the legitimate use of violence, and stands outside economic relations, which are regulated by independent agents. These agents are understood to have the freedom to sell their labour and enter into binding contractual obligations with each other. In this sphere, civic law regulates interactions between agents. As a result of the increased use of civic law in regulating social relations, interactions between the state and civil society increasingly came to be regulated by this mechanism as well. This notion of citizens as "owning" civil rights subsequently served to regulate and constrain the state's coercive capacity. This notion of civil society as functioning in opposition to the state persists today, i.e. the notion of civil society as being contra-state or implicitly and necessarily anti-state. In many cases the promotion of civil society organisations during phases of structural adjustment took place because they were conceptualized as being contra-government. Many NGOs established during this period are of this mould. The Gramscian and Hegelian discourses are antagonistic discourses. The Hegelian formulation conceptualises civil society as a bulwark against the state.

The Gramscian formulation differs sharply. In this paradigm the realm of civil society is not about the market, but rather public opinion and culture. The domain of civil society becomes a field where hegemony is both constructed and contested. Intellectuals, in the Gramscian formulation, are the principle agents – hence the prominence of the notion of organic intellectuals. The relationship between the state and civil society is thus not one that is necessarily antagonistic. Rather, civil society becomes the domain in which the state seeks to construct and legitimize its hegemony. Moreover, each class contests this terrain. The hallmark of civil society is therefore the space it allows for autonomous organisations to lead an expressive cultural life. In this formulation then, civil society might be autonomous, but it is not independent of the state. The state remains, in some ways, the guarantor of civil society.

With regard to civil society in Africa, many theorists argued at first that there was no such thing, especially if one conceptualized civil society as consisting of formal registered associations. Yet such a stance fails to explain the structural adjustment programme (SAP) riots of the 1980s or the emergence of sovereign national conferences. The truth is that voluntary organisations do exist in Africa, but they do not necessarily have the trappings of formality by which Western civil society organisations are identified. This realization only emphasizes the importance of being clear about the way in which we wish to conceptualise civil society in Africa – as contested terrain or as a collection of organisations that act in opposition to the state.

The debate about Nepad is also a debate about development. In the 1960s democracy was something that African states could not afford. Theorists believed that there was a fundamental trade-off between equity and growth. Democracy was thus dangerous insofar as popular participation in politics might promote short-term consumptive policies that could serve as a

disincentive for investors. Moreover, because democratic systems allow for the development of strong interests groups, the fear was that these constituencies were likely to constrain the state's flexibility *vis-a-vis* its development capacity. India was held up as a dramatic example of a country that was democratic, but subject to slow growth. Furthermore, it was argued, democracy was correlated with high GDP figures, and so it was not a system that could be recommended to developing states.

In the 1980s the new political-economy theorists took up these arguments. The implication for civil society organisations was that they were viewed as rent-seeking organisations that encouraged urban bias, which mostly benefited elites. To implement structural adjustment programmes it was argued, a courageous, ruthless and perhaps undemocratic state was needed. All these arguments maintained that state action was intended to benefit the poor. The domain of civil society was portrayed as populated with self-seeking myopic groups that limited the capacity of states to deliver development. The logical conclusion of these debates was that states were advised to insulate themselves, and policymakers in particular, from these popular forces. Because of the neo-liberal paradigm advocated, it was understood that state involvement in the economy disrupted the proper functioning of the economy. The state was seen purely as the guarantor of rules, and civil society as the abode of rent-seeking and market distorting agencies that needed to be constrained. Adjustment, the argument went, could thus only be undertaken by a strong state that could roll back civil society. In some cases this argument led to donor support for military dictatorships, which were considered more effective agents of adjustment than democratic states.

The "rediscovery" of civil society came about in two phases. The first phase came about as a result of the need to generate agencies that could support adjustment and at the same time draw in the marginalised groups created by adjustment. Consequently there was an influx of NGOs and money into Africa, targeted at establishing a vibrant civil society. The organisations that emerged as a result were not NGOs rooted in the social justice movement, but rather private sector organisations that professionalised and "sold" work previously done by public agencies such as universities. Research previously generated in now underfunded universities, was replaced by the advice of consultants that did much the same work, but for large amounts of money. The rationale driving this dynamic was that private sector organisations were necessarily better than public sector ones; given the distortionary impact of the over-extended state on the economy. This paradigm thus weds the Hegelian conceptualization of civil society to the neo-liberal economic paradigm. In order to further support the "winners" in the adjustment process, social agencies that had an interest in adjustment were created.

A second and rival impulse resisted adjustment. The SAP riots are one example of this impulse. Some people were very astonished by this popular resistance to adjustment, not to mention the embarrassment "adjusting" states felt in the face of such opposition. Thus we see states continually flip-flopping between implementing and then rolling-back adjustment programmes. This resistance to adjustment embarrassed the IMF and WB, both advocates of structural adjustment programmes, and by the 1990s it was clear that their plans had failed. One of the crises of adjustment was that the agencies implementing these programmes were subsequently seen as illegitimate in the eyes of the people.

In contrast to these antagonistic developments, the United Nations Economic Commission for Africa (UNECA) served an important function in coalescing social forces around the agency in order to create alternate social policies and instruments. One such alternative was the Arusha Declaration for Popular Participation, which legitimised civil society to some extent. It was now

conceded that democracy was possible insofar as the people could elect government, but policy formulation and implementation agencies were still perceived as needing protection from popular pressure. By removing institutions such as central banks from the control of politicians, policy-makers could be trusted neither to buckle under public pressure nor to readily concede to parliamentary and executive oversight. The democracies that emerged were, as a result, choiceless democracies. Specifically, these states had no choice with regards to the macroeconomic policies they wished to implement. A choiceless democracy is in many ways also a disempowered democracy.

These disempowered democracies did experience some growth, but failed to transform their dependent economies. From a macroeconomic point of view, liberalisation meant that these economies could not generate a sustainable industrial sector. The result: huge current account deficits, massive devaluation of local currencies, a debt crisis and a balance of payments crisis. These economic crises have only compounded the disconnection between the civic and social rights of most citizens in African states.

The debate at the moment favours an increase in the proportion of aid G8 nations direct at Africa. The crisis of the disempowered democracy is that it has very little room to argue about the detail of such aid flows with these powerful states, or the policies of powerful international financial institutions. It is interesting that the states that are embracing Nepad are also the states that want more aid from foreign donors. The extent to which civil society organs can address the poverty crisis in Africa will be the extent to which these organisations can re-articulate the link between civic and political rights on the one hand, and socio-economic rights on the other. At this point in the continent's history, the disconnection that exists between these two sets of rights means that Nepad is failing to understand one of the fundamental crises facing African democracies, a dynamic that delegitimises the state in the eyes of its citizens.

Comments and Questions

"The character of African civil society and its role in the political and economic renewal of Africa"

Question: Tebego (Rhodes University)

Your presentation seems to suggest that civil society in Africa is merely the creation of outside forces that have a vested interest in Africa. In some ways this reflects the existing realities of the society in which they operate. Could you offer any workable solutions with regard to trying to create a civil society movement that reflects more closely the domestic context in which it is grounded?

Response: Prof Adesina

In my presentation I was merely laying out an argument, made by some theorists, that civil society in Africa is not embedded in the context in which it operates. This is not my opinion. Initially the need for funding African civil society organisations was articulated as one of having to create non-state agencies that would facilitate structural adjustment of the economy. Nevertheless, you cannot explain the various social justice movements and pro-democracy campaigns of recent years outside of activists rooted in their local environment. Personal experience in pro-democracy campaigns has taught me that it is possible to sustain civil society organisations in Africa without appealing to external sources.

If we consider the Hegelian notion of civil society, it becomes apparent that external sources of finance saw civil society organisations as contra-state agents. However, many people involved in the civil society sector on the continent are not anti-state, but rather against particular modes of exercising state power. To this extent both impulses can be explained from a Gramscian point of view, from which civil society is seen as contested terrain.

We are also familiar with the experience of apparently democratic governments, when confronted by civil society, asking these civil society organisations who they represent. But we know that even if political leaders win rigged elections, they still win. A clear example of this is President Obasanjo's victory in the recent Nigerian election. These dynamics are rooted in US foreign policy during the Cold War. The profligate state in Africa survived for the length of time it did simply because it was considered compliant with imperial policy. Now Africans are blamed for the lengthy tenure of corrupt leaders, when imperial resources were used to quell rebellions against these leaders. Moreover, all African leaders that were committed to the welfare of their people got shot down at one time or another.

Question: Richard Calland (Idasa)

You mentioned that three impulses drive the Nepad project. Could you explain what these impulses are?

Response: Prof Adesina

Regarding the first impulse: Sometimes in debates about Nepad we tend to confuse neo-liberalism with the internationalist or Africanist aspect of the ANC that is genuinely concerned with what is happening on the continent. There is a genuine feeling that we need to deal with the continent and its problems. If we miss out on these nuances, we miss out on a critical dimension of Nepad.

The second impulse has to do with the clear understanding that access to the continent is important for the South African fiscus. This idea was already articulated in the Millennium Africa

Project (MAP), for example. Moreover, when it is in the South African national interest to attract foreign direct investment, the country cannot afford situations where the spectre of Zimbabwe scares away investors. The second impulse is thus also concerned about Africa's poor image abroad, and the negative impact this might have on foreign direct investment and economic liberalisation of African economies.

The final impulse is centred around the fact that South African companies now claim to be African companies, even when they are listed on foreign stock exchanges. Despite their "African" identities these companies thus cause capital to flow out of domestic markets, but have increased access to continental markets.

Question: Judith February (Idasa)

You mentioned the issue of aid in your presentation. Nepad consciously emphasizes a shift away from aid in favour of trade. Could you comment on the relationship between aid and bad governance? Could you also comment on the South African situation, which is atypical in that it does not rely heavily on aid? How do these issues relate to the decreased accountability of states that has come about as a result of globalisation?

Response: Prof Adesina

On the issue of moving from aid to trade: the notion of increased market access bringing growth to African economies is a dubious one. Nothing we know in theory or in practice indicates that increased trade is a successful strategy to encourage economic growth. Additionally, most African countries export predominantly primary products or agricultural produce, and their economies are unlikely to develop on the basis of increased export of these goods alone.

Thus, the issue is not one of African markets not being open enough. In fact, when we measure the openness of African economies we see that imports and exports already account for over 50% of GDP. The problem is therefore not the lack of integration of African economies into the global economy, but rather that the mode of integration currently experienced is problematic. Structural adjustment programmes have already forced African economies to remove all sorts of barriers. What we now need to focus on is not attracting more aid nor increasing the openness of our economies, but rather the kind of trade we get involved in as a consequence of Nepad.

On the issue of aid going to bad governments: in the past it has been clear that aid from the United States, for example, was clearly linked to that country's strategic foreign policy interests. Generally, parties that receive aid do so because they are compliant with their donor's policies. Ironically, statistics indicate that the first phase of Africa's development was actually financed domestically, and only towards the end of the 1980s did the continent depend heavily on aid.

“Practical co-operation between civil society and parliamentary structures working on Nepad”

Speaker: Ben Turok (ANC MP)

Chair: Richard Calland (Idasa)

Amendments to the Programme

The speakers originally scheduled for this session included Mr Pallo Jordan and Ms Inka Mars. Unfortunately Mr Jordan was forced to cancel his presentation due to other obligations, and Ms Mars could not attend due to medical reasons.

Presentation

The importance of this meeting will be measured by what the participants put into it. My presentation is largely unprepared, as I was only invited to attend at short notice. I am a member of the parliamentary working group on the African Union. Currently we are busy with setting up the institutions of the AU, more specifically with drafting its rules, procedures and protocols. The South African Parliament is very heavily involved in realizing the African Union. Over the last five months I have made presentations at seven African parliament meetings involving representatives from over forty African states.

Those of us who have been around for a while know that before Nepad there was a certain amount of agreement that Africa was a hopeless continent. Before this initiative there was a feeling that the whole continent was in disarray. Then came Nepad and the AU, and with them the feeling that a positive stance was being taken and that African states were at last being brought together. The OAU did not bring the continent together. It was more like a trade union for presidents. Presidents did very little reporting back to their constituencies. Even today we find that issues pertaining to Nepad and the AU have not been discussed in various African parliaments. Thus particular presidents and ministers bear a responsibility for reporting to their constituents that they do not always embrace. Though there is still a sense that Africa is in trouble, Nepad has opened a door of opportunity and hope.

One of the early criticisms of Nepad was that it was a “top-down” process. That this should have been so is only natural, considering the state of the continent and the weakness of its institutions. Due to these structural constraints, as well as the lack of consensus amongst African leaders, the Nepad document, which is aimed at creating new structures and institutions, is “top-down”. In the latest version of the Nepad document this is acknowledged, and an attempt has been made to address the various criticisms that have been voiced with regard to Nepad. More information is contained on the Peer Review Mechanism, which is an excellent attempt to generate new processes pertaining to good governance in Africa. On the whole the document is also very systematic, and offers the possibility of a new mood being created on the continent.

Prof Adesina referred to the Arusha Declaration in his presentation. This meeting was attended by many NGOs and intellectuals, and proposed that democracy and development would not happen in Africa unless both these processes were participatory. This is utopian. To talk about peoples’ participation in development is unrealistic. The reality of the political process in Africa is that most democracies are fledglings, and most states are very far from being democratic. This is the reality we face when we talk about establishing Nepad and the AU. For example, most parliamentarians are not familiar with Nepad, and have not been discussing it in their

parliaments. Only 12 countries have passed the Pan African Parliament protocol thus far. Technically these parliamentarians may not be against it; they have just not been given a formal opportunity to express their enthusiasm. Soon the South African Parliamentary Working Group on the AU will be meeting with several African parliamentarians to encourage their participation in the African Parliament and to explain to them what they might expect of such a parliament. These are early days and the path we intend to follow is difficult. Thus we need to be realistic about these matters.

We also need to distinguish clearly between NGOs as civil society, and civil society as broadly understood. This broader notion of civil society includes churches, trade unions, sports clubs, and so forth. Thus civil society must be understood as much more than just NGOs. I myself come from a civil society background. It is absolutely appropriate that people who feel strongly about issues should come together and form an advocacy group – but we cannot confuse such groups with the totality of civil society. We must be wary of equating civil society with NGOs, especially since Washington funds some of the NGOs that are critical of Nepad. The creation of Nepad and the AU Parliament is an uneven and ongoing process. It is clear that some NGOs are beholden to foreign donors and in some cases abuse their positions. The African Parliament will not be beholden to a small group of vociferous NGOs, but must engage with the broader notion of civil society in Africa.

What kind of co-operation can there be between civil society and the institutions of the AU? The AU consists of various bodies – these include the Assembly, which consists of African heads of state, a Council of Ministers and a Commission staffed by eight permanent members. The Pan African Parliament reports directly to heads of state, and exercises an oversight function over Nepad, the Economic, Social and Cultural Council (ECOSOC) and the Peer Review Mechanism. The main space for civil society participation in AU processes is ECOSOC. The Parliament also performs an oversight function with regard to the Central Bank and the African Court of Justice. It will initially not have any legislative powers, but will instead provide a space for deliberation.

Every African state has some kind of parliament, and this is where the political process takes place. This institution also serves as the interface between parliament and civil society. All our documents refer to the necessity for this kind of interaction. In practice, this interaction does not happen very often – partly because civil society is badly organized. Sangoco in South Africa is an example of this. Civil society itself is thus disaggregated, disorganized and sometimes dysfunctional. In this context, co-operation between civil society and government is a headache. Proper and effective co-operation on a continental basis might be even more difficult. The creation of three regional parliaments might help in this regard. If civil society wants to engage with all these institutions, it must pull up its socks.

Comments and Questions

“Practical co-operation between civil society and parliamentary structures working on the African Union and Nepad”

Question and Comments: Richard Calland (Idasa)

Prof Turok, you have given us very clear advice together with a realistic assessment of our opportunities. It is difficult to see how you conceptualise civil society engaging with new multilateral institutions that are emerging at the global level. The paradox is that as governments are increasingly responding to the globalisation of capital – for example with strategies such as Nepad and institutions such as the AU – they have made it more difficult for civil society to respond to the transnational state. How do citizens engage with institutions like these if they are already struggling to engage effectively with national level institutions? How do civil society organisations locate themselves in a meaningful way in relation to a continent-wide parliament? You rightly complain of professional organizers, but the truth of the matter is that if you want to be effective, you have to be able to command resources that allow you to do so. Professionalised NGOs have the most realistic opportunity of engaging with a body such as the Pan African Parliament. Also, how realistic is it to assume that the African Parliament will exercise a real oversight function over institutions and processes such as the Central Bank and the Peer Review Mechanism if the South African Parliament, for example, struggles with its oversight function at national level. By moving a level up, are we not making things more difficult rather than easier?

Response: Ben Turok (ANC MP)

Confronting Capital

During the early days of trade unionism we also faced the problem of confronting capital. We solved this problem by creating unity and thus “people’s power”. Today the need to confront capital is an international phenomenon that cannot be ignored. The same thing applies in this case as in my example on trade unionism. Of course it is difficult to bring people together and to find the funds to do so, but unless we find a way to unite and fund our efforts, there will be no democracy in Africa. Civil society organisations must move away from the notion that they need massive amounts of funding to succeed. Without finding a way to co-ordinate their efforts, civil society organisations will have little power.

Oversight of multilateral organisations

One way of holding multilateral organisations accountable was demonstrated by recent anti-globalisation protests in Berlin, Seattle and Evian. These demonstrations show that people have found a way to express themselves so that governments world-wide are now more sensitive to public opinion. These demonstrations also illustrate the ability of civil society to influence policy when there is some unity of purpose. The G8 and IMF now know that they cannot hide, because there are sufficient numbers of people who understand these issues and are willing to speak out. If the Pan African institutions emerging at the moment behave in an undemocratic fashion and pursue the wrong policies, we shall see that here too activists will emerge to challenge these trends.

One of the key institutions of the African Union is the Peace and Security Council. The purpose of the Council is to intervene in armed conflicts on the continent. Several forces will be posted in key conflict areas across Africa. If this council intervenes wrongly and supports undemocratic leaders, there is ample scope for civil society to intervene, and again, civil society should be proactive and find effective ways in which to do so.

Question: Martha Bridgeburn (Institute for International Affairs, Western Cape)

What role do you see for transnationally organised groups in engaging with Nepad? Such a transnational civil society lobby would be the antithesis of Gramsci's transnational elite who run big business under the Bretton Woods regime.

Response: Ben Turok (ANC MP)

I do not believe that there is any single transnational bourgeoisie, because there are differences even amongst those who ostensibly belong to this class. I do believe however that powerful global forces exist that are united in the G8 and which hold enormous power. These forces effectively rule the globe. At the same time, transnational power is factionalised, as demonstrated for example in the conflicting European and American positions on the war in Iraq. This demonstrates that France, and Europe in general, are trying to position themselves as rival superpower blocs to the USA. China and India hold significant power in the global arena, if only by virtue of their large populations. We are thus living in a pluralistic world that is at the moment dominated by the USA, but which is nevertheless pluralistic. We shouldn't be too mesmerized by this notion of a united transnational capitalist class, which in fact is disunited and consists of competing forces that wield global influence in their own right.

Question: Nombulelo Siqwana-Ndulo (CGE, Eastern Cape)

You mentioned that there is a lack of report back by African parliamentarians to their people. Can you comment on the effectiveness of South African parliamentary report back processes? South Africa is viewed as leader on the continent. It bothers me when I look at our processes and think of the poor example we set to others.

Response: Ben Turok (ANC MP)

The South African parliamentary system is currently very weak insofar as civil society involvement is concerned. The National Assembly and the various parliamentary committees meet regularly, while civil society organisations rarely attend. When civil society organisations do make presentations in Parliament, these are often not very professional. The Finance Committee is subject to many presentations and passes a wealth of legislation, as does the DTI. However the civil society organisations that attend these meetings are from the business sector, and are very well prepared – unlike their counterparts that deal with broader issues of social justice. It could of course be that Parliament is expecting too much of people that don't have the resources to come to Parliament and be equally professional. But even those NGOs that are well resourced don't make well-prepared presentations.

Question: Ibe (UCT)

(Judging) from your presentation I want to argue that civil society in South Africa is moribund. Is the solution thus to create more civil society organisations, even if the ones we have at the moment are not even functional? Is it not possible for us to create an organisation that develops criteria against which we can check the vibrancy of civil society in Africa and South Africa?

Response: Ben Turok (ANC MP)

I would not say that civil society is moribund, only that there is disunity and disorganization. Civil society is needed because it acts as a check on power. It would be a disaster if Parliament were allowed free reign. One thing that we must never have is an ANC one-party state, and a vibrant civil society will help to prevent this.

Question: Kathryn Sturman (ISS, Pretoria)

How should civil society lobby the Pan African Parliament, and why should they do so if it doesn't have any legislative capacity, particularly since ECOSOC already acts as an advisory committee? From local experience we know that if groups feel that the South African Parliament is a rubber stamp, they rather lobby ministers directly. Might this be replicated at continental level?

Response: Ben Turok (ANC MP)

ECOSOC can become a ghetto within the African Union. It is perfectly possible for this organ to become peripheral to the proper functioning of the AU. Because of this possibility I would urge civil society organisations to start participating in the system and to lobby ECOSOC, because it does wield influence and it does carry political weight.

Question: Nokukhanya Ntuli (Idasa)

You mentioned that civil society should make more professional presentations to the South African Parliament. How do you tie this requirement in with the problems civil society already face in accessing Parliament? Such problems include the fact that people are intimidated by Parliament, might not be proficient in the languages used in Parliament, cannot hire lawyers or experts to help them with their submissions and often do not have the money to travel to Parliament. Calling for increased professionalism might eliminate a vast number of people from participating in parliamentary processes.

Response: Ben Turok (ANC MP)

I agree with you that Parliament is too far removed from the people. The whole language of Parliament is British. Even inside Parliament we have people who come from a struggle background and don't know its rules. The speaker and the ANC agree that Parliament must be transformed; yet it has proved very difficult. The ANC is battling to create a People's Parliament, but as it is now we require professionalism – and this includes good presentations. We must also remember that the responsibility to change Parliament lies with the people, and not only government.

Question: Isabel Frye (Black Sash)

You mention that certain NGOs are too organized and professionalised, and depend on foreign backing. If criticisms from such NGOs are unpopular, they often get discredited on these grounds. NGOs often use foreign funding, however, because national funding is lacking. Moreover, like foreign donors, local businesses and government are also potentially partisan. What are your suggestions with regard to promoting increased transparency in the funding of NGOs? Also, what role is the AU playing in promoting civil society, especially as one of the aims of the AU is to promote good governance in the medium to long term?

Response: Ben Turok (ANC MP)

Funding to civil society is problematic. Institutions often have money available, but access to these funds can be a struggle. You have to be willing to unite as civil society, so that you will have some muscle with which to address these issues. One group alone cannot do it. With regard to the AU's efforts at promoting civil society in Africa – if you want democracy you must fight for it. It is not going to happen by decree.

Question: Collette Hertenberg (Idasa)

We are currently witnessing the emergence of global activism as a response to political and economic globalisation. This is often frustrated activism, however, as there aren't any concrete channels through which civil society can communicate its frustrations. What channels is the African Parliament putting in place to prevent such frustrated activism being replicated here?

Response: Ben Turok (ANC MP)

The African Union won't promote civil society organisations. It is up to civil society organisations to say that they want democracy. The AU will facilitate civil society's access to its structures, but civil society has to act once these channels are in place.

Question: Ayesha Khajee (SAIIA)

The Nepad Secretariat is characterized by a lack of communication. What is being done to address this problem? With regards to the Peace and Security Council: how is it going to be implemented if it is not yet ratified and already heavily underfinanced? What prevents this mechanism from dying a slow death?

Response: Ben Turok (ANC MP)

The Nepad Secretariat is properly funded, although the funding might not necessarily be allocated to improving the Secretariat's communication capacities. This is a big problem. The Peace and Security Council is in the process of being established. The chief problem in this regard is that different countries might not be willing to cede some of their sovereignty to a centralized institution. Though there has been enormous resistance, the process is happening, and that is good news.

“Civil society’s advocacy function through structures of the African Union”

Speaker: Kathryn Sturman (ISS, Pretoria)

Chair: Lorato Banda (Idasa)

In my presentation I look at the practical opportunities for participation in the African Union. In particular, I look at the structures of the AU that are being developed at the moment, and discuss the windows of opportunity these allow for. It is, however, up to civil society to push the boundaries and extend the spaces made available to them within African Union structures.

The OAU, as Professor Turok mentioned, was an elite boys club. In the context of the struggle, solidarity and sovereignty were the key values of that time. The problem with these is that they came to stand in the way of protecting the African people from their governments. In recent times, the African continent has experienced a wave of democratization, and together with this, calls for greater political space. These changes are marked in the Constitutive Act of the AU, which departs from the OAU ethos by including the principle of partnership between government and civil society. The challenge is to convert such principles into genuine partnerships. To explore how that might come about we shall focus in this presentation on three organs of the AU: the Pan African Parliament, the Pan African Court of Justice and ECOSOC. In particular, we will look at how civil society organisations can perform an advocacy function within these organs, so that civic engagement translates into real people’s power and the ability to influence the activities and decisions of the AU.

The AU consists of certain core structures. These include the Assembly of the African heads of state, the Executive Council (which meets on a biannual basis), the Permanent Representative Committee and the Commission. In addition to its core decision-making and administrative bodies, provision has been made for an African Parliament, an African Court of Justice, ECOSOC, and specialized technical committees and financial institutions. Of all these institutions, the African Parliament is furthest along the process of being established. The protocol for the AU Parliament was signed in 2001 and requires 27 ratifications. It is still missing more than half of these.

It is important to keep in mind that this Parliament, once established, can only be as democratic, independent and representative as the national parliaments from which its members are drawn. Democracy cannot be imposed at the regional level if it isn’t functional at the national level. Though the protocols allow for opposition MPs to serve in the African Parliament, in reality the opposition in most African states is weak, if not non-existent. So even though the African Parliament should ideally reflect diversity of opinion, in reality it is more likely to reflect the views of ruling parties.

The draft protocol for the African Court of Justice is still to be finalized. The African Union Act is not clear on its jurisdiction and powers – these are to be decided by the Assembly. The Court will hear cases referred to it by the Assembly and will interpret these in terms of the statutes that bind AU members. A second court, the Human and Peoples Rights Court, has only received six ratifications thus far. More thought is needed on how these two courts relate. It is also likely that it will take a number of years for both of these courts to establish themselves. In terms of the advocacy functions of civil society, a court is entitled to allow relevant NGOs to submit cases involving human rights violations directly to it.

ECOSOC – the Economic, Social and Cultural Council – is envisioned as the primary vehicle for formal participation by civil society in AU processes. It is an advisory organ composed of social and professional groups operating in member states. ECOSOC will come into existence once the appropriate statute is passed, and thus it need not have its protocols ratified by a minimum number of member states as do the other organs. This significantly shortens a potentially drawn-out process, meaning ECOSOC could be convened before the end of this year. The Council will consist of 150 social organisations, professional associations, NGOs and interest groups. Political parties are specifically excluded from ECOSOC. The feeling is that political parties are adequately represented in Parliament.

Civil society, as conceptualised here, might be envisioned as any institution that seeks to bridge the gap between state and civil society, as the narrow definition is fraught with complications in the African context. Through a European lens, civil society in Africa is extremely weak, and the AU will have to strengthen smaller and weaker forms of civil society if it is to reflect more accurately the shape of African civil society. The manner in which this should be done requires serious thought. Thus ECOSOC, and issues of participation related to this body, must still be seriously considered – particularly if the AU wishes to live up to its promises of engaging more with women and other marginalised groups.

Also important is the issue of which civil society organisations are to be represented in ECOSOC. If member states choose the organisations that are to participate in this body, they will tend to choose those that favour them. Each state is allowed two civil society organisations. In all, 24 transnational sectoral organisations are allowed to participate in ECOSOC, as well as 20 members that represent civil society from the African Diaspora. The key question in terms of ECOSOC's functions and powers is the relative weight attached to its advisory function on the one hand, and its representivity on the other. A very diverse group of representatives is likely to complicate the advisory function of the body. Recommendations emerging from ECOSOC are drafted by 10 sectoral clusters, which submit these to the African Parliament.

The possibility exists that ECOSOC could become a ghetto. Through their participation in this forum African states could co-opt and/or marginalize civil society organisations – particularly those focusing on sensitive issues such as corruption, democracy, conflict and human rights. The power of ECOSOC is that, as a structure of the Union, it has a right to be heard. In future its role could potentially move from advising the AU Parliament on key issues to exercising some kind of oversight function.

Finally, civil society organisations (CSOs) should review and lobby on the criteria for CSO accreditation to participate in AU structures. We should ensure that the process is a technical one that prevents states from exercising political control over which organisations receive accreditation. We should also see that CSOs submit themselves to a code of conduct that facilitates the process of accreditation and builds confidence in these organisations by making them more transparent. In engaging with these problems civil society must remain cognizant of the fact that heads of government will decide the scope and implementation of processes related to the AU. If possible the role of civil society should be to meet government halfway, and to act in partnership with governments.

Comments and Questions

"Civil society's advocacy function through the structures of the African Union"

Question: Thabani Masuku

How are AU institutions related to their domestic equivalents? For example, what might the relationship be between African Union courts and national level courts? This seems to be a crucial issue, as the legitimacy of these multilateral institutions at the domestic level will encourage their smooth functioning at the continental level.

Response: Kathryn Sturman (ISS)

The link between domestic parliaments and the AU Parliament is quite direct. Five representatives from each state serve in the AU Parliament. At the moment these representatives are appointed by their national parliaments. The relationship between the African Court of Justice and national courts is unclear, as I haven't yet seen the statutes pertaining to this body.

Question

The fact that NGOs need to seek accreditation bothers me immensely. Is there anything in the code of conduct that would limit the functioning of CSOs to the kind of activities that would be acceptable to governments?

Response: Kathryn Sturman (ISS)

ECOSOC consists of two civil society organisations drawn from each of the member states. How they will be elected and whether they will represent sectoral interests is unclear at the moment. An opportunity to develop clarity should present itself when ECOSOC's rules of procedure are drafted. The draft Code of Conduct doesn't limit the functions of civil society organisations, but it does address the concerns raised by governments regarding the funding and management of NGOs. The purpose of this Code of Conduct is to facilitate greater transparency regarding the internal governance of civil society organisations that wish to participate in ECOSOC.

Question: Richard Calland (Idasa)

Could you explain the difference between ECOSOC as designed by the AU and its UN equivalent in Geneva? Also, bearing in mind the absence of socio-economic rights in the Peer Review Mechanism, where would ECOSOC get its authority? What are the rights ECOSOC and other bodies might grab hold of when applying themselves?

Response: Kathryn Sturman (ISS)

The key difference to the UN equivalent of ECOSOC is that UN voting members are government representatives, and not civil society organisations. They do however consult with registered NGOs, who are allowed observer status. Representation is also weighted in favour of certain regions. The AU ECOSOC is modeled more on its European Union (EU) equivalent than the UN. The European model is more corporatist, and has a tripartite structure that consists of employers, labour and government, as well as a potential fourth arm that consists of interest groups. ECOSOC draws much of its authority from the strong socio-economic impulse enshrined in the Human and People's Rights Charter, and also from the AU's Constitutive Act.

Comment: Prof Adesina (Rhodes University, Grahamstown)

Advocacy groups should take ECOSOC very seriously. The principle document that facilitates this is the African Charter for Human and People's Rights. This is the most dramatic document

I have seen in terms of international commitments by states to a wide range of socio-economic rights.

Nor should civil society focus exclusively on lobbying – research work is also important. A number of transnational institutions have the capacity to do research work and it could be quite enlightening to use these assessments when studying the impact of specific policies, for example.

“Mobilising and empowering rural communities and women’s organisations for participation in the African Union and Nepad processes”

Speaker 1: Neville Gabriel (SA Catholic Bishops Conference)

Chair: Chere Africa (Development Research Africa)

Various commitments are undertaken in the AU texts. These commitments are the product of advocacy campaigns led by civil society organisations in Africa and abroad. This presentation will focus more on the national level of engagement, and will concentrate on Nepad rather than the AU. The AU is important, but in a context where civil society organisations have a limited focus, it is perhaps more important to focus on Nepad at this stage. It is moving much faster and its impact on impoverished communities is much greater.

I would like to focus my discussion on the logic of Nepad and the possibilities it presents for popular mobilisation. In particular, are these opportunities feasible options in rural communities, and how might we develop concrete strategies for engagement at national level?

Next month the UNDP will be hosting a conference in Southern African that intends to monitor progress towards realizing the Millennium Development Goals. The latest World Development Report, which is due to be released next month, shows that poverty-reduction targets in Sub-Saharan Africa are in fact reversing. Ours is the only region in the world exhibiting this trend. The goal of halving world poverty by 2015 is only likely to be achieved because of the growth being experienced in China and India. In Africa poverty is in fact increasing. Though the Millennium Development Goals are targeting 2015 as their deadline, if current rates of delivery persist we will need another 150 to 200 years to reach the goals set in the spheres of food security, primary education and child mortality. Contrary to popular belief, South Africa is no exception to these trends.

Nepad's logic

Nepad is a visioning document rather than a pragmatic one. It is concerned with the posture of African government and civil society in relation to the rest of the world. It is about transforming the relationship between African civil society, government and its counterparts. For the most part Nepad is a clear, and primarily economic, programme.

The visionary nature of the document itself contrasts with the political pragmatism that drives its implementation. Thus, when reading the document itself one is struck by its diplomatic tone and particularly the talk of “new partnerships”. This is “middle-of-the-road” language, which in many respects has become typical of the current South African presidency. While Nepad may have broader objectives, it is very much centred on what is politically pragmatic at this stage, given the current global political and economic context.

In order to reach desired poverty-reduction targets, a financing-gap to the value of \$53 billion must be bridged annually. Nepad is concerned with how this financing-gap might be bridged. Usually any money secured to bridge this gap would be subject to heavy conditionalities. Nepad says that it does not want externally-imposed conditionality, but that African states should instead commit themselves to their own conditionalities. In this way African states free themselves from conditionalities imposed by foreign donors.

The logic of this strategy is that if one wants to achieve poverty-reduction goals one adopts an economic framework that looks at the real economy and not the social economy. To create the

kind of economic framework that is premised on growth, one needs to transform certain governance practices in order to attract investment that will drive economic growth. To put in place new systems of government one must first end conflict. Hence the first objective of Nepad is currently peace building.

The Nepad document and public statements consistently demonstrate that Nepad is not a development plan but an economic framework. Today the terrain in which advocacy organisations operate is one in which economics determines politics, and not vice versa. Thus the key focus of advocacy work should be economic. Civil society cannot effectively engage with Nepad without understanding this dynamic. Moreover Nepad is a technical and complex process, and its jargon may not be understandable to ordinary citizens – especially the rural poor. How then do we mobilize this constituency? The outlook does not seem promising, as the issues discussed up until this point seem distant to their immediate experience.

At this point a review of civil society activities around Nepad might be useful. Over the past two years the debate around Nepad has been one of either rejection or engagement. The plan has been rejected chiefly on the basis of its neo-liberal orientation. My view is that many of these organisations have not interrogated Nepad, and don't understand its jargon. Because of this approach, these organisations have a political understanding of the document and reject it on that basis, and not an economic one.

In the organisations I work with, one of our first critiques of the Nepad document was that it didn't allow for civil society participation. Civil society locally and abroad latched onto this critique, which became a critique in the sense that individual civil society organisations complained that they had not been consulted. Yet it is ridiculous to expect that government would consult all relevant civil-society organisations in formulating this strategy. Again, the Nepad document was rejected even though there had not necessarily been any serious engagement with its contents. This critique becomes more relevant when one argues that, by design, Nepad does not include mechanisms for civil society participation in its processes. Thus we sent proposals to the Presidency and the Nepad Secretariat advising that structural mechanisms be designed to facilitate participation at the Secretariat and Presidential levels. The Secretariat did respond by saying that it had a division tasked with public engagement – which it calls its “Marketing and Communication” division. This is not a structure that speaks adequately to civil society participation in, or public consultation on, Nepad. Thus far we have entered into a fairly successful dialogue with the Secretariat and other civil society organisations about at least changing the language of the public participation mechanism, but we still have to ensure that the underlying processes also change.

Nepad is a long-term and indirect strategy aimed at poverty reduction. It is long-term in the sense that it is trying to project twenty to thirty years into the future in terms of its aims and objectives. It is indirect, as it is not putting resources directly into the hands of the people, but is rather aimed at institutional and capacity-building initiatives. Most civil society organisations concerned with poverty reduction look at direct means and immediate forms of poverty reduction. There is none of this in Nepad. This is a crucial aspect of the strategy with which civil society should engage – especially if the process is to have a bias towards marginalised people.

In terms of possibilities for engagement: it is not feasible to expect marginalised and impoverished people, who do not have capacity to produce professional presentations, to participate in the Nepad processes on this basis alone. Though we might maintain that they

need to do better advocacy work, it takes a lot to be effective in an advocacy situation. To expect this of rural organisations is “pie in the sky”. Our role as specialist NGOs must be to act as interlocutors, so that we might articulate the experiences of the rural poor in ways that provide direction to legislators and policymakers. I am not talking about specialist NGOs selling their own agendas, but rather research generated through popular participation that might influence formulation and implementation of policy. In my work, for example, I focus on using local networks in particular regions to train young unemployed people to administer interviews about social justice issues. Professionals then translate these interviews into advocacy materials. It is also useful for civil society to parallel certain government projects in order to increase the effectiveness of their own interventions and to monitor those of government.

Finally, with regard to trade issues: Africa’s problem is that it is overexposed. Though the impact of northern countries’ trade policies on African states is important in this regard, we must also look at the impact of our national trade policies on economies in the rest of continent. With the implementation of Nepad challenges to social justice will emerge. Civil society must confront these new challenges too.

“Mobilising and empowering rural communities and women’s organisations for participation in the African Union and Nepad processes”

Speaker 2: Dr Nombulelo Siqwana-Ndulo (CGE)

Chair: Cherrel Africa (Development Research Africa)

Previous speakers have said that Nepad is not a development plan but an economic framework that consists of technical and complex processes. It has also been said that Nepad is aimed at improving the relationship between Africa and the rest of the world, as well as improving the image of Africa in the world.

My presentation will focus on marginalised groups’ understanding of what Nepad is, and what it is supposed to bring them. In my comments I will first focus on Nepad, which has been understood in rural communities as a vehicle for bringing development to them. Nepad has been marketed in such a way that people have been led to believe that, now that programmes are rolling out, they must engage with Nepad as it will make a difference in their lives. Thus there have been calls to mobilise these ostensibly marginalised people to participate in Nepad. Such calls to mobilisation imply that these people know what they are expected to participate in. This “knowledge” of the process to a great extent depends on their perceptions of what Nepad will bring them. Moreover calls for “participation” assume that these people will be interested in participating. We have to re-consider this assumption even before we begin thinking about how to empower these people.

In a recent snap survey on the evening news not one person on the streets of Johannesburg could explain what Nepad was. This led me to ask myself whether anyone outside of those working with Nepad actually know what it is. It is unclear whether the people in the snap survey had ever heard of Nepad, or whether, having heard the term, they were still not sure what it entailed. If this is the case in the cities, what then of rural communities? What would people in these communities have heard? Where does one begin with “empowering” the people of these communities? And what assumptions would inform your “empowerment” strategy?

Since the introduction of Nepad, debates have been raging as to the strengths and weaknesses of the plan. Some of the criticisms launched at the strategy are that it is characterised by a lack of consultation, is heavily influenced by foreign governments, and that it is neo-liberal in orientation. Some of these debates are located in the realm of contestation of power, and involve the right to speak on behalf of certain groups in society – thus undermining their right to speak for themselves. This takes place in a context where official channels for civil society participation in Nepad processes have only recently been made available. While some see this increased openness as resulting from the criticisms directed at Nepad, others argue that it is inevitable that Nepad makes some room for the inclusion of civil society in its workings.

The people most affected by poverty in Africa are those that live in rural communities. This sector comprises as much as 70% of the population in some African countries. They are foremost in our minds when Nepad speaks about poverty and the need for socio-economic development. In some ways the people “speaking” in the Nepad document have spoken on behalf of the rural poor. These people themselves have not had the opportunity to say much.

In his address at the opening of Parliament, President Mbeki stated that many South Africans are unable to benefit directly from what our economy has to offer. This reflects the structural problems that characterize our society. The consequence is that we not only have a dual economy, but also a dual society. The Presidency has acknowledged the acuteness of this problem by identifying rural and urban nodes that sustain severely impoverished communities. Developmental projects targeted at these nodes have illustrated how successful poverty-alleviation programmes can be. In rural areas Nepad is perceived to be something that will bring about development and relief from poverty. Therefore, if Nepad is to involve a focused poverty-alleviation programme, it would be beneficial to look at existing strategies that have proved beneficial to communities. This does not imply that the presidential programme and Nepad are the same thing, but rather that they seem to pursue similar goals. Thus the nodal projects which are already underway might offer some valuable lessons for Nepad.

Empowering people is not simple, as this process is so intimately tied to the power relations that characterise our society. People who are caught in a poverty trap and need services and empowerment are also the ones who are most vulnerable to exploitation. Those who ignore the rights of these people, which are guaranteed in the Constitution, often impede the implementation of government programmes. How does one convince people to demand the services they deserve when it is in an official's power to tell them to "come tomorrow" – even though their issue could have been addressed that day. Thanks to abusive and arrogant public servants, poor people are truly caught in a poverty trap. Strategies are needed to create the calibre of people who will implement Nepad in a manner entirely different to that I speak of. If one looks at the extent of resources government spends on poverty relief, we should already be seeing a big difference in the lives of the poorest of the poor. If the calibre of civil servants were different, it is quite possible that delivery on issues of poverty alleviation would be much more efficient than it is at present.

How then does one empower rural people to take part in Nepad and AU processes? As long as these people are at the mercy of public officials we will not see the results we desire. What is thus needed is a monitoring system that holds civil servants accountable for their behaviour. Despite the right to equality entrenched in Chapter Nine of the Constitution, and everyone's inherent right to health as stipulated in Chapter 10, the CGE continues to receive complaints from the public that these rights are continually violated by the kind of public service I speak of here.

What is disempowering about Nepad itself is that it ignores the issue of gender. Gender is not factored into the conceptual framework document for eradicating poverty. This is particularly troublesome due to the gendered nature of poverty in Africa. Nepad does, however, attempt to "integrate" women into its framework. Such an add-on approach has led to the failure of previous development models. It fails to acknowledge that gender has placed women in a position of subordination, so that they do not have access to resources and are forced to submit themselves to decisions that affect their lives adversely. Consequently, poverty has a disproportionately large impact on women. Unless an analysis of rural poverty is underpinned by a gendered approach, i.e. an approach that examines what women can and cannot do due to the position they occupy in society, development projects will not be able to pull these women out of poverty and into the mainstream. Women must be involved as partners in development projects. Such involvement will have implications for the methods used by Nepad to gather data and achieve its objectives. Unless Nepad pays particular attention to monitoring, analysis and methodology it will not bring about any significant changes.

The AU and Nepad documents speak extensively of ownership, credibility and partnership. These notions have to apply to all participants in Nepad programmes. Moreover, participants should not be confined to elites, but should include all those people who will be affected by these structures. If these ideals don't apply to all participants across the board, the success of both projects is in jeopardy.

We also have the opportunity to learn from development projects targeted at the nodal points identified by the Presidency. These have demonstrated that integration is needed across leadership at all levels of government. Where stakeholders and traditional leaders are included in developmental initiatives, there is more buy-in from the communities served. Traditional leaders are especially important in rural areas, as they command a lot of respect. Experience shows that programmes stressing community participation have delivered better results.

The AU, despite being a very new body, should look at these examples of successful development projects. Civil society should also be vigilant about opportunities to participate in the AU process as it unfolds. The Peer Review Mechanism, for example, makes provision for participation. As civil society, and particularly as women, we need to see that heads of state commit themselves to fulfilling democracy and submitting to the monitoring instruments designed by the AU. The challenge of gender equality falls within the ambit of the APRM too. Thus we must not look at this mechanism as being beyond the scrutiny of the African public. Instead we must advocate so as to create bigger spaces for public scrutiny and for participation within the AU. In my opinion the Draft Protocol of the African Charter does not empower people. If the process started in 1995, why have people only recently been made aware of it? And there has been very little scope for public participation.

In conclusion: Nepad needs to forge links with existing structures in communities – particularly forums like Imbizo where interested parties meet to discuss community concerns. This kind of forum gives communities the opportunity to be informed, as well as to influence decisions that inform their lives. If true partnerships are forged, communities will buy into development projects, thus ensuring their credibility.

Comments and Questions

"Mobilising and empowering rural communities and women's organisations for participation in the African Union and Nepad processes"

Question: Suraya (CGE, Western Cape)

The first speaker mentioned that Nepad is a long-term strategy for poverty alleviation. What are some of the alternatives for short-term poverty-alleviation measures that could be included in Nepad?

Could the second speaker please comment on the ways in which monitoring mechanisms could be implemented?

Response: Neville Gabriel (SA Catholic Bishops Conference)

Some short-term strategies have been campaigned for. These include campaigns for a Basic Income Grant, as well as various debt-cancellation campaigns. While Nepad makes various stipulations about the nature and pace of debt cancellation, it does not include detailed poverty programmes or how these might relate to debt cancellation. Nepad is thus much more of a macroeconomic framework than a development plan.

Response: Nombulelo Siqwana-Ndulo (CGE, East London)

Simple ways in which to monitor the behaviour of civil servants include drawing up report cards that monitor the performance of government departments. These should be rigorously implemented with the help of relevant communities. It would also be easier to monitor the behaviour of civil servants if they were compelled to identify themselves by wearing nametags. Government might set up regional or national telephonic hotlines where people could lodge their complaints, although this mechanism might not be universally accessible due to lack of infrastructure in certain areas.

Question: Jimmy Adesina (Rhodes University, Grahamstown)

You mention that Nepad wants to bridge a finance gap of \$54 billion. If one assumes that the level of inequality in society will remain the same, a growth rate of 2.4% should be adequate to eradicate poverty; provided that the state is spending on poverty alleviation projects.

Response: Neville Gabriel (SA Catholic Bishops Conference)

There is no evidence to suggest that any growth rate will necessarily result in poverty reduction. For example, in recent years the South African economy has experienced growth, but also deepening poverty. What might happen with economic growth is that the poor become 5% less poor than they previously were, while the rich save proportionately more of their income than before. This means that the poor are effectively borrowing from the rich and transferring funds to them in the long term. Nepad will only duplicate this process at the national and continental levels, and thus rich states stand to benefit disproportionately from this plan.

Question: Collette Hertenberg (Idasa)

What are your thoughts about potential tensions that might arise in South Africa as socio-economic rights are compromised in order to attract Foreign Direct Investment?

Response: Neville Gabriel (SA Catholic Bishops Conference)

Government might propose that public-private partnerships provide a way around these tensions. This effectively entails privatisation of state assets. The real challenge we face today is to address the many challenges put to us by globalisation and its impact on the relationship between economics and politics. Conventional left vs. right approaches to these issues are not very constructive at the moment. Our approach is to look at the actual experiences of impoverished communities when privatisation occurs and base our advocacy work on these experiences and not any kind of ideological orientation we might want to promote. Of course public-private partnerships might be defended on the grounds that socio-economic rights are progressively realised rights, and are thus subject to extended time-frames. Nepad is arguably one example of a long-term framework for the progressive realisation of socio-economic rights. Nevertheless, great hesitancy remains about the short-term strategies government might pursue given Nepad's long-term objectives.

In recent years we have seen the consolidation of a unipolar world. Only one kind of economic policy framework is regarded as acceptable, and no alternatives are tolerated. Nepad is fully endorsed by foreign donor governments because it consolidates this framework. In engaging with this strategy, it is important for civil society to address Nepad on the grounds of what poor communities say they want.

“The African Peer Review Mechanism: An overview of the process and potential for civil society intervention”

Speaker: Ayesha Khajee (SAIIA, Johannesburg)

Chair: Collette Hertenberg (Idasa)

Ayesha Khajee's presentation replaces that of the Nepad Secretariat member initially scheduled, as a speaker from the Secretariat could not be secured.

My presentation will discuss the African Peer Review Mechanism and the points of intervention it makes available to civil society. This is an informal presentation, and draws from the work of Jakkie Cilliers, Stephen Gelb and Chris Maroleng, amongst others.

African civil society, or civil society in an African context, is composed of groups as divergent as traditional leaders, academics and students, trade unions and professional associations. The media might be conceptualised as a somewhat separate category, as it performs an oversight function and stimulates discussion. The predominance of business in civil society is troubling in some aspects. Because it is so well organized, and because it has such huge resources, the tendency has been for business to corporatise civil society to some extent. As a result, marginalised voices such as those of women and the youth struggle to be heard.

What is Nepad and, more specifically, what is the African Peer Review Mechanism (APRM)? Despite its prominence, many people do not understand Nepad and its objectives. Prof Adesina commented that the APRM is a voluntary mechanism. Two questions thus surface:

- What happens in cases of violation where countries have not signed up to the APRM? We usually find the most severe violations in non-signatory environments.
- What is the driving force behind the APRM? To what extent does it empower and disempower civil society and government? Are we once again embracing political conditionality in order to access aid or are we creating conditions that allow us to access aid on our own terms?
- If member states can volunteer to join the APRM, can they also voluntarily resign?

The most obvious response to these questions is that the APRM process, and Nepad itself, are both subject to voluntary participation. The Nepad Secretariat is quite clear about the fact that the Peer Review Mechanism is not something that can be forced upon a state. If states do not voluntarily submit themselves to peer review, Nepad argues, the process will fail.

Good governance is one requirement that is legally binding on all AU member states. Any review of these countries' political systems will thus be an Africa-wide process and will be conducted by the African Parliament, and possibly the Commission on Human and Peoples' Rights. There are no clear indications as to the different ways Nepad countries and non-Nepad countries might be affected by such a review. Other areas of review include economic governance (voluntary), corporate governance and socio-economic development. The review processes as pertaining to the areas of corporate governance and socio-economic development are at this stage still vague, and it is unclear what agencies would be involved, or what space these processes allow for participation by civil society.

In terms of Nepad structures there are certain spaces for intervention. One of these structures is the Nepad Secretariat (though it is unclear where the permanent home of the Secretariat will be). A second structure is the Country Review Team, and civil society's potential influence in the composition of this team allows for an important site of intervention.

The next section of this presentation gives a simple outline of the APRM process:

Stage 1

- Secretariat collects information from a range of sources at various levels and collates this into a background document;
- Background Review;
- All partners in the process, including the country under review, comment on the background paper;
- The Secretariat prepares an Issue Paper, which outlines the main challenges the country faces in the four sectors to be reviewed;
- The Eminent Persons panel approves a work plan based on the Issue Paper;
- An APRM Country Review Team is appointed;
- Host country uses the Issue Paper to draw up a Draft Plan of Action;
- Potential weakness: Draft Plan of Action formulated by government under review.

Stage 2

- Country visit;
- Opportunities for local CBOs and civil society to participate in the process;
- Country Review Team meets with and interviews key stakeholders;
- Country Review Team assesses whether Draft Plan of Action is able to meet challenges identified in Issue Paper;
- If Draft Plan of Action is found to be inadequate, consultation with stakeholders must be used to identify ways in which the plan might be improved.

Stage 3

- Preparation of APRM Country Report and Recommendations, based on the Background Report, country visit and interactions with local stakeholders;
- Panel submits Report to APRM forum, which is composed of heads of state that have submitted themselves to the authority of the APRM;
- Chair of the Forum communicates with the head of state of the country under review on the findings of the Country Report.

Stage 5

- Final Country Report formally submitted in Nepad structures and publicly tabled in the AU Parliament;
- Unclear whether the Report will be made available to the public in its entirety.

In closing I would like to comment on the claim that Nepad will bring about development as a result of a "trickle-down" process. A senior administrator of Nepad has admitted that the poorest of the poor are likely to feel the benefits of Nepad in the long term only. If this is indeed so the project might lose credibility long before these groups in fact experience any tangible benefits. Nepad is clearly a reality insofar as the African continent is concerned. To be successful it must be implemented at the national level, and preferably the local level too. It is at the local level that the opportunity for civil society involvement exists, as well as for the

synergy of skills and resources amongst various civil society organisations. Civil society organisations must engage in sectoral co-operation, and lobby for inclusion on this basis. This is the only way in which these organisations will have a voice in the APRM.

Comments and Questions

"The African Peer Review Mechanism: An Introduction"

Comment 1: Xolisa Vitsha (PSAM, Grahamstown)

The IMF already has a system in place where governments voluntarily get together with IMF staff to evaluate themselves. Governments must give their consent for the results of this review process to be published. Civil society is not included in this process, and governments only participate so as to legitimise themselves and gain access to more funding. It would be sad if the APRM were to become a mere copy of this system. The fear amongst many is that the APRM process only rearranges the politics of the begging bowl. It is important for civil society to monitor and engage with the APRM process, and one way of doing so might be through monitoring policy implementation through tracking budget expenditures at various levels of government as a means of gauging service delivery.

Comment 2: Kathryn Sturman (ISS)

I would like to clarify the confusion about political governance and whether it has remained a part of the APRM process. In October last year there was much speculation about political governance no longer being subject to peer review. Given the political context at the time one could argue that South Africa had been very successful in marketing Nepad to the G8, but was less successful in marketing the programme to Africa. With SA being the "new kid on the block", the OAU and AU felt threatened by Nepad, particularly when a Secretariat was set up and a budget allocated to the project. And, while the OAU was an inclusive body, based on the principle of unity, Nepad is more exclusive. I would suggest that political governance is still part of the peer review process, and that the initial confusion was in part intended to allay the fears of African governments about being subject to peer review. Also, there is provision for sanctions to be initiated against countries where gross human rights violations are experienced. This has nothing to do with Nepad and is part of the AU statute.

Comment 3: Dr Nombulelo Siqwana-Ndulo

Civil society must push to have a role in the peer review process, especially when it comes to issues such as lack of transparency and donor funding. Civil society can also deliver valuable input on areas that might be identified as priorities for intervention, for example agriculture. I am concerned about the lack of transparency on these issues. We do not know, for example, to what extent donor funding is tied to requirements that we accept genetically modified organisms, which might have an adverse effect on the agricultural sector.

Question: Richard Calland (Idasa)

Where will the institutional home of the APRM be?

Response: Ayesha Khajee

The APRM is currently embedded within the Nepad Secretariat. It is not clear whether this will remain the case. At the moment it is housed in the Secretariat due to the slow pace at which the programme is being rolled out. The project is also underresourced at the moment. Once other aspects of the Nepad programme are functional, some aspects of the NPRM might be farmed out to these agencies.

Response: Kathryn Sturman (ISS)

The plan is that the Nepad Secretariat be moved from Midrand to Addis Ababa in the long term. However, because the bureaucratic machinery has already been established in Midrand, it will

probably be very hard to move the Secretariat to a new location. There is also some rivalry between Nepad and the AU, even though these structures are officially affiliated.

Comment: Prof Adesina (Rhodes University, Grahamstown)

We need to remember that Nepad is separate and distinct from the AU. The notion that these two should be kept separate lest one contaminate the other does exist. Thus, for the sake of its international credibility the Nepad framework functions independently of the AU.

If we look at the countries that are reluctant to get involved with Nepad, it is clear that not all of these countries are corrupt. In many cases this is because certain states do not trust the Nepad process, and feel excluded from it due to the dominance of certain states in Nepad.

Comment: Chance Chagunda (Southern African Catholic Bishops Conference)

If we are interested in Nepad not just for the sake of setting up additional institutions, but for its ability to address poverty issues, then we need to evaluate Nepad with this in mind. Therefore we should, for example, ask questions around the impact of trade subsidies on the poor. The issue in that particular case is not the removal of trade barriers, but rather the fact that the weak require more protection. I am worried that we are focussing on the institutional context without looking at the context in which these institutions will function, and the impact of the policies associated with them on the poor.

“Exploring the constraints confronting civil society as it seeks to strike a partnership with government and other key players in the African Union and Nepad”

Speaker: Tebego Molefi (Rhodes University, Grahamstown)

Chair: Derek Davids (Idasa)

Comment from Chair

There seems to be consensus that Nepad is here to stay and that civil society should play a role in the process. Thus as civil society we need to mobilise our fellow citizens and ourselves so that we can participate effectively in the debate. Day two of the workshop is aimed at addressing the kind of obstacles we will be faced with in this regard.

Presentation

This presentation starts by reflecting on the concept of civil society, and more specifically the characteristics of civil society in Africa. By understanding this we understand the constraints on civil society organisations' meaningful participation in the African Union and Nepad. I shall also look at mechanisms for increasing the quality of engagement between civil society and government with respect to Nepad, as well as the utility of civil society in ensuring good governance and accountability.

Civil society's participation in Nepad is crucial. Development in Africa has been mainly state-centered. Most African development strategies initially lacked the involvement of civil society, even though its involvement is crucial in ensuring democratic development processes. Government hostility towards civil society then is born of the fact that African governments saw civil society as threatening their legitimacy. Thus not only development processes but also democratic processes lacked popular participation.

Nepad is based on the notions of good government, accountability and transparency. Honouring these principles requires that civil society be involved in core African Union and Nepad processes. It is imperative that African states realise that civil society is an important component of democracy. While a flourishing civil society encourages legitimate government, there can be no civil society without some measure of democratic government. Thus democratic government and civil society are intertwined, and the relationship between the two must be strengthened.

That said, civil society is often constrained, particularly in the context of African countries. Given the desired objective of partnership between government and civil society, this presentation seeks to identify ways and means of including civil society in Nepad processes. It also considers strategies aimed at transforming existing negative attitudes of government institutions towards civil society, and techniques aimed at enhancing the capacity of civil society to participate in processes of economic and democratic development.

Professor Adesina has spoken about the perceived weaknesses of the African state, and the ambiguous relationship that exists between government and civil society. More broadly speaking, the dominant view seems to be that civil society in Africa is not vibrant and is mostly ineffective in influencing policy. Such attitudes contribute to the frailty of civil society in Africa. Indeed, African civil society is not weak of its own making. The broader context signals that many perceive the relationship between civil society and government as being inherently

conflictual. Thus civil society is both independent of government, but also vital to its proper functioning. There is a tendency also for government to infiltrate civil society – especially when it is confronted with meaningful challenges. Repression and co-opting are two further strategies used by the African state for dealing with civil society. The problem here is that the presence of civil society organisations is not yet an institutional feature of African polities. Nepad must thus ensure that the political space created is conducive to effective civil society participation in the democratic process.

It is often argued that African civil society is more reactive than proactive. Reasons for weak civil society participation in democracy and development on the continent include a lack of appropriate norms, political tribalism, a lack of resources, the economic crises experienced by economies across the continent and the rural character of African states. These are only the most important constraints facing civil society, which must develop strategies to address these impediments. Only in doing so can civil society move towards ensuring that Nepad and the AU have a beneficial impact at grassroots level.

Yet other theorists argue that, though Africa might have had a weak civil society sector in the past, significant advances in democratic reform throughout the continent raise questions about whether this is true of present-day Africa. Even if this assumption is true, civil society must continue to probe the quality of the democratic government with which it interacts. The notion of democracy does not only refer to elections, but also to meaningful participation by civil society. It is important for African governments to relax their constitutions in order to allow for meaningful participation. In so doing civil society becomes institutionalised and is able to play a meaningful role in policy formulation at a national and continental level. Furthermore, in encouraging the creation of a continent-wide civil society network, particular organisations will have available to them an increased pool of expertise that might shed light on challenges faced at national level.

One of the main points of contestation in the debate about civil society's inclusion in Nepad and the AU is the dilemma that increased participation often limits the pace of delivery. Moreover, governments argue, a lack of resources might prevent them from being able to consult civil society. Yet governments' failure to consult often stems from their conviction that civil society presents a threat to their legitimacy. This might be coupled with a feeling that government has a legitimate right to make decisions on behalf of the citizens in its care, particularly as it is democratically mandated to do so. Because governments in Africa believe that civil society cannot function as a legitimate messenger of societal needs, civil society is excluded from meaningful participation in policy-making. This tendency is often compounded by the fact that most African governments are forced to adopt neo-liberal macroeconomic policies, which pressurise government to marginalize civil society. As a consequence of these macroeconomic policies, poverty is deepened, and civil society only becomes more vocal in questioning government legitimacy.

One way of overcoming this antagonism between government and civil society is by creating a mechanism that facilitates engagement between the two sectors on all social, political and economic issues. Instead of government fearing condemnation from civil society it can collaborate with organisations by utilizing such a mechanism at both national and international levels. Such a participative process will ensure that civil society organisations are not only participants in governance processes, but also have the power to help set agendas that inform these processes. Moreover, such positive engagement between government and civil society would help to change African governments' hostile opinion of civil society.

The triangular structure of Nedlac in South Africa serves as an example of this. By implementing such a structure in other African states spaces might be provided for constructive civil society engagement. Even so, civil society organisations should guard against government bureaucratising these structures and in so doing constraining meaningful participation. Thus, even when participating in such structures, civil society should remain strategic about the kind of engagement it seeks with government, so as to maintain its autonomy.

With regard to the internal organisation of its constituent organisations, civil society organisations should have constitutions that embrace the objectives of the African Union and Nepad. There is thus a need for fair, participatory and transparent election processes even within civil society organisations. Important too is the need for these organisations to publish audited financial reports that are made public. If CSOs do so, government will cease to see them as fundamentally threatening and realise the importance of including civil society in the democratic process.

Nepad will only be successful if it is participative and extends to the grassroots level. A coalition between government and civil society is thus equally necessary if consistent and constructive interaction between these two sectors is to be realised. Such a process would also result in the legitimisation of civil society in African politics, as well as ensuring that the process is regarded as credible and mutually beneficial in the minds of all stakeholders. To realise these objectives, institutional mechanisms must be developed that facilitate both meaningful civic engagement with government, through readily available advocacy and lobbying opportunities, as well as easy access to information.

In conclusion I would thus like to highlight the following key points:

- Competent and independent members of society are better placed to judge or monitor the performance of government than government itself;
- Consequently the need for independent bodies exists in all democratic states;
- Currently, the Nepad Peer Review Mechanism involves governments monitoring each other, and very little monitoring of government by civil society;
- Civil society must monitor government continuously and in detail;
- Independent monitors should use available information, coupled with their assessment of government performance, to bring about internally driven reforms. Such reforms would suffice to encourage donor aid, while furthering Nepad's "good governance" objective.

Civil society organisations are essential spheres of influence and power. Civil society's potential in Africa remains untapped to a significant extent. Historically, civil society has spent its time and resources engaging with the peripheries of government. In part this stems from a deliberate attempt by government to debilitate civil society. If Nepad is to succeed, however, governments across Africa must support the emergence and continued existence of civil society. States must relax constitutional constraints on civil society and create an atmosphere that is more conducive to its continued existence.

Comments and Questions

"Exploring the constraints confronting civil society as it seeks to strike a partnership with government and other key players on the African Union and Nepad"

Question: Chance (Catholic Parliamentary Office)

No speakers thus far have mentioned the detrimental effects the expansion of South African companies into other African markets has had. These moves have caused poverty and unemployment in the new markets, and are doing so in the name of Nepad. These companies are thus contradicting the purpose of Nepad in the spirit of increased openness.

Response: Tebego Molefi (Rhodes University, Grahamstown)

Civil society should work together with governments to ensure that weaker African states and economies are protected from their more powerful counterparts. At the moment there is no legislation that requires companies to plow profits back into their communities. This is one issue that might be successfully addressed through increased collaboration between civil society and government. However, we must also recognize that South African companies operate independently of the South African government. The contracts they enter into with foreign governments and private entities elsewhere on the continent need not fall within the scope of the Nepad framework and may bring about unintended results. Through collaboration civil society and government can develop mechanisms that might curb these unintended results and ensure that benefits trickle down to grassroots level.

Question: Thobani Matheza (Idasa)

You raise the question of how governments might change their negative attitudes towards civil society organisations. Could you please elaborate on your answer to this question? Also, African states do not seem prepared to move away from repressive statism towards making the military subservient to civilian control or towards being supportive of a strong civil society. How then do we respond to troubled African states seeking help from South Africa?

Response: Tebego Molefi (Rhodes University, Grahamstown)

In my paper I suggest that one of the ways in which African governments might move away from antagonistic engagement with civil society organisations is by adopting a model of engagement based on Nedlac in SA. This model involves a triangular structure of engagement between relevant parties and can help encourage meaningful civil society engagement in Nepad and the AU. Hopefully consistent interaction between government and civil society on all aspects of socio-economic development will encourage the emergence of a more positive relationship, while creating a more constructive and assertive role for civil society. This would help demonstrate to African governments the positive aspects of engaging with a strong civil society.

With regard to the question of repressive states: It is important that governments in Africa become "Nepad-compliant". To some extent this is a question of compatibility – before states can join Nepad, there must be some kind of compatibility between the character of these states and the objectives of Nepad. The African Peer Review Mechanism should push governments that are not "Nepad-compliant" to become more so, for example to become more democratic, transparent, and so forth. When oppressive behaviour recurs in a "newly democratic" state, there needs to be some kind of mechanism within Nepad and the AU to address issues such as the militarisation of government, or an increase in its repressive behaviour.

Question: Nombulelo Siqwana-Ndulo (CGE, Eastern Cape)

You mentioned lack of proper norms and the rural character of African civil society as constraints to effective civil society participation. Could you please elaborate on these?

Response: Tebego Molefi (Rhodes University, Grahamstown)

Lack of Proper Norms:

Civil society in Africa is often disorganised and unprofessional, and thus it is hard for civil society organisations to effectively engage with government. This feature of African civil society also makes it easier for governments to implement strategies that marginalise civil society from the political process. Within civil society organisations there has to be a programme of action that outlines proper norms of engagement with government. These strategies must allow for recurring engagement with government so as to ensure that it acts in a manner that benefits the majority.

Rural Character:

Many Africans live in rural areas. These people tend to be uneducated and are often excluded from processes that are intended to benefit them. Their role is consequently reduced to that of recipients. In no way does this qualify as meaningful participation. Civil society organisations should raise awareness in rural areas so that these people know the programmes government has in place to benefit them. Such awareness-raising campaigns might include discussion forums where even uneducated people can articulate their views on government policies. These comments must be integrated into the policies themselves. Thus more established civil society organisations must be more vigilant in this respect so as to ensure that they do not only articulate the views of educated and urban citizens.

Question: Xolisa Vitsha (Public Service Accountability Monitor, Grahamstown)

You mention that conditionalities serve as an incentive for donor funding. In the past African governments implemented cosmetic reforms to comply with donor conditionalities. What guarantee do we have that this will not be repeated?

Response: Tebego Molefi (Rhodes University, Grahamstown)

Nepad is a programme of the highest magnitude and needs a lot of money to succeed. As such, it is important that African countries rise and say that we can subject ourselves to these criteria and ensure that African leaders do not appropriate the means made available to them and use it to their own advantage. Globalisation is uneven and marginalised states are caught in a situation where they have to catch up with its beneficiaries. Therefore, an important aspect of development today is the need to ensure that the harmful effects of globalisation are mitigated and that developing states also benefit from the process. We must confront the dependency syndrome. While the need remains for African governments to solicit funding, we also need to ensure that the money secured will be used for the intended purposes. As Africans we must try and appropriate the advantages that exist within the forums being created, for example by drafting our own conditionality criteria.

Question

You mention that there can be no civil society without democracy and no democracy without civil society. The constraints to civil society that you mentioned are largely external factors beyond the control of CSOs – for example the need for constitutional amendments. How do we break out of this cycle?

Response: Tebego Molefi (Rhodes University, Grahamstown)

Civil society and democracy are inextricably linked. It becomes deeply problematic if a government is elected in a situation where there is no autonomous monitor to ensure that it honours its pre-election promises. Government cannot be referee and player at the same time. It needs an independent entity, such as civil society, that can monitor its delivery on the various commitments it has made to the citizenry. This entails that civil society be involved in the political process, rather than being notified of the positive or negative results of policy. Such participation would not be meaningful. The constitution of a democratic state is important insofar as it guarantees a political space in which civil society can meaningfully engage with government.

Comment: Jeff Rudin (South African Municipal Workers Union)

I feel that there is some conflation between Nepad and the notion of a development plan. There is no dispute that Africa needs a development plan, but whether Nepad should be that plan is doubtful. Moreover, part of the reason Nepad is taken so seriously is because it is presented as the only plan. Clearly this is not the truth. It is the last in a series of plans, and possibly also the worst. The only thing that is new about Nepad is its name. Nepad is already experienced in South Africa as Gear. From a trade union perspective, we are struggling with the consequences of this policy.

On the matter of engaging with Nepad from within or without: Engagement with Nepad is premised on the assumption that it is intended to address poverty. However, this is not the case – it is intended to make some people rich. In my view, South African corporations are the key drivers of Nepad because it benefits them disproportionately. The plan will not help the majority of Africans, as the trickle-down effect it propagates does not work.

Response: Tebego Molefi (Rhodes University, Grahamstown)

From a civil society point of view Nepad is elitist, specifically because it will not effectively address poverty. Involvement of civil society in the Nepad process thus means that we can identify institutions within Nepad that we can use as spaces for intervention so as to ensure that the process does address the concerns of the masses. If Nepad and the AU succeed in opening up political spaces, they might really be of benefit to the majority of Africans.

With regards to your comments on the failings of “trickle-down” theories on development: civil society must push for programmes that empower the mass of the people. Thus, civil society has a crucial role to play in ensuring that Nepad delivers on its promises. The architects of Nepad have spent a lot of time and resources in it, and as such it is unlikely that they will allow the programme to fade. Its main architects are still around, and are likely to support the process even after they leave office by setting up institutions that guarantee its longevity.

Reportback: Group 1

Discussion Topic:

Identify constraints and develop strategies on how civil society organisations:

- Could share information and utilize their comparative advantages to make a contribution towards popularizing the AU and Nepad;
- Could cultivate a meaningful working relationship with the parliamentary structures, the Nepad Secretariat, academic institutions, government departments, the media and other national stakeholders doing work on the AU and Nepad.

Report back:

Group 1: Resolutions

- There is a need to disaggregate the AU from Nepad at both the conceptual and practical levels.
- There is more space for critical engagement in AU structures and processes than Nepad structures and processes.
- Civil society must expand the space available for meaningful engagement in both Nepad and AU structures and processes.
- Civil society does not necessarily want to engage with the Nepad and AU processes in a manner that legitimizes them.
- Civil society has an obligation to market its critical engagement with both Nepad and AU processes in a way that voices its concerns about the constraints in engaging with these processes and structures.
- Civil society must popularise any such critical engagement with Nepad and AU structures and processes.
- Information sharing amongst specialised NGOs must be encouraged.
- Specialised NGOs have a responsibility to transfer information about Nepad and its alternatives to grassroots level.
- There is a need for civil society to come up with alternatives to Nepad.
- Civil society should acknowledge lessons learnt from past experience. This means identifying strategies that have failed to effectively address the needs of the poor in the past, and not mistakenly promoting these strategies in future.
- Civil society must continue to oppose the notion of "trickle-down" growth as dealing effectively with poverty.
- Civil society organisations must use available empirical data to develop an analytical framework that gives empirical support to proposed alternative poverty-alleviation and/or developmental strategies.
- More specifically: A report should emerge from this workshop that aggregates, analyses and synthesizes available empirical information and promotes alternative developmental strategies in a coherent manner.
- The suggested report should be made available in both a scholarly academic format as well as a less abstract and more accessible format.
- The proposed report could offer a collection of articles, offering a range of possibly contradictory conclusions, but derived from the same data.
- Furthermore, available empirical data could be made available on a website. Scholars and civil society organisation may then freely access this information and use it in their own work, as long as they credit the source of information.

- A civil society secretariat for Nepad should be established. This secretariat will function as co-ordinator and contact point for relevant civil society organisations.
- Specialist and well-resourced civil society organisations have a crucial role to play in information and education dissemination *vis a vis* grassroots civil society organisations.

Questions to Group 1

What is the Nepad civil society secretariat?

The Nepad civil society secretariat at present is nothing more than the notion that a co-ordinating body is needed that can structure engagement amongst civil society organisations on Nepad.

Reportback: Group 2

Discussion Topic:

Identify constraints and develop strategies on how civil society organisations:

- Could exploit new structures of the AU such as the Pan African Parliament, African Court of Justice and ECOSOC to bolster its advocacy function at a continental level;
- Could assist in empowering marginalised groups (women, rural civil society and the youth) in such a way that they make their own contributions to national debates and processes concerning the African Union and Nepad.

Report back:

Group 2: Resolutions

- Civil society does want to participate in Nepad processes. Moreover meaningful engagement is better placed inside Nepad structures and processes.
- Access to information regarding Nepad is currently problematic. Information is not readily available from the Nepad Secretariat.
- Information sharing between NGOs is important. To foster information sharing a monthly or bi-weekly newsletter should be established to keep civil society organisations informed.
- Civil society should ensure that the public is informed about Nepad. Community-based radio stations and newspapers are particularly useful in this regard.
- The current lack of trust between government and civil society acts as a strong constraint on civil society's effective engagement with Nepad. Civil society should sensitise government officials about the value of a vibrant civil society in sustaining democracy, and not just accept that government officials understand why civil society should be an important facet of democratic consolidation.
- Civil society should lobby government officials on Nepad projects.
- Civil society should lobby government on the design of Nepad structures so as to ensure their capacity to effectively participate in these structures.
- Civil society should lobby foreign governments about the concerns and interests it has with regard to the Nepad project.
- Civil society organisations must decide on their level of engagement with government, i.e. will individual organisations or coalitions lobby government on a regional and/or continental level?
- It is proposed that the process of integrating civil society networks starts on national level and fans out from there to regional and continental levels.
- Different interests amongst civil society organisations must not prevent them from working together on areas of overlapping consensus.
- Given the criterion that civil society organisations' participation in ECOSOC is subject to them being 50% locally funded, specialized NGOs are likely to be sidelined in favour of more constituency based NGOs.
- Marginalised civil society organisations must be integrated into existing networks and advocacy projects.
- Opportunities to disseminate information about Nepad and the AU in a clear and relevant format must be pursued. Civil society organisations that fulfil this function must be clear and realistic about what Nepad can deliver for the marginalised in society.

These marginalised groups must be informed about upcoming Nepad processes that can be geared towards the betterment of the situations in which they find themselves.

- Any engagement with Nepad processes must foster realistic expectations and should work in conjunction with already-existing poverty-alleviation and interest-specific projects government is currently administering.
- The Nepad and AU processes afford civil society the opportunity to lobby government on making Nepad and African politics central to public education on a continent-wide basis.

Questions and Comments to Group 2

Comment 1 (Collette Hertenberg)

The process of building channels for civil society participation in Nepad and the AU is currently underway. We must lobby politicians on these matters, as these are the structures that will be on offer to us. Civil society must also be careful about the message we send out about Nepad. It is a long-term process targeted at creating economic stability on the continent, and not a delivery mechanism. My concern is thus that, depending on how we explain it to people on the ground, the credibility of Nepad might be undermined by its lack of delivery on socio-economic issues in the short term.

Comment 2 (Prof. Jimi Adesina)

If we agree to engage with Nepad, we have to be clear with what we are engaging. It is not that civil society is trying to miscommunicate by talking about poverty – the Nepad document claims that part of its purpose is to address poverty. When talking about a “development framework”, it is clear from past experience that the notion of “trickle-down” development has not been a successful framework. If the basis of our engagement is that Nepad is the right thing to do, we must be honest about that. Civil society organisations that want to foster this idea should do so. But this is bad economics. This is what has damaged Africa in recent decades. If the intention of African governments is to do no more than build infrastructure and stabilize the macroeconomic environment, what type of development will we get? Remember that civil society is a contested sphere. Engagement with Nepad might mean involving ourselves in a hegemonic project to legitimate a neo-liberal framework. Also remember that we should disaggregate the structures of Nepad and the AU if we want to be clear on the different opportunities for intervention that are available to us.

Comment 3 (Jeff Rudin)

It is important to remember that Nepad shies away from donors and instead looks for investment. As soon as we talk about the investor community we know that the last thing it is concerned about is poverty. We must remind ourselves that Nepad is so popular because it says Africa is backward because of our own doing, and that we can't govern ourselves.

Comment 4

Something that should be part of this debate is the economic argument behind what we are talking about. The boys club of the West wants Africa to play, but then we must look like them. Also, it wants to make Africa politically stable for the West, so that the risk attached to investing in Africa is less than it is now. In effect Nepad attempts to create a safe environment for their investments. What this means for Africa is that we will be forced to open up our markets to international companies that are heavily subsidized. Opening markets kills off local enterprise, which is unsubsidised – this is what trickles down.

If we do engage with Nepad we must do so critically. We must engage with alternatives – for example more localized alternatives such as the growing debate about new economics and the

strengthening of localized economies. Also important is the level at which we engage – we must engage at grassroots level. In South Africa the main platform for engagement is through Integrated Development Plans (IDPs) at local government level. From experience we know that the marginalised are marginalised even at this level. Thus when we speak about ways to engage we must also look at these areas, so as to prevent this discussion from remaining an academic debate that takes place behind closed doors.

Comment 5 (Richard Calland)

It was suggested that we have to try and engage with the Nepad Secretariat on an economic basis and disengage on the political issues. But one cannot ring-fence economics. Should we thus deal with Nepad on only a technical level? How do we give alternatives to an economic framework, and not a development model, while holding our ideological ground? How do we engage at a transnational, multilateral level? These kinds of struggles have proved very difficult abroad, surely they would be as difficult here? We need to be strategic about this and give some thought to how we intend to overcome these obstacles. The real challenge here is to co-ordinate our efforts.

Comment 6 (Martha Bridgeburn)

Group One made the point that we need to mine the statistics and empirical information that already exist. The point is thus to produce credible economic arguments that will support our political position(s). Also, in response to the previous comment, I don't think the transnational lobby abroad has failed.

Comment 7 (Prof Adesina)

I want to suggest that we guard against a phenomenon I have labeled the neo-Washington Consensus. This is rooted in Wolfenstein's new development framework that makes some concessions to critics of the neo-liberal paradigm. However, service-provision to the poor in the context of this "alternative" developmental is still driven by market mechanisms.

The way forward

(I) Critical engagement

- Clarify what is meant by critical engagement.
- Acknowledge that alternatives do exist – e.g. China.
- Acknowledge that the notion of “trickle-down” development is fallacious.
- Be willing to re-evaluate and critically engage with standard conceptual frameworks.
- Promote the notion of critical engagement as informed debate.
- Acknowledge that critical engagement can be driven simultaneously from within and from outside current structures and paradigms.
- Appreciate that Africa needs a development plan, but that Nepad is not necessarily such a plan. Therefore, how does one engage critically with Nepad?
- Question whether the processes and structures of the AU and Nepad allow for a platform that encourages and respects diversity of opinion.
- Work towards producing practical suggestions for engagement at all levels of civil society in the Nepad and AU structures and processes.

(II) Structures

- Avoid loose structures.
- Exclude business from civil society processes and structures *vis a vis* Nepad and the AU.
- Overlap between sectoral and regional civil society organisations and concerns to be promoted.
- Overlap between well-resourced NGOs and under-resourced NGOs to be promoted.
- CSO networks already exist at regional, continental and national levels. A CSO secretariat office can thus function as contact point only.
- Consider the functions of structures in formulating them.
- Avoid structures, encourage networking.
- Proposal: Idasa to take forward “Critical Engagement” project as facilitator/contact point.
- Create an online discussion group/list server to encourage exchange of ideas and information.

(III) Information sharing between CSOs

- Community-based radio stations.
- Email.
- Creating credible analytical documents, as well as popular documents.
- Multiple nodes of engagement between diverse CSOs.
- Print media – community and national newspapers.
- Simplify information contained in official documents to encourage popular access.
- Afrobarometer Round One data to be posted on Idasa website.
- Communication with CSOs beyond South Africa’s borders necessary.
- Use existing products and networks (e.g. E-Africa, SAPSN) to encourage communication with CSOs beyond SA.

(IV) Feedback to official groups

- Civil society code of conduct in existence – need for comment.
 - Criteria used to select civil society organisations problematic? Or lack of contact between official structures and CSOs?
 - Civil society needs to formulate a collective position in order to communicate effectively with official structures.
 - Need for clarification on sites of intervention in official processes and structures.
 - Information-sharing on alternatives to Nepad.
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