

THE CIVIL SOCIETY GUIDE TO REGIONAL ECONOMIC COMMUNITIES



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FOREWORD

This guide has been made possible by the financial contribution and technical support of the Open Society Foundations (OSF). The material collected and collated for this publication emanates from the work of individuals within African multilateral organisations, research institutions, and broader civil society. The ideas and perspective further derive from discussions with a range of individuals who are active in securing higher levels of accountability and transparency from African institutions. The writers and direct contributors to the development of the information presented remain grateful to these individuals and hope that this publication stands as a testimony to their efforts, experiences, and insights on the working of the African multilateral institutions covered.

We are grateful to the many individuals who painstakingly edited the guide and worked to ensure it optimally represents the realities associated with the institutions and processes it captures. We also appreciate the creativity of the team that worked to ensure that the guide is professionally designed and properly formatted for easy access and readability. The guide's authors retain responsibility for its contents (including limitations) and related ideas and perspectives that seek to guide or enhance civil society interactions with a selection of African Regional Economic Communities (RECs). It is intended that this guide would be used to engage institutions in a manner that constructively contributes to enhancing governance and accountability to the peoples of the regions, to Africans, and to the global community.

It is recognised and appreciated that practices and institutions are constantly evolving and that all interactions need to be guided further by actual realities as experienced by individuals and institutions. Feedback on the guide's utility and information on ongoing civil society engagements would enhance collective knowledge and is welcomed. The guide is made available freely, and institutions are encouraged to share the information widely and use it as a basis for constructing engagement strategies and actions.

BACKGROUND

This guide is published in the context of an expansion in the regional coordination momentum in Africa. The integration thrust shifts the locus of policy development, planning, and implementation to regional organisations that are often outside the scope and engagement purview of many local civil society organisations. Securing accountability, the rule of law, and accountability at a regional level is a growing imperative for the people of the continent. The guide has two overall objectives: *First*, it seeks to enhance the participation of civil society organisations in the engagements and work of RECs. *Second*, it aims to provide information and insights on RECs that would strengthen the ability of civil society institutions to secure accountability and influence the policy and implementation trajectory of these organisations so that they better serve the needs of broader society and communities.

A Civil Society Guide to RECs was initially produced in 2015 and is focused on the East African Community (EAC), the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC). As there have been many developments since the initial publication, there was a need to produce an updated guide to capture more recent advances. It was deemed imperative that the guide includes a further REC that has made significant progress in its establishment and role. This updated guide includes the Intergovernmental Authority for Development (IGAD).

The methodology used in the 2015 guide is comprehensive in coverage and clarifies the functioning of each REC. The 2023 guide builds on the initial work but is primarily focused on providing a simple, accessible, and easy-to-engage outline of each REC. The approach serves to describe the RECs from the perspective of civil society organisations that want to influence the trajectory of governance and development within a regional frame. The methodology serves to provide an analytically accessible description of each of the RECs. The following are the broad areas discussed for each REC.

1. The regional integration process
2. An overview of developments with a focus on governance
3. The legal status
4. Planning
5. The institutional structures
6. An overview of annual events
7. The decision-making processes
8. The resourcing and capacity
9. The relationships with civil society
10. Current integration issues.

The Executive Summary focuses primarily on the broader African integration process and the African Union's (AU) role as the central body structured to play a coordinative and integrative role relative to the RECs. The approach here is to capture the broader commonalities and related efforts directed at situating RECs as the 'building blocks' of the AU. The guide is not an official account of the work of these organisations or a manual on their working methods. While it does contain such information, officials level information is generally available on the websites of these organisations.

EAC	https://www.eac.int/
IGAD	https://igad.int/
ECOWAS	https://ecowas.int/
SADC	https://www.sadc.int/

The RECs covered in this guide continuously evolve, and structures and the people occupying key positions change constantly. This guide hence does not contain the names of individuals or their contact details. It is imperative to engage with the formal information available on the website of these organisations to determine key contacts for engagements and related interactions. In all the RECs, there are also civil society networks, and they often have details of contact persons that would be relevant across the range of issues covered by a REC. Engagement within these network structures provides a valuable basis for entry into these multifaceted multilateral institutions' policy and decision-making processes. This guide provides only a summary snapshot of each REC to enhance interactions and guide actions from individuals within civil society organisations.

ABBREVIATIONS AND ACRONYMS

ACDEG	African Charter on Democracy, Elections and Governance
ADF	African Disability Forum
AEC	African Economic Community
AfCFTA	African Continental Free Trade Area
AGA	African Governance Architecture
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
AQIM	Al-Qaeda in the Islamic Maghreb
AU	African Union
AUC	African Union Commission
CASSOA	Civil Aviation Safety and Security Oversight Agency
CDD	Centre for Democracy and Development
CDF	Consultative Dialogue Framework
CEWARN	Conflict Early Warning and Response Mechanism
CSO	Civil society organisation
DFI	Development Finance Institutions
DHRA	Directorate of Human Resources and Administration
DMCH	Drought Monitoring Centre-Harare
DMCN	Drought Monitoring Centre-Nairobi
DPA	Department of Political Affairs
EABC	East African Business Council
EABN	East Africa Budget Network
EAC	East African Community
EACJ	East African Court of Justice
EACSO	East African Civil Society Organisations Forum
EACT	East African Community Treaty
EADB	East African Development Bank
EAKC	East African Kiswahili Commission
EALA	East African Legislative Assembly
EASTECCO	East African Science and Technology Commission
EBID	ECOWAS Bank for Investment and Development
ECCJ	ECOWAS Community Court of Justice
ECONEC	ECOWAS Network of Electoral Commissions
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
ECOWARN	ECOWAS Early Warning System
ECREEE	ECOWAS Centre for Renewable Energy and Energy Efficiency
EGDC	ECOWAS Gender Development Centre

ERERA	ECOWAS Regional Electricity Regulatory Authority
ETLS	ECOWAS Trade Liberalisation Scheme
EU	European Union
FANR	Food, Agriculture and Natural Resources
FARE	Forum of Associations Recognised by ECOWAS
FEMNET	African Women's Development and Communication Network
FORSC	Forum for Strengthening Civil Society
FOSDA	Foundation for Security and Development in Africa
FPK	First People of the Kalahari
GIABA	Intergovernmental Action Group against Money Laundering
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GDP	Gross Domestic Product
HoACS	Horn of Africa Civil Society
HoAYN	Horn of Africa Youth Network
HSCC	Health Sector Coordination Committee
IARM	Internal Audit and Risk Management
ICEPCVE	IGAD Centre of Excellence in Preventing and Countering Violent Extremism
ICPAC	IGAD Climate Prediction and Applications Centre
ICPALD	Centre for Pastoral Areas and Livestock Development
ICT	Information and Communications Technology
IDDRSI	IGAD Drought Disaster Resilience and Sustainability Initiative
IDT	Industrial Development and Trade
IGAD	Intergovernmental Authority for Development
IGADD	Intergovernmental Authority on Drought and Development
IPSA	IGAD Peace and Security Architecture
ISSP	IGAD Security Sector Programme
ISTVS	IGAD Sheikh Technical Veterinary School
ISWAP	Islamic State in West Africa Province
IUCEA	Inter-University Council for East Africa
IWPSF	IGAD Women, Peace and Security Forum
LVBC	Lake Victoria Basin Commission
LVFO	Lake Victoria Fisheries Organisation
MCS	Monitoring Control and Surveillance
MCSCC	Monitoring Control and Surveillance Coordination Centre
NCP	National Contact Points
NEPAD	New Partnership for Africa's Development
NGO	Non-governmental organisations
NHRI	National Human Rights Institutions
NPGRC	National plant genetic resources centres

OAU	Organisation of African Unity
OFC	Office of the Financial Controller
OPDSA	Organ on Politics, Defence and Security Affairs
OSF	Open Society Foundations
OSS	Observatory of the Sahara and Sahel
PAP	Pan-African Parliament
PAYNCOP	Pan-African Youth Network for a Culture of Peace
PPRM	Policy, Planning and Resources Mobilisation
PRC	Permanent Representatives Committee
PSD	Peace and Security Division
RAAF	Regional Agency for Agriculture and Food
RBM	Result-Based Management
REC	Regional Economic Communities
RISDP	Regional Indicative Strategic Development Plan
SAACoN	Southern African Anti-Corruption Network
SADC	Southern African Development Community
SADCAT	SADC Administrative Tribunal
SADCC	Southern African Development Coordination Conference
SARW	Southern Africa Resource Watch
SDG	Sustainable Development Goals
SEAC	SADC Electoral Advisory Council
SHD	Social and Human Development
SHOC	SADC Humanitarian and Emergency Operations Centre
SIHA	Strategic Initiative for Women in the Horn of Africa
SPGRG	SADC Plant Genetic Resources Centre
SPMER	Strategy Development, Planning, Monitoring, Evaluation and Reporting
SSCSF	South Sudan Civil Society Forum
STC	Specialist Technical Committees
UHC	Universal Health Coverage
UN	United Nations
WACSI	West African Civil Society Institute
WACSOFF	West African Civil Society Forum
WAEC	West African Economic Community
WAHO	West African Health Organisation
WAMA	West African Monetary Agency
WANEP	West Africa Network for Peace
WANHRI	West African National Human Rights Institutions
WAPP	West African Power Pool
WIMSA	Working Group for Indigenous Minorities in Southern Africa

1. EXECUTIVE SUMMARY

African regional and sub-regional structures have emerged in distinct ways and evolved divergently. While there are commonalities amongst African multilateral organisations and some level of convergence in roles, functions and value-add for Africans, they remain very dissimilar in exercising authority and how interactions unfold with civil society. It is prudent to have a broader perspective on the Africa-wide integration process and the interrelations with the more granular sub-regional efforts embodied in a range of established Regional Economic Communities (RECs). A continental-wide approach serves to build an appreciation of the African integration journey and the optimal strategies for interaction with sub-regional institutions,

The approach within this Executive Summary is to place RECs at the centre of African integration efforts that define sub-regional organisations, namely RECs, as the building blocks for African integration. Each section of this summary entails viewing the REC as a collective. This approach allows for a deeper appreciation of the elements of commonality and divergence amongst RECs. The summary provides a series of crucial generic insights on the civic policy and advocacy value that can be derived from these politically established structures. It lays the foundation for reflection on civil society strategies that seek to shape policy trajectories and related actions in the communities served.

Realities often do not match expectations when it comes to interactions with RECs. The summary captures the identified RECs' structural and operational tapestry so that regional and local civil society institutions and formations can construct optimal advocacy and engagement approaches. The summary and details on each REC cannot capture all elements of nuance on each interaction and influence need. The certainty of the description and related guidance is that change within RECs is a constant. There must hence be an appreciation of the guide's contents on the foundation that processes, people, actions, and approaches are continuously adjusting and require adaptability to sustain the securing of objectives set by a civil society organisation or related network formation. The summary and more detailed analysis are directed at assisting the interaction process and serve as a critical guide to civil society institutions seeking to engage RECs and influence the trajectory of policy and actions within a region and beyond.

1.1 Regional integration

Regional integration in Africa refers to the process of promoting cooperation, collaboration, and coordination among African countries in various terrains such as security, governance, social development, economic exchange, and infrastructure development. Several integration initiatives, instruments and structures in Africa are central to driving a more collective approach. Social, cultural, political, economic, and people-to-people relationships across borders have long-characterised interactions in the pre- and post-colonial periods in the continent. Recognition of such interactions and common identities across colonially defined borders enhanced informal and formal political interactions that would facilitate integration.¹

Civil society driving integration:

Civil society actors, such as journalists, activists, and intellectuals, were instrumental in organising and mobilising support for the Pan-African movement. They used various means, including newspapers, conferences, and grassroots campaigns, to raise awareness.

1 PG Adogamhe 'Pan-Africanism revisited: Vision and reality of African unity and development' (2008) 2 *African Review of Integration* 1

The history of integration efforts in Africa can be traced back to the early 20th century when the idea of a united Africa gained momentum. This idea was fuelled by the desire to overcome the legacy of colonialism, which had fragmented the continent into numerous small states. One of the earliest attempts at integration was the Pan-African movement, which emerged in the early 1900s and aimed to unite people of African descent from around the world. However, it was not until after World War II that the movement for African integration gained significant traction.

The initial momentum towards Africa-wide integration emerged from civil society formations, including active political liberation movements in the continent and beyond. The pattern at a sub-regional REC level is different as many initiatives for integration were state-driven and emerged primarily on the back of initial cross-border economic and trade-related imperatives. Aside from the Southern African Development Community (SADC), all the other regional institutions unfolded because of immediate economic imperatives, such as those associated with monetary exchange and trade. No matter the initial impetus, the political and social motivations for substantive integration gradually dissipated with independence and the establishment of territorial governments based mostly on colonially defined borders. In 1963, the Organisation of African Unity (OAU) was established to promote cooperation and solidarity among African states. During the OAU's initial stages, member states' primary focus was on protecting their sovereignty and an agreement that colonial borders would largely be retained.² This approach also found resonance in different parts of the continent, and a similar pattern characterised engagements within many of the RECs.

Civil society technical inputs:

Several CSOs provided technical input on the APRM. These include: The African Centre for Democracy and Human Rights Studies (ACDHRS), the Centre for Conflict Resolution (CCR), the Council for the Development of Social Science Research in Africa (CODESRIA) and the Institute for Security Studies (ISS).

In the 1980s and 1990s, a new wave of integration efforts emerged in Africa. The most significant was the establishment of the African Economic Community (AEC) in 1991, which aimed to create a single market and currency across the continent. However, progress towards these goals has been slow, and many challenges remain, including political instability, economic disparities, and ongoing conflicts. The movement gained substantive impetus with the establishment of the African Union (AU) in 2002. The foundations for the shift towards deep forms of integration were established in Nigeria through the Abuja Treaty and the New Partnership for Africa's Development (NEPAD). Central to NEPAD was

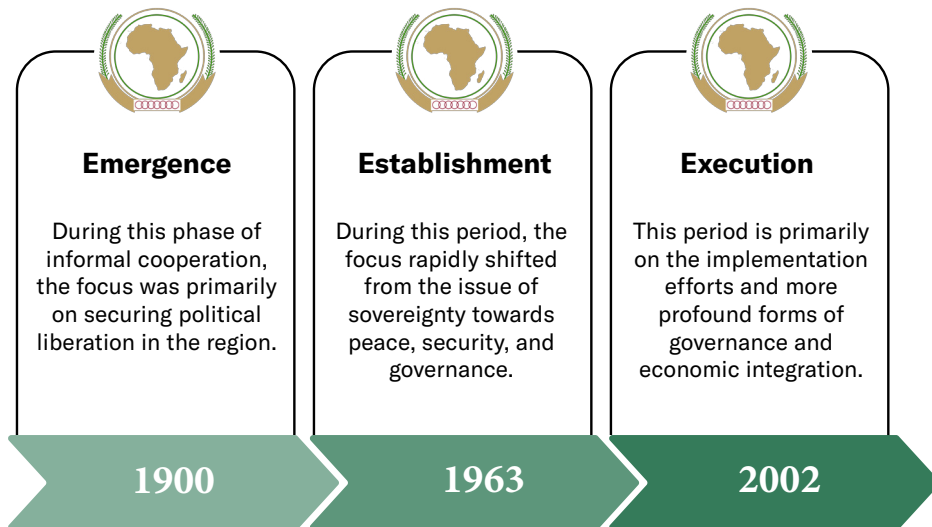
establishing the African Peer Review Mechanism (APRM). In the instance of the AU, a core foundation element was the move towards recognising that the RECs constitute the building blocks for regional integration. More recent integration efforts culminated in establishing the African Continental Free Trade Area (AfCFTA). The AfCFTA, launched in 2018, aims to create a single market for goods and services across the continent, potentially boosting trade and economic growth.

The trajectory of integration at a regional and sub-regional level can broadly be outlined as having three different phases. The *first phase* primarily relates to the foundation motivations for cooperation and related shifts that occurred. The initial momentum often shapes expectations and challenges embodied in the integration process. The *second phase* generally entailed a shift towards higher levels of formality characterised by signing legal treaties. The founding legal documents often serve as the critical basis for accountability and related concerns on sub-

2 A Olukoshi 'The African Union and african integration: Retrospect and prospect' in G Laporte and J Mackie (eds), *Building the African Union: An assessment of past progress and future prospects for the African Union's institutional architecture* (2010) 353

optimal levels of participation of the peoples of the continent or region. The *third and current phase* is characterised by much higher institutional formality and consolidation levels. This phase generally entails a growth in institutions supporting regional political arrangements, with an enhanced focus on the need for a higher level of policy execution. To appreciate these phases, as applied to the evolution of RECs, it is essential to view this from the perspective of the African integration process.

Figure 1: African integration process



As with the AU, the pattern amongst RECs reflects a shift towards the execution of political aspirations and hence a growing level of maturity and technocratic consolidation at an institutional level. The growth in institutions and the levels of consolidation, as reflected in the details on each of the RECs, serve both as an opportunity and a challenge for civil society organisations. At one level, the consolidation of approaches often entails limiting the channels for active participation and, at another level, suggest a need for higher levels of technical engagements on the part of civil society organisation and formations.

While the AU and RECs' relationship remains complex, the overall orientation has generally been positive. There is wider acceptance of the need for policy and implementation coordination, synergy and congruence. The importance of RECs as the building blocks of the AU was reaffirmed in 2017 with a decision that in place of the mid-year summit, the Assembly Bureau would hold a coordination meeting with the RECs, the Chairpersons of the RECs and the AU Commission.

The more prominent regional organisations that have emerged and are recognised by the AU are the following:

- ➔ Economic Community of West African States (ECOWAS)
- ➔ SADC
- ➔ EAC
- ➔ Common Market for Eastern and Southern Africa (COMESA)
- ➔ Arab Maghreb Union (UMA)

- ➔ Intergovernmental Authority on Development (IGAD)
- ➔ Central African Economic and Monetary Community (CEMAC)
- ➔ Economic Community of Central African States (ECCAS)
- ➔ West African Economic and Monetary Union (WAEMU)
- ➔ Community of Sahel-Saharan States (CEN-SAD)

Civil society assisting:

The African Centre for the Constructive Resolution of Disputes (ACCORD) provided expertise and guidance to AU member states during the negotiations that led to the formation of the AU.

The Africa-wide integration effort primarily evolved on the back of political imperatives associated with the Pan-African movement. Trade and economic imperatives served as the key drivers for the emergence of EAC and ECOWAS. In IGAD, the initial drive related to drought and environmental degradation. In SADC, initial motivation emerged from a need for political cooperation to secure the liberation of all countries in the region. While the AU has shifted focus from political to economic issues, the wider trend amongst RECs has moved from economic integration issues towards matters associated with governance and political integration.

The interaction between RECs and the AU has become important for the overall multilateral system within Africa. Many RECs have established offices at the African Union Commission (AUC) in Addis Ababa to facilitate ongoing interactions. In addition to the AU mid-year Summit, which is focused on coordination, REC representatives attend the regular Summit of the AU and a range of other meetings. Representation at technical deliberations within the AU system often includes representatives from RECs. The AUC has also started appointing individuals to serve as a liaison within individual RECs. The focus of AU representatives within RECs has generally been on the terrain of peace and security.

Despite the coordination efforts of the AU, regional integration in Africa still faces numerous challenges. One of the more significant identified challenges is levels of duplication and cross-regional membership in RECs. Over the years, there have been growing concerns about the low levels of active citizen participation in the decision-making processes of these institutions. While there are deep variations, the general shift in the last decade has been a growing focus on governance and active citizen participation. A crucial part of the evolutionary journey of many regional structures has been growing activism from civil society organisations that seek to influence the policy trajectory of the organisations and their member states.

1.2 Overview of developments in governance

The focus on governance issues in the analysis and descriptive overview of each of the RECs is driven by a recognition that civil society interactions and engagements with regional and sub-

Civil society accountability effort:

During the NEPAD Civil Society Forum, held in Burkina Faso in April 2022, 80 representatives from Mali, Niger, and Burkina Faso, via the Declaration of Ouagadougou exposed a number of serious violations including NEPAD's silence as to the necessity for African parliamentary institutions to fully exercise their powers.

regional organisations are often driven by a desire to secure the rights and interests of communities served and represented. While governance is used broadly and in varied ways across the globe, the focus here is that governance generally incorporates issues related to the rule of law, accountability, and the capacity of the state to fulfil the commitments made. The AU and RECs have articulated governance commitments within the framework of the founding documents and in a range of Protocols and instruments.

The overall shift in orientation towards higher levels of governance commitment, primarily at the level of the AU,

unfolded on the back of the Abuja Treaty. The movement towards governance and related imperatives has not been smooth and without challenges. During the overall evolution of the AU towards incorporating governance considerations, civil society actively engaged in the various processes to secure optimal outcomes. By the January 2011 AU Summit on Shared Values, governance standards were in different AU instruments and declarations. Legal frameworks, such as those covering humanitarian issues, the youth, gender, and culture, also incorporate elements of governance. The AU has over forty formal instruments and a range of declarations and decisions that contain governance considerations. However, only a selection of the existing instruments relates to the core governance considerations of accountability to society, the adherence to the rule of law, and the modalities for the organisation of the state.³

It is essential to have a broad perspective on the existing AU governance instruments to appreciate the governance journey in each of the RECs. The AU has, amongst others, adopted a Charter on Human and Peoples Rights, the African Charter on Democracy, Elections and Governance (ACDEG) and Charters relating to local government and the public service. It has also adopted the Convention on Preventing and Combating Corruption. In addition to these listed legal governance instruments, numerous other AU declarations, resolutions, and decisions embody some focus on governance.

As a result of the deepening momentum on governance imperatives, including amongst RECs, the Declaration of the 2011 AU Summit placed attention on the need for a more coordinated approach to governance for broader impact by way of affirming the existence of an 'African Governance Architecture (AGA)' and by establishing the 'African Governance Platform (AGP)'. This platform, with participation from all AU institutions and RECs with a governance mandate, was officially launched in 2012 and has since established a series of structures to facilitate a more coordinative approach to governance interventions.

While a positive governance and human rights momentum was established through the APRM and the adoption of various governance instruments within the AU and RECs, there is a marked focus on economic and related trade matters at the level of state parties in the first decades of the 21st century. As a result, governance instruments and initiatives often became secondary to the imperatives associated with peace and security and consummately with matters related to stability to drive economic growth. The shift is reflected in the distribution of resources within regional institutions and how priorities are established. Table 1 broadly captures the core governance commitment from the AU and RECs.

While governance interactions and concerns with peoples' rights and access vary across the tapestry of regional integration in Africa, the dominant trend within the institutions over the past few years appears to focus on technical integration matters and less on the broader imperatives associated with governance. There are nevertheless profound variations amongst RECs as it pertains to governance considerations. While all the RECs have established approaches around monitoring elections, the records on human rights vary. The overall trajectory has been towards

Civil society supporting the AU: The Pan-African Lawyers Union (PALU) organised a public dialogue on ACDEG in Tanzania, which brought together representatives from civil society, the government, and the media.

Civil society advocacy effort: During the NEPAD Civil Society Forum, held in Burkina Faso in April 2002, 80 representatives from Mali, Niger, and Burkina Faso, via the Declaration of Ouagadougou exposed a number of serious violations including NEPAD's silence as to the necessity for African parliamentary institutions to fully exercise their powers.

3 S Latib *The efficacy of African Union multilateralism in governance: An institutional approach* (2020) 6

greater alignment with AU instruments and strategies. However, for many, some RECs have digressed as they have not established mechanisms and accountability structures similar to what has evolved at the level of the AU and RECs such as ECOWAS. In other instances, RECs have established approaches that serve as a benchmark for the AU as it pertains to accountability and the separation of roles between the legislative, executive, and judicial arms.

Table 1: Core governance commitments of the AU and RECs

AU	Article 4 of the Constitutive Act of the African Union: respect for democratic principles, human rights, the rule of law, and good governance; condemnation and rejection of unconstitutional changes of governments. The ACDEG: commits states to democracy, the rule of law, and human rights, as well as to constitutional transfer of power; sanctions in cases of unconstitutional government changes.
EAC	Articles 3.3.b and 6.b of the EAC Treaty provides for the adherence to good governance, democracy, the rule of law, and human rights as a precondition for membership and an obligation of the member states to respect the EAC Principles for Election Observation and Evaluation.
IGAD	The founding Agreement refers to respect for human rights. More substantive commitment is made through the Draft Protocol on Democracy, Governance and Elections Guidelines for Election Observers and the Code of Conduct for Election Observers.
ECOWAS	Article 4 of the Treaty of ECOWAS: adherence to human rights and democratic governance. The Declaration of Political Principles of the ECOWAS reaffirms the decision to achieve the respective aims of the Protocol on Democracy and Good Governance, which envisages sanctions for breaches of democracy and human rights.
SADC	Article 4 of the Treaty of the SADC affirms human rights, democracy, and the rule of law. The SADC Principles and Guidelines Governing Democratic Elections further confirm this.

1.3 Legal status

The Constitutive Act of the AU is the foundational document that established the organisation as it exists today. The AU adopted the Act on 11 July 2000 in Lomé, Togo, and came into force on 26 May 2001.⁴ The Act sets out the AU's objectives, principles, and Organs and provides the legal framework for the organisation's work. Each of the RECs has been established through a similar legal mechanism. In general, this is often in the form of a Treaty or Agreement that needs to be ratified by the participating member states. The founding documents serve to establish the overall objective that the organisation is meant to pursue. The following provides a summary of the legal basis for the formation of each of the RECs covered in this guide:

4 AU, 'Constitutive Act of the African Union' (2002) https://au.int/sites/default/files/pages/34873-file-constitutivaeact_en.pdf

- ➔ EAC: The Treaty establishing the EAC was signed on 30 November 1999 by the Heads of state of Kenya, Tanzania, and Uganda. It marked the official establishment of the EAC as a regional intergovernmental organisation to create a prosperous, competitive, and secure region through increased trade, investment, and political cooperation.
- ➔ ECOWAS: The Treaty establishing ECOWAS was signed on 28 May 1975 in Lagos, Nigeria, by the Heads of State and Government of fifteen West African countries. The Treaty aimed to create a regional economic community promoting cooperation, integration, and economic development in the West African region.
- ➔ IGAD: The organisation was established in 1986 as the Intergovernmental Authority on Drought and Development (IGADD). In 1996, the Heads of State and Government of the member countries decided to revitalise the organisation to address broader regional issues better. This transformation was formalised through an Agreement signed on 21 April 1996 in Nairobi, Kenya.
- ➔ SADC: The Treaty establishing the SADC was signed on 17 August 1992 in Windhoek, Namibia, by the Heads of State and Government of ten Southern African countries. The SADC Treaty aimed to create a regional organisation that would promote cooperation, integration, and sustainable development in the Southern African region.

Civil society assisting a REC with Treaty compliance:

The Southern Africa Trust has worked with other civil society organisations on assisting SADC to ensure that it complies with the Treaty with respect to the establishment of a mechanism for engagement with non-state actors.

The centrality of the founding Treaty and related agreements cannot be over-emphasised. These documents are aspirational and often embody principles essential for accountability. The founding Treaty or Agreement details the objectives to be achieved and the modalities for participation and decision-making. Reference to the Treaty or Agreement and related provisions provides the first and most crucial source of accountability to open the possibilities for deeper interactions. Member states are inclined towards accepting the implied commitment embodied in the Treaty, Agreement, or Act and hence can be responsive to engagements predicated on a reference to a direct or implied obligation within such legal documents. In almost all cases, reference is made to the wider interest of the peoples of a region and towards active participation and consultation.

1.4 Planning

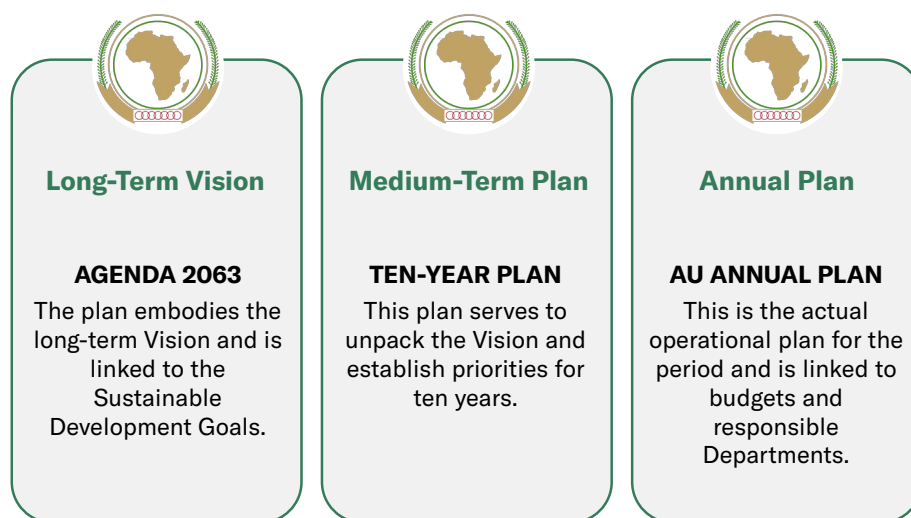
Over the past decade, there has been a marked shift towards longer-term planning within African multilateral institutions. During the initial formation period, organisations tended to be driven by immediate issues. As a result, planning was often centred around the key events to be arranged and the past decisions made by the Summit. At the level of the AU, the shift has been embodied in the development of the longer-term vision for the continent, captured in the form of Agenda 2063. A similar pattern of planning for the longer-term has emerged amongst all the RECs. Figure 2 broadly captures the key planning process and documents associated with the AU.

Civil society monitoring plan commitments:

In 2016, the Centre for Citizens' Participation in the African Union (CCP-AU) highlighted in communications the AU Agenda 2063 requirements that citizens participate in their development and the related contradiction when civil society is not allowed to participate in AU Summits.

Planning at the levels of RECs has recently followed a similar pattern. Each of the RECs covered in this guide has developed, through the support of Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), a Vision 2050 document. In all cases, the general provisions are that these plans are aligned with Agenda 2063. However, in substance and form, they are often very different regarding the priorities established. Resources provided by development partners partly drive this move towards longer-term planning. Coupled with the longer-term vision, most of the RECs have developed medium-term plans for a period of five years. As with the AU, all RECs generally have an annual plan that is linked to actual (anticipated⁵) budgets that the Summit or Authority approves.

Figure 2: Planning within the AU



1.5 Institutional structures

While there is convergence in the structural and intutional make-up of RECs, they are often very different in how they operate, how policies unfold, and how implementation takes place. The divergence in structure, form, and authority exercised by different Organs are embodied in the founding Act or Treaty. Generally, there is a momentum that these institutions should have a clear separation between executive bodies and associated legislative and judicial structures. This separation has not been achieved either at the levels of the AU or the RECs. The divergence is particularly evident in the limited role accorded to a legislative structure. A valuable point of departure is to have a general view of the overall structural configuration of the AU.

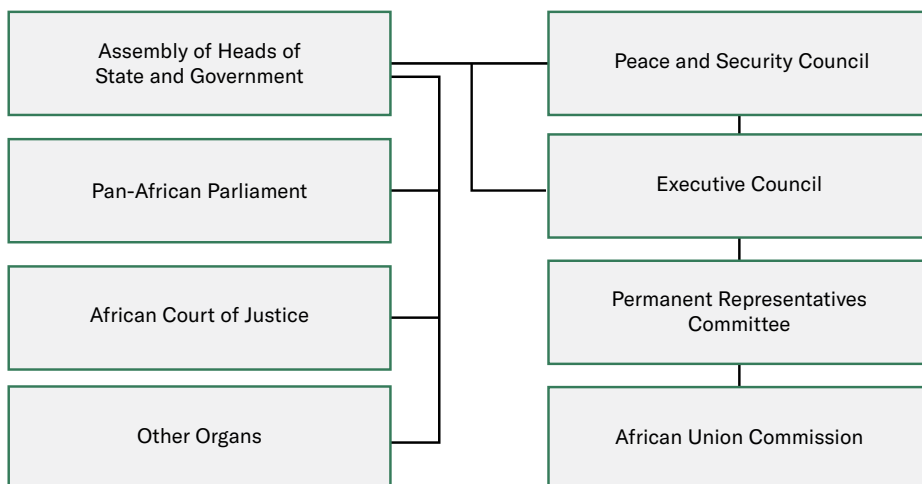
Within the AU, the Pan-African Parliament has an advisory role with no real formal authority. The role of the African Court is also somewhat limited. In the instance of RECs, the hierarchy of authority and relationships between structures are often complex and vary. In principle, the highest decision structure is the Summit of Heads of State and Government. Powers exercised by the Council of Ministers and any other structure, such as meetings of Ambassadors or other representatives, are derived from having the authority to shape submissions and the agenda of

5 As the budget spent is based on the real flow of resources from members and development partners, the actual budget often becomes anticipated as resources do not always flow as expected and plans are adjusted during the period of delivery. This is perhaps a unique reality for the AU and most of the RECs in Africa. Member states sometimes fail to pay in accordance to a schedule and development partners may experience their own delays or changes.

the meetings of the Summit. As with the AU, each REC generally has the following structures.

- ➔ **Assembly or Authority of Heads of State and Government:** This is the top political decision structure and generally meets once or twice annually. They typically incorporate a smaller committee for decision-making between the Summit meetings. In the instance of SADC, the sub-structure is known as the Troika. In others, the approach is the same as the AU, and the committee is constituted as a Bureau of the Summit.
- ➔ **Council of Ministers:** These typically involve ministers of foreign affairs and meet before the Summit or when there is a need for higher-level consultations with member states. While many RECs have created sub-structures of the Council, at the level of the AU, sector Ministers either meet in Conferences or in established Specialist Technical Committees (STCs).
- ➔ **Meetings of Ambassadors or Representatives:** These are typically made up of accredited representatives of member states in countries that host the Secretariat or Commission. In the instance of the AU, this body, known as the Permanent Representatives Committee (PRC), exercises a high level of Authority relative to similar structures at the level of RECs.
- ➔ **Secretariat or Commission:** Each of the RECs has a permanent supportive structure of appointed and elected officials. In general, the most senior official is elected by member states. All others are selected based on merit and related representation quotas. The structures and range of elected versus appointed officials vary across all the RECs. All generally have an Executive Secretary besides the AU and ECOWAS, which have a Commission structure.
- ➔ **Other Organs or Structures:** RECs often include wider representation structures from national parliaments and other structures related to legal issues or securing rights. The composition, modalities of appointment, and authority of these structures vary across each REC. In some instances, they are purely advisory; in others, they have established powers with a clear separation of authority. The mixture of roles and authority also pertains to established Organs at the level of the AU.

Figure 3: Overall structural configuration of the AU⁶



⁶ For a more details outline of the structures of the AU, please refer to AU, 'A Guide for those working with the African Union: African Union Handbook 2022' (AUC, 2022) https://au.int/sites/default/files/documents/31829-doc-2022_AU_Hanbook_ENGLISH.pdf

The institutional modalities, while different, generally follow a similar pattern of decision-making. The Assembly of Heads of State often remains the highest decision structure and deals with strategic and planning issues, such as the approval of budgets and related implementation programmes. In practice, decisions would progress from technical-level meetings to higher-level meetings of Ministers before they are submitted for adoption to the Heads of State. Outside of the broad structures, each of the RECs has established and continues to establish a wide variety of structures that facilitate policy development and implementation. The levels of active power separation vary in each instance. Still, the general patterns are that there have been limited or gradual movements away from power concentration at the Heads of State and Government levels.

1.6 Overview of annual events

At the level of the AU, the focus tends to be on the Summit⁷ of Heads of State and Government held biannually and when the need arises. This event often serves as a key point for influencing the work of the AU. A similar pattern exists at the level of the RECs. The Summit period often includes various events culminating in the Heads of State and Government meetings. These include meetings of the Councils of Ministers and meetings of technical-level officials. They also include side meetings related to specific communities or technical experts. Typically, civil society organisations may also arrange side events to influence the overall agenda of the RECs.

It is imperative to appreciate these events as they remain the critical period within which it becomes possible to have direct interactions with decision-makers. These events also attract various stakeholders, including development partners, representatives of other regional organisations, representatives of the private sector and others seeking to influence the agenda of the RECs. Aside from the broader formal meetings of the structures of the RECs, many organisations would arrange pre-summit and related parallel sessions on various subjects.

The following table provides a broad overview of the Summits for the AU and the RECs covered in this publication.

Table 2: Summits of the AU and RECs

Organisation	First Summit	Second Summit
AU	January–February	June–July
EAC	February–March	November–December
IGAD	November–December	
ECOWAS	June	December
SADC	August–September	

7 It is important to appreciate that the word Summit is often used interchangeably with the Assembly of Heads of State and Government. General, a Summit incorporates other meetings – many of which take place before the actual Assembly meeting. In general, a Summit signifies that the meetings will incorporate the Assembly. When there is no Assembly or meetings of Heads of State, the word Summit will not be used as a description of the event. This applies to the AU and all of the RECs.

The number of days over which a Summit is held varies. Generally, the Heads of State and Government meetings would be over a day in the instance of RECs and two days in the instance of the AU. The Summit period generally includes the meetings of Ministers and other side meetings. Actual Summit days can vary between two and five. In addition to the established ordinary Summit, many organisations would arrange additional Summits where appropriate and necessary. Such further Summits may be arranged on matters of crisis or topics approved by the Heads of State and Government. In most instances, the broad agenda of the Summits would be communicated on the websites of the organisations. The practice of publishing an annual calendar of events is not established despite some attempts in the past by the AU and RECs. Organs, institutions, and Departments generally arrange other meetings and events. Generally, the Parliament and the Courts would determine their dates for convening in advance, and these would be advertised on their websites.

In addition to the core Summit event, the AU and RECs arrange various other events associated with their work and per previous decisions. Sometimes, the events would include various regional cultural and sports activities. In the case of the AU, several days are established to promote issues within the continent. Many of the RECs would also include these days for their work and highlight matters of particular interest. These days are essential for civil society as they can be used to highlight issues of concern. The following are some days identified and often associated with the arrangements of celebratory or commemorative activities.

- ➔ AU Day is celebrated on 25 May each year to mark the formation of the OAU.
- ➔ Africa Environment Day is celebrated on 5 June yearly to raise awareness of the importance of protecting the environment in Africa.
- ➔ International Day of the African Child is commemorated on 16 June to promote the rights and well-being of African children.
- ➔ Africa Public Service Day is celebrated on the 23 June each year to highlight the importance of public service for the development of countries.
- ➔ African Women's Day is celebrated on 31 July to recognise the contributions of women to the continent's development and promotes gender equality and women's empowerment.
- ➔ Nelson Mandela International Day is celebrated on 18 July to promote volunteerism, community service, and social inclusion.
- ➔ Africa Industrialisation Day is celebrated on 20 November each year to raise awareness of the importance of industrialisation in promoting economic development and integration in Africa.
- ➔ Africa Youth Day is celebrated on 1 November each year to highlight the role of young people in promoting social, economic, and political development in Africa.

These annual events and activities are essential in promoting the AU's objectives and raising awareness of the continent's critical issues. They provide opportunities for member states and stakeholders to engage in dialogue, share experiences and best practices, and develop policies and programmes that promote Africa's social, economic, and political development. The list of

Civil society using Summits to highlight challenges:

In February 2012, a joint Declaration of Social Movements and Peasant Farmers, Faith-Based Organisations and CSOs delivered at the African People's Summit ahead of the 6th EU-Africa Summit, demanding more space for CSOs and measures to guarantee land justice and agroecology. Asserting further that what is done for Africa without the African people is not for Africa.

Civil society highlights challenges on Africa Day:

In 2021, Good Governance Africa used Africa Day to highlight cartel power dynamics in Zimbabwe. The opportunity was used to highlight a key issue of concern in the continent.

commemorative and celebratory days is not exhaustive and highlights the trend towards securing African and regional engagements days to secure broader societal participation. In addition, RECs have established some unique celebratory or commemorative days for their regions.

1.7 Decision-making process

Regional multilateral institutions are generally very hierarchical in their modalities of operation and decision-making. The Summit of Heads of State and Government (or Authority) is generally the apex decision structure and often takes decisions that may be considered operational in a national context. The delegation and authority distribution systems are very nuanced and not fully developed. The blurred distribution of authority often makes it difficult for civil society organisations as securing support from officials does not necessarily translate into actual policy change or related implementation actions.

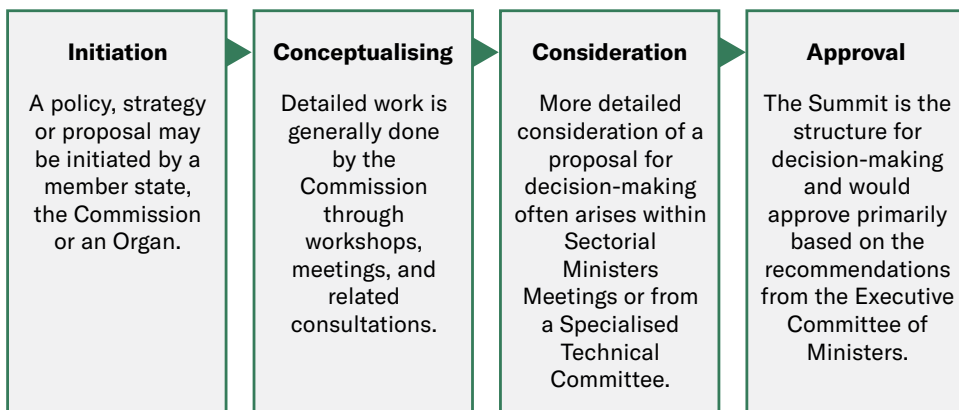
In general, formal decisions are reflected in different types of documents. Summit-level decisions are embodied in decision types with different levels of currency and obligation on the part of implementation institutions and members. These decisions can be broadly categorised into five types for the AU and RECs:

- ➔ **Charters or Conventions:** Charters and conventions play a critical role in African multilateral organisations by providing a framework for member states to cooperate on issues of common concern. These legal documents create obligations on the part of members and generally require that states ratify them before they come into effect. They can cover various topics, including human rights, the environment, trade, and disarmament. Conventions provide a basis for cooperation and action on these issues, setting out common goals and obligations for member states.
- ➔ **Protocols:** Protocols are formal documents that outline agreements or rules that govern the actions of member governments in a particular area. Protocols often formalise procedures, standards, and expectations on various topics. Examples at the level of the AU are the Protocol on the Establishment of the African Court on Human and Peoples' Rights, the Protocol on the Prevention and Combating of Terrorism, and the Protocol on the Rights of Women in Africa.
- ➔ **Declarations:** Declarations are formal statements adopted by the Summit on specific issues or topics of concern to the continent. These declarations are not legally binding but are intended to express member states' collective views and aspirations on an issue. Examples of declarations made by the AU Summit include the 2014 Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods and the 2009 Sirte Declaration on the Implementation of the Constitutive Act of the AU.
- ➔ **Resolutions:** Resolutions are formal decisions adopted by Summits on specific issues, which may be legally binding or non-binding. Resolutions can cover many issues, including peace and security, socio-economic development, and regional integration. Examples of resolutions adopted by the AU Summit include the 2020 Silencing the Guns in Africa by 2020 Resolution and the 2016 Decision on Financing of the Union.
- ➔ **Ordinary decisions:** Decisions are formal instructions or directives the Summit adopts on specific issues binding on member states and other stakeholders. Decisions are usually taken on matters of urgency or importance and can cover a wide range of topics, including peace and security, human rights, and governance. Examples of decisions made by the AU Summit include the 2013 Decision on the Establishment of the African Capacity for Immediate Response to Crises and the 2014 Decision on the Establishment of the African Standby Force and the Military Staff Committee.

The patterns for introducing issues and taking them forward within each multilateral structure are generally similar. However, there are many nuances in practice. These nuances include the reality that channels for influence may vary, and sometimes a decision may be made by a Summit without a more detailed consultative process and related engagements within and outside of established institutional structures or Organs. Figure 4 broadly captures the process associated with taking forward a policy or implementation issue within the AU.

In general, a similar process unfolds within each of the RECs. However, it is essential to appreciate that there are often varied channels for influence and civil society organisations often craft alternative approaches when initial efforts fail to secure the required responses. As multilateral institutions are complex organisations, civil society organisations would sometimes successfully shift their focus of influence to achieve their objectives. Such shifting includes using alternative institutional channels such as parliamentary structures or even member state representatives within structures.

Figure 4: Decision-making process of the AU



1.8 Resourcing and capacity

Contributions from its member states fund the AU. The financial contributions are based on a formula that considers, amongst others, each member's Gross Domestic Product (GDP) and population size. In addition to member state contributions, the AU and all RECs also receive funding from development partners, such as the United Nations, the European Union, and individual donor countries. Table 3 broadly captures the overall budget of the AU and RECs.

The general budget estimates for the 2022 period are based on what is approved by the decision structures of the organisations. These budgets often include a selection of partner resources, where these are made within the framework of the regular budget. However, it is crucial to appreciate that some resources are not provided directly for inclusion in a normal budget and may be allocated to projects. In addition, the actual budget spent varies because there may be delays or changes in partner resources and actual member state contributions. While there is growing budget stability in these organisations, the realities of complexities due to delays in allocations continue to be challenging.

Civil society engagement on the AU budget:

Note: This is left blank to highlight the absence of CSO analysis of the budgets of the AU and RECs.

The Assembly approves the AU budget. The budget covers the costs of running AU Organs and structures, including the African Union Commission (AUC), the Pan-African Parliament (PAP), and the African Court of Justice and Human Rights (ACJHR), among others. In recent years, there have been concerns about the sustainability of the AU funding model, given the fluctuations in member state contributions and the dependence on external funding sources. To address this, the AU has been exploring alternative funding sources, such as a levy on certain imports into the continent, a tax on airline tickets, and a digital tax. However, these proposals are still under discussion and would require the support and participation of member states to be implemented.

Table 3: Total estimated budget of the AU and RECs (2022)

Organisation	Budget in USD (estimate)	Development partner contribution (estimate)
AU	564 million	60%
EAC	92 million	40%
IGAD	87 million	80%
ECOWAS	580 million	20%
SADC	88 million	70%

As with the AU, RECs are funded by direct resources from member states, self-generated finances, and resources from development partners. In all cases, the core budgets are generally derived from direct member state contributions based on a formula related to economic standing and strength. The financial obligations of member states vary across each of the RECs. In general, some member states struggle to fulfil their commitments, and sometimes contributions are delayed until necessary to avoid sanctions by exclusion during Summit deliberations. Member states sometimes also incur of-the-book costs associated with the hosting of Summits.

Self-generated resources are derived from direct fiscal initiatives associated with the authority given to the Secretariat or Commission. However, only two of the RECs have introduced such measures. These generally unfold as a levy on imports into the region. Such a levy has been central to the functioning of ECOWAS and is expected to be central to the funding of the EAC in the future. However, the other RECs or the AU have not yet introduced similar resource mobilisation modalities.

Generally, RECs struggle to sustain work purely based on member state contributions. Secretariats typically engage with development partners to support various elements of their programme interventions. As with the AU, 40 to 80% of programmatic work budgets are often derived from partner resources. Many RECs also mobilise added resources from development partners. In general, this approach has allowed for a higher level of engagement from civil society through the influence of development partners. The criticism of donor funds for programmatic initiatives is that it limits the overall authority of the Summit over operational implementation issues and sometimes limits the autonomy of the RECs as it relates to wider global engagement.

1.9 Relationships with civil society

The relationship with civil society is complex and varies across each REC. The general patterns, however, are that interactions are often both through formally established processes and more informal interactions. Across RECs, there has been a shift towards encouraging the establishment of civil society networks that would enhance interactions. Unlike the AU, RECs have no formalised Organs for interaction with civil society organisations. None of the RECs has established an Organ such as the AU-established Economic, Social and Cultural Council (ECOSOCC) that facilitates the registration and recognition of civil society organisations.

Outside of such formalised arrangements, all RECs have procedures to allow for civil society organisations to attend parts of the Summit as observers. Organisations are generally required to apply for such status based on a set of criteria defined by the Heads of State and Government. Many RECs have established similar modalities as the AU around the accreditation of civil society for attendance of selected sessions of the Summit. At a more grounded level, civil society organisations are engaged with by officials within the Secretariat or Commission. Typically, officials would arrange consultative meetings and invite known civil society institutions to such gatherings. Officials and their Departments regularly shape such interactions and are often limited in their knowledge of organisations active in their policy or implementation space. Where regional networks exist, these would often be a reference point for inviting participants. Again, however, the overall authority of who is invited and attends is often limited to those known to officials. Often such attendance would be funded by the Secretariat or Commission from partner resources.

Other engagements are derived from the direct request of civil society organisations. Generally, officials tend to be open to interaction requests from civil society outside of the Summit period. There are no actual articulated rules that serve to limit the interaction between officials and civil society organisations. However, the value of such interactions is often limited to the willingness of officials to take forward, within the formal structure, the issues raised by civil society organisations. Typically, building such relationships and working with officials takes time and effort to bring forward an initiative. In general, much depends on the willingness of officials to take forward an issue and their general ability to encourage responsiveness from leadership within structures.

Member state political and technical representatives participate at various levels, providing an opportunity for civil society influence. However, member state political representatives, such as Ambassadors or Ministers, generally do not shape actual policy documents or agendas directly unless these are approved at the highest level. At a more grounded level, there may be instances where they can influentially encourage positive actions on proposals by the Secretariat. Very rarely would member states act purely based on a request from a civil society organisation. But this is possible.

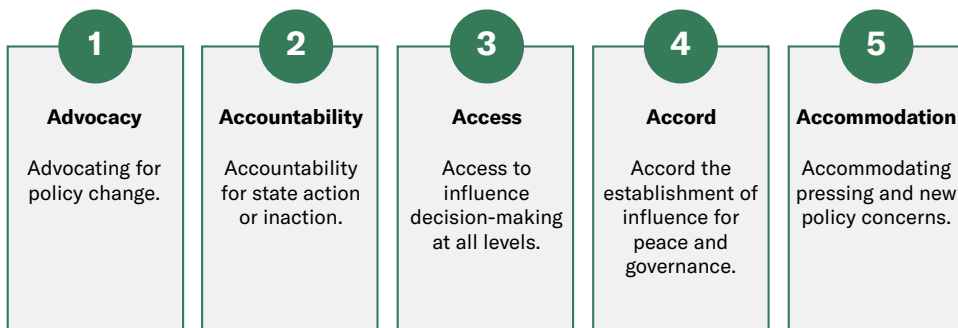
The dividing line between formal and informal is often blurry. Civil society organisations build various relationships that allow for deeper influence and engagements at all levels within a REC. Many would also use the channels of development partners to encourage specific actions on the part of the Secretariat. However, receptiveness to influence often varies across and within RECs. Officials tend to be conservative and avoid situations where they may be reprimanded for bringing forward sensitive matters related to governance and human rights issues. In such cases, informal relationships with political representatives are often much more important and relevant for engagements.

The interactions between RECs and civil society formations vary across the continent. In many regions, civil society organisations have worked together to establish regional networks

dedicated to engagements with a particular REC. Many of these structures are recognised by the RECs and hold meetings on the side-lines of the Summit to facilitate a level of influence over the work of RECs and the related agenda of the Summit. However, outside of these collective processes, individual civil society organisations are often driven to engagements by matters they are interested in.

Central to understanding the terrains of influence is to appreciate the varied reasons that civil society stakeholders would engage with RECs and the AU. The following is a summary of the driving motivation for engagements based on the information collated. The areas are identified as the five 'A's of civil society engagements with RECs. This is reflected in the figure below and the explanation that follows.

Figure 5: Motivation for CSO influence



Advocacy: To many civil society institutions, regional organisations provide a handy platform for influencing the policy perspectives of member states. The collective platforms can provide a singular gateway to shape policy at a national level. A helpful example is that RECs have often served as a gateway to establish targets on gender representation within political structures at the level of member states. For instance, in 2019, civil society organisations in Africa, including the African Women's Development and Communication Network (FEMNET) and the Pan-African Youth Network for a Culture of Peace (PAYNCOP), campaigned for the AU to increase its budget allocation to education. The advocacy efforts were part of the '1 million by 2021' campaign, which aimed to ensure that all African children have access to quality education by 2021.

Accountability: African states are generally more responsive when accountability on commitment matters is raised within regional political structures. African states often make commitments globally, regionally, and locally without reporting on these. To many in civil society, regional platforms provide a collective channel for holding states accountable for their commitments. An example is that in 2018, civil society organisations in Zimbabwe raised concerns about the conduct of Zimbabwe's presidential elections. In response, civil society organisations in the SADC region, including the Southern Africa Human Rights Defenders Network and the Crisis in Zimbabwe Coalition, lobbied the SADC to take action to hold Zimbabwe accountable for its actions. The organisations argued that the conduct of the elections violated the SADC Principles and Guidelines Governing Democratic Elections, which Zimbabwe had committed to uphold as a member of SADC.

Access: Very often, it is not easy to influence and contact decision-makers within established national processes. Regional platforms can provide a channel of access to decision-making and

the perspective of states in ways that serve to shape policies and actions. In addition, member states are often much more sensitive towards actions when matters are raised within regional processes. A case example is the efforts of the African Disability Forum (ADF), which launched a campaign calling on the AU to adopt a protocol on the rights of persons with disabilities. The protocol would provide a framework for protecting the rights of people with disabilities in Africa and ensuring equal access to education, employment, and other opportunities.

Accord: In a situation of deep fracture at a national level, regional organisations provide an added opportunity to drive forward the establishment of a new accord or social contract. Moreover, regional organisations are often central to processes that facilitate national-level dialogue where there are complex deliberative challenges. Civil society would hence seek to influence other Heads of State to encourage their counterparts to engage others within local processes to secure peace. A helpful example is when civil society organisations in Burundi, including the Forum for Strengthening Civil Society (FORSC), called on the EAC to intervene in the crisis in the country. To support their campaign, the civil society organisations engaged in media outreach and mobilised protests and rallies to raise awareness about the situation in Burundi. They also worked with civil society organisations in other East African countries to build solidarity and support for their cause. The EAC responded by sending a high-level delegation to Burundi to meet with the President and opposition leaders and encourage dialogue.

Accommodation: Sometimes, member states would not be amenable to accommodate policy perspectives related to broader human rights issues or matters of concern from groupings within a community. Using available regional channels can serve to ensure that there is a willingness to accommodate sectoral or identity-based concerns. An example of this is matters related to the rights of minority groupings. Civil society actors would hence seek to encourage a shift at a national level by raising issues within regional processes. A practical example of this is when CSOs in Botswana, including the First People of the Kalahari (FPK) and the Botswana Centre for Human Rights, raised concerns about the treatment of the San people and called on the SADC to intervene and protect their rights. The civil society organisations argued that the San people had a right to their ancestral lands and cultural heritage and should be included in decision-making processes that affected their lives.

The rationale for an engagement at the level of a REC will vary and is generally only the first step in acting to achieve positive change. The details that follow serve to identify the channels for engagement by providing an outline of the workings and operational modalities of each of the identified RECs. In each of the outlines, a description is provided of the structure of the RECs, the decision-making processes that characterise each, the budgeting and finance modalities and their relationships with civil society. As much as is practical, examples are provided of the different types of interactions initiated by CSOs.

1.10 Summary of key integration issues

Continental and regional integration matters are complex and embody a range of challenges and issues for both continental and regional structures. The following captures some of the critical issues experienced as it relates to wider integration challenges. The more specific issues are captured in each REC's descriptive analysis. The list of issues is not meant to be exhaustive and is compiled to inform civil society on areas of priority for engagement purposes.

Civil society campaigns during COVID-19: Many national CSOs launched campaigns for health equity. A coalition of CSOs across West and Central Africa launched the Regional Campaign for COVID-19 Health Equity in 2020. The campaign calls for increased funding for health systems and services in the region. The CSOs also advocate for measures to address the social determinants of health that exacerbate the pandemic's impact on vulnerable populations.

Economic and trade integration: Despite efforts to promote regional trade through various trade agreements and the AfCFTA, numerous trade barriers exist. These include high tariffs, non-tariff barriers, and cumbersome customs procedures, which hinder the flow of goods and services across borders. While many countries have ratified the Treaty, the actual implementation is slow, and AfCFTA continues to struggle in moving forward on the commitments made and ensuring compliance on the part of members. Coordination on these matters with

RECs remains a challenge as some have made good progress while others remain slow in securing the free movement of people, goods, and services.

Peace and security: Conflicts, political unrest, and terrorism in various parts of Africa hinder the efforts towards regional integration. Instability and insecurity make it difficult for countries to cooperate and discourage investment and trade in the affected regions. While cooperation frameworks have been established between the AU and RECs, the system does not function optimally as organisations often pull in different directions. Cooperation on governance matters has also been slow, and there is substantive overlap in instruments and actions. For example, there are continued challenges related to the observation of elections by different African regional organisations.

Separation of roles and authority: The authority and related powers of parliamentary and judicial structures remain a challenge at the level of the AU and in RECs. While many have produced documents to secure the separation of roles, the movement towards ratifying these instruments has been slow. For example, at the level of the AU, the instruments to strengthen PAP and the African Court have not been ratified by the required number of states. Similar realities continue to be a challenge at the level of the RECs.

Institutional reforms: Coordination and harmonisation of policies and regulations among African countries and regional organisations remain challenging. Overlapping memberships in multiple regional organisations can also lead to conflicting policies and duplication of efforts. Despite various integration efforts, ranging from the minimum integration strategy to establishing the Peace and Security Architecture and the Governance Platform, actual harmonisation of action remains challenging.

Public and civil society participation: A range of efforts have been directed at enhancing civil society participation in the work of regional organisations. The progress is, however, very mixed, and there is growing concern about a further gap between agreements and the actual involvement of the people of the continent and civil society organisations. Moreover, organisations struggle between the optimal representation of civil society and formal procedures that limit participation.

The key challenges and issues facing both the AU and RECs continue to evolve and change. Some critical priorities relate to internal realities, and others to the external environment. The specific generic current and unfolding issues for each REC are contained in the detailed outlines that follow. It is important to remember that global dynamics, such as the current crises in Ukraine and Israel/Palestine and the challenges associated with trade contestations, impact the priorities and issues facing all organisations. Coupled with these, the AU and RECs are often driven towards responding to immediate challenges, especially regarding security and political instability. Having a perspective on the key issues as they evolve is essential as these provide both an opportunity and challenge as it relates to the ability of a civil society organisation to influence the agenda and the related willingness to respond to expressed concerns.

2. THE EAST AFRICAN COMMUNITY

The East African Community (EAC) was established in 2000, with the signing of the Establishment of the East African Community Treaty (EACT) by the Heads of State of the Republics of Kenya, Tanzania, and Uganda.⁸ The EAC expanded to include four more countries: Rwanda, Burundi, South Sudan, and, most recently, the Democratic Republic of Congo. The community has developed various institutions and initiatives to promote regional integration, including, amongst others, the East African Legislative Assembly, the East African Court of Justice, the EAC Secretariat, and the EAC Customs Union.⁹

Figure 6: Members of the EAC



8 The information used to produce this section is primarily derived from documents accessible on the website of the EAC. These included reports, plans and related publicly shared information. These documents are not referenced in the information provided unless deemed necessary. References are confined to other resources used to guide and inform the analysis.

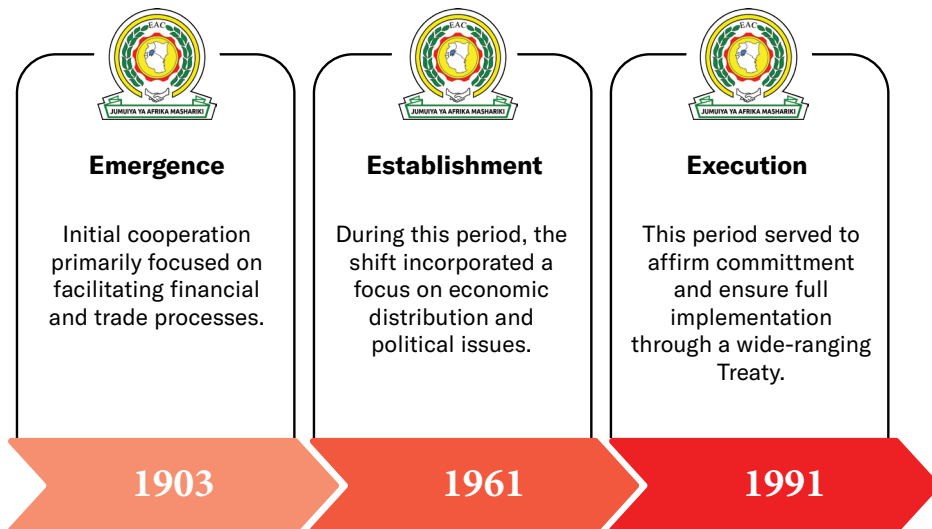
9 B Katembo 'Pan Africanism and development: The East African Community model' (2008) 2 *Journal of Pan African Studies*

The integration process within East Africa has been gradual and arises from a history of structural cooperation within critical economic terrains. However, since the signing of the EACT, the region has made significant progress towards integration. A Customs Union was established in January 2005, and a Common Market was established in 2010. Further steps have been taken on the free movement of people and the establishment of a Monetary Union.

2.1 Regional integration

The history of integration in the region is filled with complexities arising from political and economic contestations amongst countries in the region. East African integration unfolded as a response to active economic integration realities and the need for more effective cross-border interactions to facilitate trade and monetary exchange.¹⁰ The trajectory of integration has changed since the establishment of the EAC and the further institutionalisation of interactions through a stronger regional organisation. It is prudent to have a broad overview of the process, from emergence to the establishment and the move towards more profound forms of active execution of the commitment embodied in the establishment Treaty.

Figure 7: East African integration process



Emergence

In eastern Africa, Kenya, Tanzania, and Uganda have had a history of cooperation that dates back to the colonial period. A Customs Union between Kenya and Uganda was established in 1917, and Tanzania joined in 1927. Others, such as Burundi, Rwanda, and South Sudan, joined later. Since its conception, the EAC has had three names: the East African High Commission from 1948 to 1961, East African Common Services Organisation from 1961 to 1967, and the East

10 A Hazlewood 'The end of the East African Community: What are the lessons for regional integration schemes?' (1979) 18 *JCMS: Journal of Common Market Studies* 40

African Community from 1967 to 1977. In 1977, the East African Community collapsed due to disagreements between member countries. It was revived in 1999 with a new Treaty to deepen regional integration and cooperation.¹¹

It is essential to recognise that the initial drive for integration emanated from the need for cooperation in developing infrastructure and trade relationships. Central to initial regional arrangements was the imperative of establishing rail links and access to ports. Coupled with this, there was a need to establish telecommunications and currency exchange cooperation. The initial efforts were thus sectoral and incorporated the establishment of, amongst others, the East African Posts and Telegraphs (1933), the East African Currency Board (1919), the Customs Union (1917), and the East African Common Services Organisation in 1961. Many of the initial cooperation efforts faced difficulties because of political and ideological contestations and related disquiet regarding the economic dominance of some countries.¹²

Civil society advocating for

integration: In the early 1990s, CSOs in East Africa, including the East African Business Council and the East African Law Society, began advocating for greater regional integration among the countries of the region. The organisations argued that regional integration would help to promote economic development and political stability, as well as improve access to basic services such as healthcare and education.

Establishment

During the long periods of separation, there was growing recognition of the need for more effective integration on a firm political and institutional foundation. The first effort to move towards more effective political cooperation was in 1967. However, the initial efforts floundered for various reasons, including lacking an overall legal framework. The actual shift towards a more sustainable framework emanated in the early 1990s and culminated in the signing of the East African Community Treaty in 1999. The Treaty entered into force in 2000 and has since served as the foundation for much higher levels of cooperation and integration.¹³

Execution

The entry into force of the Treaty served to mark the start of a period of much deeper execution on the foundations of the initial commitment. The Treaty defined the main objectives of the EAC as to promote regional integration, increase trade, and enhance economic and social development among its member states. The organisation has made significant progress towards these objectives, including establishing a customs union and a common market that allows the free movement of goods, services, and people within the region. The EAC has also undertaken several infrastructure development projects, such as constructing roads, railways, and energy projects, to facilitate regional trade and improve connectivity. Additionally, the EAC has harmonised policies and regulations in various sectors, such as agriculture, health, education, and tourism, to ensure uniformity and promote cooperation among member states. Despite its achievements, the EAC faces several challenges, including political instability, trade imbalances, and weak institutional capacity. However, the organisation remains committed to deepening regional integration and promoting economic growth and development in East Africa.

11 AT Mugomba 'Regional organisations and African underdevelopment: The collapse of the East African Community' (1978) 16 *The Journal of Modern African Studies* 261

12 LW Oluoch 'Legitimacy of the East African Community' (2009) 53 *Journal of African Law* 194

13 WT Kaahwa *EAC Treaty and challenges to the community* (2003)

2.2 Overview of developments in governance

Incorporating governance considerations, including related regional standards on democracy and human rights, has been a gradual process within the EAC. During the formative years, the focus was primarily on issues pertaining to regional economic matters. Substantive moves toward incorporating governance concerns emanated in the 1990s on the back of broader processes related to the evolution of the OAU into the AU and the accompanying momentum within the continent on democratic governance imperatives. The approach here is to provide a broad overview of the trajectory of governance developments within the REC. The role of the REC in governance broadly incorporates issues pertaining to peace and security, democracy and elections, and human rights.

The EAC Treaty emphasises the adherence to governance standards, democracy, the rule of law, observance of human rights, and social justice. Coupled with this, the EAC is expected to play an active role in peace and security matters. Article 5 of the Treaty requires the EAC to ensure the promotion of peace, security, and stability in the region. Among the functions of the EAC Summit is to review the state of peace, security, and governance within the EAC. The Treaty essentially binds member states to promote peace and security within the community and adopt measures for maintaining and promoting security in their territories. The EAC also has a Protocol on Peace and Security that provides for the cooperation of state parties in various areas, including conflict prevention, combating terrorism, money laundering, and the exchange of prisoners.¹⁴ As part of operationalising the commitment, the EAC set up a regional early warning centre with a situation room for anticipating, monitoring, and analysing conflicts within the region.

The EAC's Department of Political Affairs (DPA) is mandated to promote good governance and regional political integration. It has initiated dialogue on areas of human rights and political governance. It has also facilitated detailed engagements on fighting crime and cross-border security matters. For example, the EAC played a vital role in the Burundi crisis that began in 2015 when President Pierre Nkurunziza decided to run for a third term, sparking protests and violence. The EAC facilitated dialogue and mediation efforts, appointing former Tanzanian President Benjamin Mkapa as the facilitator. However, the record of the EAC as it relates to political and security crises in the region remains mixed.¹⁵

At the level of human rights, the East African Court has had an active role and has been assertive when member states violate the EAC Treaty. The REC has finalised a draft Protocol on good governance to promote constitutionalism, the rule of law and access to justice in member states. One of the key goals of the draft is to strengthen the East African Court of Justice (EACJ) by expanding its jurisdiction and capacity to handle wide-ranging issues, including human rights, international crimes, promotion of good governance, as well as interpretation and application of the Treaty establishing the EAC. The Protocol has continued to be a draft for a long period, and there is growing pressure that it be adopted.¹⁶

Mobilising civil society support for the Protocol:

The East African Civil Society Organisations Forum (EACSOF) has been mobilising towards securing democratic responsive governance in the EAC. This incorporated engaging with EAC Organs for the speedy conclusion of the Draft Protocol on Good Governance.

14 EAC *The Treaty for the Establishment of the East African Community* (2002)

15 S Vandeginste 'Museveni, Burundi and the perversity of immunité provisoire' (2016) 10 *International Journal of Transitional Justice* 516

16 EACSOF, 'Policy brief on democratic governance in the East African Community' (2018)

Civil society supporting election

observation: During the 2021 elections in Uganda, CSOs, such as the Citizen's Coalition for Electoral Democracy in Uganda (CCEDU), played a key role in supporting the EAC's election observation mission. CCEDU provided training to local election observers, helped to deploy observers to polling stations, and provided data and analysis to support the EAC's reporting on the elections.

In 2012, the EAC approved the approach to elections observation in the region. The framework included the principles, the approach, and a code of conduct for election observers. The EAC remains active in the observation of elections in the region. The EAC has for some time been engaged in a protocol for preventing and combating corruption. The protocol remains a draft. The legislative structure has taken this forward through the introduction of a Bill. However, there has been limited progress in taking this forward. Much of the governance momentum in the region has been overtaken by the work that is unfolding on

the Political Confederation. This process has been slow but recently gained momentum with regional constitutional experts' appointment to draft the EAC Political Federation Constitution. The Constitutional Experts are set to hold consultations with various stakeholders: civil society, local leaders, opinion leaders, and the business community to seek their views on what kind of Political Confederation they would desire for the EAC.¹⁷

The trajectory of governance and related efforts has been slow at a regional policy level. However, the EAC has been active in arranging engagements in the terrain with stakeholders across all areas of governance, including on election, anti-corruption, human rights, and security issues. While substantive cooperation and engagement exist between institutions of member states, this does not often translate into active policy changes at the level of the relevant Organs of the EAC. While the general trajectory is positive, there are clear indications that civil society activism is needed to drive efforts and ensure movement on the draft Protocol.

2.3 Legal status

The EAC has a status as a regional intergovernmental organisation that operates under a legal framework provided for by the East African Community Treaty (EACT). The Treaty was signed in 1999 and came into force in 2000. It provides the legal and institutional framework for establishing, operating, and managing the EAC. The EACT is the primary legal instrument governing the EAC, establishing the organisation's objectives, functions, and Organs. The Treaty provides for the legal personality of the EAC, which means that the organisation can enter into legal agreements, own property, and sue or be sued in its own name. It also provides for establishing various Organs of the EAC, including the Summit, the Council of Ministers, the Sectoral Councils, the East African Legislative Assembly, and the Secretariat. The EAC Treaty also provides for the legal framework for regional integration, including establishing a Customs Union, a Common Market, and a Monetary Union. It also provides for the harmonisation of policies and regulations in various sectors, including trade, agriculture, health, education, and tourism. The EACT consists of fifteen chapters with over ninety articles, which are summarised in Table 4.

In the main, the orientation is for the Treaty to serve as the framework enabling EAC member states to cooperate in the areas of investment and industrial development to harness the investment potential to promote economic growth and development in the region. The legal framework enables harmonisation and rationalisation of investment incentives to promote the EAC as a single investment area. The EAC has established various legal instruments to support its

¹⁷ See <https://www.eac.int/political-federation>

operations, including Protocols, regulations, and directives. These instruments provide the legal basis for specific areas of cooperation, such as the free movement of goods, services, and people within the region. The range of instruments and related decisions is wide and are contained in the outcomes of relevant Heads of State and Government meetings. The following table broadly captures the more prominent instruments that have emerged from the EAC.

Table 4: Summary of the EACT

Chapters	Contents
Chapter 2	Establishment of the EAC as a regional intergovernmental organisation with the objective of promoting regional cooperation and integration among the member states. It details the various principles underlying the function of the EAC.
Chapter 3 to 5	These chapters provide details on all the Organs of the EAC and their authority and related meetings and decision process. It includes the role of the Assembly and the Ministerial Council.
Chapters 6 and 7	These two Chapters provide for establishing Committees for the work of the EAC. It includes details on the role, functioning, and composition of the Coordination Committee and related Sectoral Committees.
Chapter 8	Establishment of the East African Court of Justice (EACJ), which is responsible for interpreting and enforcing the provisions of the Treaty and other legal instruments of the EAC. It includes a provision related to the process for appointing judges and the jurisdiction of the Court.
Chapter 9	Functions of the East African Legislative Assembly include legislating on matters of regional concern and providing oversight over the activities of the EAC. It details the function of the authority exercised and the way members are elected.
Chapter 10	Functions of the Secretariat include implementing the decisions of the Summit and the Council and providing administrative support to the EAC. The chapter also includes the process for appointing the Executive Secretary.
Chapter 11 to 14	These chapters served to detail the areas of cooperation among the member states, which include trade, investment, infrastructure development, energy, agriculture, and natural resources.

Within the EAC, there is a general hierarchy from the Treaty to Protocols, Bills, Acts, and resolutions. There is also a further practice of establishing regulations and rules to operationalise a Protocol. Declarations are meant to confirm that the Summit has a shared opinion on a subject. Declarations are also made as a substitute for an expression of commitment. The EAC also issues directives as firm instructions meant to yield action. Recently, the Summit has made directives to support the EAC Secretariat in enforcing implementation of previous decisions not implemented by the partner states. The compliance issue continues to challenge the EAC and other RECs.

Civil society inputs on Protocols: CSOs in the EAC region have been involved in the drafting of the EAC Protocol on Gender and Development. CSOs, such as the African Women’s Development and Communication Network (FEMNET) and the Women’s Legal Aid Centre (WLAC), were actively involved in the consultation process and provided feedback on the content of the Protocol.

Table 5 summarises some key instruments that have emerged within the EAC. The instruments are often supported by more detailed operational documents within the EAC. Engagement with more detailed plans is often essential for understanding the terrains of possible added influence. In addition to the above, there are various engagements across sectors and within EAC institutions.

Table 5: Key legal instruments of the EAC

Key instrument	Purpose
Customs Union Protocol	This Protocol provides for establishing a customs union among the EAC member states, which involves eliminating trade barriers and harmonising trade policies and procedures.
Common Market Protocol	This Protocol provides for establishing a common market among the EAC member states, which involves the free movement of goods, services, capital, and people across the borders of member states.
Monetary Union Protocol	This Protocol provides for establishing a monetary union among the EAC member states, which involves adopting a common currency and coordinating monetary policy.
Protocol on the Prevention and Suppression of Terrorism	This Protocol provides for cooperation among the EAC member states in preventing and suppressing terrorism within the region.
Protocol on the Management of Shared Water Resources	This Protocol provides for the cooperative management of shared water resources among the EAC member states, focusing on sustainable development and environmental protection.
Declaration on Gender and Development	This Declaration affirms the commitment of the EAC member states to promote gender equality and empowerment, and to eliminate discrimination and violence against women.
Declaration on Good Governance and Democracy	This Declaration affirms the commitment of the EAC member states to promote good governance and democracy and to uphold the rule of law and human rights.

2.4 Planning

Planning is an essential aspect of the EAC’s activities and is governed by various institutions and frameworks. The EAC Planning and Infrastructure Cluster oversees the development and implementation of regional planning policies, strategies, and programmes. The cluster comprises

four departments: Planning, Infrastructure, Energy, and Transport. The EAC Planning Department is responsible for developing the region's long-term development plans, including the EAC Vision 2050 and the EAC Development Strategies and annual plans. These documents provide a strategic framework for regional development and are aligned with the United Nations' Sustainable Development Goals (SDGs).¹⁸

Vision and Mission (2050)

Vision Statement: An upper-middle income region within a secure and politically united East Africa based on principles of inclusiveness and accountability.

Mission Statement: To widen and deepen economic, political, social, and cultural integration in order to improve the quality of life of the people of East Africa.

The Vision 2050 Plan is particularly instructive and contains details about the integration areas. Of particular importance is the inclusion of governance and security issues. In addition, vision 2050 provides for the achievement of the following goals:

- ➔ Democratic values, culture, universal human rights, gender equality, justice, and the rule of law are entrenched;
- ➔ Timely access to affordable, independent courts and judiciary that deliver justice without fear or favour;
- ➔ Corruption and impunity are heavily punished and hence eliminated;
- ➔ Citizens participate in the social, economic, and political development, and management is promoted through an increase in democratic space and respect for democratic norms; and
- ➔ Transformative leadership and ideological change are promoted.

The overall Vision is translated into a multi-year plan, annual plans, and related budgets. Each of the Departments within the EAC would generate an annual programme and activity plan. These are generally established through active consultations with member states. In addition, the EAC has established various sectoral bodies and technical committees to support regional planning and development. For example, the EAC Sectoral Council on Agriculture and Food Security coordinate agricultural development programmes and policies. At the same time, the EAC Sectoral Council on Trade, Industry, Finance, and Investment oversees regional trade and investment policies. Figure 8 provides an overall summary of the planning process within the EAC.

At a macro level, the EAC approach to integration is informed by Vision 2050. The organisation has also established the practice of developing five-year plans to guide the implementation of the strategic elements of integration outlined in Vision 2050. At a more grounded level, the organisation prepares annual plans to shape operational-level work. On an annual basis, the plans to be

Civil society inputs on plans:

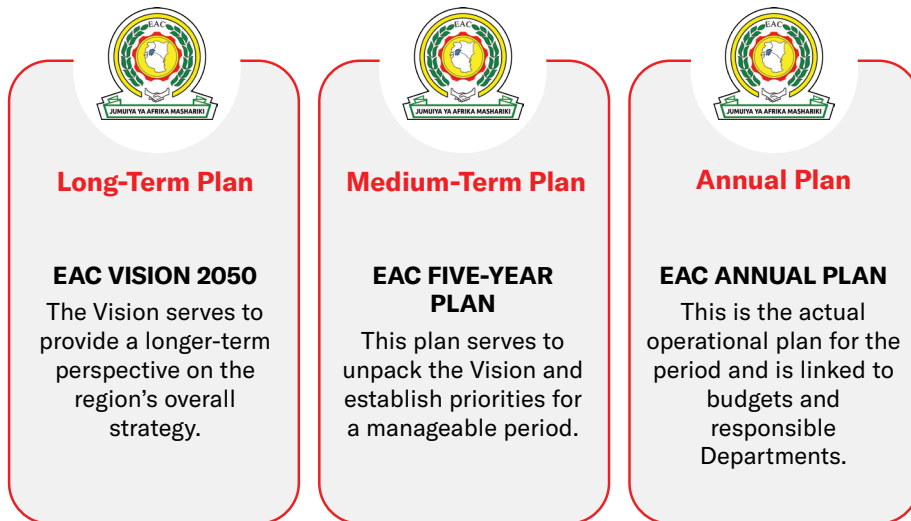
When the EAC developed its 6th Development Strategy (2021–2026), CSOs were consulted in the development of the strategy, and their inputs were incorporated into the final document. The East African Business Council and the African Institute for Development Policy provided feedback on the strategy's objectives, targets, and indicators, as well as recommendations for improving the inclusion of marginalised groups and promoting environmental sustainability.

18 See EAC *EAC Vision 2050* (2015)

implemented are reflected in the budget and related statements presented to the Assembly for decision. The broader priorities for a particular year are outlined in the budget statement.

The EAC planning cycle begins every July with Organs and Institutional Heads developing sector priorities. These are consolidated into the EAC priorities list that is presented to stakeholders – including partner states and members of the East African Legislative Assembly (EALA) – and approved during the annual pre-budget conference in August. The EAC priorities list is presented and endorsed by the EAC Sectoral Council of Ministers Responsible for EAC Affairs. The plans and their contents are important for civil society. Generally, these determine the actions that will be taken. Engaging and influencing the contents of these plans remains a key entry point to ensure priorities are incorporated and linked to actual budgets and related delivery capacity. However, outside of the general participation of civil society in the Vision 2050 process, there is little information to suggest ongoing and active engagement in annual planning documents and related budget allocation.

Figure 8: Planning within the EAC



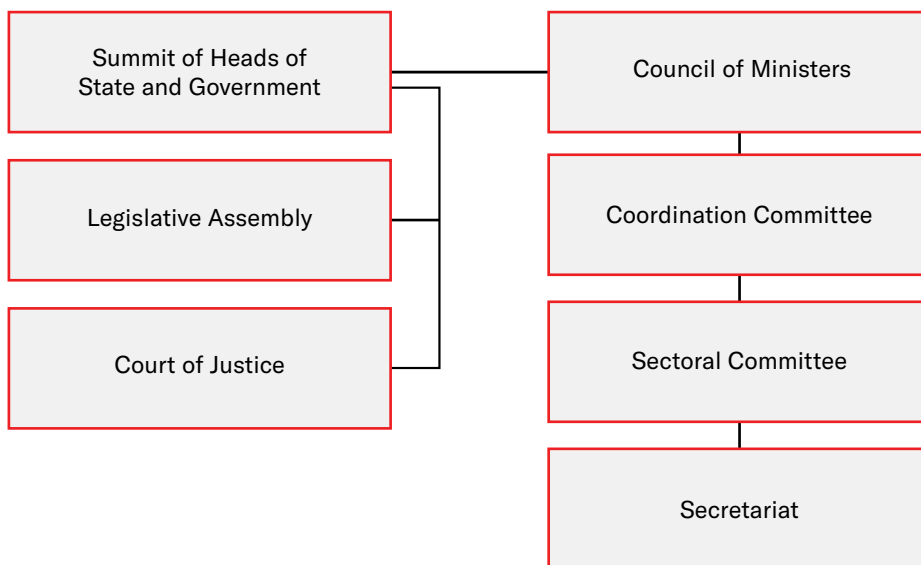
2.5 Institutional structures

The overall institutional structure of the EAC largely follows the general macrostructures associated with similar bodies within the African continent. However, its evolution has been different, and the EAC Parliament and Court have powers unlike those of other RECs. A more detailed descriptive analysis follows a broad outline of the macrostructure. The importance of understanding and appreciating the role and function of the institutional structures is that these provide the core channels for influencing the work and decision-making processes. While the overall structure reflects a hierarchy of authority and responsibility, the realities of practice often suggest multiple channels and possibilities for influencing decision-making and the general policy trajectory of regional institutions.

2.5.1 Macrostructure

The EAC has a structure comprising several Organs and bodies that are expected to work together to achieve the organisation's regional integration and cooperation objectives. Within the overall structure of the EAC, the authority relationships and lines of accountability are often complex. Some structures, such as the Legislative Assembly and Court of Justice, have powers established within the framework of the founding Treaty and hence can make some binding decisions directly. However, it is important to appreciate that the separation of roles does not often mirror what pertains to country-level Constitutions. The following figure broadly captures the overall macrostructure of the EAC.

Figure 9: Macrostructure of the EAC



The Summit is the highest decision-making body of the EAC and comprises the Heads of State or Government of the member countries. The role of the Summit is captured in the Treaty. Generally, it is deemed the supreme overall authority for all policy and major decisions unfolding within the EAC. Closely linked to the Summit is the Council of Ministers. The Council is the second-highest decision-making body of the EAC and comprises the Ministers responsible for East African Community Affairs in the member countries. The Council deals with the more detailed aspects of decision-making and submits its recommendation to the Summit.

As per its working modalities, the EAC has also established Sectoral Councils. These are specialised and provide technical guidance and advice to the Council of Ministers in areas such as finance, trade, agriculture, health, and education. While these structures are perceived to be political because they are intended for Ministers, they are operational as they incorporate technical inputs from officials from member states. With this region, the Treaty served to establish the Legislative Assembly. This is the legislative arm of the EAC and comprises elected Members of Parliament from each member country. At the core of operations in the region is the Secretariat. The Secretariat is the executive arm of the EAC and is responsible for implementing the decisions and policies of the Summit, the Council of Ministers, and the Sectoral Councils. It is headed by a Secretary-General who the Summit appoints.

Of particular significance to the macrostructure of the EAC is the existence of the Court of Justice. This is the judicial arm of the EAC and is responsible for interpreting and applying the EAC Treaty and resolving disputes among member countries and between member countries and the EAC Organs. Each member country also has a National EAC Coordination Mechanism that links the EAC and the national governments. The mechanism comprises a National EAC Focal Point, which coordinates the implementation of EAC policies and programmes at the national level. The structure of the EAC is designed to facilitate cooperation and integration among member countries in various sectors and areas of common interest. The Organs and bodies are expected to work together to ensure the effective implementation of EAC policies and programmes and to promote the organisation's overall objectives.

2.5.2 Parliamentary body

The EAC has a parliamentary body known as the East African Legislative Assembly (EALA). The EALA is responsible for providing legislative oversight, representation, and law-making for the community. The establishment of the EALA is provided for in Article 48 of the Treaty. It was inaugurated on 30 November 2001. The EALA comprises elected Members of Parliament from each of the six member countries, each with nine representatives. The members are elected by their respective national parliaments and serve a five-year term.

The EALA has several functions, including:

- ➔ **Legislation:** The EALA can make laws for the EAC and its member countries on matters that fall within the community's competence.
- ➔ **Oversight:** The EALA has the power to oversee the other EAC Organs' activities and ensure that they adhere to the EAC Treaty and other relevant legal instruments.
- ➔ **Representation:** The EALA represents the interests of the people of the EAC and its member countries and provides a platform for dialogue and cooperation among the member countries.
- ➔ **Budgetary oversight:** The EALA is responsible for approving the EAC budget and ensuring that the community's resources are utilised efficiently and effectively.
- ➔ **Participation in EAC decision-making:** The EALA participates in the decision-making process of the EAC by providing recommendations and advice to the other Organs of the community.

Civil society petitions to the

EALA: The Pan-African Lawyers Union (PALU) and the East African Civil Society Organisations' Forum (EACSO) petitioned the EALA to make strong recommendation to the Summit of EAC Heads of State that the Republic of Burundi should not assume the rotating Chairmanship of the EAC until it resolves the political, human rights, and humanitarian crisis in the country.

The business of the EALA is defined by its Bills, motions, petitions, and questions. Article 59 of the Treaty gives every member of the EALA a right to propose any motion or to introduce any Bill in the Assembly. Rule 64 of the EALA Rules of Procedure (2001) expounds on Article 59. Apart from emphasising a member's right to move a private Bill, it also provides for a Committee of the House to initiate any Bill within its area of competence and for such Bills to be introduced by the Chairperson of the Committee. Article 62 provides that enactment of EAC legislation shall be affected by means of Bills passed by the Assembly and assented to by the Heads of State. When the Assembly has duly passed a Bill, the Speaker of the Assembly shall submit the Bill to the Heads of State Summit for assent. The Heads of State may approve or withhold consent from a Bill of the Assembly.

The EALA operates through the committee system per Rule 77 of its Rules of Procedure. The EALA has been a key channel for civil society engagement, and many organisations have played a strong role in supporting the development of legislation. Advocacy takes the form of meetings, presentation of documents, comments on the documents presented, and identifying individual champions for the Bills. There is a lot of scope for working with the EALA on the legislative front and learning lessons from what CSOs have achieved. The Consultative Dialogue Framework can enhance this relationship significantly since it brings together the various stakeholder groups. However, attempts to undermine the roles of EALA members by removing their ability to present Private Members' Bills will undermine this relationship. Such attempts emanated from the Council of Ministers in the past.

Civil society advocacy on the HIV/AIDS Bill: Eastern African National Networks on AIDS Services Organisations worked on the HIV/AIDS Bill. Advocacy took the form of meetings, presentation of documents, and comments on the documents presented.

Since its inception, the EALA has enacted over 40 Bills, most of them Private Members' Bills. It has won international acclaim for this unique legislative mandate relative to other RECs. This mandate has seen the EALA pass a record number of laws. Efforts by some member states to deny members the right to move Private Members' Bills started in 2012 but have not so far been successful. The EALA Rules of Procedure call for involvement and input from the citizens. The East African Civil Society Organisations' Forum (EACSOFF) has established a framework for ongoing engagement with the EALA, and there are indications that interactions unfold within established committee structures.

2.5.3 Regional judicial structures

The EAC has a judicial structure that comprises the EACJ. The EACJ is responsible for interpreting and applying the EAC Treaty, resolving disputes among member countries and between member countries and the EAC Organs. The EACJ was established in 2001 under Article 9 of the Treaty. Its jurisdiction encompasses the interpretation and application of the Treaty. It also has jurisdiction to issue advisory opinions and determine arbitral matters as well as employment and labour disputes between the EAC and its staff.

The EACJ has two Divisions:

- **First Instance Division:** This Division has jurisdiction to hear and determine cases brought by individuals, corporations, and other entities. It also has jurisdiction to hear and determine disputes between member countries and between member countries and the EAC Organs.
- **Appellate Division:** This Division has jurisdiction to hear and determine appeals from the First Instance Division's decisions and provide advisory opinions on matters referred to by the EAC Summit, the Council of Ministers, and the Sectoral Councils.

The EACJ comprises judges appointed by the EAC Summit from among the citizens of the member countries. The judges serve a non-renewable term of seven years and must be of high moral character, integrity, and impartiality. In addition to the EACJ, the EAC has established several other bodies and mechanisms to support the administration of justice in the region. These include the EAC partner states' National Courts and Tribunals, which have jurisdiction over matters that fall within the national laws of the member countries, and the EAC Bar Association, which is a professional body of lawyers in the region that promotes the development of the legal profession and the administration of justice.

Civil society at the EACJ: In 2019, the Court handed down a judgment in which it declared that certain provisions of Tanzania's Media Services Act violated freedom of expression. This was done based on an approach by a group of civil society organisations who argued that the Act in its current form is an unjustified restriction on the freedom of expression.

The judicial structure is designed to provide an independent and impartial mechanism for interpreting and applying the EAC Treaty, resolving disputes among member countries and between member countries and the EAC Organs, and administering justice in the region. The EACJ has had a complex history, and there have been ongoing contestations on the extent of authority exercised by the Summit. This element of control is not only reflected in authority around the appointment of judges but includes various instances where member states sought to block consideration of specific cases. There are also instances where member states worked towards limiting the jurisdiction of the Court.¹⁹

2.5.4 Human rights and other structures

The EAC does not have a specialised human rights Organ outside the Court. However, the region has a well-established network of National Human Rights Institutions (NHRIs). Each member country has an NHRI responsible for promoting and protecting human rights at the national level. The NHRIs work closely with the EAC and its specialised bodies to ensure that the region's human rights are respected and protected.

The EAC member states have ratified several international human rights treaties and conventions, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination Against Women. By ratifying these treaties, the EAC and its member countries have committed themselves to promoting and protecting the region's human rights.

It is important to appreciate that many EAC members have ratified the instruments related to the African Charter on Human and Peoples' Rights and the African Court on Human and Peoples' Rights. CSOs in the region have used this channel to raise matters related to human rights. As the Court is based in the region, many cases have also been brought to the African Court for resolution.

2.5.5 Assembly of Heads of State and Government

The EAC Assembly of Heads of State and Government is the highest decision-making body of the EAC. It comprises the Heads of State or Government of the member countries, and its main role is to provide political direction and guidance to the EAC.

The Assembly has several functions, including:

- ➔ **Setting policy and strategic direction:** The Assembly is responsible for setting the EAC's overall policy and strategic direction. In addition, it provides guidance on regional integration, economic development, and political cooperation issues.
- ➔ **Approving key EAC policies and programmes:** The Assembly approves key EAC policies and programmes, including the EAC budget, the EAC development strategy, and other important initiatives to promote regional integration and cooperation.
- ➔ **Resolving disputes:** The Assembly plays a crucial role in resolving disputes between member countries and between member countries and the EAC Organs. It provides a forum for dialogue and negotiations and works to resolve disputes arising during EAC operations.

19 JE Ruhangisa 'The East African Court of Justice: Ten years of operation (achievements and challenges)' (2011)

- ➔ Promoting peace and security: The Assembly is responsible for promoting peace and security in the region. It provides leadership and guidance on issues related to regional stability and works to prevent and resolve conflicts that may arise.
- ➔ Representing the EAC at international forums: The Assembly represents the EAC at international forums, including the United Nations, the AU, and other regional and international organisations. It ensures that the interests of the EAC and its member countries are well-represented and advocated for on the global stage.

The Treaty also empowers the Summit to make rules and orders to guide and direct the operations of the Community. Rules are published in the EAC Gazette. The rules come into force on the date of publication. Apart from decisions arising from meetings of the Summit, the Heads of State also assent to Bills emanating from the EALA. Article 12 of the Treaty provides for meetings of the Summit. The meetings are chaired on a rotational basis and the Council determines the agenda. There is no provision for direct participation by non-members. A Chairperson serves for one-year. Decisions of the Summit are reached by consensus.

The Assembly of Heads of State and Government is generally held as a Summit at which member states meet to discuss various regional integration, cooperation, and development issues. The summit is also attended by other senior government officials, representatives of regional organisations and institutions, and other stakeholders. During the Summit, the Heads of State and Government review progress in implementing previous decisions and initiatives, discuss new proposals and initiatives, and make decisions on various matters affecting the EAC region. The Summit agenda typically includes a range of issues, including trade and investment, infrastructure development, energy, agriculture, health, education, and security. In addition, the Summit may also address issues related to governance, democracy, and human rights within the EAC member states.

The format of the EAC Summit typically involves plenary sessions, where the Heads of State or Government discuss and make decisions on matters of regional importance. The Summit also includes closed-door sessions, where the leaders can engage in more in-depth discussions and negotiations. The EAC Secretariat usually prepares the agenda for the EAC Summit and covers a range of issues related to regional integration, trade, infrastructure, and development. The agenda is circulated to the member states before the Summit to allow consultations and input.

During the Summit, the Heads of State or Government may also hold bilateral meetings on the side-lines to discuss issues of mutual interest. The Summit may also involve the participation of other stakeholders, such as representatives from the private sector, civil society organisations, and international organisations. After the Summit, a communiqué outlines the decisions and the way forward on key regional issues. The communiqué is a public record of the Summit's proceedings and is circulated to the member states and the public. The EAC Secretariat and the relevant Organs monitor the implementation of the decisions made at the Summit. Overall, the EAC Summit is a critical platform for promoting regional integration and cooperation, and for making decisions that affect the development and well-being of the people within the EAC. It is generally impossible for civil society observers to intervene and provide inputs during Summit sessions. However, civil society organisations make issue statements on matters of concern before the Summit and circulate these through media and informally to member states.

Civil society influencing the Summit: A Joint Statement by Burundian CSOs and international organisations to the Summit in 2019 called on the Summit to intervene in the Burundi crisis, including a call to protect the human rights of citizens.

2.5.6 Ministerial-level meetings

The EAC holds several political-level meetings to facilitate dialogue and cooperation among its member countries. In addition, outside the Summit, the EAC has the following specific political-level structures to guide and shape its work.

- **The Council of Ministers:** This Council is the second-highest decision-making body of the EAC and comprises the Ministers responsible for East African Community Affairs in the member countries. The Council meets regularly to discuss and decide on matters related to the EAC.
- **Sectoral Councils:** The EAC has established several Sectoral Councils that comprise the Ministers responsible for specific sectors, such as finance, trade, agriculture, health, and education. The Sectoral Councils provide technical guidance and advice on issues related to their respective sectors.
- **Joint Permanent Commissions:** These Commissions are established between member countries to promote cooperation in specific areas, such as trade, transport, and tourism. The Commissions provide a forum for dialogue and cooperation among member countries on issues of mutual interest.
- **Ad hoc meetings:** The EAC also holds ad hoc meetings to address specific issues or challenges facing the organisation and its member countries. These meetings may be held at any level, depending on the nature and urgency of the issue.

The EAC Council of Ministers is the main ministerial body of the EAC. The Council meets regularly to discuss and decide on matters related to the EAC. Its functions include guiding on implementing EAC policies and programmes, developing regional integration strategies, and promoting regional economic development.

Article 13 of the Treaty defines the membership of the Council. It primarily draws its membership from the Ministers responsible for regional cooperation of each partner state and such other Ministers as determined by each member state. Among its functions is to promote, monitor and keep under constant review the implementation of the programmes of the Community. To achieve this, it:

- Makes policy decisions;
- Initiates and submits Bills to the Assembly;
- Makes staff rules and regulations; and
- Makes financial rules and regulations.

Other important functions are:

- Submitting annual progress reports to the Summit;
- Preparing the agenda for the meetings of the Summit;
- Implementing the decisions and directives of the Summit;
- Considering measures that partner states should take to promote the attainment of the objectives of the Community;
- Considering the budget of the Community; and
- Giving directions to the partner states and all other Organs and institutions of the Community other than the Summit, Court, and Assembly.

As the policy organ of the Community, the Council is the EAC's most powerful body after the Summit. The Council is the engine of the integration process as it sets the legislative agenda of the Community through the initiation of Bills but also determines what is transacted by the Summit. It directs all the other Organs, particularly the Sectoral Councils and Committees. It also sets up these lower-level Organs. However, the Treaty also allows members of the EALA to present Private Members' Bills.

To undertake its functions, the Council meets in regular sessions at least twice a year, one of which is held immediately preceding a meeting of the Summit. Extraordinary meetings are held as necessary. The work of the Council is facilitated by Sectoral Councils established on a need basis by the Council. Decisions of Sectoral Councils have the same effect as those of the Council. It also establishes Sectoral Committees for the same purpose. It is noteworthy that organisations with observer status may attend the opening and closing sessions of Council meetings.

The EAC has established several Sectoral Councils that comprise the Ministers responsible for specific sectors, such as finance, trade, agriculture, health, and education. The Sectoral Councils provide technical guidance and advice on issues related to their respective sectors. Sectoral Councils generally report their work to Joint Permanent Commissions. The Joint Permanent Commissions are established between member countries to promote cooperation in specific areas, such as trade, transport, and tourism. Ministers lead the Commissions from the member countries and provide a forum for dialogue and cooperation on issues of mutual interest.

The EAC also holds ad hoc ministerial meetings to address specific issues or challenges facing the organisation and its member countries. These meetings may be held at any level, depending on the nature and urgency of the issue. The ministerial meetings allow member countries to discuss and coordinate their efforts on regional integration and cooperation matters. They also help to ensure that the EAC's policies and programmes are aligned with its member countries' needs and priorities. But, unfortunately, there is little to suggest that civil society institutions effectively use the varied ministerial structures to influence policy and implementation.

Inputs to the Ministerial

Council: In 2019, EACSOF organised a public hearing on the EAC Common Market Protocol to gather input from various stakeholders, including CSOs, private sector players, and government representatives. EACSOF then submitted a report to the EAC Ministerial Council outlining the concerns and recommendations of the stakeholders.

2.5.7 Meetings of Ambassadors

The EAC does not have an established structure for Ambassadors, as is the case with the AU. The political and policy work of the organisation largely unfolds through the Coordination and Sectoral Committees. Under the Council, the Coordinating Committee is primarily responsible for regional cooperation and coordinates the activities of the Sectoral Committees. It also recommends to the Council the establishment, composition and functions of such Sectoral Committees. It draws its membership from Permanent/Principal Secretaries responsible for regional cooperation from the partner states.

Subject to any directions given by the Council, the Coordinating Committee meets twice a year before the Council's meetings. Moreover, it may hold extraordinary meetings at the request of the Chairperson of the Coordinating Committee. Sectoral Committees are established to work on more detailed areas. These Committees conceptualise programmes and monitor their implementation. The Council establishes such Sectoral Committees on the recommendation of the Coordinating Committee. Current information suggests that there are over 17 Committees within the EAC. The Committees range across numerous sectors, including agriculture, energy, tourism, legal affairs, gender, security, trade, transport, and communication. In addition, the EAC is active in establishing technical level meetings and other forums, such as conferences and

workshops, that serve to shape reflections on various elements of integration and development in the region. These initiatives often include wider stakeholders from within the region, including those from civil society.

2.5.8 Implementation structures

The EAC has established several implementation structures to ensure the effective implementation of its policies and programmes. These structures include:

- ➔ The EAC Secretariat: This is the executive arm of the EAC and is responsible for implementing the decisions and policies of the Summit, the Council of Ministers, and the Sectoral Councils. The Secretariat is headed by a Secretary-General who is appointed by the Summit and oversees the day-to-day operations of the EAC.
- ➔ The National Focal Points: Each member country has a National Focal Point that links the EAC and the national governments. The National Focal Point is responsible for coordinating the implementation of EAC policies and programmes at the national level.
- ➔ The Sectoral Committees: The EAC has established several Sectoral Committees comprising technical experts and member countries' representatives. The Committees provide technical guidance and advice on issues related to their respective sectors.
- ➔ The EAC Monitoring and Evaluation Mechanism: The EAC has established a Monitoring and Evaluation Mechanism that monitors the implementation of EAC policies and programmes and evaluates their impact on the region. The Mechanism provides feedback and recommendations to the Summit, the Council of Ministers, and the Sectoral Councils on implementing EAC policies and programmes.
- ➔ Joint Technical Committees: These Committees are established between member countries to promote cooperation in specific areas, such as trade, transport, and tourism. The Committees comprise technical experts from the member countries and provide a forum for dialogue and cooperation on issues of mutual interest.

These implementation structures are expected to work together to ensure that the policies and programmes of the EAC are effectively implemented at the regional and national levels. They provide a framework for coordination, cooperation, and monitoring of the implementation process and ensure that the EAC achieves its objectives of promoting regional integration, economic development, and political cooperation.

2.5.9 Secretariat

The Secretariat of the EAC is the executive arm of the EAC. It is responsible for implementing the decisions and policies of the Summit, the Council of Ministers, and the Sectoral Committees. It is based in Arusha, Tanzania, and is headed by a Secretary-General who the Summit appoints.

The Secretariat has several functions, including:

- ➔ Implementing EAC policies and programmes: The Secretariat is responsible for implementing the decisions and policies of the Summit, the Council of Ministers, and the Sectoral Committees. It provides technical support and guidance to member countries on regional integration, economic development, and political cooperation issues.
- ➔ Coordinating EAC activities: The Secretariat coordinates the activities of the EAC and its specialised bodies, including the EACJ, the EALA, and the East African Science and Technology Commission. It works closely with these bodies to ensure that their activities align with the EAC's objectives.

- ➔ Mobilising resources: The Secretariat is responsible for mobilising resources to finance the operations of the EAC. It works with member countries, development partners, and other stakeholders to secure funding for the EAC programmes and initiatives.
- ➔ Providing technical support: The Secretariat provides technical support to member countries on regional integration, economic development, and political cooperation issues. It provides guidance on implementing EAC policies and programmes and works with member countries to address challenges and issues that may arise.
- ➔ Representing the EAC: The Secretariat represents the EAC at international forums and works to promote the interests of the EAC and its member countries on the global stage. It works closely with the AU, the United Nations, and other regional and international organisations to advance the objectives of the EAC.

It is headed by the Secretary-General and assisted by Deputy Secretaries-General. It includes the offices of the Legal Counsel to the Community and other officers as determined by and appointed by the Council. As the executive, the Secretariat oversees the day-to-day running of the affairs of the Community. It arranges the meetings of the different Organs of the Community and handles official communication with other parties interested in the affairs of the Community, such as foreign governments. In addition, it ensures the implementation of regulations and directives of the Council.

The Secretary-General is the principal executive officer, hence the accounting officer of the Community. S/he is also the Secretary of the Summit. S/he is appointed by the Summit upon recommendation by the relevant Head of State since the position is rotational. The position is significant in setting the pace of work and culture at the Secretariat and the Community in general. It is also important in determining the priorities of the EAC. It entails a close working relationship with all the Community Organs for effectiveness. Article 29(1) gives the Secretary-General immense powers. The Article provides that when the Secretary-General considers that a partner state has failed to fulfil an obligation under this Treaty or has infringed a provision of this Treaty, he or she can submit his or her findings to the partner state concerned for that partner state to submit its observations on the findings.

Civil society inputs at the Secretary-General's Dialogue Session:

In 2018, CSOs attending the Dialogue Session raised concerns about the slow implementation of the EAC Common Market Protocol, which aims to remove barriers to the free movement of goods, services, and people across the region. The civil society groups recommended that the EAC prioritise the implementation of the protocol and ensure that it benefits all citizens, including marginalised groups.

The EACT also mandates the Secretary-General through Article 127(4) to provide a forum for consultations between CSOs, the private sector, other interest groups and appropriate institutions of the Community. To this effect, the Consultative Dialogue Framework for Civil Society and the Private Sector is one of the structures set up to enable consultation. The forum is a key structure for inputs from civil society and has been used for direct inputs on policy proposals and related issues. The EAC Secretariat is organised along six key offices, each having distinct spheres of responsibility. These key offices coordinate the day-to-day work of the Community. These are as follows:

- ➔ Executive Office of the Secretary-General: Responsibilities include providing counsel to the Community, corporate communications and public affairs, regional cooperation in defence, internal audit, and wider resource mobilisation.
- ➔ Customs and Trade: This office incorporates responsibilities for customs – including tariffs, procedures, prevention, and enforcement. Also included is a section dealing with internal and international trade.

- ➔ **Planning and Infrastructure:** This office incorporates the overall regional planning function, the management of statistics, fiscal and monetary policies, investment promotion, and general monitoring and evaluation.
- ➔ **Productive and Social Sectors:** This office has a wide span that focuses on all of the productive economic sectors, such as transport, energy, industrial development, and tourism. Also included is the social sector, including education, health, and labour issues.
- ➔ **Cooperation in Political Matters:** This office deals with wider political, peace, and security issues. It also incorporates all elements related to international relationships.
- ➔ **Finance and Administration:** This is the corporate centre of the organisation and deals with all matters related to the financing and human resources of the EAC. It includes the management of the budgets and related procurements. Central to the office is managing the facilities of the EAC and all matters related to human resource management and development.

2.5.10 Other implementation bodies

The Community has several semi-autonomous institutions that help it implement its mandate. However, it is important to appreciate that the relationship between the EAC and these institutions is often varied, and the institutions are often funded separately and outside of the EAC budget. These institutions include:

- ➔ **Civil Aviation Safety and Security Oversight Agency (CASSOA):** The Agency works in the civil aviation sector towards air transport services that are safe, efficient, and profitable, as well as the adoption of common policies and harmonisation of civil aviation rules and regulations.
- ➔ **East African Competition Authority (EACA):** This institution is mandated to promote and protect fair trade and to ensure consumer welfare in the community under EAC Competition Act, 2006.
- ➔ **East African Development Bank (EADB):** The EADB offers structured financial products and services to organisations in the health, education, hospitality and tourism, infrastructure development, energy and utilities, and agriculture sectors.
- ➔ **EAC Research Commission:** This Commission coordinates and maps out a regional agenda on health research and translates its results into policy and practice within the partner states.
- ➔ **East African Kiswahili Commission (EAKC):** The EAKC coordinates and provides advice to the partner states on all matters related to Kiswahili research, teaching, learning and development as the lingua franca of the partner states.
- ➔ **East African Science and Technology Commission (EASTECO):** This Commission governs the partner states cooperation in the development and implementation of science and technology.
- ➔ **Inter-University Council for East Africa (IUCEA):** The Council coordinates the harmonisation of higher education and training systems in East Africa, facilitates their strategic development, and promotes internationally comparable standards and systems.
- ➔ **Lake Victoria Basin Commission (LVBC):** The LVBC focuses on coordinating the various interventions on the Lake and its Basin.
- ➔ **Lake Victoria Fisheries Organisation (LVFO):** The LVFO promotes the sustainable utilisation of fisheries of the Lake.

Apart from these institutions, other forums for cooperation between institutions have been developed. For example, the EAC convenes the following:

- Forum of Electoral Commissions;
- Forum of National Human Rights Institutions; and
- Forum for East African Chief Justices.

The following independent bodies work closely with the EAC and provide critical forums for engagement with civil society:

- East Africa Association of Anti-Corruption Authorities; and
- East Africa Police Chiefs Cooperating Organisation.

These additional structures are important as they often provide a channel for civil society engagement. While they are generally established outside of the formal structures of the EAC, they are often considered central when there are issues related to their focus areas. Some have, in the past, played a central role in policy development.

2.6 Overview of annual events

The EAC holds several annual events to promote regional integration, economic development, and political cooperation among its member countries. These events include:

- **EAC Summit:** This is the highest decision-making body of the EAC and meets at least twice a year. The Summit provides political direction and guidance to the EAC and its member countries.
- **EAC Heads of State Retreat:** This Retreat is an annual meeting of the Heads of State of the EAC member countries. The Retreat provides the Heads of State an opportunity to discuss regional integration and cooperation issues and agree on the way forward.
- **EAC Secretary-General's Forum:** This Forum is an annual event that brings together the Secretaries-General of the EAC and its specialised bodies. The Forum provides a platform for dialogue and collaboration among the Secretaries-General and helps to promote coordination and cooperation among the EAC Organs. This forum remains the central structure for the participation of CSOs.
- **EAC Business and Investment Forum:** This Forum is an annual event that brings together business leaders and investors from the EAC member countries and beyond. The Forum provides a platform for networking and business partnerships and helps to promote regional economic development and integration.
- **EAC Arts and Culture Festival:** This is an annual event that celebrates the cultural diversity of the EAC member countries. The Festival features music, dance, and other cultural activities, allowing people from the region to come together and learn about each other's cultures.
- **EAC Inter-Parliamentary Games:** This is an annual event that brings together Members of Parliament from the EAC member countries to participate in sporting activities. The Games promote friendship and cooperation among the parliamentarians and help to strengthen the bonds of regional integration.

The EAC Summit is the highest decision-making body of the EAC and is held twice a year, usually in February/March and November/December. The exact dates for the Summit are determined

by the EAC Council of Ministers, which is responsible for preparing and organising the Summit. The EAC does provide more detailed information on events on its website. However, it is important to note that not all events are captured, as many are arranged by institutions within the terrain of their work. Within the region, 30 November is established as an EAC Day and has been declared a public holiday.

2.7 Decision-making processes

It is essential to recollect that formal decisions are reflected in different documents. These include Charters, Conventions, Protocols, and Resolutions. There is a general hierarchy of decision-making and related authority. Details on delegations are often unclear, as is generally the case with large multilateral institutions. Generally, the decision-making process of the EAC involves several Organs and bodies that work together to make decisions on matters related to regional integration, economic development, and political cooperation. The structures of decision-making and the exercise of authority remain imperative within the decision-making process. The EAC has a broadly established system of instruments which embody its decisions. These are as follows:

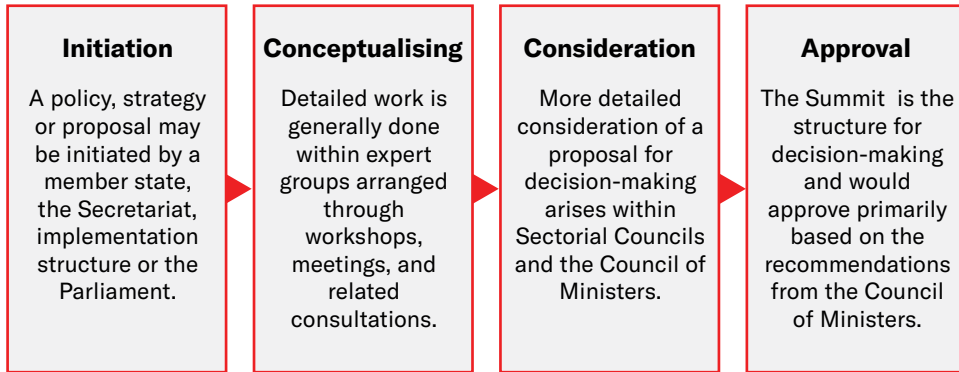
- ➔ **Legislation:** Central to the functioning of the EAC is the overall Treaty. However, in addition to this, the Summit adopts a Protocol that gives effect to the provision of the Treaty. Such a Protocol may hence be perceived as supplementary legislation. In addition, the EAC also has a system by which binding legislation is introduced. The Treaty, Protocols and legislation serve as key decisions of the EAC. In general, all of the Protocols and related legislation must be ratified at each member state's level.
- ➔ **Plans, reports and budgets:** The approval of plans and related budgets for implementation remain a key element of the decision authority within the EAC. Plans and related documents are generally submitted through the Secretariat and/or relevant structures for consideration and approval by the Summit. The decisions of Summits remain binding on the institutions of RECs.
- ➔ **Summit decisions and directives:** The Summit often reaches conclusions on documents and other matters submitted to it. These can take the form of directives on actions that are needed on reports submitted or proposals made. At times, these may be in the form of a decision on a particular matter, such as the appointment of envoys on particular matters or on actions that need to be taken by particular institutions.
- ➔ **Appointment of judges and senior officials:** The Treaty and related Protocols provide the Summit with the authority to appoint judges to the East African Court and senior individuals, including the Secretary-General and Deputy Secretaries-General of the Secretariat.

The decision-making process of the EAC involves consultation, dialogue, and consensus-building among its Organs and bodies. The decision-making process is guided by equity, equality, and mutual benefit principles and aims to promote the interests of the EAC and its member countries. In general, the EAC approach to decision-making is grounded in achieving consensus. Very seldom are decisions pushed through by the stronger states. This has happened in the past in areas such as matters related to establishing the Monetary Union.

In general, the decision process is prescribed within the Treaty. The Treaty also provides for the broad areas within which decisions are made and the general principle of consensus and effective participation of the region's people. The overall Treaty is supplemented by a range of

Protocols that incorporate procedures for decision-making. The following figure broadly outlines the decision-making process within the EAC.

Figure 10: Decision-making process of the EAC



A decision-making proposal, including policies, Protocols, strategies, plans and reports, would emanate from the Secretariat, an organ, or member states. Such a proposal will move through the various structures of the EAC, including the Sectoral Meetings of Experts, Meetings of Ministers and other supplementary structures deemed necessary for consultation purposes. It is important to appreciate that the pathway for decision-making can vary substantively. For example, decisions can be made without any implied processes by the Summit itself and be based on inputs during the summit or direct requests from Heads of State and Government. A similar approach also relates to the Council of Ministers. Lower-level structures would generally engage with the details of policy proposals and make recommendations for adoption to higher levels.

Core to the decision process is the role played by the Council of Ministers. Both the Sectoral Committees and the Coordination Committee are answerable to the Council. The Council gives both bodies directions in undertaking their decision-making roles. Of more significance, the Council determines the issues that are considered by the Summit when it meets. To facilitate this, it meets before every Summit meeting. Therefore, Council Meetings have a lot of significance for all stakeholders of the EAC.

The Council plays a critical role in decision-making. It assigns duties to all the bodies beneath it in the decision-making chain and makes specific requests to the Summit regarding decisions that need to be made. The final decision on matters deliberated on by the Council is made during the Summit. Seldom would the Summit change the recommendations arising from the Council of Ministers. However, Summit deliberations would generally unfold in more detail when there was no consensus in lower-level meetings. The Secretariat usually gazettes the decisions of the Summit and the Council. Such gazette notices can be found on the website of the EAC.

Civil society initiating policy: In 2013, CSOs, such as the East African Youth Network, initiated the development of a youth policy for the EAC region. The organisations argued that youth in the region faced significant challenges, including limited access to education, employment, and healthcare. To support their campaign, CSOs engaged in media outreach and mobilised youth to raise awareness about the situation of young people in the region. They also worked with EAC officials to provide input on the content of the policy. The EAC Youth Policy was officially launched in 2016.

2.8 Resourcing and capacity

The EAC is primarily funded through direct member state contributions and donor resources. Each member country of the EAC contributes to the budget of the organisation. The contributions are based on the GDP of each member country, with the larger economies contributing a higher proportion of the budget. The EAC also receives funding from international donors like the European Union, the World Bank, and other development partners. In addition, donor funding is often earmarked for specific programmes and projects, such as trade facilitation, infrastructure development, and capacity building. The budget for the 2022 period is approximately USD 92 million. Forty per cent of this budget is derived from partner resources.

Income is also derived from fees paid to specialised bodies and investments. The EAC has several specialised bodies, such as the EACJ and the Lake Victoria Basin Commission, that generate income through fees, fines, and other charges. The income generated by these bodies is used to fund their operations and support the work of the EAC. In addition, the EAC has established several investment vehicles, for example the EADB, that generate income through investments in various sectors, such as infrastructure, agriculture, and energy. The income generated by these investments is used to fund the operations of the EAC and its specialised bodies. The EAC may also generate income from other sources, such as fees for services rendered, rental income, and proceeds from the sale of assets.

The resources of the EAC are used to finance the organisation's programmes and initiatives to promote regional integration, economic development, and political cooperation among its member countries. The EAC financial year runs from 1 July to 30 June of each year. The budget cycle unfolds with a pre-budget conference where priorities are discussed. This is followed rapidly by establishing a budget estimate for the coming financial year. In theory, the estimates would be based on the ongoing overall medium-term plan and the longer-term vision established for the EAC. Funding from donors is often integrated into the overall budgets on the bases of actual commitments made. Donor funds may, however, be through the Partnership Fund or through directly financing initiatives.

The budget process of the EAC is comprehensive and consultative, involving various regional stakeholders. The budget process begins with preparing a budget framework paper that outlines the priorities, goals, and expected outcomes of the budget. The Secretariat prepares the budget framework paper in consultation with the partner states and other stakeholders. The Council of Ministers reviews the budget proposals and adjusts as necessary to ensure that they align with the priorities and goals of the EAC. The Council of Ministers approves and submits the budget to the Legislative Assembly for review and approval. Once the budget is approved, the EAC Secretariat implements the budget by allocating funds to various programmes and projects, monitoring expenditures, and reporting on progress to the Council of Ministers and other stakeholders. The budget is subject to audit by the Audit Commission, which is responsible for ensuring that funds are used in accordance with the budget and that there is transparency and accountability in the management of resources.

The EAC budget typically includes two main components: the administrative and development budgets. The administrative budget covers the running costs of the organisation, while the development budget covers the implementation of EAC programmes and projects aimed at promoting economic integration, social development, and political cooperation among member states. On the other hand, the development budget includes funding for various programmes and projects, such as trade facilitation, infrastructure development, health, education, and environmental management.

The procurement process of the EAC is a comprehensive and transparent process designed to ensure that procurement is conducted efficiently, effectively, and accountably. The Secretariat prepares a procurement plan and budget that outlines the procurement requirements, timelines, and budgetary allocations. The Secretariat advertises the procurement opportunity through its portal and other appropriate channels. Potential suppliers are invited to submit bids, and the Secretariat evaluates the bids according to established criteria.

The Secretariat awards the contract to the bidder who meets the required criteria. The Secretariat manages the contract to ensure that the goods, works, or services are delivered in accordance with the contract terms and conditions. The Secretariat makes payments to the supplier upon verification that the goods, works, or services have been delivered as per the contract. The EAC procurement process is guided by the EAC Procurement Manual, which sets out the procedures, rules, and regulations governing procurement activities. The EAC also follows the principles of transparency, fairness, competition, and value for money in all its procurement activities. More than 400 people are working for the various EAC Organs and Institutions in member states. The EAC frequently engages experts under individual contracts to work on short-term projects as consultants or consortiums. It is important to have a perspective on the procurement process, as often CSOs may bid for contracts in their areas of competence. Coupled with this, there is a need for greater oversight over such processes as there have been concerns about the utilisation of resources by the EAC in the past.

Civil society in the region has established the East Africa Budget Network (EABN). The network, however, primarily focuses on the budgets of EAC member states and does not have a specific focus on the budget of the EAC itself. There is limited evidence of actual engagement by civil society on the EAC budget and related expenditure patterns. Development partners remain a source of accountability and have engaged the EAC on its budget and expenditure issues. For example, in 2014, development partners raised issues with the Secretariat's management of funds and thus decided to temporarily withhold their budgetary support for the 2013/14 budget. Donors are reported to have demanded the audited reports on the expenditure of funds that had earlier been disbursed to the Secretariat before releasing more funds.²⁰ There is no available evidence of similar efforts from CSOs.

2.9 Relationships with civil society

The relationship between the EAC and civil society is complex and generally unfolds at two levels. There are formally established modalities of interaction and those that are less formal and unfold through more direct interactions between CSOs and stakeholders within the EAC institutional system. The participation of communities and civil society is provided for within the framework of the EACT. Article 127 provides for the participation of CSOs in the EAC's activities. It states that the EAC shall promote the involvement of CSOs in formulating, implementing, and evaluating its policies and programmes. Article 130 is more focused and provides for establishing a mechanism for public participation in the activities of the EAC. It states that the Council shall establish modalities that would enable business organisations or associations, professional bodies, and civil society in the partner states to contribute effectively to the development of the Community.

20 'EAC's \$125m budget under strain as donors withhold funds over graft claims' *The East African* (Online) 7 June 2014

2.9.1 Formal structural relationships

The inclusion of civil society in the affairs of the EAC is recognised through various articles of the Treaty. The Treaty describes civil society as one of the crucial actors in the EAC, and it envisages the creation of an enabling environment for both civil society and the private sector to participate in the affairs of the Community. The quest for the participation of civil society is underpinned by the realisation that the initial Community failed partly because of the non-involvement of citizens in its activities.²¹ During the initial redesign of the new EAC, the process did not take into consideration the involvement of CSOs until after they intervened through the Non-Governmental Organisations Coalition for East Africa. Out of this intervention, some consensus was reached allowing civil society participation in the affairs of the Community.

The EAC established a Department of Gender, Community Development and Civil Society to be the liaison with CSOs. The Department works under the Directorate of Social Sectors, one of the eight Directorates in the EAC. It also falls directly under the Deputy Secretary-General for Productive and Social Services, who in turn reports to the Secretary-General. However, the capacity to engage with civil society has generally been very limited within the structures of the Secretariat. The Rules of Granting Observer Status at the EAC were formulated in 2001 to facilitate the formal participation of civil society. In terms of these rules, 'Observers' can be foreign countries, intergovernmental organisations or CSOs. 'Observer status' is the entitlement conferred upon these entities to send observers on an invitation to the meetings of the Organs of the Community. The broad criteria for their admission are:

- ➔ Acceptance of the fundamental principles underlying the EAC;
- ➔ Interest in the fundamental and operational principles of the EAC;
- ➔ Contribution towards the strengthening of regional integration in East Africa; and
- ➔ Ability to enhance development partnerships.

The specific criteria are:

- ➔ The organisation should have objectives of common interest to the partner states;
- ➔ The organisation's activities should have a regional dimension, with the organisation being registered in each of the partner states; and
- ➔ The organisation should have a track record of at least three years of active operation in its regional activities.

Article 5 of the Rules provides the procedures for actual participation by observers. Two overarching conditions of interest to CSOs are: 1) Presence at official openings and closings of all meetings of the Community; and 2) Attendance of meetings of the Organs of the Community dealing with subjects of interest to observers. The condition of participation includes that they can only engage formally during a session with the express authority of the Chairperson, or they can make statements only if requested by the Chairperson. A copy of the statement must be provided to the Chairperson before this can be made. In general, observers do not have the right to vote.

The Rules have been criticised for being restrictive and not facilitating civil society participation in the affairs of the Community. For example, the requirements that an organisation's activities should have a regional dimension, with the organisation being registered in each of the partner

21 ACOE, 'The East African Customs Union Protocol: An Audit of the Stakeholders' Participation in the Negotiation Process' (2006) 14 *Policy Research Series*

states, and that the organisation must have a track record of regional activities for the past three years are particularly limiting. Mere registration of an organisation in all the partner states neither increases its ability to participate nor the relevance of its agenda to the EAC. Likewise, the longevity of existence does not guarantee the relevance of the organisation's agenda.

The shortcomings of the Rules have led to several other approaches by civil society. Some organisations have opted to establish alternative platforms of engagement. Outside of the formal recognition pertaining to the observation of the Summit, the EAC has established several mechanisms, including:

- The EAC Partnership Policy: This policy provides a framework for the EAC to engage with non-state actors, including CSOs. The policy recognises the important role that civil society plays in promoting regional integration and provides guidelines for their engagement in the EAC decision-making process.
- The EAC Public Participation Policy: This Policy provides guidelines for public participation in the decision-making process of the EAC. The policy encourages the participation of CSOs in the EAC decision-making process and provides mechanisms for their engagement, including public hearings, consultations, and workshops.
- Sectoral Councils: These Councils have established mechanisms for engaging with CSOs in their respective sectors. For example, the Sectoral Council on Health has established a civil society forum to promote the engagement of CSOs in the health sector.
- Joint Technical Committees: These Committees also engage with CSOs in their respective work areas. The Committees provide a platform for CSOs to contribute to the policy-making process and to provide technical expertise and guidance.

These mechanisms generally promote the engagement of civil society in the regional integration process and provide a platform for dialogue, advocacy, and networking among CSOs in the region. Of particular importance to formal consultation is the EAC Annual Secretary-General Forum. The Forum brings together the Secretary-General of the EAC, state representatives, and key stakeholders from the private sector, civil society, and academia. The Forum's main aim is to engage in dialogue, discuss current and future challenges, and formulate strategies to foster regional integration, collaboration, and socio-economic development in the East African region. The topics discussed in the Forum cover a wide range of current issues within the EAC and are guided by presentations from different Departments in the EAC. The Forum's outcomes often include recommendations, policy proposals, and action plans to be pursued by the EAC Secretariat, partner states, and other stakeholders. The EAC Annual Secretary-General Forum (also known as the Consultative Dialogue Framework, CDF) is crucial in advancing the region's integration and development agenda by facilitating dialogue and cooperation among its members. The CDF is now in its seventh year of existence. The Forum is important for shaping inputs from civil society and is governed by an overall framework that ensures, amongst others, equal representation of civil society and provisions relating to the fact that the recommendations should be taken to the Ministerial Council. As far as possible, decisions arising from the Secretary-General's Forum are taken by consensus.

2.9.2 Informal relationships

Outside of the formally established approaches for participation, there are many options for more detailed informal engagements that provide avenues for advocacy and influence. Some of these are arranged by EAC officials and stakeholders and based on the understanding that wider interaction is necessary to facilitate deeper engagement in particular areas of interest and focus.

These are broadly captured below.

- ➔ Consultations with CSOs: The EAC organises consultations with civil society organisations on various issues related to regional integration, economic development, and political cooperation. These consultations provide a platform for organisations to contribute to the policy-making process and to provide feedback on the EAC's programmes and initiatives.
- ➔ Participation in EAC events: CSOs participate in EAC events, such as the EAC Business and Investment Forum and the EAC Arts and Culture Festival, to showcase their work and to network with other stakeholders. CSOs also participate in the EAC Inter-Parliamentary Games to promote friendship and cooperation among parliamentarians and strengthen regional integration bonds.
- ➔ Collaboration with EAC specialised bodies: CSOs collaborate with EAC specialised bodies, such as the EACJ and the Lake Victoria Basin Commission, to promote regional integration and address social and environmental challenges in the region. The collaboration between CSOs and EAC specialised bodies promotes dialogue, coordination, and cooperation in addressing common issues.
- ➔ Advocacy and awareness-raising: CSOs engage in advocacy and awareness-raising activities to promote regional integration, economic development, and regional political cooperation. They provide information and education to the public on the benefits of regional integration and work to mobilise support for the EAC's programmes and initiatives.
- ➔ Monitoring and evaluation: CSOs monitor and evaluate the implementation of EAC policies and programmes and provide feedback on their impact. They provide an independent perspective on the implementation process and help to ensure that the EAC is accountable to its citizens.

In conclusion, the EAC engages with civil society through informal channels, such as consultations, participation in EAC events, collaboration with EAC specialised bodies, advocacy, awareness-raising, and monitoring and evaluation. These informal relationships promote dialogue, coordination, and cooperation in promoting regional integration, economic development, and political cooperation in the region.

2.9.3 Regional civil society networks

East African civil society networks are regional platforms that unite CSOs from the EAC member states to promote collaboration, networking, and advocacy on regional integration and related issues. These networks are important in the EAC as the institutions often recognise them and are the primary channel for engagements on issues relating to areas of work. Some of the more prominent East African civil society networks include:

- ➔ EACSOFF: EACSOFF is a regional platform that brings together CSOs from the EAC member states to promote citizen participation in the regional integration process. It provides a forum for dialogue, advocacy, and networking among CSOs in the region.
- ➔ East African Civil Society for Sustainable Energy and Climate Action (EASE-CA): EASE-CA is a regional network of CSOs working on sustainable energy and climate action in the EAC member states. The network promotes advocacy, capacity building, and knowledge sharing on sustainable energy and climate action in the region.
- ➔ East African Health Platform (EAHP): EAHP is a regional platform of CSOs working on health issues in the EAC member states. The platform promotes advocacy, capacity building, and knowledge sharing on health issues in the region.

- ➔ East African Farmers Federation (EAFF): The EAFF is a regional network of farmers' organisations working on agriculture and rural development issues in the EAC member states. The network promotes advocacy, capacity building, and knowledge sharing on agriculture and rural development in the region.
- ➔ East African Business Council (EABC): The EABC is a regional network of private sector organisations promoting business and investment in the EAC member states. The network promotes advocacy, capacity building, and knowledge sharing on regional business and investment.

These East African civil society networks work closely with the EAC and its Organs and institutions to promote citizen participation, advocacy, and knowledge sharing on regional integration, economic development, and political cooperation issues. They provide a platform for CSOs to contribute to the policy-making process and to provide feedback on the EAC's programmes and initiatives. It is important to appreciate that networks like EACSOF are not always perceived as optimal for engagements. Some CSOs argue that before EACSOF was established, CSO participation had been more effective because it allowed CSOs to interact directly with EAC Organs. With the establishment of EACSOF, the interactions become more complex.²²

2.9.4 Civil society influence and strategies

CSOs are important in influencing the EAC in promoting regional integration, economic development, and political cooperation. The influence of civil society on the EAC can be seen in several ways, including:

Advocacy and lobbying: CSOs engage in advocacy and lobbying activities to promote their views and priorities on regional integration and cooperation issues. They engage with EAC decision-makers, policy-makers, and other stakeholders to influence the policy-making process and ensure that citizens' views are considered. To ensure effective influence, the imperative is to utilise both formal and informal channels for interaction. In addition to participation in the network, it is prudent to seek formal recognition and engage with officials responsible for established engagement areas. For example, in 2019, EACSOF conducted advocacy work to influence the EAC Heads of State to prioritise health as a key component of regional integration. The organisation called on the EAC to allocate at least 15% of its budget to health and to establish a regional health financing mechanism to support the implementation of the Universal Health Coverage (UHC) agenda.

Monitoring and evaluation: CSOs monitor and evaluate the implementation of EAC policies and programmes and provide feedback on their impact. They provide an independent perspective on the implementation process and help to ensure that the EAC is accountable to its citizens. Amongst the available channels for influencing is the EACLA as parliamentarians are often open to engagement in areas over which they exercise oversight. In addition, the EACLA has a history of engaging with and inviting civil society to present on areas of concern or policy development. For example, the EABC monitors non-tariff barriers on trade in the region and engages the EAC to enhance regional trade.

Capacity building: CSOs provide capacity building support to the EAC and its specialised bodies, such as the EACJ and the Lake Victoria Basin Commission. They provide technical

22 T Reinold 'Civil society participation in regional integration in Africa: A comparative analysis of ECOWAS, SADC, and the EAC' (2019) 26 *South African Journal of International Affairs* 53

expertise, training, and guidance on regional integration, economic development, and political cooperation issues. This approach to influence can be very important as it provides a basis for enhancing the capacities of officials and others in areas of concern.

Participation in EAC events: CSOs participate in EAC events, such as the EAC Business and Investment Forum and the EAC Arts and Culture Festival, to showcase their work and to network with other stakeholders. Their participation allows them to influence the policy-making process and promote their views and priorities. In addition, active participation in wider events opens further channels for engagement with the EAC.

Collaboration with EAC specialised bodies: CSOs collaborate with EAC specialised bodies, such as the EACJ and the Lake Victoria Basin Commission, to promote regional integration and address social and environmental challenges in the region. The collaboration between CSOs and EAC specialised bodies promotes dialogue, coordination, and cooperation in addressing common issues. For example, the East African Health Platform (EAHP), a regional network of CSOs, collaborates with the EAC Health Sector Coordination Committee (HSCC) to promote the health agenda in the region. The HSCC is the EAC body responsible for coordinating the implementation of the EAC Health Sector Investment Plan.

CSOs can influence the EAC in promoting regional integration, economic development, and political cooperation. Their advocacy, lobbying, monitoring, evaluation, capacity building, and collaboration with EAC specialised bodies help to ensure that the EAC is accountable to its citizens and that the regional integration process is inclusive, transparent, and responsive to the needs and priorities of the people of the East Africa region. Despite some of the limitations associated with formal registration, the realities of practice suggest there are many opportunities to influence and lobby the EAC on issues of concern within the region and areas of focus.

2.10 Summary of key integration issues

As with other regions, the realities of developments within the organisation indicate that there is always a change in the priorities as developments unfold within the region and its members. The following is a broad synopsis of some of the current critical issues within the region.

Political instability and security: The region has experienced political instability in some member countries, such as South Sudan and Burundi. This has hampered regional integration efforts and hindered economic growth. Challenges in the Democratic Republic of Congo and contestations amongst EAC member states remain a cause of concern for the EAC. They are likely to impact regional integration matters for the foreseeable future. Coupled with these, the region is impacted by the crisis in Sudan and ongoing challenges in Somalia. Establishing the EAC security architecture, including the ability to intervene through peace operations, has been slow. This area continues to be a large challenge for civil society and requires ongoing engagement as the impact on communities has always been substantive.

Political Confederation process: The Summit of EAC Heads of State in May 2017 adopted a Political Confederation as the transitional model to the Political Federation.

The Team of Experts was appointed by the Summit in February 2018 and is chaired by Justice Benjamin Odoki, retired Chief Justice of Uganda. Justice Odoki is deputised by Busia (Kenya) Senator Amos Wako, who is also a former Kenyan Attorney General. Regional constitutional experts drafting the EAC Political Federation Constitution are holding consultations with various stakeholders, including civil society, local leaders, opinion leaders, and the business community, to seek their views on what kind of Political Confederation they would desire for the EAC. The timelines have been adjusted, and the process has been moving slowly. Greater involvement from civil society is likely to assist in securing higher levels of political commitment on the move towards a Political Confederation.

Trade barriers: Non-tariff barriers, including bureaucratic red tape, inconsistent regulations, and protectionist policies, continue to impede the free flow of goods, services, and investment within the region. Political differences and competing national interests can hinder the effective implementation of regional trade policies. For example, in 2018, Tanzania imposed a ban on Kenyan poultry products, claiming that they were sold below the cost of production, amounting to dumping. Kenya retaliated by banning Tanzanian-made tiles, citing concerns over their quality. The EAC's Council of Ministers intervened and held discussions to address these non-tariff barriers, eventually lifting some bans. Disputes' impact on local communities and small businesses often requires continual monitoring from CSOs.

Infrastructure deficit: The EAC faces significant infrastructure challenges, including inadequate transportation networks, insufficient energy supply, and limited access to clean water and sanitation facilities. These issues hinder economic growth and regional integration. Despite all of the positive energy on integration, contestation on infrastructure development continues to be challenging. This includes concerns about the port upgrades and the difficulties associated with roads, and matters associated with border crossings. Efforts such as the EAC Infrastructure Master Plan and various regional development projects aim to improve infrastructure and facilitate regional integration. Still, progress remains slow due to financial constraints, political differences, and competing national interests. The space for possible civil society pressure for deeper action remains open.

Climate change and environmental degradation: Climate change, deforestation, and pollution threaten the region's natural resources, agricultural productivity, and food security. The EAC has adopted a policy framework and established a Climate Change Master Plan. However, the challenges in the terrain are growing, and there is limited capacity to engage these and take forward actions within the wider global policy space. Advocacy from civil society globally and within the region would be essential to mitigate the impact of ongoing climate change.

Inequality and poverty: Despite economic growth in some countries, the region still faces high levels of poverty and inequality, with many people lacking access to basic services, education, and job opportunities. While there is growing data to suggest that trade within the region has been advancing, there is little evidence to suggest that this is benefiting all of the people of the region. There is growing concern about the impact of trade on the distribution of wealth and poverty levels. Further work on these issues from

civil society will be key in ensuring that the benefits of regional integration are spread more equally and that mitigation measures are put in place where the transitional process negatively impacts some over others in the region. The region also continues to deal with the realities associated with the impact of COVID-19 on its economy and the population broadly.

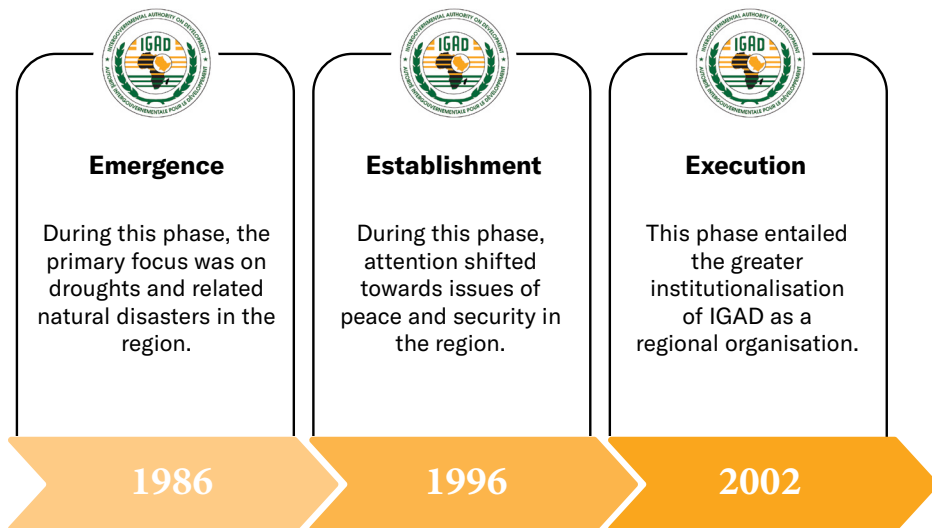
In addition to the broad issues outlined here, numerous priority areas unfold within sectors and amongst CSOs. The overall information suggests that there is a need for greater interactions amongst CSOs to ensure that priority areas are optimally identified so that these can serve as a basis for mobilising organisations around a common purpose. The imperatives of a more coordinated approach through the existing platform for the region cannot be over-emphasised.

In recent years, IGAD has expanded its focus to include regional economic integration, incorporating trade, infrastructure development, and investment. The organisation has also partnered with other regional and international partners to support its objectives and programmes. The more recent focus has been on broadening the areas of cooperation to incorporate issues of governance. IGAD is relatively new compared to the other RECs and has a smaller structural configuration.²⁴

3.1 Regional integration

The history of integration in the Horn of Africa region is short and has gained substantive momentum since establishing IGAD as an institution. The initial momentum arose from the region's challenges associated with droughts and environmental degradation. This rapidly evolved and resulted in a change of focus to peace and security issues and the need for greater formalisation of relationships. As a result, the momentum towards integration has shifted towards active execution of commitment through strengthening IGAD as a credible regional organisation. To appreciate the current focus on policy execution, it is useful to have a perspective on the integration process, from initial emergence to the institutionalisation of interactions. The following figure broadly captures the overall integration journey.

Figure 12: Integration process in the Horn of Africa.



Emergence

The roots of IGAD can be traced back to initial cooperation between Somalia, Sudan, and Uganda to mitigate the effects of recurring droughts and other natural disasters. These countries established the Intergovernmental Authority on Drought and Development (IGADD) to operationalise cooperation. This initial effort unfolded with the help of the United Nations (UN)

²⁴ For an official perspective on IGAD, it is worth referring to a guide produced. IGAD, 'Handbook of IGAD 2020 (2020) <https://igad.int/wp-content/uploads/2021/07/IGAD-Handbook-2020.pdf>

and international donor groups.²⁵ Closely linked to the initiative, eastern and southern African countries joined hands to establish a Drought Monitoring Centre with its headquarters in Nairobi (DMCN) and a Sub-Centre in Harare, the Drought Monitoring Centre-Harare (DMCH), in response to devastating weather-related disasters.

Central to IGADD in its initial form was a need to institutionalise collective actions to control desertification and minimise the effects of droughts on life. The foundation of the regional organisation was motivated by the idea of resolving common problems through collective efforts and was formally launched at a summit in Djibouti in January 1986. After initial formation, the international donor group that formed the Friends of IGADD pressured the organisation to undertake peace-making and related matters seriously.

Establishment

In the first period of its existence (1986–96), IGADD's mandate was limited to environmental and agricultural issues. IGADD's chief concern was combating desertification and drought, ensuring food security and rural livelihoods. 1991 constituted a watershed in the history of IGADD when regime change took place in Ethiopia and Somalia, opening opportunities to breathe new life into the organisation's activities. IGADD increasingly found itself involved in efforts to resolve regional socio-economic and political problems. The expanded mandate of IGADD included economic cooperation and integration. The Assembly of Heads of State and Government convened an extraordinary Summit on 18 April 1995 in Addis Ababa. The Summit issued a declaration stating the intention to expand the mandate of IGADD and revitalise cooperation among member states. In March the following year, the Assembly of Heads of State and Government signed an agreement to revitalise IGADD with a new name.

The revitalised IGAD comprised seven member states, the original six plus Eritrea, which joined in 1993. The Assembly of Heads of State and Government convened on 25 November 1996 in the Republic of Djibouti. It announced the launching of IGAD, which was to assume expanded areas of regional cooperation and a new organisational structure. In addition, conflict prevention and resolution were declared priorities. The revitalised IGAD, therefore, began with an expanded mission and objectives, though the core focus continued to be on the environment, agriculture and rural livelihoods. Gradually, the IGAD's mandate expanded to include issues of security, peace, conflicts, terrorism, and maritime piracy.²⁶

Civil society technical support for the formation of IGAD: The Africa Regional Environment Centre and Network (HoA-REC&N) was active in supporting the establishment of IGADD by raising awareness about the increasing severity of drought and desertification in the region. As an active participant in the discussions leading up to the formation of IGAD, the organisation contributed its technical expertise in environmental management, sustainable development, and community resilience.

Execution

IGAD, in its current form as a regional intergovernmental organisation in the Horn of Africa, was formally established in 1996 to promote economic cooperation and integration among its member states. The organisation's headquarters is located in Djibouti City, Djibouti. Its main objectives are promoting regional economic integration, peace and security, and sustainable

25 R Bereketeab 'Inter-Governmental Authority on Development (IGAD): A critical analysis' (2012) *Regional Integration, Identity and Citizenship in the Greater Horn of Africa* 173

26 U Terlinden 'IGAD—Paper tiger facing gigantic tasks' (2004) *Center for Development Research (ZEF)* 8

development. In pursuit of its objectives, IGAD has implemented several programmes and initiatives to promote economic integration, including establishing a free trade area, harmonising trade policies and standards, and promoting cross-border investments. The organisation has facilitated the development of infrastructure such as roads, railways, and ports to enhance regional connectivity and trade.

IGAD has also played a critical role in addressing regional peace and security challenges, including conflicts and political instability, through conflict resolution and peacebuilding initiatives. The organisation has established a mechanism for early warning and response to conflicts and has facilitated negotiations and peace agreements in several conflict-affected countries.

Over the past decade, IGAD has grown in reach and influence in the region. This growth is reflected in the increased formalisation of the structures of IGAD and the regularisation of the region's Summit of Heads of State and Government. The scope of the organisation's focus has broadened rapidly and evolved similarly to other RECs on the continent. The substantive element of shift is reflected in the Heads of State and Government signed Letter of Instrument to Amend the IGADD Agreement establishing a revitalised organisation with a new name.

3.2 Overview of developments in governance

IGAD's role has gradually progressed to incorporate issues of governance more directly. This role emanated from the mandate to ensure that the organisation addresses peace and security challenges. Within this process, it was appreciated that IGAD would need to engage in governance and related issues to secure and sustain peace in the region. The engagements on governance issues range from those associated with peace and security and elections-related matters.

The formation of IGAD with an expanded mandate was inspired by, among other reasons, the purpose of promoting peace, security, and stability, eliminating the sources of conflict, and preventing and resolving conflicts in the sub-region. Some of its principles include the peaceful settlement of inter- and intra-state conflicts through dialogue and the maintenance of regional peace, stability, and security. One of the objectives of IGAD is to promote peace and stability in the sub-region and create regional mechanisms for the prevention, management, and resolution of inter- and intra-state conflicts through dialogue. Incorporating governance considerations was hence implied within the overall peace and security mandate.

IGAD's Peace and Security Division spearheads its efforts towards achieving a peaceful, stable, and secure region. IGAD mediated disputes in Somalia, Sudan, and South Sudan. IGAD also established specialised peace and security institutions, including the Conflict Early Warning and Response Mechanism (CEWARN) and the IGAD Centre of Excellence in Preventing and Countering Violent Extremism (ICEPCVE). CEWARN focuses on gathering and analysing early warning data and disseminates situation and incident reports to member states for a response. The ICEPCVE addresses the challenges of violent extremism. CEWARN is the nerve centre for IGAD regional conflict monitoring and conflict prevention, management, and resolution.

Recently, IGAD has been working on a comprehensive peace and security strategy. The sector strategy lays out IGAD's priority intervention areas geared towards tackling the region's complex and highly dynamic human security challenges. The strategy's priority areas include promoting good governance, democracy, human rights, and the rule of law. In addition, IGAD has been involved in developing a Protocol on Democracy, Governance and Elections, a Regional Code of Conduct for Election Observers, and Regional Guidelines for Election Observation. The

Committee of Ambassadors approved all three draft documents and is awaiting endorsement by the Council of Ministers and Summit.

IGAD's election observation activities took place in response to invitations from member states. As a result, the Secretariat was involved in the constitutional referendum in Kenya and the presidential elections in Uganda and Djibouti. In addition, IGAD has observed elections in Sudan, Uganda, Kenya, and Djibouti. Election observation has become a norm rather than an exception in the region, with IGAD's de facto mandate emanating from the various implicit and indirect authorisations.²⁷ Following its election-related experiences, IGAD has documented trends in election-related violence and the contributions of elections to democracy, good governance, and the prevalence of peace, security, and sustainable development in the region. Increasing invitations and authorisations from IGAD member states for the Secretariat's involvement in elections and other governance matters ensured that IGAD enjoys an implied mandate to promote governance and human rights.

In 2008, IGAD set up the Political Affairs Programme (PAP) under its Peace and Security Division (PSD). The mission of this programme includes advancing peace, security, and development through the promotion of democracy, good governance, credible elections, and genuine respect for human rights; and facilitating harmonisation of the policies of member states on democracy, governance, and elections. Both missions are broad and have a high potential for norm-setting, diffusion, and implementation. The practical movement on governance and human rights issues in IGAD has been a gradual process as the organisation is small with limited capacity to engage at a wider level. IGAD has engaged member states through a capacity workshop on human rights issues and interacts with the AU and other structures on these issues. It is anticipated that the adoption and implementation of a comprehensive Protocol on governance would further strengthen IGAD's role in promoting good governance, democracy, and human rights in the region. In addition, IGAD's engagement with the crisis in Sudan invariably pushes the organisation to further incorporate issues related to the rule of law and human rights.

3.3 Legal status

IGAD is a regional intergovernmental organisation that is recognised under international law. It was established by the Agreement Establishing the Intergovernmental Authority on Drought and Development, which was signed by the founding member states on 16 January 1986 in Djibouti. The Agreement was amended in 1996 to expand the organisation's mandate beyond drought and development to include broader economic cooperation and regional integration. The changes were embodied in an Instrument amending the Agreement Establishing the Intergovernmental Authority.

The amended Agreement grants IGAD legal personality, meaning it can enter into agreements, contracts, and other legal arrangements with other organisations, governments, and individuals. It also establishes the organisation's Organs, including the Assembly of Heads of State and Government, the Council of Ministers, the Secretariat, and Specialised Technical Committees. The IGAD Agreement has twenty-four articles. The following table provides a broad summary of the key articles.²⁸

27 MT Maru and S El Fassi 'Can the regional economic communities support implementation of the African Governance Architecture (AGA)?' (2015) *Paper 1*

28 IGAD, 'Agreement Establishing the Inter-Governmental Authority on Development (IGAD)' (1996) <http://treaties.mfa.go.ke/download/231>

Table 6: Summary of the Agreement

Articles	Contents
Article 1 to 5	These articles establish the legal status of IGAD, its membership and matters related to the hosting of the Secretariat.
Article 6 to 7	Article 6 outlines the core principles of the organisation. Article 7 details the objectives and areas of cooperation, including trade, customs, transport, communications, agriculture, and natural resources, and promoting free movement of goods, services, and people.
Article 8 to 11	These articles serve to outline the role and authority of the Assembly, the Council of Ministers, and the Committee of Ambassadors. They include a brief on the roles and functioning of these structures.
Article 12 to 13	These articles outline the role of the Secretariat and, in particular, the role of the Executive Secretary. They further enable the authority to establish the Secretariat for the organisation. Also detailed are the areas of cooperation.
Articles 14 and 16	These articles outline the resources for the organisation. In addition, they provide for member state contributions and related sanctions, and include a provision related to the mobilisation of donor resources.
Article 16 to 18	Included are the provisions related to establishing further Protocols for the organisation's work and the modalities for dealing with disputes between member states. These articles provide that disputes be referred to the Authority before they are referred to other regional or international organisations.

Civil society assisting with a

Protocol: The Coalition of Pastoralist Civil Society Organisations (COPACSO) played an instrumental role in the development of the Protocol on Transhumance. The Coalition provided technical input during the drafting process and advocated for the inclusion of provisions that promote the rights of pastoralists and respect for the environment. The network also conducted advocacy campaigns to raise awareness on the protocol and to encourage citizens to engage with the IGAD Secretariat and member states on its implementation.

Concerning matters of governance and human rights, it is essential to outline the provisions of Article 6A. This Article outlines the core principles of IGAD as follows:

- The sovereign equality of all member states.
- Non-interference in the internal affairs of member states.
- The peaceful settlement of inter- and intra-state conflicts through dialogue;
- Maintenance of regional peace, stability, and security.
- Mutual and equitable sharing of benefits accruing from cooperation under this Agreement.
- Recognition, promotion and protection of human and peoples' rights following the provisions of the African Charter on Human and Peoples' Rights.

In operationalising integration efforts, IGAD has also adopted numerous Protocols and Conventions. Table 7 captures the more prominent instruments established and unfolding within IGAD. In many instances, IGAD focuses its approach on implementing wider AU-level instruments and incorporates numerous actions within its detailed plans that utilise AU instruments as a primary reference point.

IGAD is constantly evolving, and it is hence essential to engage with the details of its programmes and projects through strategic and operational plans. Details of other areas of cooperation and decisions are generally contained in the reports of Summit meetings and related interactions within the Council of Ministers.

Table 7: Key legal instruments of IGAD

Key Instrument	Purpose
Protocol on Transhumance	This Protocol provides for the cooperative management of transhumance, which is the seasonal movement of pastoralists and their livestock across the borders of IGAD member states.
Declaration on Drought Resilience	This Declaration affirms the commitment of IGAD member states to building the resilience of communities and ecosystems to drought and climate change.
Protocol on Conflict Prevention, Management and Resolution	This draft Protocol provides for cooperation among IGAD member states in promoting peace and security within the region, with a focus on conflict prevention, management, and resolution.
Protocol on Democracy and Good Governance	This draft Protocol provides for the promotion of democracy and good governance among IGAD member states, with a focus on the rule of law, human rights, and political pluralism.
Convention on Mutual Assistance in Criminal Matters	This Convention provides for mutual assistance among IGAD member states in criminal matters, including the extradition of criminals and sharing information and evidence.

3.4 Planning

As with other RECs, IGAD refers to its Vision 2050 as the bases for planning within the organisation. However, the Vision 2050 document appears not to be broadly publicised and is only generally referred to in passing concerning its overall vision and mission and related alignment to the AU Agenda 2063 and the SDGs. The more visible plan is the 2020–2025 Region Strategy, which stands in as the five-year plan for the organisation.

Vision and Mission (2050)

Vision Statement: To become the premier Regional Economic Community (REC) for achieving peace and sustainable development in the region.

Mission Statement: Promote regional cooperation and integration to add value to member states' efforts in achieving peace, security, and prosperity.

The current IGAD Five-Year Strategic Plan identifies six key strategic priority areas, namely:

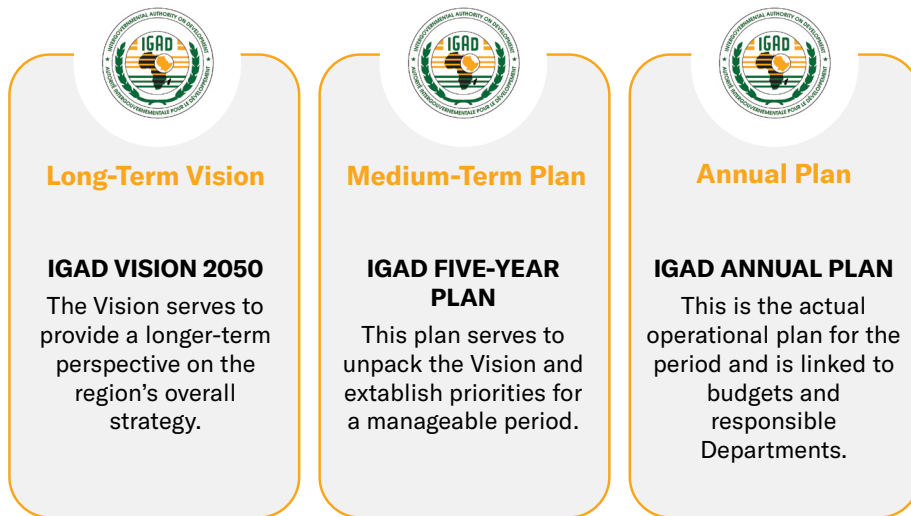
- ➔ Peace and security: This priority area aims to promote peace, security, and stability in the region by addressing conflicts, promoting dialogue, and strengthening institutions and mechanisms for conflict prevention and resolution.
- ➔ Regional integration and development: This area aims to promote economic integration and development in the region by enhancing trade, infrastructure, and connectivity, and by promoting sustainable agriculture and natural resource management.
- ➔ Social development: This area aims to promote social development in the region by addressing health, education, gender equality, and youth empowerment.
- ➔ Environmental Management and Climate Change: This priority area aims to promote environmental management and climate change adaptation and mitigation in the region by addressing issues such as natural resource management, biodiversity, and renewable energy.
- ➔ Research, knowledge management, and information and communications technology (ICT): This priority area aims to promote research, knowledge management, and ICT development in the region by strengthening institutional capacities and partnerships, and by promoting innovation and technology transfer.
- ➔ Institutional strengthening and resource mobilisation: This priority area aims to promote institutional strengthening and resource mobilisation in IGAD by enhancing the organisation's governance structures, financial management, and partnerships with development partners and other stakeholders.

Overall, the IGAD Five-Year Strategic Plan provides a framework for the organisation's planning activities and guides its efforts to promote regional cooperation and integration in the Horn of Africa. The annual plan and budget are prepared in line with the organisation's Strategic Plan, which outlines its priorities and objectives for a given period. However, the reliance on partner resources often renders it difficult for the organisation to keep within the parameters of the established plans, as it has to adjust annually to accommodate changes in contributions and the general availability of resources. Figure 13 broadly captures the planning orientation within IGAD.

The IGAD Secretariat is responsible for developing the annual plan and budget, in consultation with member states and other stakeholders. The process begins with identifying

Civil society involvement in planning: CSOs were actively involved in drafting the IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI), which was endorsed in 2012.

priority areas and programmes for the year, based on the organisation's Strategic Plan and the emerging needs and challenges in the region. The annual plan and budget are developed through a consultative process, which involves reviewing programme proposals, identifying funding sources, and allocating resources. The process also includes identifying performance indicators and targets, which are used to monitor and evaluate the plan's implementation.

Figure 13: Planning within IGAD

The annual plan and budget are reviewed and approved by the IGAD Council of Ministers, which is composed of ministers responsible for foreign affairs and other relevant sectors from member states. The Council of Ministers engages with the details of the plans and related budgets. The Council hence serves as the primary platform for approval of the budget. The Summit generally affirms the recommendations of the Council. IGAD also established working arrangements with development partners on its plans and related budgets. The approved budget is implemented by the IGAD Secretariat, which manages the organisation's resources and programmes. As there is reliance on added partner funding, planning in IGAD is often dynamic and implementation is adjusted in accordance with actual funds secured. The plans and their contents are important for civil society as they shape the implementation actions that are likely to unfold. Engaging and influencing the contents of these plans and the institutions responsible remains a key entry point to ensure priorities are incorporated and linked to actual budgets and related delivery capacity. There is little evidence to suggest that civil society organisations (CSOs) are engaging with the annual plans of IGAD. Most CSOs engage with the more focused sector plans based on invitations to technical workshops established for consultation and inputs on draft documents.

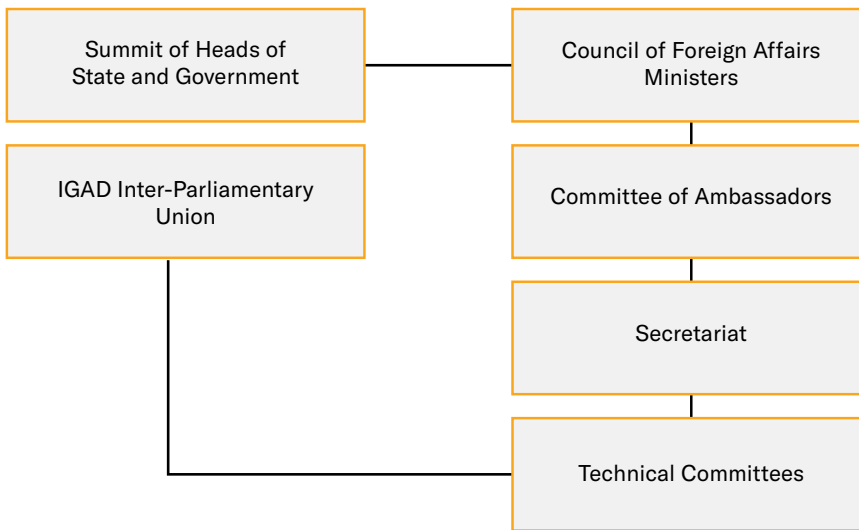
3.5 Institutional structures

IGAD is a new regional organisation relative to the others covered in this publication. As such, it has not established the range of participatory and oversight structures such as those associated with other RECs. IGAD does not have a parliamentary or judicial structure. However, parliamentarians in the region have established an IGAD inter-parliamentary union for engagements with IGAD. IGAD does not have a Court. However, it is important to appreciate that many IGAD members are also part of the EAC and hence have access to the EAC Court. A more detailed descriptive analysis follows a broad outline of the macrostructure. These institutional structures provide the core channels for influencing the work and decision-making processes. While the overall structure reflects a hierarchy of authority and responsibility, the realities of practice suggest multiple channels and possibilities for influencing decision-making and the general policy trajectory of regional institutions.

3.5.1 Macrostructure

IGAD has a structure that consists of several Organs and Specialised Technical Committees. The following figure broadly captures the overall macrostructure of IGAD. It is important to appreciate that IGAD is new relative to other RECs and still in the initial stages of overall formation and in developing its implementation and governance structures. It has nevertheless made significant progress over the last few years in the way it operates and in the terrains of cooperation, integration, and implementation.

Figure 14: Macrostructure of the IGAD



The Assembly of Heads of State and Government held during the Summit is the highest decision-making body of IGAD and comprises the Heads of State and Government of member states. The Assembly meets once a year to provide overall policy direction and review the organisation's progress. The Council of Ministers is the second-highest decision-making body of IGAD and is composed of member states' foreign ministers. The council meets twice a year to review the organisation's progress and provide policy guidance.

The administrative arm of IGAD is the Secretariat, which is responsible for implementing the decisions of the Assembly and the Council of Ministers. The Secretariat is headed by an Executive Secretary and is based in Djibouti. In addition, IGAD has further established a range of Specialised Technical Committees. These are sector-specific bodies that are responsible for developing policies and strategies in specific areas such as peace and security, agriculture, and economic integration.

IGAD also has several specialised institutions, including the IGAD Climate Prediction and Applications Centre, the IGAD Centre for Pastoral Areas and Livestock Development, and the IGAD Sheikh Technical Veterinary School. Overall, IGAD's structure is designed to promote effective decision-making, coordination, and implementation of regional economic integration, peace, and security initiatives. The Specialised Technical Committees and institutions allow for a more targeted and focused approach to addressing specific challenges and opportunities facing the region.

3.5.2 Parliamentary body

IGAD does not have a parliamentary organ within the framework of the Agreement. The organisation's decision-making structure comprises the Assembly of Heads of State and Government and the Council of Ministers. An IGAD Inter-Parliamentary Union was established in 2003 by regional parliamentarians. The structure is generally outside of the formal IGAD establishment as it is not recognised as a Treaty Organ. However, there have been interactions between the structure and the IGAD Secretariat, and hence there is tacit recognition of its role and value-add for the work of IGAD. It, however, has no structured formal authority or direct role over IGAD policies and budget process. During interactions in 2019, the Secretary-General of IGAD provided that 'the collaboration between the Executive and the Legislative arms of IGAD is of paramount importance for the fulfilment of our mandates'. This statement, and ongoing interactions, suggests some level of appreciation of the role and value of the IGAD Inter-Parliamentary Union.

Outside of the parliamentary process, IGAD has established several mechanisms to enhance the participation and engagement of stakeholders, including CSOs, private sector actors, and academia, in its activities. These mechanisms include the IGAD Civil Society Forum, the IGAD Private Sector Forum, and the IGAD University Forum. These forums provide platforms for stakeholders to engage with the organisation and contribute to developing and implementing policies and strategies related to regional economic integration, peace, and security.

Furthermore, IGAD has established a mechanism for regular consultations and dialogue with its development partners, including the AU, the UN, and the European Union. These consultations allow the organisation to share its priorities and objectives and solicit support for its programmes and initiatives. There are current efforts within IGAD to enhance the status of the Inter-Parliamentary Union and hence work towards it becoming a full legislative structure of IGAD.

3.5.3 Regional judicial structures

IGAD does not have a judicial structure of its own. However, the organisation has established several legal instruments and frameworks to promote regional integration and cooperation among its member states. While the EACJ is not a direct organ of IGAD, it plays an important role in promoting regional economic integration and cooperation in East Africa, including among IGAD member states.

In addition, IGAD has established several Specialised Technical Committees, including the Committee on Legal and Judicial Affairs, which is responsible for developing policies and strategies related to legal and judicial cooperation among member states. The Committee works closely with national legal and judicial institutions to promote the harmonisation of legal and judicial frameworks and to enhance regional cooperation in areas such as extradition, mutual legal assistance, and judicial training. IGAD has been promoting its 2009 extradition and mutual legal assistance conventions among its eight member states for over a decade. It has, however, struggled to secure the required support. Only Djibouti and Ethiopia have ratified the extradition convention.

3.5.4 Human rights and other structures

The organisation recognises that respect for human rights is essential for promoting regional integration, peace, and security. One of the key human rights structures of IGAD is the Committee of Ambassadors on Human Rights and Governance, which is responsible for promoting and

Civil society participation in

securing peace: The Community Empowerment for Progress Organisation (CEPO) of South Sudan arranged a public debate on the new IGAD peace proposal in collaboration with the University of Juba. The event served to raise awareness and secure public inputs, which included a concern that the proposal lacked a strong stance on justice and accountability.

monitoring human rights and good governance in the region. The committee works closely with national human rights institutions and CSOs to develop policies and strategies for promoting and protecting human rights and monitor member states' human rights situation.

IGAD has also established the Conflict Early Warning and Response Mechanism (CEWARN), designed to prevent and manage regional conflicts. CEWARN is based on recognising that human rights violations and abuses are often at the root of conflicts and that preventing such violations and abuses is essential for maintaining peace and security. CEWARN works with national human rights institutions and CSOs to monitor member states' human rights situation and identify

and respond to early warning signs of potential conflicts.

Furthermore, IGAD has established the Women's Unit, which promotes gender equality and women's rights in the region. The Women's Unit works with national and regional institutions to develop policies and strategies for promoting gender equality and to mainstream gender perspectives in all areas of IGAD's work. The existing structures work closely with national human rights institutions, CSOs, and other stakeholders to develop policies and strategies for promoting and protecting human rights and to monitor member states' human rights situation.

IGAD has engaged with human rights bodies in member countries as part of its efforts. For example, in September 2019, the organisation arranged training to sensitise national experts and officials from human rights institutions within member states and build capacity on African human rights systems and chart ways through which there can be collaboration and effective complementarities.

3.5.5 Assembly of Heads of State and Government

The Assembly of Heads of State and Government is the highest decision-making body of IGAD. The Assembly comprises the Heads of State and Government of member states and meets once a year to provide overall policy direction and guidance for the organisation.

The Assembly has several roles and responsibilities, including:

- ➔ Policy direction: The Assembly provides policy direction on regional integration, peace and security, and sustainable development. The Assembly sets the overall direction of IGAD's work and identifies priority areas for the organisation.
- ➔ Decision-making: The Assembly makes decisions on IGAD's programmes and initiatives. The Assembly's decisions are binding on all member states.
- ➔ Approval of the budget: The Assembly approves the organisation's budget and reviews the financial performance of the organisation.
- ➔ Election of the Executive Secretary: The Assembly elects the Executive Secretary of IGAD, who manages the organisation's day-to-day operations.
- ➔ Ratification of Protocols and Conventions: The Assembly ratifies Protocols and other legal instruments related to regional integration, peace and security, and sustainable development.

The Assembly's decisions guide the organisation's work and provide a framework for member states to work together to achieve common goals. By providing high-level policy guidance and

direction, the Assembly is meant to ensure that IGAD remains focused on its objectives and priorities and that its work is aligned with the needs and priorities of member states.

The format of the IGAD Summit is comparable with that of other regional organisations, such as the AU and EAC. The Summit typically involves plenary sessions, where the Heads of State and Government discuss and decide on matters of regional importance. The Secretariat prepares the agenda for the IGAD Summit in consultation with the member states and covers a range of issues related to regional integration, peace, security, and development. The agenda is circulated to the member states before the Summit to allow for consultations and input. During the Summit, the Heads of State and Government may also hold bilateral meetings on the sidelines to discuss issues of mutual interest. After the Summit, a communiqué is issued outlining the decisions made and the way forward on key regional issues. The communiqué is a public record of the Summit's proceedings and is circulated to the member states and the public.

The IGAD Summit remains closed as the organisation has not established a framework for granting status to other organisations for attending and observing aspects of the Summit, as is the case with some of the other RECs. Available information suggests that some partners, such as the AU, are invited to attend parts of the Summit. The Summit is generally considered a very closed process with limited engagements with the wider IGAD community and limited space for public involvement.²⁹

3.5.6 Ministerial structures

IGAD has several political-level meetings that are held regularly to provide a platform for member states to discuss regional integration, peace and security, and other issues of common interest. The Council of Ministers is the second-highest decision-making body of IGAD and is composed of member states' foreign ministers. The Council meets twice a year to review the organisation's progress and provide policy guidance.

The Council of Ministers is responsible for providing policy guidance and direction to the organisation and overseeing the implementation of IGAD's programmes and initiatives. The Council's main functions include:

- ➔ Providing policy guidance: The Council provides policy guidance on regional integration, peace and security, and sustainable development issues.
- ➔ Oversight and review: The Council reviews the progress of IGAD's programmes and initiatives and provides oversight to ensure that they are implemented in accordance with the organisation's objectives and priorities.
- ➔ Coordination: The Council coordinates the work of Specialised Technical Committees responsible for developing policies and strategies in specific areas of regional integration, peace and security, and sustainable development.
- ➔ Decision-making: The Council decides on IGAD's programmes and initiatives. The council's decisions are binding on all member states.

In addition to the Council of Ministers, IGAD holds other ministerial meetings, such as the ministerial meetings of Specialised Technical Committees. These meetings focus on regional integration, peace and security, and sustainable development. These committees meet regularly to develop policies and strategies in their respective focus areas.

29 KI Weldesellassie 'IGAD as an international organisation, its institutional development and shortcomings' (2011) 55 *Journal of African Law* 1

These political-level meetings provide a critical platform for member states to discuss regional integration, peace and security, and other issues of common interest. They help to ensure that IGAD remains focused on its objectives and priorities and that its work is aligned with the needs and priorities of member states. However, the extent and functionality of the Ministerial Committees are not clear. It appears that committee meetings have not been regularised and are often contingent on the availability of resources and whether more detailed discussions are needed within particular policy areas or sectors.

3.5.7 Meetings of Ambassadors

IGAD holds ambassador meetings as part of its decision-making structure. The main ambassadorial meeting of IGAD is the Committee of Ambassadors, which is composed of Ambassadors or Plenipotentiaries accredited to the country of IGAD Headquarters in Djibouti. The Committee of Ambassadors meets regularly to oversee the implementation of IGAD's programmes and initiatives and to provide policy guidance. The Committee of Ambassadors is responsible for overseeing and coordinating IGAD's activities. The Committee's main functions include:

- ➔ **Monitoring implementation:** The Committee of Ambassadors monitors the implementation of IGAD's programmes and initiatives to ensure that they are implemented in accordance with the organisation's objectives and priorities.
- ➔ **Coordination:** The Committee coordinates the work of Specialised Technical Committees, which are responsible for developing policies and strategies in specific areas of regional integration, peace and security, and sustainable development.
- ➔ **Providing policy guidance:** The Committee provides policy guidance on regional integration, peace and security, and sustainable development issues.
- ➔ **Decision-making:** The Committee decides on IGAD's programmes and initiatives. Generally, such decisions are in the form of recommendations to the Council of Ministers.

In addition to the Committee of Ambassadors, IGAD holds other meetings, such as meetings of the IGAD Partners Forum. These meetings provide a platform for IGAD and its partners to discuss regional integration, peace and security, and sustainable development issues. Overall, ambassadorial meetings are an important part of IGAD's decision-making structure. They provide a platform for member states to discuss issues of common interest, to provide oversight and coordination of IGAD's activities, and to provide policy guidance.

Current information suggests that the meeting of Ambassadors is being regularised, including having annual budget meetings. This meeting has now emerged as central to the approval of the budget and related recommendations to the Council of Ministers. Many of these meetings are being arranged in Addis Ababa because of the location of many of the accredited Ambassadors and partner organisations.

3.5.8 Implementation structures

IGAD has established several implementation structures to ensure the effective implementation of its programmes and initiatives. These structures include:

- ➔ **Secretariat:** The Secretariat is the administrative arm of IGAD and is responsible for implementing the decisions of the Assembly and the Council of Ministers. The Secretariat is headed by an Executive Secretary and is based in Djibouti.

- ➔ **Specialised Technical Committees:** IGAD has several Specialised Technical Committees responsible for implementing policies and strategies in regional integration, peace and security, and sustainable development. These committees work closely with national and regional institutions to implement policies and initiatives in their respective focus areas.
- ➔ **National Focal Points:** IGAD has established National Focal Points in member states to facilitate the implementation of regional policies and initiatives at the national level. These Focal Points work closely with national institutions and stakeholders to ensure that regional policies and initiatives are implemented effectively and on time.
- ➔ **Regional programmes and projects:** IGAD implements regional programmes and projects to promote regional integration, peace and security, and sustainable development. These programmes and projects are implemented with national and regional institutions and stakeholders.
- ➔ **Monitoring and evaluation:** IGAD has established a monitoring and evaluation mechanism to ensure that its programmes and initiatives are implemented effectively and achieve their intended outcomes. This mechanism helps to identify challenges and opportunities for improvement and ensures that resources are used efficiently and effectively.

These implementation structures are critical for ensuring the effective implementation of IGAD's programmes and initiatives. They help ensure that regional policies and initiatives are timely and implemented effectively and that they achieve their intended outcomes. However, it is important to appreciate that the modalities of how the institutions function often varies from what has been intended. For example, the work at a national level is often more diffused and hence not reliant on the defined National Focal Point.

3.5.9 Secretariat

The Secretariat of IGAD is the administrative arm of the organisation and is responsible for implementing the decisions of the Assembly and the Council of Ministers. The Secretariat is headed by an Executive Secretary and is based in Djibouti.

The Secretariat has several functions, including:

- ➔ **Providing administrative support:** The Secretariat provides administrative support to the Assembly, the Council of Ministers, and the Specialised Technical Committees of IGAD. This includes organising meetings, preparing agendas, and taking minutes.
- ➔ **Implementing decisions:** The Secretariat is responsible for implementing the decisions of the Assembly and the Council of Ministers. This includes coordinating the implementation of regional programmes and projects and monitoring progress.
- ➔ **Resource mobilisation:** The Secretariat is responsible for mobilising resources to support the implementation of IGAD's programmes and initiatives. This includes working with development partners and other stakeholders to secure funding and resources.
- ➔ **Communications:** The Secretariat is responsible for communicating the work of IGAD to the public and to other stakeholders. This includes preparing press releases, reports, and other communications materials.
- ➔ **Coordination:** The Secretariat plays a critical role in coordinating the work of Specialised Technical Committees and other implementation structures of IGAD. This helps ensure that regional policies and initiatives are implemented effectively and on time.

The Secretariat, headed by an Executive Secretary, supplements member states' development efforts through regional projects and programmes in the IGAD priority areas, facilitates the coordination and harmonisation of development policies, and mobilises resources to implement regional projects and programmes approved by the Council of Ministers. The IGAD Secretariat is made up of six Divisions. The following is a summary of the role of each of the Divisions:

- ➔ **Peace and Security Division:** This Division promotes peace and security in the region through conflict prevention, management, and resolution. It facilitates the implementation of the IGAD Peace and Security Architecture (IPSA) and supports IGAD's Mediation and Preventive Diplomacy Programme. It also incorporates a component dealing with governance issues.
- ➔ **Agriculture and Environment Division:** This Division promotes sustainable agriculture, food security, and environmental conservation in the region. It coordinates the implementation of the IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) and supports IGAD's Environment and Natural Resources Management Programme.
- ➔ **Economic Cooperation and Social Development Division:** This Division promotes economic cooperation and social development in the region. It facilitates the implementation of the IGAD Regional Integration Programme and provides support to IGAD's Gender and Social Development Programme.
- ➔ **Administration and Finance Division:** This Division provides administrative and financial support to IGAD's programmes and activities. It manages IGAD's budget and resources and supports IGAD's Human Resources Management Programme.
- ➔ **Planning, Coordination and Partnerships Division:** This Division is responsible for planning and mobilising resources for IGAD's programmes and activities. It develops strategic plans and provides support to IGAD's Resource Mobilisation Programme.

Overall, the six Divisions of the IGAD Secretariat work together to support IGAD's mandate of promoting regional cooperation and integration, addressing the challenges of drought and desertification, and promoting social and economic development in the Horn of Africa. The Secretariat remains open to interactions with civil society. As many of its programmes are supported by development partners, engagement with civil society remains a key requirement in all the initiatives established. Hence, it provides an added opportunity for many CSOs to influence the work of IGAD and related policy development initiatives.

3.5.10 Other implementation bodies

Outside of the Secretariat, the IGAD region has several specialised institutions that work in specific areas of regional cooperation and development. Some of these institutions function separately of IGAD and mobilise their funding from partners and others. Here are some of the specialised institutions:

- ➔ **IGAD Centre for Pastoral Areas and Livestock Development (ICPALD):** This institution promotes the sustainable development of pastoral and agro-pastoral areas in the region. It provides technical support and advice on policy and programme development, research and analysis, and capacity building.
- ➔ **IGAD Climate Prediction and Applications Centre (ICPAC):** This institution provides weather and climate services to support sustainable development in the region. It provides forecasts and early warning information on weather and climate-related events and supports capacity building and training on climate change adaptation and mitigation.

- ➔ IGAD Sheikh Technical Veterinary School (ISTVS): This institution is a regional centre of excellence for veterinary education and training. It provides training and capacity building programmes in animal health and livestock production to support the sustainable development of the livestock sector in the region.
- ➔ IGAD Centre of Excellence in Preventing and Countering Violent Extremism (ICEPCVE): This institution promotes regional cooperation and coordination in preventing and countering violent extremism. It provides technical support, training, and capacity building on preventing and countering violent extremism to national governments and CSOs.
- ➔ IGAD Security Sector Programme (ISSP): This institution promotes regional cooperation in the security sector. It provides technical support and capacity building on security sector reform, counter-terrorism, border management, disarmament, demobilisation, and reintegration.

Overall, these specialised institutions of IGAD work to support the organisation's mandate of promoting regional cooperation and integration, addressing the challenges of drought and desertification, and promoting social and economic development in East Africa. In addition, they often provide a valuable channel for influencing policy orientations as they are often included in the deliberations of IGAD. Current information suggests that these structures were established with substantive participation from CSOs and hence continue to serve as key channels for influencing the trajectory of policies and work that unfolds in the wider institutional structures of IGAD.

3.6 Overview of annual events

IGAD holds several annual events and meetings to promote regional integration, peace and security, and sustainable development. These events include:

- ➔ Summit: The Summit is an annual meeting of the Heads of State and Government of member states. The summit provides a platform for member states to discuss issues of common interest, provide policy guidance, and oversee the implementation of IGAD's programmes and initiatives.
- ➔ Council of Ministers Meetings: The Council meets twice a year to review the organisation's progress and provide policy guidance.
- ➔ Committee of Ambassadors Meetings: This Committee meets regularly to oversee the implementation of IGAD's programmes and initiatives and to provide policy guidance.
- ➔ Specialised Technical Committee Meetings: IGAD has several Specialised Technical Committees that meet regularly to develop policies and strategies in regional integration, peace and security, and sustainable development.
- ➔ Civil Society Forum: This Forum is an annual meeting of CSOs from member states. The Forum provides a platform for CSOs to engage with IGAD and contribute to developing and implementing policies and strategies related to regional integration, peace, and security.
- ➔ Private Sector Forum: This Forum is an annual meeting of private sector actors from member states. It provides a platform for private sector actors to engage with IGAD and contribute to the development and implementation of policies and strategies related to regional integration, peace, and security.

Overall, these annual events and meetings provide a critical platform for member states, CSOs, and private sector actors to engage with IGAD and contribute to developing and implementing policies and strategies related to regional integration, peace, and security. Regarding the provision of the Treaty, IGAD Summits are held once a year. However, there have been a few instances of the IGAD Summit being arranged more than once a year. In addition, IGAD Day is designated as 15 March every year to commemorate the establishment of IGAD in 1986. IGAD does include a selection of its events on a calendar on its website. In addition to the listed events, IGAD is increasingly regularly meeting with development partners.

3.7 Decision-making processes

Formal decisions are reflected in different types of documents. These include Charters, Conventions, Protocols and Resolutions. There is a general hierarchy of decision-making and related authority. Details on delegations are often unclear, as is generally the case with large multilateral institutions. The decision-making process of the IGAD involves several levels of decision-making bodies and structures, which include:

- **Assembly of Heads of State and Government:** This is the highest decision-making body of IGAD and comprises the Heads of State and Government of member states. The Assembly meets annually to provide overall policy direction and guidance for the organisation.
- **Council of Ministers:** This is the second-highest decision-making body of IGAD and is composed of member states' foreign ministers. The Council meets twice a year to review the organisation's progress and provide policy guidance.
- **Committee of Ambassadors:** This is composed of member states' Ambassadors and is responsible for overseeing the implementation of IGAD's programmes and initiatives.
- **Specialised Technical Committees:** IGAD has several Specialised Technical Committees that focus on regional integration, peace and security, and sustainable development. These committees develop policies and strategies in their respective areas of focus, which are then reviewed and approved by the Council of Ministers.

The decision-making process of IGAD is generally based on consensus-building and consultation among member states. Decisions are made through a participatory process involving discussions and negotiations among member states. The decisions are then recorded in the form of resolutions and are binding on all member states. The general patterns of introducing initiatives and moving these towards approval are generally consistent with what unfolds in other RECs. However, available information suggests that there are often more active CSO engagements during the initial initiation phase as the Secretariat does not often have the required technical capacity for policy initiation. Figure 15 broadly captures the decision-making process within IGAD.

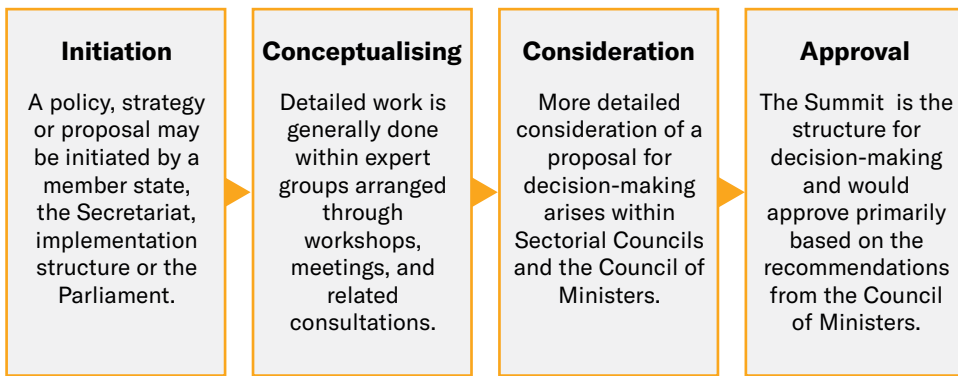
The decision-making process in IGAD can be summarised as follows:

- **Identification of the issue:** The decision-making process in IGAD usually begins with identifying an issue or a challenge that requires attention from member states.
- **Consultation and analysis:** The issue is then analysed and discussed by member states through various forums, including the Technical Committees, the Committee of Ambassadors, and the Council of Ministers. These forums allow member states to share their views and opinions on the issue and identify possible solutions or courses of action.
- **Negotiation and consensus-building:** Once member states have identified possible solutions

or courses of action, they negotiate to reach a consensus on the way forward. This may involve compromise and the consideration of the interests of all member states.

- Adoption of the decision: Once a consensus has been reached, the decision is adopted by the relevant decision-making body in IGAD, which may include the Council of Ministers or the Summit.
- Implementation of the decision: The decision is then implemented by the relevant Organs of IGAD, including the IGAD Secretariat and other specialised institutions.

Figure 15: Decision-making process of IGAD



Overall, the decision-making process in IGAD is guided by principles of consultation, consensus-building, and respect for the views and interests of all member states. The process seeks to promote regional cooperation and integration in the Horn of Africa and to address the challenges facing the region in a collaborative and coordinated manner. However, the general perspective is that the policy process within IGAD remains closed and often centralised to the Council of Ministers and the Summit.

3.8 Resourcing and capacity

IGAD relies on various resources to support its programmes and initiatives. IGAD's main source of funding is contributions made by its member states. Each member state contributes to the organisation based on a formula that considers the size of the country's economy. IGAD also receives funding from development partners and other donors. Donor funding supports specific programmes and projects and helps to fill funding gaps in the organisation's budget. In addition, IGAD actively seeks to mobilise resources from various sources, including the private sector and CSOs. The organisation works to develop partnerships with these organisations to leverage their resources and expertise. The budget for the 2022 period is approximately USD 87 million. Eighty per cent of this budget is derived from partner resources.

In addition to financial contributions, member states and other partners may also provide in-kind contributions, such as technical expertise or equipment, to support IGAD's programmes and initiatives. Overall, IGAD relies on a variety of resources to support its programmes and initiatives. The organisation works to diversify its funding sources and leverage its partners' resources and expertise to achieve its objectives related to regional integration, peace, and

security. For example, IGAD secured a USD 3.50-million grant from the African Development Fund (ADF) to finance the agency's Infrastructure Master Plan.

The budget process of IGAD is comprehensive and consultative, involving various stakeholders in the region. The budget process begins with preparing a budget framework paper that outlines the budget's priorities, goals, and expected outcomes. The IGAD Secretariat prepares the budget framework paper in consultation with the member states and other stakeholders. The meeting of Ambassadors remains a crucial platform for approving the budget and related recommendations. Central to the budget process are also the meetings held with development partners. The budget generally includes the wider commitment made by partners. However, in practice, there is often a gap between articulated commitments and the actual flow of resources. The approved budget hence does not always reflect what would unfold in practice. In addition, some of the contributions are not provided directly as budget support and hence do not flow directly through IGAD structures.

The Council of Ministers reviews the budget proposals and adjusts as necessary to ensure that they align with the priorities and goals of IGAD. The Council of Ministers approves the budget and submits it to the Assembly of Heads of State and Government for review and approval. Once the budget is approved, the Secretariat implements the budget by allocating funds to various programmes and projects, monitoring expenditures, and reporting progress to the Council of Ministers and other stakeholders. The budget is subject to audit by the Audit Committee, which is responsible for ensuring that funds are used in accordance with the budget and that there is transparency and accountability in the management of resources.

The IGAD budget typically includes two main components: the administrative and development budgets. The administrative budget includes funding for the Secretariat, the Council of Ministers, and other Organs. On the other hand, the development budget includes funding for various programmes and projects, such as conflict prevention and resolution, peacebuilding, humanitarian assistance, economic integration, and environmental management.

The procurement process of IGAD is comprehensive and transparent, designed to ensure that procurement is conducted efficiently, effectively, and accountably. IGAD prepares a procurement plan and budget that outlines the procurement requirements, timelines, and budgetary allocations. IGAD advertises the procurement opportunity through its website and other appropriate channels. Potential suppliers are invited to submit bids, and IGAD evaluates the bids according to established criteria. IGAD awards the contract to the bidder who meets the required criteria. IGAD manages the contract to ensure that the goods, works, or services are delivered per the contract terms and conditions. IGAD makes payments to the supplier upon verification that the goods, works, or services have been delivered as per the contract. The IGAD procurement process is guided by the IGAD Procurement Manual, which sets out the procedures, rules, and regulations governing procurement activities. The IGAD also follows the principles of transparency, fairness, competition, and value for money in all its procurement activities.

3.9 Relationships with civil society

The IGAD and civil society relationship has been evolving and has gained substantive traction in recent years. The IGAD Agreement itself is generally silent on the issues on participation and only provides a general reference to participation. Article 17, for example, established the imperatives of making agreements with, amongst others, non-governmental agencies. The substantive moves forward on participating emanated from the Eighth Summit of Heads of State and Government,

held on 23 November 2000 in Khartoum, Sudan. The Khartoum Declaration included a commitment on the part of states to ‘encourage the establishment of regional associations of professional unions, Chambers of Industries and Commerce, parliamentary unions and non-governmental organisations (NGOs) and civil societies of member states to promote popular participation of civil society as important players in issues related to fundamental freedoms and the well-being of our peoples’. This Summit directs the IGAD secretariat to coordinate activities of national NGOs of the member states and involve them in action as and when the need arises. Even before this decision, the IGAD Secretariat engaged with civil society within its work activities. Engagement unfolds both formally and informally.

3.9.1 Formal structural relationships

The formal relationship between IGAD and civil society unfolds through the IGAD Civil Society and NGO Forum. This forum was established according to the decision of the IGAD Council of Ministers to serve as the mechanism to involve civil society in the policy formulation and strategic planning discussions and the planning, designing and implementation of IGAD strategies, programmes and processes. The IGAD Civil Society and NGO Forum was established in 2003 as a follow-up to a decision of the Eighth Summit of IGAD. The interface provides a mechanism for interacting and exchanging information and experience between the IGAD Secretariat and CSOs. Processes around the establishment and working of the Forum have been subject to wider criticism. In particular, complaints focused on the requirements that CSOs secure the support of the member state in which the organisation operates. This membership process and funding disbursements quickly became a major contention between IGAD and development partners. In addition, objections centred around some of the requirements for membership, and many perceived the forum as lacking independence from member state governments.³⁰

Within sector programmes, IGAD has initiated several initiatives with civil society that development partners support. Included in the arrangement are training workshops and the provisions of grants to CSOs in particular areas of work. For example, the IGAD Regional Civil Society Drylands Governance Facility provided grants to CSOs in the region to engage effectively with regional environment, water and natural resource governance issues to promote resilience in the drylands. Overall, the formal relationship between civil society and IGAD is designed to promote the participation of CSOs in developing and implementing policies and strategies related to regional integration, peace, and security. IGAD recognises the important role of civil society in promoting sustainable development and works to ensure that CSOs are engaged and included in its programmes and initiatives.

IGAD has developed several added forums that incorporate civil society participation. Prominent is the IGAD Women, Peace and Security Forum (IWPSF), launched in 2013. It was agreed that a Women and Peace Forum would be headed by a Board that comprises three members from each IGAD member state representing the executive, the legislature, and civil society. The Secretariat was tasked to develop a strategic and financing plan for the operationalisation of the IWPSF. Further and similar forums have been established in other areas of policy focus. However, the sustainability of the forums beyond initial consultative engagements is not clear.

IGAD has not established any mechanism for granting CSOs observer status for its formal meetings. In general, CSOs cannot attend or observe any formal sessions, including those of the Summit or related ministerial or meetings of Ambassadors. However, outside of such formal processes, there is a willingness to engage with civil society on policy and implementation issues. These, however, largely unfold at an informal level.

3.9.2 Informal relationships

In addition to the formal mechanisms for engaging with CSOs, the IGAD has informal relationships with civil society. These informal relationships are based on the recognition that civil society has an important role to play in promoting regional integration, peace and security, and sustainable development.

The informal relationships between civil society and IGAD take several forms, including:

- ➔ Informal consultations: IGAD officials may engage in informal consultations with CSOs to gather feedback and input on specific policies and initiatives. This approach is evident in the varied meetings arranged by the Secretariat. There appears to be a substantive openness to engagement at the level of officials in IGAD.
- ➔ Participation in events: CSOs may be invited to participate in events and meetings organised by IGAD. This provides an opportunity for civil society to engage with IGAD and contribute to developing and implementing policies and strategies related to regional integration, peace, and security. Invitation to participation often goes beyond those organisations that are part of the formalised process for civil society engagement.
- ➔ Information sharing: IGAD may share information with CSOs on its programmes and initiatives. This helps to ensure that civil society is aware of the work of IGAD and can provide input and feedback where appropriate. As development partners support many IGAD programmes, there is usually ongoing engagement with CSOs that provide technical inputs.
- ➔ Advocacy: CSOs may engage in advocacy efforts to promote policies and initiatives related to regional integration, peace, and security. IGAD may be called upon to support these efforts, and the two may work together to advance shared objectives.

Overall, the informal relationships between civil society and IGAD are designed to promote collaboration and ensure that civil society is included in developing and implementing policies and initiatives related to regional integration, peace, and security. These relationships help to ensure that civil society's voices and perspectives are heard, and their contributions are valued. However, there is often concern about the absence of direct channels for influencing action on the part of IGAD when it comes to a crisis situation. The most recent (2023) crisis in Sudan reflects this reality.

3.9.3 Regional civil society networks

Civil society networks are important in promoting regional integration, peace and security, and sustainable development in the IGAD region. These networks bring together CSOs from across the region to collaborate and coordinate their efforts to promote common goals.

There are four broad civil society networks in the IGAD region, including:

- ➔ The Horn of Africa Civil Society Forum (HoACS): HoACS is a regional network of CSOs that brings together organisations from across the Horn of Africa region, including countries that are members of IGAD. The network promotes peace, human rights, and sustainable development through advocacy and capacity building initiatives.
- ➔ Network for Empowerment and Progressive Initiatives (NEPI): NEPI is a network of CSOs in South Sudan that promotes peace, development, and democracy in the country. The network works closely with IGAD and other partners to advance its objectives.

- ➔ Strategic Initiative for Women in the Horn of Africa (SIHA): The network was created by women activists from Somaliland, Ethiopia, and Sudan in the mid-1990s. SIHA works in various cultural, political, and geographical environments in Uganda, Ethiopia, Djibouti, Eritrea, Somalia, Somaliland, Sudan, and South Sudan.
- ➔ Horn of Africa Youth Network (HoAYN). The organisation is a regional network of youth-serving organisations that is working to foster sustainable, equitable and youth-led development in the Horn of Africa region. HoAYN is currently implementing a regional youth programme aimed at expanding civic space in the Horn of Africa region through evidence-based advocacy.

Overall, these civil society networks are important in promoting regional integration, peace and security, and sustainable development in the IGAD region. They provide a platform for CSOs to collaborate and coordinate their efforts, engage with IGAD and other stakeholders, and advocate for policies and initiatives that benefit the region. While there are many CSOs in member countries, the number of cross-country networks is limited. There has been a strong concern within the region that the spaces for civil society engagements have generally shrunk.³¹ HoACS has produced a report highlighting the challenges faced by civil society in the region.

3.9.4 Civil society influence and strategies

CSOs play an essential role in IGAD by participating in and influencing policy-making processes, promoting good governance, and representing various stakeholder groups. Here are some ways civil society has influenced IGAD:

Advocacy and policy recommendations: CSOs actively engage with IGAD and its member states to advocate for policy changes, provide policy recommendations, and conduct research and analysis. This helps inform decision-making processes and ensures that diverse perspectives are considered in regional policies. The channels for influence have often been at a technical level and through interactions with the varied implementation institutions established by IGAD. Many of these institutions function far from the formal IGAD Secretariat and remain a key channel for influence and policy advocacy. For example, HoACS engages with the IGAD Secretariat and member states to promote democratic governance and human rights. HoACS has been advocating for the inclusion of civil society in the IGAD Peace and Security Architecture (IPSA) and establishing a regional human rights commission.

Conflict resolution and peacebuilding: CSOs contribute to IGAD's peace and security agenda by participating in conflict resolution, peacebuilding, and humanitarian efforts. They provide valuable on-the-ground knowledge, facilitate dialogue between conflicting parties, and help build community trust. CSOs have often been at the forefront of calling for regional action in crisis situations. Within Sudan and Somalia, CSOs often have access to information that is not available to IGAD structures and hence can use such access to build relationships of trust and reciprocity with IGAD officials. For example, the South Sudan Civil Society Forum (SSCSF) engages with the IGAD Secretariat and member states to promote the implementation of the peace agreement in South Sudan. SSCSF also supports community-based peacebuilding initiatives in South Sudan, including conflict resolution training and mediation.

Monitoring and evaluation: CSOs monitor the implementation of IGAD policies and agreements at the national and regional levels. They assess their effectiveness and impact and provide feedback to help improve policies and programmes. Movement in this terrain has not

31 M Maru 'Shrinking civil society space in the Horn of Africa: The legal context' (2017) *Pax for Peace*

been optimal as many organisations do not fully engage with the plans and budgets of IGAD. CSO can also influence this process through development partners who are often eager to secure accountability for resources provided. Engagement with partners provides an added and useful channel for involvement.

Capacity building and technical support: CSOs offer capacity building and technical assistance to governments, institutions, and communities across various sectors, such as health, education, and human rights. They facilitate knowledge exchange and promote adopting best practices within the region. Several organisations have established Memorandums of Understanding with IGAD, which can be used as channels to influence policy and secure access. For example, the African Centre for the Constructive Resolution of Disputes (ACCORD) has a partnership arrangement and is invited to wider peace and security meetings.

Representation and inclusiveness: Civil society ensures that diverse voices are heard in regional policy-making. CSOs represent the interests of marginalised groups, such as women, youth, and people with disabilities, and work to ensure their concerns are addressed in IGAD policies and programmes. The established networks provide an immense opportunity to influence IGAD. Ideally, civil society in the region would work collaboratively to establish further networks or sub-networks in areas of common interest to influence IGAD and secure a wider representation of issues. The need for wider networks in the region has been highlighted in numerous studies.³²

Public awareness and engagement: CSOs are critical in raising public awareness about regional integration, policy issues, and socio-economic challenges. They organise public forums, workshops, and campaigns to engage citizens, stimulate debate, and encourage active participation in the IGAD integration process. IGAD is new, and often communities in the region remain at a distance to the institution and the potential it provides for wider development and governance. For example, in 2019, HoACS conducted a campaign to raise awareness of the founding document of the regional body. The campaign aimed to promote citizen understanding of the role and objectives of IGAD, as well as the rights and responsibilities of citizens in relation to IGAD decision-making processes.

The influence of civil society over IGAD also faces several challenges. In some member states, CSOs may experience political constraints, limited access to funding, and capacity limitations that hinder their ability to engage effectively in regional processes. Furthermore, the relationship between CSOs and governments can be adversarial, with some governments perceiving civil society as a threat rather than a partner in development. Despite these challenges, civil society remains vital in the IGAD region. It is strongly argued that to be effective in the region, civil society needs to adopt a collaborative approach that is neither competitive nor confrontational. Further, they should work with each other and with policy makers in good faith.³³

32 See for example S Cussen, LT Shiferaw 'Civil society and regional peacebuilding in the Horn of Africa: A review of present engagement and future opportunities' (2014)

33 Cussen and Shiferaw (n 32) Ibid.

3.10 Summary of key integration issues

Development in the region and within IGAD are constantly evolving; hence, priorities change and are subject to decisions made by the Summit and related structures. However, the following broadly captures some of the core current regional and institutional issues facing IGAD.

IGAD institutional capacity: IGAD as an organisation remains small with a wide mandate and focus. As the organisation continues to rely on partner resources, it will face difficulties in growing its formal structures and having a stable administration. Its limited capacity renders it difficult to secure full member state engagement with issues. It also has limited capacity to ensure follow-up on the imperatives associated with the ratification of instruments and related reporting requirements. While the organisation has produced a range of impressive plans and documents, its ability to translate these into actual implementation remains limited. One unintended consequence of the low-capacity levels is a willingness to engage with CSOs that can support actions with resources.

Conflict and insecurity: The IGAD region has been plagued by various conflicts, both internal and cross-border. For example, South Sudan has experienced a prolonged civil war, Ethiopia has faced internal conflicts (most notably in the Tigray region), and Somalia has struggled with insurgency and terrorism from groups such as Al-Shabaab. The situation in Sudan over recent years has also become an issue of deep concern. While IGAD is expected to lead in the Horn of Africa, its capacity remains limited, and its ability to respond rapidly and secure peace is constantly challenged. In addition, conflict, insecurity, and environmental factors have led to the large-scale displacement of people within the IGAD region. Countries such as Ethiopia, Kenya, and Sudan host significant numbers of refugees and internally displaced persons, placing a strain on already limited resources and social services.

Political instability: Several IGAD member states have faced political crises, disputed elections, and governance challenges. This instability can undermine regional cooperation and impede progress on shared goals. The region continues to face serious instability, making it difficult to focus on the other priority areas of IGAD. Building cooperation without an established and secure executive in some of the IGAD countries is likely to remain a challenge in the future. As a result, some of the countries are unlikely to be able to host a Summit of the organisation into the foreseeable future. IGAD countries have been affected by terrorism and violent extremism, particularly from groups like Al-Shabaab in Somalia and neighbouring countries. This poses a significant challenge to regional stability and development. While this issue appears to be confined mainly to Somalia, the challenges remain for all the countries in the Horn of Africa.

Climate change and environmental degradation: The IGAD region is still highly vulnerable to climate change, exacerbating existing vulnerabilities and creating new risks. Droughts, floods, and desertification are some of the consequences that threaten food security, water resources, and livelihoods. This is likely to remain a key focus for the organisation and impact its ability to focus on wider issues and a

broader base of issues. Coupled with this, the region continues to engage with the challenges associated with health issues, including COVID-19.

Economic inequality and underdevelopment: Despite its wealth of natural resources, the IGAD region faces significant income disparities, high levels of poverty, and underdevelopment. Many countries in the region are heavily dependent on commodities and agriculture, making them susceptible to fluctuations in global markets and external shocks. In addition, many IGAD countries struggle with corruption, weak institutions, and poor governance. These challenges undermine the delivery of public services, limit economic growth and development, and hinder regional cooperation. The imperatives of securing approval of the protocol on Governance cannot be over-emphasised.

The region is dynamic, and there is substantive overlap with developments within East Africa. While the institution continues to grow and develop, it will likely face new demands and changing concerns from civil society and members. To respond to changing dynamics and ensure a focus on the priorities of people in the region, it remains imperative for civil society organisations to be at the forefront of shaping the issues and challenges that IGAD should prioritise. The imperatives of a more coordinated approach through an existing platform for the region cannot be over-emphasised.

4. THE ECONOMIC COMMUNITY OF WEST AFRICA

The integration process in West Africa was gradual. The initial steps towards integration culminated in the ECOWAS Treaty of 1973.³⁴ The Treaty was subsequently revised in 1993, resulting in a substantive move forward towards greater levels of integration and cooperation. Fourteen states ratified the revised Treaty, resulting in its entry into force on 23 August 1995. Six years after the signing of the revised Treaty, membership of ECOWAS was reduced to fifteen, with the withdrawal of Mauritania in December 1999. The current member states are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

Figure 16: Members of ECOWAS



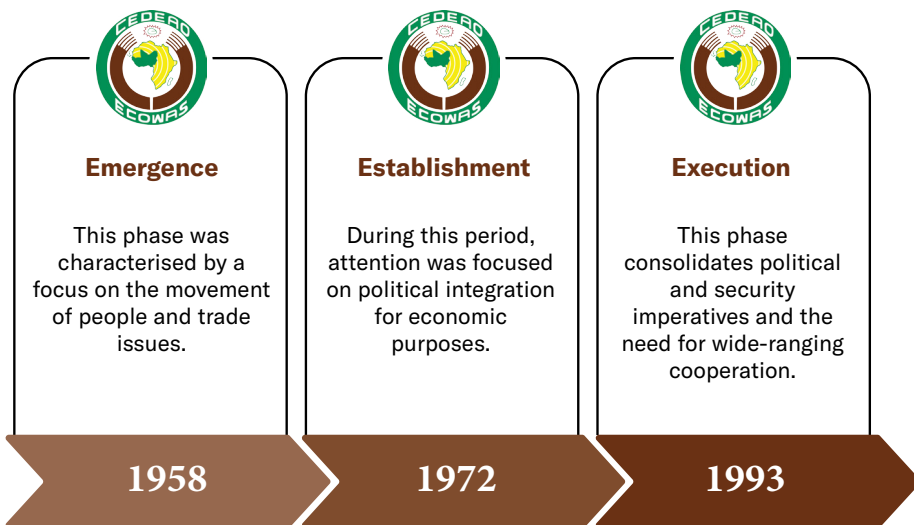
34 The information used to produce this section is primarily derived from documents accessible on the website of ECOWAS. These included reports, plans, and related publicly shared information. These documents are not referenced in the information provided unless deemed necessary. References are confined to other resources used to guide and inform the analysis.

The Treaty of 1993 serves as the core foundation of ECOWAS and continues to define its operations and working approach. In addition to establishing various modalities and institutions to facilitate economic integration, ECOWAS rapidly expanded its role and focus since adopting the revised Treaty. ECOWAS has since emerged as one of the more established RECs with visible modalities for the active participation of West African society and for engagement with civil society.

4.1 Regional integration

The formation of ECOWAS was a response to the need for regional cooperation and integration in West Africa. The region had been characterised by political instability, economic underdevelopment, and the persistence of colonial-era borders that hindered trade and movement. The gradual integration process was built upon historical initiatives before, during, and after the colonial period. Since the formal establishment of ECOWAS as an institution, the trajectory of integration has been rapid, and the shift from establishment towards actual execution of commitment has been substantive. To appreciate the rapid progress made, having an overall perspective on the integration process is prudent.

Figure 17: Integration process in West Africa.



Emergence

The more recent history of collective integration in West Africa dates to the early 1960s. By popular account, the foundation for the establishment of modern-day ECOWAS was laid in 1965 by Liberia. The initial action took the form of establishing a free trade agreement between Côte d'Ivoire, Guinea, Liberia, and Sierra Leone. However, not much came out of that agreement, as its envisaged outcome, the 'Organisation for West African Cooperation', did not materialise because of the unpreparedness of the countries involved.³⁵

35 SO Oloruntoba 'ECOWAS and regional integration in West Africa: From state to emerging private authority' (2016) 14 *History Compass* 295

In the francophone zone, the Union Douanière de l'Afrique de l'Ouest, created in June 1959 in Paris to promote the free movement of goods and a single tariff for imported goods, was replaced in January 1966 by the Union Douanière des États de l'Afrique de l'Ouest, a more structured institution aimed at introducing a common external tariff scheme for original products of the region. In June 1972, a Treaty establishing the Communauté Economique des États de l'Afrique de l'Ouest (CEAO) was signed in Bamako, Mali, by the same countries to 'promote harmonised and balanced development of member states' economies to improve the living standards of their citizens'. In 1994, CEAO was transformed into the Union Monétaire et Economique Ouest Africaine (West African Economic and Monetary Union) (UEMOA).³⁶

Establishment

In the anglophone area, Sierra Leone and Liberia formed the Mano River Union in 1974 and were joined by Guinea some years later. In April 1972, Nigeria and Togo revived the idea of regional integration and began consultations. This action led to drafting the framework for a new regional organisation. By December 1973, Nigeria and Togo brought together stakeholders to consider a framework document in Lomé, Togo. The first step towards this goal of integration was the establishment of the West African Economic Community (WAEC) in 1973, which brought together Nigeria, Ghana, and Sierra Leone. This was closely followed in early 1974 by a meeting of experts and jurists in Accra, Ghana, and a meeting of ministers in Monrovia, Liberia, in January 1975.³⁷

WAEC served as the foundation for the establishment of ECOWAS in 1975 with the aim of promoting economic cooperation and integration among its member states. Initially, the organisation was primarily founded as a vehicle for economic integration. The organisation was expected to provide a platform for member states to pursue economic development that would lead to the unity of the countries of West Africa. The objectives of ECOWAS were focused on promoting cooperation and development in all fields of economic activity to raise the standard of living of West African peoples, increase and maintain economic stability, foster closer relations among member states, and contribute to the progress and development of the continent. In addition to these economic objectives, it was understood by the founding Heads of State and Government that ECOWAS was also supposed to provide a platform for members to cooperate in their international engagements.

Civil society advocating for integration: West African Citizens Assembly (WACA), a regional network of CSOs that was formed in 1973. WACA brought together a diverse range of CSOs from across West Africa to advocate for greater regional cooperation and integration.

Execution

The wider perspective by the late 1980s was that the organisation was not achieving its objectives.³⁸ Internal conflicts in some member countries served to push ECOWAS towards matters related to security and the internal governance of states. In addition, ECOWAS states were forced by circumstances to deploy military forces for peacekeeping purposes, hence pushing the organisation to have a wider political and security role. The shift's overall consequence was the Treaty's revision and its signing in Cotonou, Benin, on 24 July 1993.

36 Y Gwonn 'The Economic Community of West African States: A study in political and economic integration' University of Warwick (1984) 6

37 OJ Ojo 'Nigeria and the formation of ECOWAS' (1980) 34 *International Organization* 571

38 DC Bach 'The politics of West African economic co-operation: CEAO and ECOWAS' (1983) 21 *The Journal of Modern African Studies* 605

The revised Treaty provided the initial impetus for a deeper institutionalisation of the organisation. This included, amongst others, the establishment of a Parliament and a Court.³⁹

The revision of the Treaty served to widen the organisation's mandate and include, in a very direct manner, issues relating to political, judicial, legal, and security issues. The more substantive institutional shift unfolded in late 2005 after a decision was taken to transform the Secretariat into a Commission. Further reforms were also introduced to the structure and function of the ECOWAS Court of Justice. In general, the reform introduced in this period served to enhance the capacity of ECOWAS to drive forward with a range of initiatives. With the further institutionalisation of the integration efforts, the organisation has developed several initiatives and programmes to promote regional integration in the West African region. Some of the key initiatives and programmes of ECOWAS related to regional integration include:

- ➔ Free movement of persons and goods: ECOWAS has established the Protocol on the free movement of persons, goods, and services, which allows citizens of member states to move freely within the region, as well as facilitating the movement of goods and services across borders. This Protocol is aimed at promoting regional trade and economic integration.
- ➔ Common external tariff: ECOWAS has established a common external tariff, which harmonises tariffs and customs duties across member states. This helps to promote regional trade and reduce barriers to trade and investment.
- ➔ ECOWAS Trade Liberalisation Scheme (ETLS): The ETLS is a programme aimed at promoting regional trade by eliminating trade barriers and increasing access to regional markets. The programme allows for the free movement of goods across borders and provides a framework for the harmonisation of trade policies and regulations.
- ➔ ECOWAS single currency: ECOWAS has proposed the creation of a single currency for member states, which is expected to facilitate cross-border trade and investment, reduce transaction costs, and promote regional economic integration.
- ➔ Infrastructure development: ECOWAS has developed several initiatives to promote regional infrastructure development. These initiatives include the West African Power Pool, which aims to improve access to electricity, and the Trans-West African Coastal Highway, which aims to improve regional road connectivity.

Overall, these initiatives and programmes promote regional integration in the West African region. ECOWAS has grown in stature and capacity for implementing commitments and decisions arising from the Heads of State and Government. Over the past few years, there has been further engagement on the re-joining of Mauritania and the possible inclusion of Morocco. However, current information suggests that these processes have not yet been concluded.

4.2 Overview of developments in governance

ECOWAS witnessed a gradual transformation and expansion of its core mandate from promoting regional cooperation and economic development and growth to broader issues of peace, security, and democracy. The pursuit of democratic governance in ECOWAS can historically be linked to the desire of the organisation to attain and maintain peace and security for the integration and development of the West African region. The approach here is to provide a broad overview of developments concerning governance, including matters of peace and security, elections, and human rights.

39 RI Onwuka 'The ECOWAS treaty: Inching towards implementation' (1980) 36 *The World Today* 52

ECOWAS was provoked to venture into conflict management, resolution, and peacekeeping in Liberia in 1991. That development came with resistance and a lack of consensus among the member states. However, since the experience in Liberia, new legal and institutional frameworks have been developed to safeguard and promote values such as peace, security, democracy, good governance, and human rights. In 1991, the member states of ECOWAS made a Declaration of Political Principles to pursue freedom, peoples' rights, and democratisation within the Community.

Articles 56 and 58 of the Treaty urged members of the Community to cooperate in realising objectives set in agreed instruments like the Community Declaration of Political Principles and the African Charter on Human and Peoples' Rights and to establish and strengthen appropriate mechanisms for the timely prevention and resolution of intra-state and inter-state conflicts respectively. The Treaty also established supranational institutions like the ECOWAS Parliament and the ECOWAS Court of Justice. The ECOWAS Court of Justice has been key in deepening democratic governance, given its competencies in human rights matters and interpretation of Community instruments. The Court has received many cases related to elections and democratic governance crises from across the sub-region. One of the identified challenges has been that member state governments often ignore the verdicts of the Court.

One of the key principles of the Protocol on Democracy and Good Governance adopted in December 2001 was the promotion and consolidation of democratic governance and democratic institutions in each member state. Within the framework of the Treaty and related declarations, ECOWAS has been able, to some degree establish a system of promoting and defending democratic governance in West Africa. For example, ECOWAS actively engaged in the 2005–2007 political crisis in Togo, the 2010–2011 post-election crisis in Côte d'Ivoire, and in 2016–2017, ECOWAS demonstrated a commitment to governance in a very direct way in the instance of The Gambia. Following the disputed December 2016 presidential elections in The Gambia, ECOWAS restored democracy in the country by using the threat of force but without any use of direct physical violence.⁴⁰

A key element of governance engagement of ECOWAS is the observation of elections. ECOWAS gets involved in two ways: exploratory missions and observer missions. The exploratory mission serves essentially as a pre-election assessment mission that focuses on the environment and related modalities for holding elections. ECOWAS conducts election observation missions in its member states to ensure that elections are free, fair, and credible. The ECOWAS Commission organises ECOWAS election observation missions in collaboration with the ECOWAS Network of Electoral Commissions (ECONEC) and other relevant bodies. The missions are guided by several key documents and principles, including the Protocol and Supplementary Protocol on Democracy and Good Governance (2001). After the elections, the observation mission issues a preliminary statement and a more comprehensive final report. These reports assess the electoral process, highlight any issues or irregularities, and offer recommendations for improving future elections. Another strategy of ECOWAS with the promotion of democratic governance is its engagement with democratic institutions such as political parties and CSOs.

Civil society as election

observers: CSO representatives are invited to participate in ECOWAS election observer missions and provide valuable input and recommendations to help ensure that the electoral process is conducted in accordance with established regional standards.

40 BH Yaya 'ECOWAS and the promotion of democratic governance in West Africa' (2014) 2 *Journal of International Relations and Foreign Policy* 85

ECOWAS has made substantive progress on matters related to regional governance and stands as an example to other RECs. While there are challenges, CSOs remain engaged in the process and serve to encourage positive movements. However, a key concern amongst stakeholders is the limited power of the ECOWAS Parliament and the failure to ensure that the decisions of the Court are implemented.

4.3 Legal status

The Treaty established ECOWAS as an international organisation with a legal personality, and its provisions are binding on member states. ECOWAS operates under a legal framework consisting of the Treaty and several Supplementary Protocols and agreements that have been adopted over the years. These legal instruments provide the framework for the organisation's activities and define its objectives, structure, and decision-making processes.

Under the Treaty, ECOWAS is governed by several decision-making bodies, including the Authority of Heads of State and Government, the Council of Ministers, and the Community Parliament. These bodies are responsible for providing policy guidance and direction for the organisation and overseeing of its activities. ECOWAS also has a legal and judicial system, which is responsible for resolving disputes among member states and ensuring that the organisation operates in accordance with its legal framework. The legal and judicial system includes the ECOWAS Court of Justice, the ECOWAS Commission, and the Mediation and Security Council. Overall, the legal status of ECOWAS is defined by the Treaty and the Supplementary Protocols and agreements that have been adopted over the years. The organisation has a legal personality, and its provisions are binding on member states. The revised Treaty served to outline a set of principles relevant to peace and governance issues. These include:

- ➔ Non-aggression among ECOWAS states;
- ➔ Maintenance of regional peace;
- ➔ Stability and security;
- ➔ Peaceful settlement of disputes;
- ➔ Recognition, promotion and protection of human rights in accordance with the African Charter on Human and Peoples' Rights; and
- ➔ Promotion and consolidation of a democratic system of governance in member states.

The expanded fundamental principles created greater room for civil society involvement in ECOWAS. Other improvements in the revised Treaty included an obligation on the part of member states to honour obligations and to abide by the decisions and regulations of the Community and act in accordance with their national constitutions to give internal legal force to implement Community laws. The Revised ECOWAS Treaty consists of twenty-six chapters with over ninety articles, which are summarised in Table 8.

The creation of additional institutions that are closer to the ordinary citizen was intended to be a catalyst for enhanced civil society engagement with the Community. The shift substantively transformed ECOWAS from a pure focus on economic issues towards those that incorporate governance and human rights considerations. In terms of the overall reform process, the Treaty was further revised in 2005. This revision served to transform the organisation into a Commission with some similarities with the structure of the AUC. It is worth noting that all other RECs are supported by a Secretariat with an Executive Secretary as the head of the institution.

Table 8: Summary of the Revised ECOWAS Treaty⁴¹

Chapters	Contents
Chapters 1 and 2	This chapter establishes ECOWAS as an economic integration organisation and outlines its objectives and principles.
Chapter 3	This chapter outlines the various Organs of ECOWAS, including the Authority of Heads of State and Government, the Council of Ministers, the Commission, the Parliament, the Court of Justice, and the Specialised Technical Committees.
Chapter 4 to 13	These chapters serve to detail the areas of cooperation for the organisation. They include the terrains of cooperation from peace and security to social and cultural matters. They further provide for the establishment of an economic and of monetary union.
Chapter 15	Contains the details on the financing of the organisation. It outlines the establishment of a levy on imports and the regular contribution of members. It also contains details on the budget process of the Commission.
Chapters 16 and 17	These contain details on resolving disputes and the possibility of sanctions against members. In addition, they provide for sanctions as it relates to the use of resources and participation in the organisation's activities.
Chapter 17 onwards	These chapters largely focus on relationships with other organisations, including civil society. They specifically provide for cooperation with NGOs and voluntary development organisations in order to encourage the involvement of the people of the region in the integration process.

ECOWAS has introduced a range of key instruments per the provisions of the Treaty. The instruments serve to outline details on specific areas of cooperation. Table 9 captures some of the more prominent instruments that have been adopted. These remain important for civil society as they often provide details on cooperation and related engagements with CSOs.

The instruments are often supported by more detailed supportive guidelines for implementation documents within ECOWAS. In general, ECOWAS has been open in engagements with civil society in the drafting of the varied Protocols. There are furthermore engagements on active implementation of the approved Conventions and Protocols.

41 ECOWAS Commission, 'Revised Treaty' (1993) <https://ecowas.int/wp-content/uploads/2022/08/Revised-treaty-1.pdf>

Table 9: Key legal instruments of ECOWAS

Key instrument	Purpose
Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security	This Protocol establishes a framework for conflict prevention, management, resolution, peacekeeping, and security in the ECOWAS region.
Protocol on the Free Movement of Persons, Residence and Establishment	This Protocol provides for the free movement of citizens of ECOWAS member states within the region and the right to reside and establish businesses in any member state.
Protocol on the Community Court of Justice	This Protocol provides for establishing the ECOWAS Court of Justice, which has the mandate to hear cases related to the interpretation and application of the ECOWAS Treaty and its Protocols.
Protocol on Democracy and Good Governance	This Protocol affirms the commitment of ECOWAS member states to democracy, good governance, human rights, and the promotion of peace and stability in the region.
Convention on Mutual Assistance in Criminal Matters	This Convention provides for mutual assistance among ECOWAS member states in criminal matters, including the extradition of criminals and sharing information and evidence.
Protocol on the Fight Against Corruption	The Protocol aims to promote effective mechanisms to prevent, suppress, and eradicate corruption, and to intensify cooperation between State Parties to make anti-corruption measures more effective.
Convention on Small Arms and Light Weapons	This Convention provides for controlling and regulating the manufacture, sale, and circulation of small arms and light weapons in the ECOWAS region, focusing on reducing armed violence and improving security.
Political Declaration and Common Position Against Terrorism	This Declaration provides for the prevention and combating of terrorism in the ECOWAS region, with a focus on strengthening national and regional capacities and promoting cooperation and coordination among member states.

4.4 Planning

In 2022, ECOWAS adopted Vision 2050⁴² to guide its work and strategic interventions. Vision 2050 aims to transform the region into a prosperous, peaceful, and integrated community based on inclusive economic growth, social development, and environmental sustainability.

Vision (2050)

Vision Statement: A fully integrated Community of peoples, living in a peaceful and prosperous region, with strong institutions and respect for fundamental rights and freedoms, striving for inclusive and sustainable development.

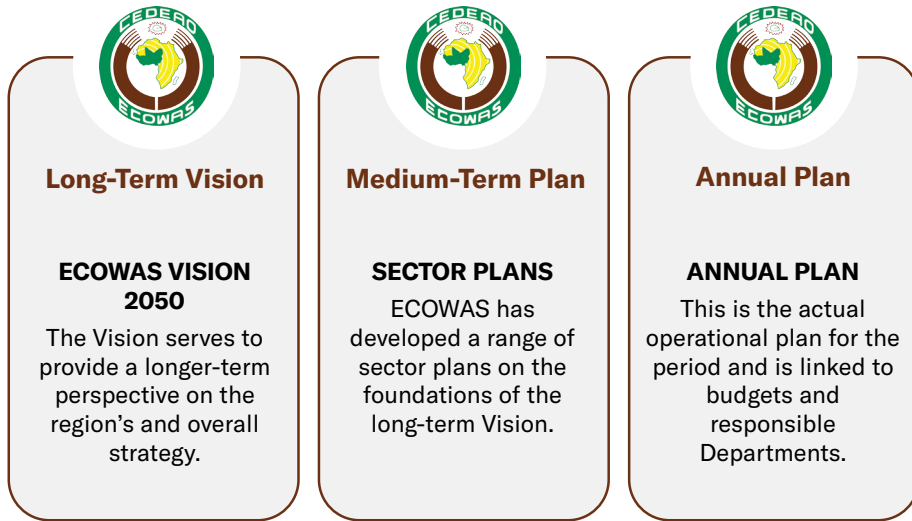
The key pillars of the ECOWAS Vision 2050 are as follows:

- ➔ Economic development: The goal is to create a vibrant and diversified regional economy that leverages the region's natural and human resources to promote sustainable and inclusive growth.
- ➔ Social development: The goal is to build a region where citizens enjoy quality education, healthcare, social protection, and equal access to opportunities.
- ➔ Environmental sustainability: The goal is to promote sustainable development practices that protect the region's natural resources and mitigate the impact of climate change.
- ➔ Regional integration: The goal is to deepen regional integration by promoting free trade, the free movement of people, and regional cooperation in areas such as security, energy, and infrastructure.
- ➔ Governance and institutional strengthening: The goal is to promote good governance and institutional strengthening to ensure that ECOWAS member states are democratic, transparent, and accountable.

To achieve these goals, the ECOWAS Vision 2050 identifies several strategic priorities and flagship initiatives designed to support the plan's implementation. These include initiatives to promote regional infrastructure development, strengthen regional trade and investment, promote human capital development, and strengthen regional governance and institutional capacity. As a step beyond the broad provisions of Vision 2050, ECOWAS engages in sectoral planning to address specific development challenges within the region. For example, ECOWAS has developed a regional agricultural policy and plan to promote regional agricultural development. These sector plans serve as the framework for the articulation of annual plans that are linked to budgets. Figure 8 provides a broad overview of the planning process in ECOWAS.

Within the annual planning process and related budgets, ECOWAS generally articulates a four-year perspective on implementation. Actual budgeting unfolds annually and is aligned to the calendar year from January to December. The ECOWAS system of planning is sector-focused and hence unfolds at a higher level of detail relative to other RECs. Accordingly, engagement with more detailed sector plans is essential to understanding the terrains of possible influence. Engaging and influencing the contents of plans and the institutions responsible remain a key entry point to ensure priorities are incorporated and linked to actual budgets and related delivery capacity.

42 ECOWAS, 'ECOWAS Vision 2050: ECOWAS of the peoples: Peace and prosperity for all' (2022) https://ecowas.int/wp-content/uploads/2022/09/Vision2050_EN_Web.pdf

Figure 18: Planning within ECOWAS

The planning and budget process in ECOWAS is relatively open as the budget is submitted to the Parliament for adoption. While there are concerns about the authority of Parliament on the budget, there is generally wider engagement on the contents of the annual plan and related budget. In general, ECOWAS provides a medium-term perspective on the budget to allow for a longer-term approach to the budget process. ECOWAS generally has a greater focus on sector plans relative to other regions. These sector plans are particularly important. Within the drafting process, there is often room for engagement with civil society.

4.5 Institutional structures

The current structure of ECOWAS largely emanates from the reforms introduced within the revised Treaty. ECOWAS has many similarities with the structures of the AU. The outline begins with a broad overview of the macrostructures of ECOWAS and is then followed by a more detailed analytical description of the function and authority of the core institutional structures. The ECOWAS experience and reform process has been more engaged than in other regions. ECOWAS has a stronger and longer history of institutional development and has created substantive institutional implementation institutions. While the modalities of operation are constantly evolving, these are well-established in the organisation. The importance of understanding and appreciating the role and function of the institutional structures is that these provide the core channels for influencing the work and decision-making processes. While the overall structure reflects a hierarchy of authority and responsibility, the realities of practice often suggest that there are multiple channels for influencing decision-making and the general policy trajectory of this REC.

4.5.1 Macrostructure

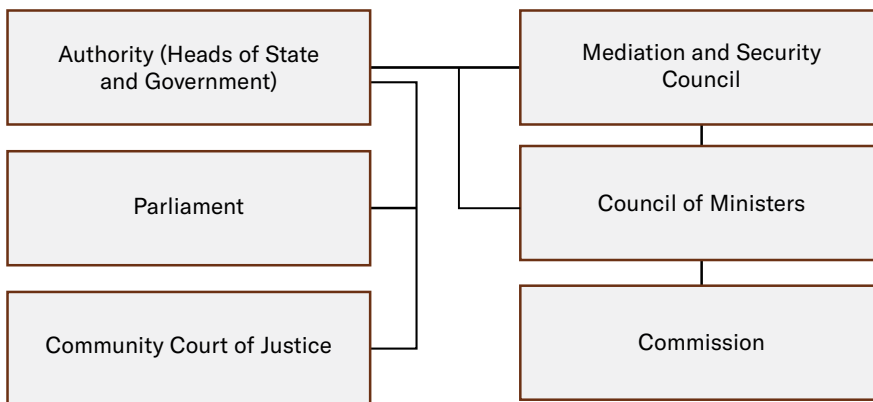
ECOWAS is structured around several decision-making bodies. These bodies serve as the key Organs of ECOWAS and are entrusted with authority and responsibility within the framework of the Treaty and related Protocols. During the initial period, ECOWAS implementation unfolded through a Secretariat. However, by late 2005, a decision was taken to transform the Executive

Secretariat into a Commission. This led to the revision of the Treaty. The new Article 17 provided for the office of the President, Vice President, and several Commissioners. Figure 19 broadly captures the macrostructure of ECOWAS.

The Authority is the highest decision-making body in ECOWAS and comprises the Heads of State and Government of member states. The Authority provides policy guidance and direction for the organisation and oversees its activities. Linked to the Authority is the Mediation and Security Council of ECOWAS. The Council is responsible for promoting regional peace and security and resolving conflicts among member states. The Council comprises the Heads of State and Government of member states and is supported by a Secretariat.

At the centre of the work of ECOWAS is the Council of Ministers. The Council comprises the foreign ministers of member states and is responsible for providing policy guidance and direction for the organisation. The Council also oversees the work of the ECOWAS Commission and other subsidiary bodies. The ECOWAS Parliament is a consultative body composed of representatives from the national parliaments of member states. The Parliament provides a forum for discussing regional issues and making recommendations on policy matters. The ECOWAS Commission is the organisation's executive arm and is responsible for implementing the decisions and policies of the Authority and the Council. A President heads the Commission and includes several Departments and Directorates responsible for different areas of activity, such as trade, finance, and peace and security.

Figure 19: Macrostructure of ECOWAS



The Court of Justice is responsible for resolving disputes among member states and interpreting the legal framework of ECOWAS. The Court has both original and appellate jurisdiction and comprises judges appointed by member states. Overall, the structure of ECOWAS is designed to ensure that decision-making is democratic and representative of member states. The organisation has several bodies responsible for its work, including policy guidance, implementation, and dispute resolution.

4.5.2 Parliamentary body

The parliamentary body of this REC is called the ECOWAS Parliament, also known as the Community Parliament. The Parliament is a consultative body composed of representatives from the national parliaments of member states. The ECOWAS Parliament serves as a forum for

dialogue, consultation, and consensus for the people of West Africa to promote integration. It was established under Articles 6 and 13 of the ECOWAS Revised Treaty of 1993. The initial Protocol establishing the Parliament was signed in Abuja on 6 August 1994. It provided for the structure, composition, competence and other matters relating to the Parliament. The Parliament is composed of one hundred and fifteen (115) seats. Each member state has a guaranteed minimum of five (5) seats. The remaining forty (40) seats are shared based on population size. In 2006, a Supplementary Protocol was signed to amend certain sections of the initial protocol relating to the Parliament, notably the Life of the Legislature and Terms of Office, both of which changed from five to four years.

The ECOWAS Parliament is now in its fifth period. In addition to making recommendations, the Parliament also has oversight functions. It is responsible for monitoring the activities of the ECOWAS Commission and other subsidiary bodies, as well as ensuring that the organisation operates in accordance with its legal framework. To arrange its work, the Parliament has several Standing Committees that comprise of at least six (6) members and, at most, ten (10) members. Each Standing Committee is chaired by a Bureau composed of one Chairperson, one Vice Chairperson, a first Rapporteur and a second Rapporteur. In addition, a range of Committees deals with substantive integration issues ranging from economic, cultural, and social issues. Within the broader purview of governance, the following Committees are particularly relevant:

- ➔ Committee on Legal Affairs and Human Rights;
- ➔ Committee on Political Affairs, Peace, Security and APRM; and
- ➔ Committee on Social Affairs, Gender and Women Empowerment.

The ECOWAS Parliament is empowered by Article 6 of the Protocol to consider issues relating to human rights and fundamental freedoms and make recommendations to the institutions and Organs of the Community. The Parliament has introduced the idea of requiring representatives from member states to present a country report on a wide range of issues during its sessions. The report covers issues ranging from the state of human rights protection in the country to each member state's preparedness for the envisaged economic union. For states in conflict, the report is expected to cover a situation report on the conflict. For instance, during one of the sessions in May 2012, parliamentarians insisted on an update on the human rights situation in

The Gambia, with special emphasis on press freedom. Parliamentarians put the representative from The Gambia under pressure and even proposed that human rights be made a specific heading under the country report. While this may not currently mean much, it is a tool that could be developed into a formidable pressure point for demanding better adherence to standards on human rights and governance by ECOWAS member states.

Parliamentary discussion papers, which form the basis of debate, are generally circulated to members at least twenty-four hours before the session at which a matter is to be debated. However, it is not uncommon for papers to be distributed during the session. Country reports submitted by members on the situation in their respective states are sent to the Secretariat of the Parliament at least a month before the resumption of

Civil society influencing Parliament:

Concerned about the risk that non-compliance with its decisions poses to the Court, the Media Foundation for West Africa (MFWA) involved ECOWAS parliamentarians in developing strategies and launching advocacy to sensitise stakeholders on the trend. In July 2012, the MFWA and the ECOWAS Parliament organised a forum in Abuja to discuss the enforcement of decisions of the court. At the end of that meeting, a Declaration was adopted calling on all stakeholders to ensure that member states comply with the findings. Although the Parliament did not drive the initiative, it was willing to collaborate and provided its facilities for the meeting.

Parliament. The Parliament's Committees on Public Affairs and Human Rights commonly deliberate on country reports before presenting their reports to the plenary for adoption. While this is still a developing area, experiences from 2012 onwards suggest that it is becoming an important aspect of the life of the ECOWAS Parliament.

A major avenue of consultation is the current practice of parliamentarians discussing and making their opinions on ECOWAS issues known after the President of the Commission presents a Statement or Report on the State of ECOWAS to the Parliament. The Commission has also begun allowing Parliament to peruse policy documents to be adopted by the Council or the Authority. The Parliament is also becoming bolder, as evidenced by calls in 2012 for such policy documents to reach parliamentarians earlier to enable quality contributions. A concrete example of such consultation was the presentation of the ECOWAS Humanitarian Policy and Plan of Action to the Parliament's Committee on Human Rights. Although consultation is mostly symbolic at present, as already concluded documents are brought before Parliament, all indications suggest the Community Parliament will gradually take control of the practice and demand a greater role in the affairs of ECOWAS.

Another emerging practice of the ECOWAS Parliament is the adoption of Parliamentary Resolutions targeted at different stakeholders. For instance, at the height of the Malian crisis, the Parliament adopted a Resolution calling on the Authority to apprehend and sanction persons responsible for disrupting the transition programme in that country. Recently, the Parliament has also begun to host and co-host seminars and workshops on issues of interest to ECOWAS. For example, in June 2012, it collaborated with the International Parliamentary Union and other stakeholders to organise a seminar on the campaign against child trafficking and child labour. Although it is yet to realise its full potential as a major institution of ECOWAS, there are indications that the Parliament is growing in influence and will soon begin to play an important role in the affairs of ECOWAS. For example, ECOWAS parliamentarians are now included in official ECOWAS election observation and monitoring missions.

The Parliament is managed by a collaboration of the political and administrative Divisions. The political division comprises the plenary (headed by the Speaker of the ECOWAS Parliament), the Bureau and the Conference of Committees Bureau. The administrative division is headed by the Secretary-General of the Parliament, who several professionals and other staff assist. The ECOWAS Parliament has invited civil society representatives to participate in its sessions, giving them opportunities to present their views, concerns, and recommendations directly to the parliamentarians. This interaction has allowed for the inclusion of civil society perspectives in developing and implementing regional policies and legislation, ensuring that the peoples' interests are better represented in the decision-making process. Despite a desire expressed by the Authority of Heads of State and Government, in 2006, to have an ECOWAS Parliament with directly elected members and exercising full legislative powers, the original mandate has largely remained unchanged, and the Parliament retains an advisory and consultative role.⁴³

Civil society signs MoU with Parliament: WACSOFF and the ECOWAS Parliament signed a Memorandum of Understanding (MoU) to formalise partnership and cooperation. The MoU served to strengthen civil society engagement with the Parliament's decision-making processes and to create platforms for dialogue and consultation on key issues. In this capacity, WACSOFF has organised various workshops, seminars, and capacity-building programs for CSOs, ensuring that they effectively engage with the ECOWAS Parliament.

43 EU Kizito and UN Patrick 'The role of parliament on economic integration in Africa: Evidence from ECOWAS Parliament' (2012) 4 *IOSR Journal of Humanities and Social Science* 1

Civil society and the Court: In 2017, a Nigerian CSO, the Socio-Economic Rights and Accountability Project (SERAP) filed a suit against the Federal Republic of Nigeria at the ECCJ which alleged that the Nigerian government had failed to protect citizens from the harmful effects of oil spills in the Niger Delta region, violating the people's right to a healthy environment, clean water, and their right to life. The Court ruled in favour of SERAP, finding that the Nigerian government had indeed violated the rights of its citizens in the Niger Delta. The Court ordered Nigeria to take immediate measures to hold the responsible parties accountable, remediate the environmental damage, and compensate the affected communities.

4.5.3 Regional judicial structures

The judicial structure of ECOWAS was initially conceived of as a Tribunal under the 1975 Treaty. This was changed in 1991 to constitute what is now known as the ECOWAS Community Court of Justice (ECCJ).

The ECCJ is composed of seven independent judges appointed by the ECOWAS Authority from nationals of member states. The judges elect a President and a Vice President to manage the affairs of the ECCJ. The President and Vice President of the ECCJ are elected for renewable terms of two years. The Bureau for the ECCJ, comprising the President, the Vice President, the oldest judge and the longest-serving judge, is its highest decision-making body. Under the 2006 Supplementary Protocol, the Authority allocates vacant positions to member states, and a Judicial Council made up of the Chief Justices of states other than those to which the offices have been allocated make the initial selection. The Judicial Council selects three candidates from each of the eligible member states, interviews the candidates and proposes their appointments to the Authority. Effectively, judicial independence is strengthened by the reduction of political

involvement in the appointment process. The ultimate power to dismiss a judge of the ECCJ resides in the Authority, though it can only be exercised on the recommendation of the Judicial Council.

The ECCJ is responsible for interpreting the legal framework of ECOWAS and resolving disputes among member states and between member states and individuals or corporate entities. The Court has both original and appellate jurisdiction and comprises seven judges appointed by member states for four years, renewable once.

Under the 1991 Protocol of the ECCJ, it was only open to state parties and Community institutions. However, the 1991 Protocol has been amended a few times since then, resulting in the opening of access to the ECCJ for individuals and legal persons such as CSOs and NGOs in matters alleging a violation of human rights. The most important of those amendments occurred in 2005 when a Supplementary Protocol was adopted to expand the jurisdiction of the ECCJ. Since then, the ECCJ has heard over a hundred cases, including those related to allegations of violation of human rights within the territories of ECOWAS member states.

The ECCJ's jurisdiction covers a wide range of areas, including economic, commercial, and political disputes and human rights violations. Individuals, corporate entities, and member states can bring cases before the Court, which has the power to issue binding judgments and orders. In addition to its judicial functions, the ECCJ also has advisory functions. It can provide advisory opinions on legal questions referred to it by member states, the ECOWAS Authority, or the Council of Ministers.

The decisions of the ECCJ are final and binding on all parties before it. Decisions of the ECCJ that involve monetary awards are to be implemented according to the civil procedure rules applicable in the state where the decision is to be executed. In the short period of its existence, the ECCJ has enjoyed a high rate of total or partial compliance with its decisions, even though The Gambia has failed to implement two judgments delivered against it. However, The Gambia has

Civil society campaign in support of the Court:

In 2020, the MFWA launched a campaign to promote the effectiveness of the ECCJ. The campaign aimed to raise awareness of the Court's mandate and encourage West African citizens to use it to seek justice in cases of human rights violations and other legal disputes.

not declared that it will not comply but has rather sought to supply reasons why it considers the decisions difficult to implement.

In 2012, the ECOWAS Authority adopted a Supplementary Protocol on sanctions against member states that fail to comply with their obligations under Community law. Judgments and decisions of the ECCJ are listed as ECOWAS Community obligations that will attract sanctions when they are not complied with. Article 77 of the 1993 Revised ECOWAS Treaty authorises the imposition of incremental sanctions for the failure of a member state to comply with ECOWAS Community obligations. It is important to appreciate that the Court did not claim human rights competence for itself. It acquired this authority in response to a coordinated campaign in which bar associations and CSOs mobilised to secure member states' consent to the transformation. Coupled with this, the Court was accessible from the outset.⁴⁴

4.5.4 Human rights and other structures

ECOWAS has established several structures to promote and protect human rights in the West African region. ECOWAS does not have a dedicated institution dealing with human rights in a similar manner to that at the level of the AU. The authority and responsibility are generally shared between the Commission, the Court, and the Parliament.

The Commission has a responsibility for promoting the ratification and implementation of international human rights treaties and providing advisory services to member states on human rights issues.

Civil society campaigning on human rights:

In 2018, CSOs in West Africa launched a campaign to advocate for the protection of human rights defenders in the region. The campaign aimed to raise awareness of the challenges faced by human rights defenders in West Africa and advocate for the adoption of measures to protect them from harassment, intimidation, and other forms of violence. The CSOs have also been engaging with ECOWAS on the need for a Protocol on human rights defenders.

ECOWAS member states have ratified the AU Convention on Human and Peoples' Rights and generally submit reports to the African Commission on Human and Peoples' Rights based in Banjul, The Gambia, and is within the West African region. Within the region, there is an established network of West African National Human Rights Institutions (WANHRI) to promote and protect human rights at the national level. The network is composed of human rights bodies from member states and provides a forum for sharing best practices and coordinating efforts to promote human rights. Although not directly part of the ECOWAS institutional framework, WANHRI plays an essential role in promoting and protecting human rights in the region through its collaboration with ECOWAS institutions.

In the instance of gender issues, the organisation has established an ECOWAS Gender Development Centre. The Centre was established in 2003 to promote gender equality and the empowerment of women in the region. It is responsible for developing and implementing programmes and initiatives to promote gender equality and

providing advisory services to member states on gender-related issues.

4.5.5 Assembly of Heads of State and Government

The Assembly of Heads of State and Government is the organisation's highest decision-making body. In this region, this structure is referred to as the ECOWAS Authority. It comprises the Heads of State and Government of member states and meets twice a year in ordinary sessions. The main role and functions of the Authority are to provide policy guidance and direction for ECOWAS. In addition, it is responsible for setting the agenda for the organisation, making decisions on strategic issues, and overseeing the work of other ECOWAS bodies.

Specifically, the Authority has the following functions:

- ➔ Policy guidance: The Authority provides policy guidance and direction for the organisation, setting priorities and strategic objectives.
- ➔ Decision-making: The Authority decides on major issues related to regional integration, peace and security, and sustainable development in the West African region.
- ➔ Oversight: The Authority oversees the work of other ECOWAS bodies, including the ECOWAS Commission and the Council of Ministers, to ensure that the organisation is operating effectively and efficiently.
- ➔ International relations: The Authority represents ECOWAS in international relations and is responsible for negotiating and signing agreements with other regional and international organisations.
- ➔ Crisis management: The Authority manages crises and conflicts in the region, working closely with other ECOWAS bodies to promote peace and security.

Closely linked to the Authority is the Mediation and Security Council of ECOWAS. The Chairperson of the Council is the sitting President of the ECOWAS Authority of Heads of State and Government. The Vice Chairperson of the Council is the sitting President of the ECOWAS Commission. The members of the Council are the ministers of foreign affairs and defence from each member state. Each member state also has a Permanent Representative who is responsible for coordinating the country's participation in the Council's activities. Several specialised committees, including the Committee on Political Affairs, Peace and Security, the Committee on

Defence and Security, and the Committee on Intelligence and Security Services support the Council. The Council is meant to play a critical role in promoting peace, security, and stability in West Africa by helping to prevent and resolve conflicts and promote a peaceful and prosperous region.

Civil society inputs to the Security

Council: The West Africa Network for Peacebuilding (WANEP) plays an active role in providing inputs to the Security Council. WANEP, through its national networks, collects and analyses data on potential conflicts and submits early warning reports to the Mediation and Security Council of ECOWAS.

From a policy-shaping perspective, the most important meetings in the ECOWAS framework are the Summits of the ECOWAS Authority. By Treaty, ordinary sessions of the Authority's Summit occur twice a year. One of the two sessions of the Summit is held at the headquarters of the ECOWAS Commission in Abuja, Nigeria. Member states host the second

ordinary session of the Authority's Summit on a rotational and alphabetical basis. As a rule, a member state is ineligible to host meetings of ECOWAS if the state is either under sanction by the Community or is currently under military or another unconstitutional rule. Although there is no fixed time frame within which sessions occur, ordinary sessions commonly occur between January and March and between June and August.

The format of the ECOWAS Summit typically involves plenary sessions, where the Heads of State or Government discuss and make decisions on matters of regional importance. The

Summit is presided over by the Chairperson of the ECOWAS Authority, who the Heads of State or Government elect at the Summit. The Summit includes plenary sessions, where the Heads of State or Government discuss and make decisions on matters of regional importance. The Summit may also include closed-door sessions, where the leaders can engage in more in-depth discussions and negotiations.

The ECOWAS Commission usually prepares the agenda for the ECOWAS Summit and covers a range of issues related to regional integration, peace, security, and development. The agenda is circulated to the member states in advance of the Summit to allow for consultations and input. During the Summit, the Heads of State or Government may also hold bilateral meetings on the sidelines to discuss issues of mutual interest. After the Summit, a communiqué is issued outlining the decisions made and the way forward on key regional issues. The communiqué is a public record of the Summit's proceedings and is circulated to the member states and the public. The ECOWAS Commission provides the Secretariat for the Summit and is responsible for preparing the agenda, documentation, and reports for the Summit.

Extraordinary meetings of the Authority can be called as many times as possible, and at any time they are required. For instance, in the build-up to the ECOWAS intervention in Mali, the Authority held several extraordinary meetings. Extraordinary meetings can either be called by the Chairperson of the Authority or at the request of a member state. A simple majority of the ECOWAS member states must support a request by a member state. There is no fixed venue for extraordinary meetings, but they commonly occur at the ECOWAS Commission's headquarters. The quorum for meetings of the Authority is eight member states.

Although their opening and closing ceremonies are open to the public, all meetings of the Authority are closed sessions. However, when the need arises, Heads of State and Government may accompany a minister or other expert to a meeting of the Authority, unless most Heads of State oppose this. It is also important to note that the Rules of Procedure for meetings of the Authority allow for any individual or organisation to be invited to address the meeting when the Authority considers it necessary.

The meetings of the Authority are normally preceded by meetings of the ECOWAS Council of Ministers, which also has the responsibility for drawing up the provisional agenda of the ordinary sessions of the ECOWAS Authority. Matters on the agenda of the Summit usually include proposals by member states. Decisions of the Authority are expected to be taken unanimously or by consensus. When it is impossible to reach a consensus on any matter, the Authority takes decisions by a two-thirds majority of members present and eligible to vote. By Rule 27 of the 2010 Rules of Procedure of the Authority, each member state has a single vote; however, member states under sanction are prevented from exercising the right to vote.

In ECOWAS, the Chairperson of the Authority has substantive influence. The Chairperson is empowered to invite any person to address the opening ceremony of sessions. This makes it possible for civil society to address the session based on convincing the Chairperson of such a need. The opening session has been used by civil society to highlight issues. For example, in March 2011, CSOs in the region organised a 'One Thousand Women March' during the opening

Civil society lobbying the Authority: The Inter-African Committee on Traditional Practices (IAC) has been actively campaigning to end harmful traditional practices in the region. The IAC, in collaboration with other CSOs, has engaged with the Heads of State Assembly of ECOWAS to advocate for a regional approach to combating female genital mutilation. In response to these civil society inputs, the Heads of State Assembly adopted the ECOWAS Strategic Framework for Strengthening National Child Protection Systems to Prevent and Respond to Violence, Abuse, and Exploitation against Children in West Africa in 2017.

ceremony of the 39th Ordinary Session of the ECOWAS Authority to demand, among other things, the cessation of human rights abuses against peaceful political protesters in Côte d'Ivoire.

The Chairperson acts on behalf of the Authority and exercises some of the powers of the Authority between sessions. A significant aspect of the power of the Chairperson is to convene extraordinary sessions of the Authority whenever the need arises. The minister in charge of ECOWAS affairs in the member state elected as Chair of the Authority automatically becomes the ECOWAS Council of Ministers Chairperson. A grant of 0.5% of the Community levy due from the member state that is Chair of the Authority is retained by that state for use by the Chairperson for the performance of his or her duties.

4.5.6 Council of Ministers

The Council comprises the foreign ministers of member states and meets several times a year to provide policy guidance and direction for ECOWAS. The Council is responsible for overseeing the work of the ECOWAS Commission and other subsidiary bodies. The Council meets several times yearly to provide policy guidance and direction for ECOWAS. The Council is responsible for overseeing the work of the ECOWAS Commission and other subsidiary bodies.

The ECOWAS Council of Ministers meets in ordinary sessions twice a year on a date set by the Chairperson of the Council after consultation with the President of the ECOWAS Commission and member states. These meetings precede the Summits of the Authority. In addition, extraordinary Council meetings can occur as many times as necessary. Such extraordinary meetings are convened either by the Chairperson of the Council, at the request of a member state supported by a simple majority of other member states, or upon the proposal of the President of the ECOWAS Commission. Out of the two ordinary sessions of the ECOWAS Council, one is hosted at the ECOWAS Commission, while the other is hosted by eligible member states on a rotational and alphabetical basis. As with Summits of the Authority, a member state is ineligible to host Council sessions if it is under sanction or is currently under military or unconstitutional rule.

Sessions of the Council are open to three accredited ministers from member states, including those responsible for ECOWAS affairs and finance. Ministers may be accompanied by a maximum of two experts. In addition, a minister may be represented by any other high-ranking officer designated by him or her. However, every delegation must include at least one minister. The President of the ECOWAS Commission draws up the agenda for Council sessions after consultation with the Chairperson of the Council. A provisional agenda and all documents relevant to the meeting are sent to member states at least fifteen days before the opening of ordinary sessions. No time frame is fixed for sending the provisional agenda and relevant documents for extraordinary meetings, but this is expected to be done in good time to enable states to study the documents before the meetings. Member states may also produce and submit draft Acts of Council, which may be transmitted to the Council through the President of the Commission. The provisional agenda usually includes items proposed by member states and usually comprises a section on items submitted for information only and another section on items for discussion and debate.

Council sessions have both opening and closing ceremonies at which public speeches are made. The Rules of Procedure allow the Council to invite anyone to address these ceremonies. Apart from the opening and closing ceremonies, the meetings of the Council are held in closed sessions. Ministers may, however, be accompanied by their experts if there is no objection from the Council. The Council Rules also require that at least eight member states be represented before

a quorum is formed. The President of the ECOWAS Commission must verify the accreditation and powers of accredited ministers before they can attend the meetings. Council decisions are expected to be unanimous or by consensus. However, if neither is possible, major decisions are taken by a two-thirds majority of member states present and eligible to vote. Each member state is entitled to one vote, whereas states under sanction are not eligible to vote.

CSOs can access the Council Summits through individual state delegations but also the ECOWAS Commission. The West African Civil Society Forum (WACSOF) has a statutory right to attend meetings of the Council of Ministers. There is further a Ministerial Monitoring Committee. The Committee is responsible for monitoring the implementation of ECOWAS Protocols and agreements, including trade, customs, and monetary cooperation. The Committee comprises ministers responsible for these areas from each member state. A Committee of Experts is established to support the ministerial meeting. The Committee is composed of technical experts from member states and is responsible for providing technical support and advice to the Council of Ministers on issues related to regional integration and development.

Civil society advocacy with the Council: In the lead-up to the adoption of the ECOWAS Protocol on Democracy and Good Governance in 2001, WACSOF and its member organisations actively engaged with the Council of Ministers, providing input and recommendations on the content of the protocol.

4.5.7 Meetings of Ambassadors

ECOWAS holds meetings of Ambassadors to discuss and exchange views on regional issues and facilitate communication between member states. In addition, ECOWAS has established an Ambassadorial Committee on Peace and Security. The Committee is responsible for monitoring the peace and security situation in the region and advising the ECOWAS Commission and other subsidiary bodies on policy matters related to peace and security.

The Committee of Ambassadors facilitates communication and cooperation between member states and the ECOWAS Commission. The Committee meets regularly to discuss and exchange views on regional integration, peace and security, and sustainable development issues. Overall, these meetings of Ambassadors play an important role in promoting communication and cooperation between member states and the ECOWAS Commission. They provide a platform for Ambassadors to exchange views and coordinate their efforts on issues related to regional integration, peace and security, and sustainable development. They also help to ensure that the policies and decisions of ECOWAS are implemented effectively and efficiently at the national level.

The Committee of Ambassadors, now also known as the Permanent Representatives Committee (PRC), does not have a status similar to the one within the AU system. There are, however, indications that the ECOWAS PRC is beginning to assert a stronger role. In 2019, the PRC arranged a retreat in which attention was also focused on enhancing its role within the overall ECOWAS system. Further retreats have been arranged by the ECOWAS Commission. In 2023, the PRC arranged a three-day retreat with the theme: 'Post Reformed ECOWAS: Prospects for Consolidating Democracy, Enhancing Security, and Strengthening Economic Integration Towards Actualising the ECOWAS of the People'. The retreat discussed regional peace and security, deepening economic integration, institutional reforms, early warning, ECOWAS Vision 2050, and strengthening the role of the PRC, among others. While the Committee of Ambassadors provides an added channel for CSO influence, the authority exercised is limited as the main body for active oversight and policy development remains the Council of Ministers.

4.5.8 ECOWAS National Units

Civil Society engagements with National Units:

The West Africa Network for Peacebuilding (WANEP) engages with National Units on conflict prevention and peacebuilding initiatives at the national level. WANEP has a presence in all 15 ECOWAS member countries through its national networks. These networks engage with ECOWAS National Units, which are responsible for coordinating and implementing ECOWAS activities, projects, and programmes within their respective countries.

National Units have been established in each country to support implementation and related follow-up. The structures are based on a need to ensure ‘the implementation and follow-up of acts and decisions of Community decision-making bodies’. In 1983 the Authority approved a 1982 recommendation of Council that member states establish ‘National Units’. The Authority also approved the establishment of a unit in the ECOWAS Secretariat to monitor the implementation of Community Acts and Decisions and collect information on the organisation of national structures set up by member states. In 1990, a decision was made to upgrade the status of these national structures to ECOWAS National Units in member states. This was followed by the 2005 Council Regulation spelling out the mission, role, and functions of the National Units. With the adoption of the

vision to turn ECOWAS from an ECOWAS of states to an ECOWAS of peoples, in 2010, the ECOWAS Council produced new regulations to provide guiding principles for the operation of ECOWAS National Units. Although they currently appear to be underutilised, National Units are important entry points for CSOs seeking to engage ECOWAS from the national level.

These National Units are meant to serve as a focal point for ECOWAS initiatives and related interactions with sector Departments. Of particular importance to the National Units are the requirements that they should establish National Consultative Committees that include participation from civil society.⁴⁵ The value of National Units and their functionality has been an ongoing concern. A key contention has been that the institutional architecture at the level of member states and that the interface between the Commission is inadequate and inappropriate, particularly in terms of structures, resources, and other capacities.⁴⁶

4.5.9 Implementation structures

The ECOWAS has established several implementation structures to ensure that its policies and decisions are implemented effectively and efficiently at the national and regional levels. Some of the main implementation structures of ECOWAS include:

- ➔ **ECOWAS Commission:** The Commission is the executive body of ECOWAS and is responsible for implementing the policies and decisions of the organisation. A President heads it and has several Departments and Directorates responsible for specific areas, such as trade, economic and financial policies, political affairs, and human development.
- ➔ **West African Health Organisation (WAHO):** WAHO coordinates and implements regional health policies and programmes. It works closely with member states and other stakeholders to improve the health status of people in the West African region.

45 This approach to establishing national structures with civil society was also attempted by SADC in its initial stages. While still perceived as the approach at the national levels, there is limited evidence that these exist either at the levels of ECOWAS or SADC.

46 JC Senghor ‘Institutional architecture for managing integration in the ECOWAS region: An empirical investigation’ in *Towards Africa’s Renewal* (2017) 143

- ➔ West African Monetary Agency (WAMA): WAMA promotes monetary cooperation and integration in the region. It works closely with member states to implement the ECOWAS Monetary Cooperation Programme and develop strategies to promote macroeconomic stability and sustainable development.
- ➔ ECOWAS Bank for Investment and Development (EBID): The Bank is responsible for mobilising resources and providing financial support for regional development projects. It provides loans, grants, and equity investments to governments, private sector companies, and other stakeholders to support regional integration and development.

Overall, these implementation structures of ECOWAS help ensure that the organisation's policies and decisions are implemented effectively and efficiently at the national and regional levels. In addition, they provide technical expertise, financial resources, and other forms of support to member states and other stakeholders to promote regional integration, peace and security, and sustainable development in the West African region.

4.5.10 Commission

The Commission of ECOWAS is the administrative arm of the organisation. It is responsible for providing technical and administrative support to the various bodies of the organisation. The Commission is in Abuja, Nigeria, and is headed by a President who the Authority of Heads of State and Government appoints.

The main functions of the Commission of ECOWAS include:

- ➔ Policy development: The Commission provides technical support and advice to the various bodies of the organisation on policy matters related to regional integration, peace and security, and sustainable development.
- ➔ Administration: The Commission is responsible for managing the administrative functions of the organisation, including budgeting, procurement, and human resources management.
- ➔ Coordination: The Commission coordinates the activities of the various bodies of ECOWAS and works closely with member states and other stakeholders to ensure effective implementation of the organisation's policies and decisions.
- ➔ Information and communication: The Commission is responsible for disseminating information about ECOWAS policies and activities to member states, other stakeholders, and the general public. It also facilitates communication between member states and other stakeholders.

Overall, the Commission plays a critical role in ensuring that the policies and decisions of the organisation are effectively implemented. It provides technical and administrative support, coordinates the activities of various bodies, and communicates with member states and other stakeholders.

The structure of the ECOWAS Commission is as follows:

- ➔ President and Vice President: The President of the ECOWAS Commission is the head of the Commission and is responsible for providing strategic direction and leadership to the organisation. The Vice President supports the President in his/her duties and serves as the Acting President in the President's absence.
- ➔ Commissioners: The Commissioners are responsible for specific portfolios within the Commission and report to the President. The portfolios of the Commissioners include

Administration and Finance, Agriculture, Environment and Water Resources, Education, Science and Culture, Energy and Mines, Gender and Social Affairs, Human Resources, Youth and Sports, Industry and Private Sector Promotion, Macroeconomic Policy and Economic Research, Political Affairs, Peace and Security, Telecommunications and Information Technologies, and Trade, Customs and Free Movement.

- ➔ **Directorate:** The Directorate is responsible for implementing the programmes and projects of the Commission. It is headed by a Director-General and is made up of several Directorates, including Administration and Finance, Agriculture and Rural Development, Customs and Free Movement, Education, Science and Culture, Energy and Mines, Gender and Social Affairs, Industry and Private Sector Promotion, Infrastructure, Information and Communications Technology, Institutional and Legal Affairs, Political Affairs, Peace and Security, and Trade.
- ➔ **Support Services:** The Support Services provide administrative and logistical support to the Commission. They include the Office of the Secretary-General, the Office of the Legal Counsel, the Office of the Internal Auditor, the Office of the Ombudsman, and the Office of the Inspector-General.

The ECOWAS Commission is responsible for implementing the policies and decisions of the organisation, as well as coordinating the work of the various ECOWAS institutions and specialised agencies. In addition, the Commission works closely with the member states and other stakeholders to promote regional integration, economic development, peace, and security in West Africa. The Treaty empowers the ECOWAS Authority to appoint the President and Vice President of the ECOWAS Commission for a single term of four years. The presidency of the ECOWAS Commission is rotated amongst member states. The occupant of the office has to be a person of proven competence and integrity. A general practice has been to appoint a top-level diplomat or a person who has previously held high national office as President of the Commission. The Commissioners of the ECOWAS Commission are also appointed by the Council of Ministers. They are appointed for a single four-year term upon recommendation by a Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees. A state to which an office has been allocated nominates three candidates and the Ministerial Committee picks and recommends one of the three for appointment.

4.5.11 Other implementation bodies

Outside of the Commission, ECOWAS has also established several implementation institutions responsible for implementing policies, programmes, and decisions of the organisation. These institutions are as follows:

- ➔ **ECOWAS Bank for Investment and Development (EBID):** EBID is the development finance institution of ECOWAS, responsible for promoting economic development in the region by providing financing for development projects.
- ➔ **West African Health Organisation (WAHO):** WAHO is the specialised health agency of ECOWAS, responsible for coordinating and implementing regional health programmes and initiatives.
- ➔ **Intergovernmental Action Group against Money Laundering and Financing of Terrorism in West Africa (GIABA):** GIABA is the specialised agency of ECOWAS responsible for coordinating and implementing measures to combat money laundering and financing terrorism in the region.

- ➔ ECOWAS Regional Electricity Regulatory Authority (ERERA): ERERA is responsible for regulating the electricity sector in the ECOWAS region, to promote investment, competition, and access to reliable and affordable electricity.

ECOWAS has several specialised agencies that are responsible for implementing specific programmes and initiatives within the region. These specialised agencies include:

- ➔ ECOWAS Brown Card Insurance Scheme (ECOWAS BCS): The BCS is a motor vehicle insurance scheme that allows drivers to travel within ECOWAS member states with a single insurance policy. The scheme aims to facilitate the free movement of people and goods within the region by reducing the administrative and financial barriers to cross-border travel.
- ➔ Regional Agency for Agriculture and Food (RAAF): The RAAF is responsible for promoting agricultural development in the region to increase food security and reduce poverty. The agency works to improve agricultural productivity, promote sustainable agriculture practices, and increase access to markets and financing for farmers in West Africa.
- ➔ West African Power Pool (WAPP): WAPP is a specialised agency of ECOWAS responsible for promoting regional cooperation in the electricity sector. It works to develop and implement regional power projects, promote cross-border trade in electricity, and improve access to reliable and affordable electricity in West Africa.
- ➔ ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE): ECREEE is responsible for promoting renewable energy and energy efficiency in the region. It works to increase access to modern and sustainable energy services, promote energy security, and reduce the environmental impact of energy production and consumption in West Africa.
- ➔ West African Monetary Agency (WAMA): WAMA is responsible for promoting monetary cooperation and coordination among ECOWAS member states. It works to facilitate the implementation of the ECOWAS Monetary Cooperation Programme and to promote the convergence of member states' monetary policies.
- ➔ WAEC: WAEC is responsible for conducting regional examinations for secondary school students in ECOWAS member states. It aims to promote educational excellence and facilitate the recognition of educational qualifications across the region.

Outside of the interactions with the Commission, CSOs generally find it easier to engage with wider ECOWAS institutions in their terrain of focus. Such engagements are vital and often tend to be overlooked by CSOs. For example, civil society engagement with EBID is vital to ensure that development projects and investments align with the needs and interests of the communities they serve. These interactions enhance transparency, accountability, and social and environmental sustainability in the bank's operations.

4.6 Overview of annual events

ECOWAS organises several annual events to promote regional integration, peace and security, and sustainable development in the West African region. Some of the main annual events of ECOWAS include:

- ➔ ECOWAS Day: ECOWAS Day is celebrated every year on 28 May to commemorate the founding of the organisation. Various events and activities, including speeches by leaders, cultural performances, and exhibitions mark the day.

- ➔ **ECOWAS Summit:** The Summit is held twice a year, in June and December, and is attended by the Heads of State and Government of member states. The Summit provides a forum for leaders to discuss regional issues and make decisions on policy matters related to regional integration, peace and security, and sustainable development.
- ➔ **ECOWAS Parliament Session:** The Parliament holds two sessions annually, in May and October. The sessions are attended by parliamentarians from member states and provide a platform for them to discuss and make recommendations on regional issues.
- ➔ **ECOWAS Youth Forum:** The Youth Forum is held annually and provides a platform for young people from the region to discuss and exchange views on regional integration, peace and security, and sustainable development.
- ➔ **ECOWAS Agriculture and Food Security Forum:** The Forum is held annually and brings together stakeholders from the agriculture and food security sectors to discuss and exchange views on issues related to regional food security.

Overall, these annual events are important in promoting regional integration, peace and security, and sustainable development in the West African region. They provide a forum for member states and other stakeholders to discuss issues and make decisions that impact the region. They also help to ensure that the policies and decisions of ECOWAS are implemented effectively and efficiently. A more detailed calendar of events is available on the website of ECOWAS.

4.7 Decision-making processes

It is essential to recollect that formal decisions are reflected in different types of documents. These include Charters, Conventions, Protocols and Resolutions. There is a general hierarchy of decision-making and related authority. Details on delegations are often unclear, as is generally the case with large multilateral institutions. The decision-making process of ECOWAS involves various bodies and procedures, including:

- ➔ **Authority of Heads of State and Government:** The Authority is the highest decision-making body of ECOWAS and is composed of the Heads of State and Government of member states. It provides policy guidance and direction for the organisation and makes decisions on major issues related to regional integration, peace and security, and sustainable development.
- ➔ **Council of Ministers:** The Council is composed of the foreign ministers of member states and provides policy guidance and direction for ECOWAS. It meets several times a year to discuss and make decisions on regional integration, peace and security, and sustainable development issues.
- ➔ **ECOWAS Commission:** The Commission is the executive body of ECOWAS and is responsible for implementing the policies and decisions of the organisation. It prepares and presents proposals and reports to the Council of Ministers and the Authority of Heads of State and Government.
- ➔ **Technical Committees:** ECOWAS has several Technical Committees composed of experts from member states responsible for providing technical advice and support on specific issues related to regional integration, peace and security, and sustainable development. The recommendations of these Committees are presented to the Council of Ministers for consideration and decision-making.

➔ **Community Parliament:** The Parliament comprises members of parliament from member states and provides a forum for parliamentarians to discuss and make recommendations on issues related to regional integration, peace and security, and sustainable development. The recommendations of the Parliament are presented to the Council of Ministers for consideration and decision-making.

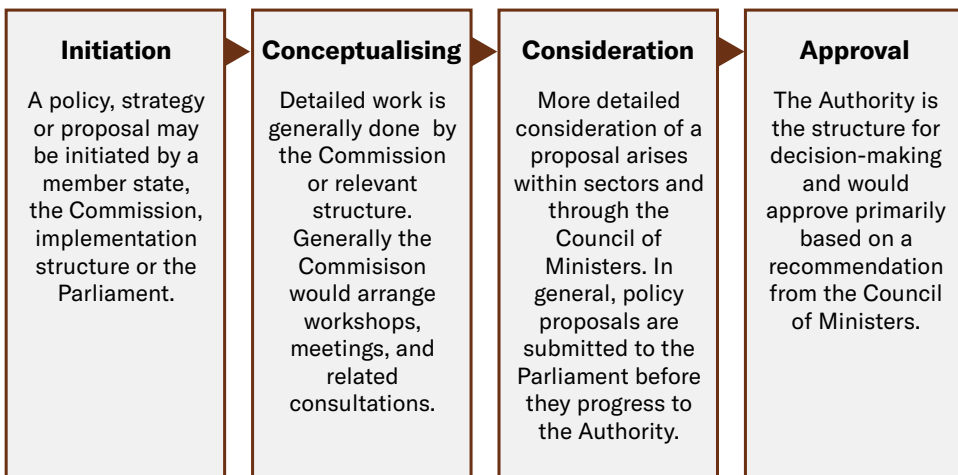
Overall, the decision-making process of ECOWAS involves a consultative and participatory approach, with various bodies and procedures providing input and recommendations. However, the ultimate decision-making power rests with the Authority of Heads of State and Government, which provides policy guidance and direction for the organisation. The following figure broadly captures the process from the initiation of a proposal to its approval by the Authority. The overall general perspective on the decision process within ECOWAS is that the authority often has little time to engage in detailed policy issues. Hence, it is deemed prudent to focus on the Commission, relevant Committees, and the Council in the decision-making process. Figure 20 provides a broad outline of the overall decision-making process from conceptualisation to approval.

It is important to appreciate that decisions are made at different levels. The ECOWAS Commission exercises a fair amount of authority as established within the provisions of the Treaty. However, as with other multilateral institutions, the systems are hierarchical and appointed officials often engage carefully to ensure compliance with authority structures.

Civil society leading a policy

process: In the late 1990s West Africa experienced a series of devastating conflicts. In response to these crises, several regional CSOs advocated for a comprehensive conflict prevention and peacebuilding framework in the ECOWAS region. WANEP, in collaboration with other CSOs, organized a series of consultations to discuss the need for a regional conflict prevention framework. They engaged with ECOWAS institutions, member states, and other stakeholders to build consensus. These CSOs not only provided technical input but also mobilized support from international partners and donors to help design and finance the framework.

Figure 20: Decision-making process of ECOWAS



4.8 Resourcing and capacity

The budget for the 2022 period is approximately USD 580 million, with 20% derived from partner resources. In addition, the financial resources of ECOWAS come from various sources, including:

- ➔ Member state contributions: Member states contribute financially to the organisation based on their GDP. The contributions are pooled together to finance ECOWAS' various programmes and activities.
- ➔ Donor funding: ECOWAS receives financial support from international partners and donor organisations, including the European Union, the World Bank, and the UN. This funding is typically earmarked for specific programmes and initiatives.
- ➔ ECOWAS levy: To further augment its financial resources, ECOWAS has introduced a 0.5% levy on eligible goods imported into member states outside the region. The levy is used to finance the operations and activities of the organisation.
- ➔ Contributions from partners: ECOWAS also receives financial contributions from partners and stakeholders, including CSOs and the private sector. These contributions support specific programmes and initiatives to promote regional integration, peace and security, and sustainable development.

Overall, the financial resources of ECOWAS enable the organisation to fund its various programmes and activities to promote regional integration, peace and security, and sustainable development in the West African region. The organisation relies on financial resources from member states, donors, levies, and partners to implement its policies and decisions effectively and efficiently.

The budget process of ECOWAS is comprehensive and consultative and begins with preparing a budget framework paper that outlines the priorities, goals, and expected outcomes of the budget or budget proposals. The ECOWAS Council of Ministers reviews the budget proposals and adjusts as necessary to ensure that they align with the priorities and goals of ECOWAS. The ECOWAS budget is also presented to the Parliament for approval. There have been ongoing concerns within the Parliament on its limited authority over making budget changes. However, the Parliament has often raised issues on both the expenditure and revenue aspects. In a 2023 Session, parliamentarians raised concerns both with the process around the budget and the failure of member states to honour their commitments to the community through the repaying of their community taxes.⁴⁷

The Council of Ministers approves the budget and submits it to the Authority of Heads of State and Government for review and approval. Once the budget is approved, the Commission implements the budget by allocating funds to various programmes and projects, monitoring expenditures, and reporting on progress to the Council of Ministers and other stakeholders. In addition, the budget is subject to audit by the Audit Commission, which is responsible for ensuring that funds are used in accordance with the budget and that there is transparency and accountability in the management of resources.

The ECOWAS budget typically includes two main components: the administrative and development budgets. The administrative budget covers the running costs of the organisation, while the development budget covers the implementation of ECOWAS programmes and

47 R Nigerai 'ECOWAS adopts budget for 2023' (Online) 20 March 2023 <https://radionigeria.gov.ng/2022/12/03/ecowas-adopts-budget-for-2023/>

projects aimed at promoting economic integration, peace and security, social development, and political cooperation among member states. The development budget includes funding for various programmes and projects, such as trade facilitation, infrastructure development, health, education, environmental management, peacekeeping operations, and conflict resolution efforts.

The procurement process of ECOWAS is a comprehensive and transparent process designed to ensure that procurement is conducted efficiently, effectively, and accountably. ECOWAS prepares a procurement plan and budget that outlines the procurement requirements, timelines, and budgetary allocations. ECOWAS advertises the procurement opportunity through its procurement portal and other appropriate channels. Potential suppliers are invited to submit bids, and ECOWAS evaluates the bids according to established criteria. Finally, ECOWAS awards the contract to the successful bidder who meets the required criteria. The ECOWAS procurement process is guided by the ECOWAS Procurement Manual, which sets out the procedures, rules, and regulations governing procurement activities.

The Office of the Financial Controller (OFC) was established in 1975 to assist the Council of Ministers in executing its oversight responsibility. The mandate and functions of the OFC include ensuring that all expenditure in Community institutions is in line with their approved budget and the proper implementation of the Community's budgetary and accounting controls and issuing periodic reports on budgetary, financial and accounting management of the Community to the Council. The office is now known as the Office of the Auditor General of ECOWAS Institutions. Oversight over the work arises from an Audit Committee comprised of individuals from member states. The Audit Committee assist the Council of Ministers in their oversight functions to ensure adherence to corporate governance by all ECOWAS institutions through effective monitoring and review of risks, control and governance processes, and accountability and transparency frameworks, which have been established in the institutions. The members of the 4th Audit Committee are Nigeria, Sierra Leone, Senegal, Guinea Bissau and Benin.

The direct influence of civil society over the budget of ECOWAS is limited, as the budgetary process is primarily determined by member states and ECOWAS institutions. However, CSOs can indirectly influence budget priorities through advocacy and engagement with ECOWAS institutions, member states, and other stakeholders. One example of such influence is the involvement of CSOs in developing and implementing the ECOWAS Gender Development Centre (EGDC). Women's rights organisations actively campaigned for the establishment of the EGDC and participated in the formulation of its objectives, activities, and programmes. By raising awareness of gender issues and emphasising the need for a dedicated institution to address these challenges, CSOs were able to influence the allocation of resources for gender-related initiatives within the ECOWAS budget.

4.9 Relationships with civil society

The relationship between ECOWAS and civil society is complex and unfolds at various levels. There are formally established modalities of interaction and those that are less formal and that unfold through more direct interactions between CSOs and stakeholders within the ECOWAS institutional system. The 1993 ECOWAS Revised Treaty called on the regional community to cooperate with regional CSOs and encourage the broad participation of citizens in the integration process. The more detailed basis for interactions is contained in the instruments established within ECOWAS. The broad analysis provides an overview of the interactions that have emerged at a formal level and those available through informal engagements.

4.9.1 Formal structural relationships

One of the main ways a CSO becomes recognised within the ECOWAS institutional framework is by acquiring observer status with the Community. A formal procedure for granting observer status was codified in 1994. CSOs with observer status enjoy certain rights and have certain obligations in relation to the ECOWAS framework. In general, the approach of ECOWAS is to encourage the organisation to establish coalitions or networks. The process is complex and includes the submission of an application, various added requirements on registration within the region, and the submission of regular reports. There are a further two categories of recognition. Category A includes observation of the Council meetings and the possibility of circulating documents with the required permission. Category B is for accreditation to other ECOWAS institutions and relevant committees in areas of interest.

Despite the elaborate provisions on obtaining observer status with ECOWAS, CSOs engaging with ECOWAS do not necessarily have any official observer status with either the Commission or any other ECOWAS institution. Many CSOs have successfully engaged with ECOWAS Organs and institutions even though none of these organisations enjoys observer status. CSOs participating in activities with ECOWAS institutions also confirm that they could do so without official observer status. In each case, these organisations initiated contact with the relevant department. This would then mean that whatever benefits there may be, a failure to acquire official observer status does not deprive CSOs of any possibility of engaging with ECOWAS institutions. Although there is a procedure for acquiring membership in the West African Civil Society Forum (WACSOF), a non-member organisation can still contribute to civil society positions that WACSOF adopts on regional issues.

It appears that CSO involvement is often more in implementation than in policy formulation. The Forum of Associations Recognised by ECOWAS (FARE) was created by ECOWAS in 2008. The Association has a membership base of about thirty CSOs representing the region's different constituents of civil society. The forum was designed to be an apex institution that would serve as a platform for dialogue between civil society and the regional body. However, there is little evidence that FARE is functional and that meetings are held. In practice, FARE has been overtaken by the establishment of WACSOF. According to WACSOF, it was created by ECOWAS and served as the umbrella network of CSOs from the fifteen member states of the ECOWAS. WACSOF is a civil society membership organisation which is a privileged partner and adviser to ECOWAS and many institutions.

The more substantive move forward on engagement with civil society unfolded within the context of specific instruments of ECOWAS, including the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed in Lomé on 10 December 1999 and the January 2008 Conflict Prevention Framework. While the Revised Treaty of ECOWAS only envisaged CSO participation in economics, the conflict mechanism requires including civic leaders and special representatives to coordinate with peacebuilding and humanitarian NGOs and the Commission to cooperate with NGOs for humanitarian assistance and small arms control.⁴⁸ The frameworks provide entry points for civil society involvement. For example, ECOWAS has been working with regional civil society networks and organisations such as the Centre for Democracy and Development (CDD), the West Africa Network for Peacebuilding (WANEP) and the Foundation for Security and Development in Africa (FOSDA) on issues of governance, early warning, small arms proliferation, gender, and elections observation, among others.

48 M Aebly 'Civil society participation in peacemaking and mediation support in the African Peace and Security Architecture (APSA): Insights on the AU, ECOWAS and SADC' (2021)

One of the most significant ECOWAS-CSO collaborations has been establishing the ECOWAS Early Warning System (ECOWARN) as a collaboration between the regional community and WANEP. ECOWARN is a mechanism for conflict prevention in which WANEP is a civil society lead agency in the mobilisation of CSOs for data collection and analysis. The ECOWARN System is a strategy adopted to prevent and resolve conflicts in its nascent stage before they degenerate into violent conflicts of the magnitude of those experienced in the sub-region over the past two decades. This critical web community network feeds into four zonal bureaus and the Observation and Monitoring Centre at the ECOWAS Secretariat in Abuja, Nigeria. Through this initiative, civil society has monitored, analysed, and evaluated conflict information at the community and national levels. This strategy is aimed at saving the huge costs that go with resolving full-blown conflicts and undertaking post-conflict reconstruction, as well as averting a humanitarian catastrophe.

ECOWAS deploys election observation missions to member states during elections to ensure that the electoral process is transparent, free, and fair. CSOs are often invited to participate in these missions to provide independent and impartial monitoring of the electoral process. In the area of elections, WACSOF collaborated with the ECOWAS Electoral Assistance Unit to form the ECOWAS Network of Electoral Commissioners (ECONEC), which seeks to improve the integrity of elections to foster a culture of healthy democratic competition in West Africa. However, the relationship between ECOWAS and civil society in election monitoring has not been entirely conflict-free. WACSOF has sometimes contested the findings of ECOWAS election monitoring teams. For example, in 2011, concerns were raised regarding the reports of the ECOWAS Observation team leader. They went as far as to suggest that the statement was undemocratic regarding the integrity of the elections.⁴⁹

4.9.2 Informal relationships

In addition to formal relationships, there are many informal relationships between the ECOWAS and CSOs. These informal relationships are based on trust, mutual respect, and a shared commitment to promoting regional integration, peace and security, and sustainable development in the West African region. Some examples of informal relationships between ECOWAS and CSOs include:

- ➔ Advocacy and lobbying: CSOs often engage in advocacy and lobbying efforts to influence ECOWAS policies and decisions. They may do this through informal networks and alliances, media campaigns, and grassroots mobilisation.
- ➔ Participation in ECOWAS meetings and events: CSOs are often invited to participate in ECOWAS meetings and events, where they can provide input and feedback on policy matters related to regional integration, peace and security, and sustainable development.
- ➔ Technical assistance and capacity building: ECOWAS may provide technical assistance and capacity building support to CSOs, enabling them to engage in regional integration efforts and contribute to the development of the West African region more effectively.
- ➔ Informal consultations and dialogues: ECOWAS officials and CSO leaders may engage in informal consultations and dialogues on specific issues of mutual concern. Either party may initiate these dialogues and may be aimed at identifying areas of collaboration and partnership.

Civil society driving policy: WACSOF led a process to formulate an ECOWAS policy on the extractive industries. WACSOF informally assisted ECOWAS in arranging an expert meeting on the Model Mining and Minerals Development Act (EMMMDA) in Ghana in May 2019. This resulted in the full participation of experts from ECOWAS member states and CSOs to make the policy ready for ministerial adoption. Without this support, the framework would have been delayed a year and could even be abandoned since political agendas change.

Overall, these informal relationships between ECOWAS and CSOs help to promote greater collaboration and partnership between the two groups. They enable CSOs to provide input and feedback on ECOWAS policies and decisions and contribute to the development of the West African region. They also enable ECOWAS to benefit from the expertise, knowledge, and resources of CSOs in its efforts to promote regional integration, peace and security, and sustainable development.

4.9.3 Regional civil society networks

Several regional civil society networks in West Africa work to promote regional integration, peace and security, and sustainable development in the region. WACSOF remains the most visible in terms of its structured relationship

with ECOWAS. However, there is also another platform for CSOs to engage with regional organisations, governments, and other stakeholders on regional integration and development issues. These include the following more prominent networks:

- ➔ West African Civil Society Institute (WACSI): WACSI is a regional organisation supporting civil society development in West Africa. It provides training, research, and networking opportunities to CSOs across the region and works to promote a conducive environment for civil society in West Africa.
- ➔ West Africa Network for Peacebuilding (WANEP): WANEP is a regional network of CSOs that works to prevent and resolve conflicts in West Africa. It promotes dialogue, mediation, and other peaceful conflict resolution mechanisms and engages with governments, regional organisations, and other stakeholders to promote peace and security in the region.
- ➔ West African Women's Association (WAWA): WAWA is a regional network of women's organisations that promotes women's rights and gender equality in West Africa. It engages with governments, regional organisations, and other stakeholders to promote gender-sensitive policies and programmes in the region.
- ➔ West African Network of Journalists for Responsible Citizenship (WANJRC): The WANJRC is a regional network of journalists that promotes responsible journalism and media freedom in West Africa. It works to strengthen the capacity of journalists to report on regional integration, peace and security, and sustainable development issues in the region.

Overall, these regional civil society networks are important in promoting regional integration, peace and security, and sustainable development in West Africa. They provide a platform for CSOs to collaborate, share information and resources, and engage with governments and regional organisations to advance their shared objectives. Numerous regional networks focus on sector issues, such as peace and security. Coupled with these, numerous national-level networks engage at member states' levels. Many of these networks also extend their focus and interact with ECOWAS as needed. These include interactions related to concerns around developments within specific countries.

4.9.4 Civil society influence and strategies

The system for civil society engagements in ECOWAS is broad, and CSOs have established a range of approaches to engage ECOWAS on matters of importance. These engagements involve those that arise directly from ECOWAS Organs and institutions' efforts to those initiated directly by CSOs. The following are some of the identifiable modalities for civil society engagements with ECOWAS:

Advocacy and lobbying: CSOs can influence decision-making processes within ECOWAS by advocating for policies and programmes that address the needs and interests of their constituents. For example, with the support of CSOs, particularly Anti-Slavery International and Timidria (a Nigerien human rights organisation), Hadijatou Mani filed a lawsuit against the Republic of Niger at the ECOWAS Court of Justice. The CSOs provided legal assistance, advocacy, and support for her case, arguing that the government of Niger had failed to protect her from slavery and to punish the perpetrators. The Court ruled in favour of the plaintiff.

Monitoring and evaluation: CSOs can act as watchdogs by monitoring the implementation of ECOWAS policies and programmes, evaluating their impact, and providing feedback to the organisation. For example, WANEP has collaborated with ECOWAS on several initiatives, including the development of ECOWARN and supporting the ECOWAS Standby Force.

Capacity building: CSOs can provide training, resources, and technical assistance to strengthen the capacities of ECOWAS institutions and member states, particularly in areas such as human rights, gender equality, and environmental sustainability. For example, WANEP has played a crucial role in strengthening the capacity of ECOWAS institutions, particularly in the areas of conflict prevention, early warning, and peacebuilding.

Research and knowledge sharing: CSOs can conduct research and share information on best practices, innovative solutions, and lessons learned to inform ECOWAS policy-making and programming. CSOs have played a vital role in raising awareness and advocating for environmental sustainability and climate change mitigation within ECOWAS. Their influence has contributed to the development of the ECOWAS Environmental Policy and the establishment of ECREEE.

Networking and coalition building: CSOs can build networks and coalitions to increase their influence and coordinate their efforts, both within the region and internationally. For example, in 2008, WACSI supported the establishment of the West African Environmental Civil Society Platform (WACS-Enviro), a network of CSOs working on environmental issues in West Africa. WACS-Enviro has since been actively involved in advocacy, research, and capacity building efforts to influence ECOWAS policies on environmental sustainability and climate change.

Public awareness and education: CSOs can raise awareness and educate the public about ECOWAS initiatives, policies, and programmes, as well as the importance of regional integration and cooperation in West Africa. CSOs have played a significant role in promoting human rights and democracy in the region. For example, they have engaged with ECOWAS to push for the establishment of the ECOWAS Court of Justice, which now handles human rights cases, and have actively participated in election monitoring and observation missions.

Participation in ECOWAS meetings and consultations: CSOs can attend and contribute to official ECOWAS meetings, consultations, and events, providing input and perspectives from civil society. An example is that civil society provided written input to the Council during the drafting and adopting the ECOWAS Policy Framework for Migration and Development in 2008.

Partnerships and collaborations: CSOs can establish partnerships with ECOWAS institutions, member states, and other stakeholders to jointly implement projects and initiatives that align

with the organisation's objectives. CSOs have advocated for gender equality and women's rights within ECOWAS. They have influenced adopting various policies and programmes, such as the EGDC and the Protocol on the Rights of Women in Africa.

CSOs can face several challenges when engaging with ECOWAS. CSOs may have difficulty accessing timely and accurate information about ECOWAS initiatives, policies, and decision-making processes, which can hinder their ability to engage effectively and provide meaningful input. While ECOWAS has tried to include civil society in its decision-making processes, there is still room for improvement.⁵⁰ In some instances, CSOs may not be formally recognised or consulted, leading to a lack of representation, and missed opportunities for collaboration. Some organisations may also lack the technical capacities and resources to engage optimally. The larger challenge for many organisations in the region is that the political context in some ECOWAS member states may present challenges for civil society engagement, such as government restrictions on CSOs, limits on freedom of expression, or ongoing conflict. These factors can hinder the ability of CSOs to work independently and influence ECOWAS policy.

4.10 Summary of key integration issues

There are numerous developments in the region across sectors and terrains of regional integration and engagement. The priority issues constantly evolve and require ongoing engagement to appreciate the key concerns of governments in the region and within the structures of ECOWAS. The following provides a broad synopsis of some critical challenges that continue to shape regional engagements.

Political instability: The region has witnessed several coups, political unrest, and internal conflicts recently. Countries such as Mali, Guinea, and Niger have experienced military coups, while Nigeria and Côte d'Ivoire have faced civil unrest and political tensions. West Africa has experienced numerous political crises in recent years. Poor governance, corruption, and lack of transparency can undermine democratic institutions and public trust, leading to civil unrest and political instability. The area will likely continue as a priority for the region and requires added focus from CSOs.

Terrorism and security threats: The rise of extremist groups, such as Boko Haram in Nigeria and other jihadist organisations in the Sahel region, has led to widespread violence, loss of lives, and displacement of people. These groups pose a significant challenge to regional stability and development. The rise of groups such as Boko Haram, Al-Qaeda in the Islamic Maghreb (AQIM), and the Islamic State in West Africa Province (ISWAP) poses a significant threat to the region's stability. These groups attack civilian and military targets, leading to significant loss of life, displacement, and the disruption of socio-economic activities. CSOs are often better placed to engage in actions to facilitate local participation that overcome the crisis that has led to the growth of extremist groups.

Economic inequality and underdevelopment: Despite the region's vast natural resources, many countries within ECOWAS still suffer from high poverty levels, unemployment, and underdevelopment. The lack of economic diversification and overdependence on commodity exports make these countries vulnerable to external shocks and fluctuations in global commodity prices. Economic challenges and inequality have fuelled local contestation over resources. The region has witnessed recurrent inter-communal conflicts, often fuelled by competition over scarce resources, land disputes, or ethnic and religious tensions.

Corruption and poor governance: Many ECOWAS countries struggle with widespread corruption, weak institutions, and poor governance. These challenges hinder the effective delivery of public services and limit the potential for economic growth and development. These issues have been engaged by civil society in the region and remain an area of priority concern. WACSI has engaged in building the capacity of CSOs in West Africa, including those working on anti-corruption efforts. They have facilitated dialogue, research, and training on corruption-related issues, helping CSOs effectively raise these concerns and influence policy.

Health crises: The COVID-19 pandemic has put significant strain on the health systems of many West African countries, exposing their weaknesses and vulnerabilities. Moreover, the region is still recovering from the 2014–2016 Ebola outbreak, which had severe socio-economic impacts. CSOs have played a significant role in responding to health emergencies in West Africa, such as the Ebola outbreak. They contributed to the response by providing medical care, disseminating information, supporting community mobilisation, and monitoring the implementation of public health measures. CSOs across West Africa have been working to promote Universal Health Care, which ensures that all individuals can access the health services they need without facing financial hardship.

Climate change and environmental degradation: Climate change poses a significant threat to the livelihoods and well-being of people in the region, as it exacerbates existing vulnerabilities and creates new risks. Increased desertification, flooding, and coastal erosion are some of the effects experienced in the region. CSOs, such as the Observatory of the Sahara and Sahel (OSS), are working together with governments and local communities to implement this ambitious project.

Human rights and migration: ECOWAS countries face numerous human rights challenges, including gender inequality, child labour, and human trafficking. Additionally, the region has become a major transit point for irregular migration to Europe, which has led to issues related to human trafficking and exploitation. Numerous CSOs work on matters related to migration in the region. These organisations work on research, advocacy, and capacity building activities to improve migration governance and ensure that the rights of migrants are respected and protected.

In addition to the broad issues outlined here, the region is dynamic and subject to change, which requires activism from civil society to ensure that ECOWAS remains responsive to new realities. CSO are often at the forefront of developments and best placed to appreciate new and changing developments that are likely to impact the region. However, the large technical organisation tends to be slow in recognising and responding to new realities. CSO, for example, are best placed to appreciate the impact of changing global economic and political dynamics, such as global inflation and the war in Ukraine, on local realities.

5. THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

SADC⁵¹ is a regional intergovernmental organisation that was formed in 1980 as the Southern African Development Coordination Conference (SADCC). At the initial stage, membership was from nine Southern African countries: Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia, and Zimbabwe. The organisation was formed in response to these countries' economic and political challenges, including dependence on South Africa for trade and investment. South Africa and Namibia were admitted as members after their liberation. Other countries that have since joined SADC include Mauritius (1995), the Democratic Republic of Congo (1997), Seychelles (1997), and Comoros in 2017.

Figure 21: Members of SADC



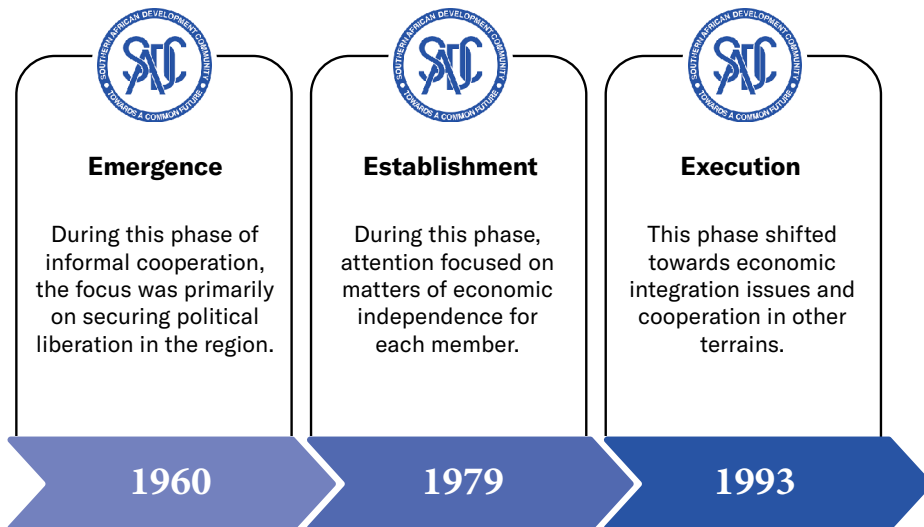
51 The information used to produce this section is primarily derived from documents accessible on the website of SADC. These included reports, plans, and related publicly shared information. These documents are not referenced in the information provided unless deemed necessary. References are confined to other resources used to guide and inform the analysis.

The evolution of SADC has been different to other RECs as it largely retained the overall political orientation that defined the role and value-add that unfolded during the 1980s. Active participation of the region's people and organisations was limited during the initial period, and this practice carried forward during the formative years, where it was perceived as largely an organisation that was focused on meetings of Heads of State and Government in the region. The organisation has since evolved to incorporate a wider mandate. Central to the evolution was the move towards establishing a 'developmental plan' for SADC. The organisation has grown over the last decade, and there have been movements to replicate the structures that have emerged in other regions. However, as with IGAD, it has not fully established a SADC Parliamentary structure or Court.

5.1 Regional integration

The history of integration in Southern Africa has been a little more complex than in other parts of the continent. Even while there were high levels of economic integration because of the economic dominance of South Africa, the region faced immense complexities because of the type of colonial rule experienced and the time taken to achieve full political liberation. The primary initial drive was centred around full political liberation and matters of economic sovereignty. The process of a deeper institutionalisation of cooperation was hence slower in this region compared to others. It is useful to have a brief perspective on its evolution to appreciate the current realities facing the REC.

Figure 22: Integration process in Southern Africa.



Emergence

The roots of SADC as it currently exists can be traced back to cooperation that unfolded between liberation movements in Southern Africa during the 1960s. The momentum towards establishing a formal structure for cooperation as a coordination conference took root in 1979. The SADCC was established to promote regional cooperation and economic integration among Southern

African countries, focusing on reducing economic dependence on apartheid South Africa. However, in the early 1990s, the political landscape in Southern Africa underwent significant changes, with the end of apartheid in South Africa and the emergence of new democracies in many other countries in the region. Against this backdrop, the SADCC transformed into SADC, with a broader mandate that included political cooperation, security issues, and economic integration.⁵²

In its early years, SADCC's primary orientation was on the liberation of South Africa and Namibia. The organisation nevertheless also incorporated issues of economic integration directed at reducing the linkages with apartheid South Africa. The organisation also developed programmes to support the region's agricultural, transportation, and energy development needs. In the early 1990s, SADCC expanded its membership to include additional countries in the region. During this phase, the work of SADCC was largely decentralised, and member states took on a leading role within areas of focus. The actual formation of SADCC was through a Memorandum of Understanding between states and not as a formal Treaty.⁵³

Establishment

In August 1992, SADCC was renamed the Southern African Development Community (SADC) to reflect its expanded mandate and membership. The organisation's focus shifted towards regional integration, economic cooperation, and political stability in the region. In the 2000s, SADC focused more on peace and security. The organisation was key in resolving conflicts in Angola, the Democratic Republic of Congo, and Lesotho. SADC has also established several peacekeeping and conflict prevention initiatives, including the SADC Standby Force and the SADC Mediation Support Unit.

The more substantive shift for SADC was reflected as an amendment of the Treaty in 2001. The amendments served to restructure its institutions. Key to this was the centralisation of programmes and coordination with the Secretariat. Prior to this, the work was decentralised among members. Coupled with the centralisation of activities into the Secretariat based in Botswana, the focus turned towards strengthening its institutional structures and establishing a longer-term orientation to developing the regions.⁵⁴

Execution

In recent years, SADC has emphasised economic development and industrialisation in the region. The organisation has developed several initiatives to promote regional trade and investment, including the SADC Free Trade Area and the SADC Industrialisation Strategy and Roadmap. A critical step forward for SADC was the development of the Regional Indicative Strategic Development Plan (RISDP), which allowed for the greater formalisation of its work. The first RISDP was formulated in March 2001 and was adopted and approved by the SADC Summit in August 2003. The initial plan included establishing timelines for a long-term economic and social integration programme. Amongst the wider initiatives that have emerged from SADC are the following:

52 M Schoeman, 'From SADCC to SADC and beyond: The politics of economic integration' (Paper presented at the Congress of the International Economic History Organisation, Buenos Aires, 2002)

53 J Muntschick 'The Southern African Development Community (SADC): An analytical overview of its history, policies and institutional framework' (2018) *The Southern African Development Community (SADC) and the European Union (EU) Regionalism and External Influence* 83

54 KD Hwang 'The historical evolution of SADC(C) and regionalism in Southern Africa' (2007) 10 *International Area Review* 55

- ➔ Trade and investment: SADC aims to promote trade and investment in the region by removing trade barriers, improving infrastructure, and creating a conducive environment for business. The organisation has implemented various trade agreements and initiatives, including the SADC Free Trade Area, which was established in 2008.
- ➔ Infrastructure development: SADC recognises the importance of infrastructure development in promoting regional integration and has made it a priority area. The organisation is working to improve the region's road, rail, and air transportation networks and energy and communication infrastructure.
- ➔ Agriculture and food security: Agriculture is a key sector in Southern Africa, and SADC is working to improve the region's agricultural productivity and food security. The organisation has implemented various initiatives aimed at improving access to inputs, technology, and markets for smallholder farmers.
- ➔ Peace and security: SADC recognises the importance of peace and security in promoting regional integration and has established several mechanisms to promote peace and stability in the region. These include the SADC Protocol on Politics, Defence and Security Cooperation and the SADC Standby Force.

While SADC expanded its role and terrains of possible impact through an extensive regional plan, the institution structure continued to resemble what unfolded during the SADCC period. The SADC Treaty did not incorporate establishing a Parliament or a structure for wider civil society participation. In addition, the Treaty did not provide for the establishment of other structures for monetary or related economic integration. These were generally presumed to be elements that would eventually emerge as integration unfolded.

5.2 Overview of developments in governance

The overall evolution of governance matters has been difficult in SADC. The SADC Treaty provides the legal foundation for governance engagements. Article 4 of the Treaty outlines the principles of SADC, which include promoting democratic principles, human rights, and the rule of law. The key focus of SADC has generally been on peace and security issues. This is provided for in the SADC Protocol on Politics, Defence and Security Cooperation (2001). This Protocol establishes a framework for cooperation among member states in politics, defence, and security. It includes provisions for promoting democratic principles, good governance, and respect for human rights. The Protocol served as the basis for creating the Organ on Politics, Defence and Security Cooperation. The Organ has been instrumental in addressing various political, security, and defence-related challenges in Southern Africa.

The Organ's key functions include preventive diplomacy and hence imply some engagement on issues related to governance and democracy. The general emphasis is on mediation, negotiation, and dialogue facilitation among conflicting parties. Also included are conflict resolution efforts and peace support operations, such as peacekeeping and peacebuilding, to address existing conflicts and maintain peace in the region. The SADC Organ has facilitated peace processes in the region, including resolving the Lesotho crisis and the Democratic Republic of Congo's conflict. SADC played a key role in the mediation process that led to the signing of the Global Political Agreement in Zimbabwe in 2008, which helped end the political crisis in the country. Nevertheless, SADC has faced substantive criticism related to its record on challenges within member states. Concerns have been raised on its failure to properly engage in the crisis within Zimbabwe and Eswatini.

One of the key governance-related actions from SADC was the establishment of the SADC Tribunal. The SADC Tribunal was established in 1992 through the SADC Treaty and further operationalised in 2000 by adopting the Protocol on the Tribunal. The Tribunal's primary role was to interpret and apply the SADC Treaty and its Protocols, adjudicate disputes between SADC member states, and provide legal remedies for individuals and entities within the SADC region. Among others, the Tribunal provided an avenue for individuals and entities to seek legal remedies against SADC member states for alleged violations of their rights under the SADC Treaty and its Protocols.

The SADC Tribunal faced a significant challenge in 2007 when it ruled in favour of a group of Zimbabwean farmers whose land had been expropriated by the Zimbabwean government as part of its land reform programme. The government of Zimbabwe rejected the Tribunal's ruling and questioned its legitimacy, leading to a broader debate within SADC about the Tribunal's jurisdiction and mandate. At this stage, several other countries also faced the reality that citizens and organisations were bringing more cases to the Tribunal.⁵⁵ As a result of these developments, the SADC Summit of Heads of State and Government decided in 2010 to suspend the Tribunal's operations pending a review of its role, functions, and terms of reference. Furthermore, in August 2012, the SADC Summit adopted a new Protocol on the Tribunal, which significantly limited its jurisdiction to disputes between SADC member states only, effectively removing the Tribunal's mandate to hear cases brought by individuals and entities.

SADC adopted the Principles and Guidelines Governing Democratic Elections (2004, revised in 2015). These principles and guidelines provide a framework for the conduct of free, fair, and credible elections in the region. They outline the minimum standards for democratic elections and guide SADC's election observation missions. SADC deploys election observation missions to member states during elections, assessing the electoral process's credibility, transparency, and fairness. These missions issue recommendations to improve electoral processes in the region. After the elections, the observation mission issues a preliminary statement outlining its initial findings, followed by a more comprehensive final report. These reports assess the electoral process, highlight any issues or irregularities, and offer recommendations for improving future elections.

A key aspect of the observations of elections was the establishment of the SADC Electoral Advisory Council (SEAC) in terms of Article 9(2) of the SADC Treaty. The SEAC's broad mandate is to advise SADC on matters of elections, democracy and good governance. After SEAC's formation in 2005, the Ministerial Council adopted the SEAC Structures, Rules and Procedures in March 2009. SEAC was officially established in August 2010 at Maputo, Mozambique and inaugurated on 13 April 2011 in Gaborone, Botswana. Outside of the observation of elections, there is very little information on whether SEAC is active in other areas of support for the conduct of elections in the region. The SADC Electoral Observer Mission (SEOM) is supposed to include civil society according to its principles. However, the inclusion of civil society has not been automatic as each member state determines the representatives to be part of SEOM. Some member states have included civil society while others have never attempted to do so.

The SADC Protocol Against Corruption was adopted in 2001 to promote good governance and curb corruption in the SADC region. The Protocol is designed to strengthen cooperation among member states in the prevention, detection, punishment, and eradication of corruption. Some of the key provisions in the Protocol include criminalising corrupt practices, promoting transparency, fostering international cooperation, and establishing mechanisms to prevent

55 L Nathan 'The disbanding of the SADC Tribunal: A cautionary tale' (2013) 35 *Hum. Rts. Q.* 870

corruption. Member states must incorporate the Protocol's provisions into their national legislation. This includes enacting laws that criminalise corruption, establish anti-corruption institutions, and promote transparency and accountability in the public and private sectors. The Protocol encourages cooperation among member states in investigating, prosecuting, and extraditing individuals involved in corruption. This is achieved through mutual legal assistance, sharing of information, and collaboration between law enforcement agencies.

The implementation of the SADC Protocol Against Corruption has faced various challenges. These include a lack of political will, limited resources, capacity constraints, and variations in member states' legal and institutional frameworks. To address these challenges, SADC and its member states need to continue prioritising the fight against corruption, allocating adequate resources, and strengthening cooperation to ensure the effective implementation of the Protocol. The progress of SADC on governance issues has been relatively weak in comparison to other RECs. The suspension of the SADC Tribunal remains a core concern for civil society. The REC has also not made substantive progress in other areas of governance, and the overall frameworks for wider political integration have not taken root. The record of SADC on human rights and democratic governance remains a concern for civil society in the region.

5.3 Legal status

The SADC is a regional economic community established by the SADC Treaty, signed in Windhoek, Namibia, on 17 August 1992. The SADC Treaty is a legally binding instrument that sets out the framework for establishing and operating the organisation. The Treaty entered into force on 30 September 1993, following its ratification by the requisite number of member states.

Under the SADC Treaty, the organisation has a legal personality, which means it can enter contracts, acquire and dispose of property, sue and be sued, and perform other legal acts. The Treaty also provides for establishing various Organs and institutions of SADC, including the Summit of Heads of State and Government, the Council of Ministers, the Standing Committee of Officials, the Secretariat, and the Tribunal. The Treaty is divided into eighteen chapters and forty-four articles which are summarised below.

Table 10: Summary of the SADC Treaty⁵⁶

Chapters	Contents
Chapter 1 to 3	These chapters serve to outline SADC's establishment and legal status. They contain provisions that relate to the core principles and objectives of the organisation. They provide that the primary focus would be on implementing the common agenda.
Chapters 4 and 5	These chapters outline and establish the Organs of the SADC, including the Summit of Heads of State and Government, the Council of Ministers, the Standing Committee of Officials, the Secretariat, and the Tribunal.

56 SADC, 'Consolidated text of the Treaty of the Southern African Development Community' (2015) <https://www.sadc.int/document/consolidated-text-treaty-southern-african-development-community>

Chapters	Contents
Chapter 6	This chapter outlines that decision-making is to be by consensus. It also provides for a quorum for the meeting and that the organisation will develop its own rules and procedures.
Chapters 7 and 8	These chapters contain details on broad areas of cooperation, ranging from peace and security to social welfare and culture. They further outline that Protocols will be developed to define further details of cooperation and related procedures for those to come into effect. Also included is the need to engage with civil society and interact with other organisations.
Chapters 9 and 10	These chapters contain details on the resources for SADC, including the budget process and the contributions from members. They also include details on the audit process and the development of appropriate financial regulations.
Chapter 11 to 18	These chapters outline the process for managing disputes, withdrawals, and related issues. They also include provisions related to sanctions associated with the contribution and the process for dissolution.

The Treaty is a legally binding and all-encompassing instrument by which countries of the region are to coordinate, harmonise and rationalise their policies and strategies for sustainable development. Article 4 of the Treaty commits member states to respect:

- ➔ The sovereign equality of member states;
- ➔ Solidarity, peace and security;
- ➔ Human rights, democracy, and the rule of law; and
- ➔ Equity, balance, and mutual benefit.

Article 6(5) of the Treaty requires member states to domesticate the Treaty by taking all necessary steps to accord this Treaty the force of national law. In addition, Article 22(3) provides that each of the adopted Protocols will be subject to signature and ratification by state parties. The Decisions and Agreements entered under the auspices of SADC are legally binding and require the member states to comply by incorporating legal provisions into national laws. Article 33 provides for sanctions to be imposed against member states who, amongst other reasons, fail to fulfil their obligation, are in arrears, and undermine the principles of the organisation. The sanctions are referred to the Summit and determined on a case-by-case basis. Finally, Article 21 of the Treaty provides for protocol-based cooperation among member states. In accordance with Article 21(2), cooperation is through the adoption of legal, institutional, and implementation frameworks.

In addition to the SADC Treaty, several other legal instruments have been adopted by the organisation, including Protocols, Declarations, and Resolutions. The Protocols promote legal and political cooperation. They also create structures that are coordinated by various Directorates at the SADC Secretariat to implement the Protocols. The Protocols are approved by the Council of Ministers and signed by the Heads of State and Government Summit. The Protocols and

other instruments provide guidance and details on the implementation of SADC's objectives and activities, and on issues related to regional integration, peace and security, and sustainable development in the region. The following table captures some of the key instruments of SADC.

Table 11: Key legal instruments of SADC

Key Instrument	Purpose
Protocol on Politics, Defence and Security Cooperation	This Protocol establishes a framework for political, defence, and security cooperation among the SADC member states.
Protocol on Trade	This Protocol provides for establishing a free trade area among the SADC member states, aiming to promote regional economic integration.
Protocol on Finance and Investment	This Protocol provides for coordinating financial and investment policies among the SADC member states, aiming to promote sustainable economic development in the region.
Protocol on Gender and Development	This Protocol provides for the promotion of gender equality and the empowerment of women in all aspects of SADC activities and programmes.
Declaration on the Prevention and Eradication of Violence against Women and Children	This Declaration affirms the commitment of SADC member states to preventing and eradicating violence against women and children and promoting gender equality and empowerment.
Declaration on HIV and AIDS	This Declaration affirms the commitment of SADC member states to address the HIV and AIDS epidemic in the region and promote access to prevention, treatment, care, and support services for those affected by the disease.
Protocol on Forestry	This Protocol provides for the conservation and sustainable management of forest resources in the SADC region, focusing on promoting social and economic development, environmental protection, and biodiversity conservation.
Protocol on Wildlife Conservation and Law Enforcement	This Protocol provides for the conservation and sustainable use of wildlife resources in the SADC region, focusing on combating illegal trade in wildlife and promoting community-based natural resource management.
Protocol Against Corruption	This Protocol provides for the prevention, detection, investigation, and punishment of corrupt practices in the region and includes a provision related to mutual assistance to fight against corruption.

Within the Protocols, there are often provisions related to engagements with civil society. For example, the Protocol Against Corruption creates an obligation on the part of members to engage civil society, including the media, in the fight against corruption. Details on actual implementation and follow-up are generally within the framework of the more detailed plans generated by the institution. It is important to appreciate that the approval of a protocol in SADC does not mean that it is in force. Generally, for a Protocol to enter into force, it has to be ratified by two-thirds of the SADC membership. Details on the status of each Protocol are available and updated on the SADC website.

5.4 Planning

Since its establishment as SADCC in 1980, SADC has undergone several changes that have pushed forward a longer-term planning approach. During the initial phases of change, the focus was primarily on moving from member states' coordinated programmes to a centralised structure based at the Secretariat. As part of this process, the organisation worked on the development of a regional integration plan. As a result, the organisation is now guided by a longer-term Vision 2050⁵⁷ document and a more focused RISDP.

Vision and Mission (2050)

Vision Statement: To become the premier Regional Economic Community (REC) for achieving peace and sustainable development in the region.

Mission Statement: Promote regional cooperation and integration to add value to Member States' efforts in achieving peace, security, and prosperity.

The RISDP stands as the overall region's core plan and guides the Secretariat on the actual work to engage upon. The RISDP is also meant to guide member states on their own development strategies and obligations within the framework of the objectives established for regional integration. Within SADC, numerous sector plans have emerged to guide future actions. The SADC Industrialisation Strategy and Roadmap serves to promote industrial development in the region through the establishment of regional value chains, the development of infrastructure, and the promotion of private sector investment. The Infrastructure Master Plan provides a framework for developing infrastructure in the region, including transport, energy, and ICT infrastructure. This plan aims to improve connectivity and reduce business costs in the region. The Regional Agricultural Policy aims to promote agricultural development in the region through the development of agribusiness, increased investment in agriculture, and the promotion of regional trade in agricultural products. These are broadly linked with the overall Vision 2050 Plan. The following serve as the key pillars of Vision 2050 and the current RISDP:

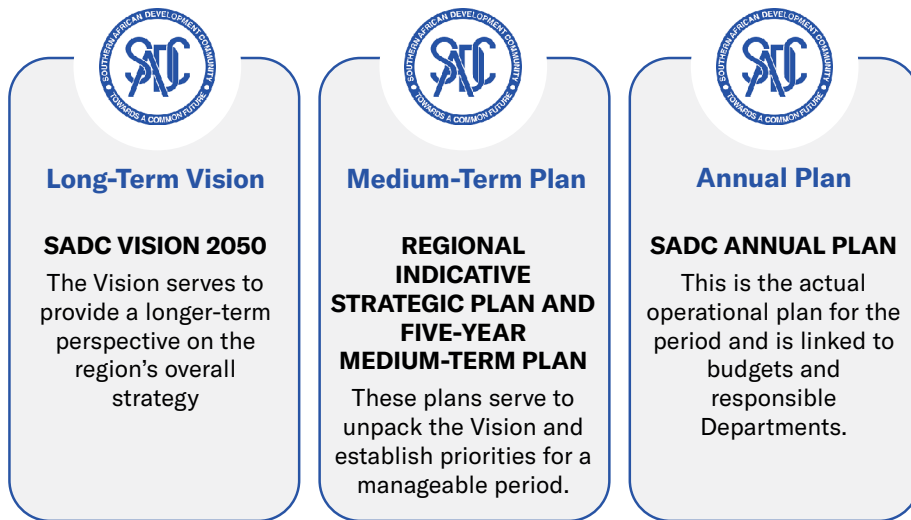
- ➔ Industrial development: To promote sustainable industrialisation and economic diversification, focusing on value addition, export promotion, and job creation.
- ➔ Infrastructure development: To develop and maintain a high-quality, sustainable infrastructure that supports regional integration and facilitates cross-border trade and investment.

57 SADC, 'SADC Vision 2025' (2020) https://www.sadc.int/sites/default/files/2021-08/SADC_Vision_2050.pdf

- ➔ Human and social development: To improve access to quality education, healthcare, and social services, focusing on women, children, and vulnerable groups.
- ➔ Peace and security: To promote a culture of peace and tolerance and to strengthen regional cooperation in addressing security challenges and promoting stability.
- ➔ Environmental sustainability: To promote sustainable management of natural resources, mitigate and adapt to climate change, and protect the environment for future generations.

The Secretariat’s planning function is further articulated in the SADC Policy on Strategy Development, Planning, Monitoring, Evaluation and Reporting (SPMER Policy), approved by the SADC Council of Ministers in February 2012 and revised in March 2020. In line with the Result-Based Management (RBM) approach, the Policy provides for developing a SADC Long-Term Vision, a Ten-Year Intermediate Strategy, a Five-Year Medium-term Strategy, Annual Strategy Updates and Annual Corporate Plans. The following figure broadly captures the planning process within SADC.

Figure 23: Planning within SADC



The Long-Term Vision (SADC Vision 2050) and the Ten-Year Intermediate Strategy (the RISDP 2020–2030) were approved by the Summit in August 2020. The Five-Year Medium-Term Strategy (MTS 2020/21–2024/25) was approved by the Council in August 2021. Annual Strategy Updates and Annual Corporate Plans are approved by the Council annually. Engagement with the plans provides a useful inroad for civil society and a terrain of possible influence. There are often more detailed consultations in the context of the processes directed at developing and implementing the sector plans.

The Secretariat develops the Annual Corporate Plan for approval by the Council of Ministers. While this represents the actual work that will be done by the Secretariat for a given period and is linked to budgets, actual participation from civil society is not provided for. During the initial stages of SADC establishment, there was an orientation that SADC members would establish local structures for consultation with civil society on all aspects of SADC. There is no evidence that

these were established or functioned in any manner. In general, there are no compelling formal modalities to secure civil society's active participation and inputs in SADC planning processes. However, some SADC CSOs were involved in the Vision 2050 process. It is, however, important to appreciate that this requirement for participation only unfolds because the process unfolded per the requirement of the development partner. While SADC officials may have supported such participation, there is no formal compulsion to ensure that participation is standard, and that the Secretariat engages with civil society in a structured and consistent manner.

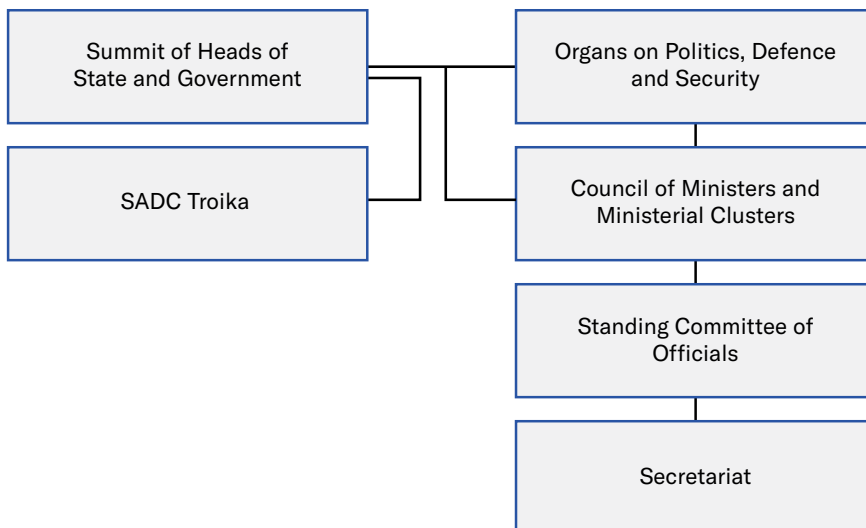
5.5 Institutional structures

The current structure of SADC is largely as is provided for in the SADC Treaty and related Protocols. These provide for the establishment of the various Organs and related processes associated with the establishment of Committees and the Secretariat. A broad outline of the macrostructure is followed by a more detailed descriptive analysis. These institutional structures provide the core channels for influencing the work and decision-making processes. While the overall structure reflects a hierarchy of authority and responsibility, the realities of practice often suggest that there are different channels and possibilities for influencing decision-making and the general policy trajectory of regional institutions.

5.5.1 Macrostructure

SADC is structured around several decision-making bodies. These bodies serve as the key Organs of SADC and are entrusted with authority and responsibility within the framework of the Treaty and related Protocols. The SADC has several structures and institutions that are responsible for the implementation of its programmes and activities. The following figure broadly captures the macrostructure of SADC.

Figure 24: Macrostructure of the SADC



The Summit is the highest decision-making body of SADC and is made up of the Heads of State and Government of member states. The Summit meets annually to review progress and make decisions on regional integration, peace and security, and sustainable development issues. The SADC Troika is responsible for addressing political and security issues in the region. The Troika comprises the current, incoming, and outgoing chairs of SADC, and it meets on an ad hoc basis to respond to emerging political and security challenges in the region. The SADC Troika is critical in promoting peace, security, and stability in the region. The Organ on Politics, Defence and Security Cooperation is responsible for promoting peace and security in the region. It comprises the Heads of State and Government of member states and has a Secretariat responsible for implementing its programmes and activities. It has been involved in several important initiatives, including peacekeeping and conflict resolution efforts in countries such as the Democratic Republic of Congo, Zimbabwe, and Lesotho. The Troika has also played a key role in responding to emerging political and security challenges in the region, such as the coup in Zimbabwe in 2017 and the insurgency in Cabo Delgado, Mozambique. Overall, the Troika is an important mechanism for promoting regional cooperation and integration in Southern Africa.

The Council of Ministers is responsible for the overall policy direction and coordination of SADC activities. It is made up of the ministers of foreign affairs and other ministers designated by member states. The Standing Committee of Officials is responsible for preparing and coordinating the work of the Council and other SADC Organs and institutions. It is made up of senior officials from member states. The Secretariat is responsible for the day-to-day management of SADC activities. An Executive Secretary heads it and has various Directorates and Departments responsible for different aspects of SADC's work. Finally, the SADC Tribunal is responsible for the resolution of disputes within SADC. It is made up of judges from member states and has jurisdiction over disputes related to SADC Protocols and other legal instruments. As indicated, the Tribunal is now not in operation as originally conceived and has not been reconvened in accordance with changes introduced by the Summit.

5.5.2 Parliamentary Body

The SADC does not have a parliamentary body. Unlike other RECs in Africa, such as ECOWAS, which has a regional Parliament, SADC has not established a similar body. However, parliamentarians from the region have worked together to establish, in 1997, a SADC Parliamentary Forum (SADC-PF). It comprises fourteen national parliaments and serves as a platform for cooperation and coordination among parliamentary bodies in the SADC region.

Civil society partnering with Parliament: In 2006, the African Forum and Network on Debt and Development (AFRODAD) partnered with SADC-PF to issue a call for changes to the sovereign loan regime and the management of debt in the SADC region. This was in the form of a joint communiqué.

The SADC-PF aims to promote democracy, good governance, human rights, and social justice in the SADC region through parliamentary diplomacy, advocacy, and capacity building. Its activities include promoting legislative harmonisation, conducting research and analysis on regional issues, organising parliamentary elections observation missions, and facilitating regional parliamentary exchanges and consultations.⁵⁸ During 2018, a process unfolded that was directed at establishing the forum as a structure of SADC. A draft Protocol for establishing the SADC Parliament has been developed, and consultations are ongoing with member states.

The existing SADC-PF has various Organs, including the Plenary

58 R Kandawasvika-Nhundu 'Parliaments' role in election related conflicts: Lessons from the SADC Parliamentary Forums' (2007) 2007 *Conflict Trends* 45

Assembly, which is the highest decision-making body, and the Executive Committee, which is responsible for the management and direction of the organisation. The Secretariat, which provides technical and administrative support to the organisation, has been established as a small structure with offices in Windhoek, Namibia. In addition to focusing on converting the Forum into a Parliament, the Secretariat is guided by a work plan that incorporates the development of model laws and the arrangements of various interactions with the active participation of civil society.

In its 2006–2010 strategic plan, the SADC-PF provided that it ‘will ... develop structured relations with other institutions at sub-regional, regional and international levels to influence processes at these levels that have a bearing on the SADC region and the Forum’s work.’⁵⁹ The relationship with civil society remains fairly open, and CSOs are invited to make presentations.

5.5.3 Regional judicial structures

The SADC Treaty provides for establishing the SADC Tribunal as a key institution of the organisation. Article 16 of the SADC Treaty establishes the Tribunal and its functions and powers. Under Article 16, the SADC Tribunal has the power to hear disputes between member states and between member states and individuals or organisations. The Tribunal has the authority to interpret and apply the provisions of the SADC Treaty and its Protocols, and it is mandated to ensure compliance with the Treaty and promote the rule of law in the region.

Article 32 of the SADC Treaty provides for settling disputes between member states. It stipulates that member states should first seek to resolve disputes through diplomatic channels, and if these efforts fail, they can refer the matter to the SADC Tribunal for adjudication. The Treaty also provided for the independence of the Tribunal. Article 16(6) stipulates that the SADC Summit should appoint the judges of the Tribunal and should be selected based on their qualifications, integrity, and impartiality. The judges are required to serve in their personal capacity and are not subject to the direction or control of any member state or organisation.

The SADC Tribunal was initially established as an ad hoc body, but in 2000, the SADC Protocol on the Tribunal was signed, which provided for the establishment of a permanent Tribunal. The permanent Tribunal was established in 2005 and began hearing cases in 2007. Many of the cases brought before the SADC Tribunal involved human rights violations. Rulings were made in favour of the plaintiffs and against states in the region. Due to some rulings against states in the region, the SADC Summit decided to suspend the Tribunal’s operations and ordered a review of the Tribunal’s role and functions in 2010. The SADC Summit of Heads of State and Government agreed in August 2012 to create a new Court with a mandate limited strictly to adjudicating inter-state disputes arising from the SADC Treaty and its Protocols rather than international human rights norms. In 2014, nine member states signed the revised Protocol on the Tribunal, which would explicitly limit the Tribunal’s jurisdiction. Still, the instrument has not received the ratifications needed for its entry into force, despite the urging of the SADC Summit. Under the new Protocol, the Tribunal can only hear disputes between member states and cannot hear cases

Civil society engaging in strategic

litigation: In 2008, the SADC Tribunal heard a case involving Zimbabwean farmers against Zimbabwe. This case was brought by a CSO advocating for property rights and rule of law. The SADC Tribunal ruled in favour of the applicants, finding that the land reform programme was discriminatory on the grounds of race and violated the rule of law.

59 B Moyo ‘Civil society and the African Union Architecture: Institutional provisions and invented interfaces’ (2008) *The African Union and New Strategies for Development in Africa* 275

brought by individuals or NGOs. In addition, the Tribunal's jurisdiction is limited to interpreting and applying the SADC Treaty and its Protocols, and it cannot hear cases that involve human rights violations.

Human rights organisations and civil society groups have criticised the suspension of the SADC Tribunal's operations and subsequent limitations on its jurisdiction. Many argue that the Tribunal's suspension undermines the rule of law and regional integration in the SADC region. Moreover, the Tribunal remains substantively non-functional with no judges and staff.

Within the region, there is a SADC Lawyers' Association which serves as a regional professional Association that represents lawyers and law societies in the SADC region. It aims to promote the rule of law, protect human rights, and support legal education and training in the region. In addition, the Association works closely with SADC institutions and member states to promote legal reform and development in the region.

5.5.4 Human rights and other structures

Civil society advocacy coalition: A coalition of CSOs, led by the Southern African Gender Protocol Alliance, advocated for the development of a comprehensive and legally binding regional gender protocol. The coalition conducted extensive research and consultations, documenting the need for a regional framework to address gender inequality and related challenges in the SADC region. The Protocol was adopted in 2008.

The SADC Treaty includes provisions on human rights and the promotion of democracy in the region. These provisions promote respect for human rights, good governance, and the rule of law among SADC member states. Article 4 of the SADC Treaty states that the organisation is founded on principles of human rights, democracy, and the rule of law. The Article requires member states to promote and protect human and peoples' rights and to respect the rule of law and democratic principles.

In addition, Article 5 of the SADC Treaty establishes a commitment by member states to uphold and defend human rights and fundamental freedoms. The Article requires member states to work towards establishing a society based on justice, equality, and respect for human dignity.

Furthermore, the SADC Protocol on Gender and Development, which was adopted in 2008, seeks to promote gender equality and women's empowerment in the region. The Protocol includes provisions on women's political participation, access to education and healthcare, and the elimination of gender-based violence. Outside of the Gender Unit, there is no real capacity within the Secretariat on governance and human rights matters. Despite these provisions within the Treaty, human rights abuses continue to occur in some SADC member states. Some human rights organisations have criticised the SADC for not doing enough to hold member states accountable for human rights violations and for not ensuring that its institutions are adequately empowered to promote and protect human rights in the region.

5.5.5 Assembly of Heads of State and Government

The Assembly of Heads of State and Government is the highest decision-making body of SADC. It comprises the Heads of State and Government of all SADC member states. It meets annually to discuss and make decisions on regional integration, peace and security, and sustainable development in the Southern African region. The role of the Assembly is to provide political leadership and direction to SADC and to ensure that the organisation is working towards its objectives of promoting economic, political, and social integration in the region. The Assembly is responsible for approving SADC policies and programmes and providing guidance to the Council of Ministers and other SADC Organs and institutions.

In terms of structure, the Assembly is chaired by the Head of State and Government of the member state that is hosting the annual summit. The chairmanship rotates among member states annually, with each chair serving for a one-year term. The Assembly also has a bureau known as the SADC Troika, which is made up of the chair, the immediate past chair, the incoming chair, and the current and incoming deputy chairs. The Troika is responsible for guiding and supporting the chair in carrying out their responsibilities.

The decisions of the Assembly are taken by consensus, making it susceptible to domination by larger, better-resourced member states. The Summit does not compel member states to comply with their commitments and obligations in accordance with the Treaty. It is important to note that political issues are more prominent on the Summit agenda than economic and regional integration issues. The Summit usually meets once a year in ordinary sessions between July and September in one of the member states. Special and extraordinary Summit meetings are convened to discuss emergency issues when there is a need. For example, in 2009, the Summit met four times, mainly to support the transition in Zimbabwe after the Inclusive Government was set up. The host member's head of state becomes the Chair of the Summit.

The format of the SADC Summit typically includes the following:

- ➔ Opening ceremony: The Summit starts with an opening ceremony where the host country and SADC officials welcome the Heads of State and Government, international guests, and other participants.
- ➔ Closed-door sessions: The main agenda items are discussed in closed-door sessions where only the Heads of State and Government and a few key officials are present. The sessions are used to discuss and make decisions on issues such as regional integration, economic cooperation, peace and security, and other matters of common concern.
- ➔ Plenary sessions: Plenary sessions are held to report on the progress made in the closed-door sessions and discuss any other common issues. These sessions are attended by all the Heads of State and Government and other participants.
- ➔ Side meetings: There may also be side meetings held on the margins of the summit, where Heads of State and Government can discuss bilateral issues or other matters of mutual interest.
- ➔ Closing ceremony: The Summit ends with a closing ceremony where the host country and SADC officials summarise the main outcomes of the Summit and issue a communiqué detailing the decisions made.

The SADC Summit is the highest decision-making body of the SADC and comprises the Heads of State and Government of all SADC member states. The Summit meets annually to provide strategic direction and guidance to the organisation and to consider and approve policies and programmes proposed by other SADC Organs and structures. The authority and function of the SADC Summit are as follows:

- ➔ Strategic direction: The SADC Summit is responsible for setting the strategic direction and priorities for the organisation based on the development needs and aspirations of the region. The Summit provides guidance and direction to other SADC Organs and structures on key regional integration, economic development, and political stability issues.

Civil society activism: In July 2021, members of several Eswatini CSOs forced themselves into a meeting between the SADC and the Eswatini government, after they were excluded from diplomatic talks over the crisis there. The SADC Troika was tasked with meeting with members of civil society, including church groups and non-governmental organisations, to discuss deadly protests in Eswatini. The group accused the government of attempting to exclude key organisations.

- ➔ **Policy development:** The SADC Summit is responsible for developing and approving policies and programmes that promote regional integration, economic development, and political stability. The policies and programmes approved by the Summit are binding on all SADC member states and are implemented through the various SADC Organs and structures.
- ➔ **Political authority:** The SADC Summit has political authority over the organisation and ensures that SADC member states comply with the organisation's Protocols, policies, and decisions. The Summit has the power to make binding decisions on issues related to regional integration, economic development, and political stability in the region.
- ➔ **Dispute resolution:** The SADC Summit has the authority to resolve disputes among SADC member states and to promote the peaceful resolution of conflicts in the region. The Summit can initiate mediation and conflict resolution efforts and can appoint special envoys or mediators to assist in resolving disputes.
- ➔ **Election of SADC leadership:** The SADC Summit is responsible for the election of the Chairperson of the SADC, who serves a one-year term. The Chairperson is responsible for representing SADC on the international stage, promoting the organisation's strategic priorities and objectives, and providing leadership and guidance to other SADC Organs and structures.
- ➔ **Coordination:** The SADC Summit is responsible for coordinating the activities of the various SADC Organs and structures and ensuring coherence and alignment in the implementation of SADC policies and programmes.

Overall, the SADC Summit plays a critical role in setting the strategic direction and priorities for the organisation, promoting regional integration, economic development, and political stability in Southern Africa, and ensuring that SADC member states comply with the organisation's Protocols, policies, and decisions. However, the overall Summit remains a very closed space for CSOs. At best, CSOs would meet on the margins of the Summit and issue statements and ensure that these are widely communicated. During the 2022 Summit, CSO statements focused on expressing concern about the shrinking space for civil society at the regional and local levels.

5.5.6 Ministerial structures

The SADC has several political-level meetings to discuss and make decisions on regional integration, peace and security, and sustainable development in the Southern African region. Central to the work is a Council of Ministers. The Council of Ministers is made up of ministers responsible for foreign affairs or other designated ministers from member states. The Council meets twice a year to review progress and discuss and make decisions on various issues related to regional integration, peace and security, and sustainable development.

The Council is responsible for the overall policy direction and coordination of SADC activities. It is made up of the ministers of foreign affairs and other ministers designated by member states. SADC has several Ministerial Committees that focus on specific issues, such as trade, finance, energy, agriculture, water, and the environment. These Committees are responsible for providing technical advice and recommendations to the Council of Ministers on issues related to their respective sectors. SADC also arranges meetings of finance ministers. This meeting brings together finance ministers from SADC member states to discuss and make decisions on regional financial cooperation issues, including mobilising financial resources for development, economic integration, and sustainable growth. In addition, SADC also arranges sectoral meetings of Ministers.

5.5.7 Meetings of Ambassadors

The SADC also has meetings of Ambassadors from member states that are held to discuss and coordinate the implementation of SADC policies and programmes. The Council of Ministers established the Committee of Ambassadors/High Commissioners on 25 February 2005. Under the revised terms, the functions of the Committee are as follows:

- Advise the SADC National Committees on issues related to the implementation of SADC programmes and activities;
- Facilitate interaction and consultations between member states and the SADC Secretariat;
- Consider matters related to implementing the RISDP and the Strategic Plan and make appropriate recommendations to the SADC National Committees; and
- Follow-up the implementation of Council decisions; and carry out any other functions at the behest of the Council.

SADC has also established further committees and structures to support its work. These include:

- SADC Donor Coordination Group: This Group is made up of representatives from SADC member states, development partners, and international organisations. It meets regularly to discuss and coordinate support for SADC programmes and activities.
- SADC Development Finance Institutions (DFI) Forum: The DFI Forum is made up of representatives from SADC member states' development finance institutions. It provides a platform for sharing information and experiences and for coordinating support for SADC development projects.

5.5.8 Implementation structures

The SADC has several implementation structures that are responsible for implementing SADC policies and programmes. These implementation structures include:

- SADC Secretariat: The Secretariat is the principal executive institution, responsible for implementing SADC policies and programmes. It is headquartered in Gaborone, Botswana, and has a few Directorates that focus on specific areas, such as trade, finance, infrastructure, and gender.
- SADC National Contact Points (NCPs): The NCPs are established in each member state and are responsible for coordinating and implementing SADC policies and programmes at the national level. The NCPs work with relevant government ministries and agencies, as well as with civil society and private sector organisations, to ensure the effective implementation of SADC policies and programmes.
- SADC National Committees: These structures are linked to the work of the NCPs and are assembled to provide inputs at national level in the formulation of regional policies and strategies, as well as coordinate and oversee the implementation of programmes at national level. The Committees are also responsible for the initiation of SADC projects and issue papers as an input into the preparation of the Regional Strategies. The Committees comprise key stakeholders from government, the private sector and civil society in each member state and a provision for their establishment is reflected in the SADC Treaty.
- SADC specialised institutions: SADC has several specialised institutions that focus on specific areas, such as health, agriculture, and water management. These institutions are responsible for implementing SADC programmes and activities in their respective areas

of specialisation and work closely with the SADC Secretariat and other implementation structures to ensure the effective implementation of SADC policies and programmes.

These implementation structures are expected to work together to ensure SADC policies and programmes are effectively implemented. They coordinate efforts at the national and regional levels and work closely with civil society and private sector organisations to ensure that SADC's objectives of regional integration, peace and security, and sustainable development are achieved in the Southern African region.

5.5.9 Secretariat

The Secretariat of the SADC is the principal executive institution, responsible for implementing SADC policies and programmes. Its role and functions include:

- ➔ Providing technical and administrative support to SADC member states: The Secretariat provides technical and administrative support to SADC member states to help them implement SADC policies and programmes effectively.
- ➔ Coordinating SADC programmes and activities: The Secretariat is responsible for coordinating SADC programmes and activities to ensure that they are implemented effectively and efficiently. It works closely with member states, RECs, and specialised institutions to achieve SADC's objectives.
- ➔ Providing strategic guidance to SADC member states: The Secretariat provides strategic guidance to SADC member states on regional integration, peace and security, and sustainable development issues. It works closely with member states to identify key priorities and to develop strategies to address them.
- ➔ Facilitating trade and investment: The Secretariat plays a critical role in promoting trade and investment in the Southern African region. It works closely with member states to identify trade and investment barriers and develop strategies to address them.
- ➔ Promoting regional integration: The Secretariat is responsible for promoting regional integration in the Southern African region. It works closely with member states to identify integration opportunities and develop policies and programmes to support integration efforts.
- ➔ Mobilising resources: The Secretariat is responsible for mobilising financial and technical resources to support SADC programmes and activities. It works closely with development partners, international organisations, and private sector organisations to effectively secure the resources needed to implement SADC programmes and activities.

Overall, the Secretariat plays a critical role in implementing SADC policies and programmes and promoting regional integration, peace and security, and sustainable development in the Southern African region. It works closely with member states, RECs, specialised institutions, and other stakeholders to achieve SADC's objectives. The SADC Secretariat is comprised of ten Directorates and a series of Units. The Directorates are as follows:

- ➔ Directorate of Policy, Planning and Resources Mobilisation (PPRM): This Directorate reports to the Deputy Executive Secretary for Regional Integration and it is responsible for policy analysis, planning and programming, monitoring and evaluation, and resource mobilisation.

- ➔ Directorate of Industrial Development and Trade (IDT): This Directorate reports to the Deputy Executive Secretary for Regional Integration, and its mandate is to ensure that the SADC region is self-sufficient in goods and services that can be traded within the region and with the world. The mandate encompasses the whole chain of activities, beginning at product inception with scientific research and development, to industrial value chain production and setting of the specification of the goods and services in standards and technical regulations, and then finally to trade.
- ➔ Directorate of Finance, Investment and Customs (FIC): This Directorate reports to the Deputy Executive Secretary for Regional Integration. It is mandated to facilitate trade and financial liberalisation and to create an enabling environment for investment, all contributing to deeper regional economic integration, growth, and poverty eradication.
- ➔ Directorate of the Organ on Politics, Defence and Security Affairs (OPDSA): This Directorate reports to the Executive Secretary and covers areas of politics and diplomacy, defence, state security, public security and police. It coordinates the implementation of the SADC Organ on Politics, Defence and Security – an institutional framework for coordinating policies and activities on politics, defence, and security to promote regional peace and security.
- ➔ Directorate of Infrastructure: This Directorate reports to the Deputy Executive Secretary-Regional Integration, and its mandate is to achieve efficient, seamless, integrated, and cost-effective cross-boundary infrastructure networks and services that will enable economic development, regional integration, and poverty alleviation. It covers the sectors of energy, transport, ICT, water and meteorology.
- ➔ Directorate of Food, Agriculture and Natural Resources (FANR): This Directorate reports to the Deputy Executive Secretary-Regional Integration and supports initiatives to improve food availability, access, safety and nutritional value; disaster preparedness for food security; equitable and sustainable use of the environment and natural resources; and strengthening institutional frameworks and capacity building.
- ➔ Directorate of Social and Human Development (SHD): This Directorate reports to the Deputy Executive Secretary-Regional Integration and is mandated to ensure the availability of educated, skilled, healthy, and productive human resources required for promoting investment, efficiency, and competitiveness of the region in the global economy, as well as improving the quality of lives of the region's population. The Directorate covers health and nutrition, HIV and AIDS, employment, labour and youth, and education and skills development.
- ➔ Directorate of Internal Audit and Risk Management (IARM): This Directorate reports to the Executive Secretary and is mainly responsible for providing assurance on internal controls within the Secretariat. It has been structured to address two aspects of its mandate. On one side, it is responsible for the coordination of risk management for the entire Secretariat, and, on the other hand, it assures risk mitigation measures and internal control environment through the internal audit function.
- ➔ Directorate of Finance: This Directorate reports to the Deputy Executive Secretary for Corporate Affairs, and its overall mandate is to deliver an effective and efficient financial advisory service within the SADC Secretariat, which ensures the achievement of the SADC Secretariat's financial objectives. The Directorate of Finance covers accounting services, grants/contracts, treasury, and budgets.

- ➔ Directorate of Human Resources and Administration (DHRA): This Directorate reports to the Deputy Executive Secretary for Corporate Affairs and is mandated to provide efficient and effective services in the areas of human resources, administration, records management, and conference services that support the SADC Secretariat's fulfilment of its key mandate towards regional integration and socio-economic development.

In the main, the units are focused on internal matters, such as conferring, communication, procurement, legal issues and ICT. Amongst these is a unit that is specifically focused on gender issues across SADC, including the implementation of the SADC Protocol on Gender and Development. A core concern for many within civil society is that the Secretariat is weak and has limited power to engage member states on their obligations. As part of the SADC We Want Campaign, civil society campaigned for the transformation of the Secretariat into an Authority to make it easier to hold member states to the commitments they make.

5.5.10 Other implementation bodies

SADC has several specialised technical institutions supporting the organisation's promotion of regional integration, economic development, and political stability in Southern Africa. These institutions are responsible for various areas of development and cooperation in the region and work closely with SADC member states to promote regional cooperation and integration. Some of the key specialised technical institutions in SADC are:

- ➔ SADC Centre for Renewable Energy and Energy Efficiency (SACREEE): SACREEE is a specialised technical institution promoting the development and use of renewable energy and energy efficiency technologies in Southern Africa. It works closely with SADC member states to develop policies and programmes that promote the adoption of clean energy technologies and to build capacity in the renewable energy sector.
- ➔ SADC Development Finance Resource Centre (SADC-DFRC): The DFRC is a specialised technical institution that provides training, research, and advisory services on development finance and investment in Southern Africa. It works closely with SADC member states and other institutions to promote investment in key development sectors and build capacity in the finance sector.
- ➔ SADC Regional Laboratory Association (SRLA): The SRLA is a regional organisation that promotes cooperation and collaboration in the field of laboratory testing and analysis. It works closely with SADC member states to build capacity in the laboratory sector and to ensure that laboratory services meet international standards.
- ➔ SADC Humanitarian and Emergency Operations Centre (SHOC): SHOC is responsible for the coordination of regional disaster risk preparedness, response and early recovery to support member states affected by disasters. The Centre facilitates the supply chain management of equipment and supplies that SADC responders require during disasters.
- ➔ SADC Regional Counter-Terrorism Centre (SADC RCTC): The RCTC was established in accordance with the provisions of the SADC Treaty, the Protocol on Politics, Defence and Security Cooperation of 2001, and the SADC Mutual Defence Pact of 2003, all of which are geared towards the preservation of peace, security, and stability in the SADC region.
- ➔ SADC Electoral Advisory Council (SEAC): SEAC was formed to transform election observation, the conduct of democratic elections and the prevention of electoral-related conflicts in the SADC Region. Established in August 2005 in terms of Article 9(2) of the SADC Treaty by the SADC Summit held in Gaborone, Botswana, SEAC's broad mandate is to advise...

- ➔ SADC Regional Fisheries Monitoring Control and Surveillance Coordination Centre (MCSCC): Regional monitoring control and surveillance (MCS) coordination centres around the world provide a range of different services, but all focus on the facilitation and coordination of assets, people, and information to improve efficiency and effectiveness of national MCS activities and cost-effective regional collaboration.
- ➔ SADC Plant Genetic Resources Centre (SPGRC): The SPGRC, which falls under the FANR Directorate, works with national plant genetic resources centres (NPGRCs) in each of the SADC member states to coordinate collection, conservation and utilisation of plant genetic diversity and variability of Southern Africa.
- ➔ SADC Administrative Tribunal (SADCAT): The Tribunal was established by a Resolution of the SADC Summit meeting held in Gaborone, Botswana, on 18 August 2015, according to Article 9(2) and 10(6) of the SADC Treaty. SADCAT has jurisdiction to hear and determine labour disputes between the SADC Secretariat or any of its institutions as an employer and an employee.

These specialised technical institutions play an important role in supporting SADC's mandate of promoting regional integration, economic development, and political stability in Southern Africa. They work closely with SADC member states to promote cooperation and collaboration in key development sectors and to build capacity in critical areas of development and cooperation.

5.6 Overview of annual events

The SADC has several annual events that bring together member states, development partners, CSOs, and other stakeholders to discuss and review progress on regional integration, peace and security, and sustainable development in the Southern African region. These events include:

- ➔ SADC Summit: The Summit is the highest decision-making body of SADC and is held annually. It brings together Heads of State and Government from SADC member states to discuss and make decisions on issues related to regional integration, peace and security, and sustainable development in the Southern African region.
- ➔ SADC Council of Ministers Meeting: This Meeting is held twice a year and brings together ministers responsible for foreign affairs or other designated ministers from member states. The Council of Ministers reviews progress and makes decisions on various issues related to regional integration, peace and security, and sustainable development.
- ➔ SADC Standing Committee of Officials Meeting: This Meeting is held several times a year and brings together senior officials from SADC member states. The Meeting discusses and provides recommendations on various issues related to SADC's programmes and activities.
- ➔ SADC People's Summit: The People's Summit is a civil society platform that brings together representatives from CSOs across the Southern African region. It allows civil society to engage with SADC member states and contribute to regional integration, peace and security, and sustainable development in the Southern African region.
- ➔ SADC Media Awards: The Media Awards recognise and reward excellence in journalism in the Southern African region. The Awards celebrate the role of media in promoting regional integration, peace and security, and sustainable development in the Southern African region.

Overall, these annual events allow member states, development partners, CSOs, and other stakeholders to discuss and review progress on regional integration, peace and security, and sustainable development in the Southern African region. SADC also arranges some sporting and cultural activities. These seem not to be arranged regularly, but generally include:

- ➔ SADC Games: This event is held every two years and brings together athletes from member states to compete in various sporting disciplines. The games were last held in 2018 in Windhoek, Namibia.
- ➔ SADC Arts and Culture Festival: This event is held every two years and showcases the rich cultural heritage of the SADC region through music, dance, theatre, and visual arts. The festival was last held in 2018 in Gaborone, Botswana.
- ➔ SADC Youth Games: This event is held every two years and brings together young athletes from member states to compete in various sporting disciplines. The Youth Games were last held in 2018 in Gaborone, Botswana.
- ➔ SADC Film and Television Festival: This event is held every two years and showcases the works of filmmakers and television producers from the region. The festival was last held in 2019 in Maputo, Mozambique.

These are just a few examples of SADC sporting and cultural events. Other events include music festivals, fashion shows, and food festivals. SADC includes a calendar of upcoming events on its website. In addition, SADC Day is celebrated on 17 August every year to commemorate the establishment of SADC in 1992.

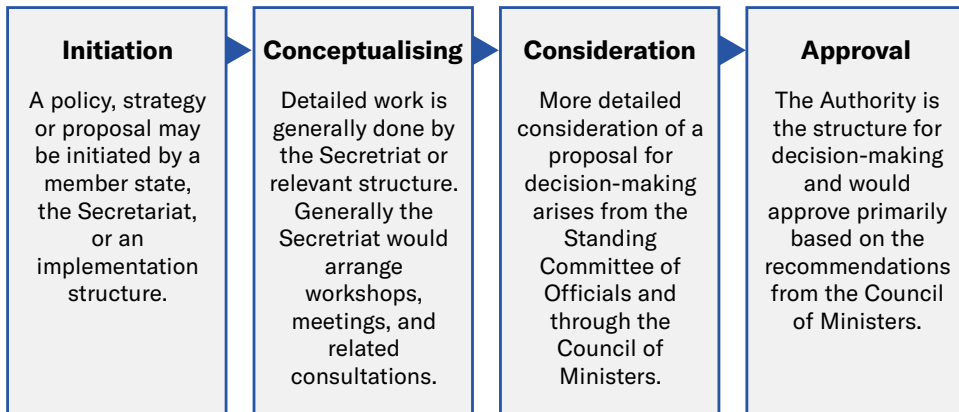
5.7 Decision-making processes

Formal decisions are reflected in different types of documents. These include Charters, Conventions, Protocols and Resolutions. There is a general hierarchy of decision-making and related authority. Details on delegations are often unclear, as is generally the case with large multilateral institutions. The decision-making process of the SADC involves several Organs and institutions, each with specific roles and responsibilities.

- ➔ SADC Summit: The Summit is the highest decision-making body of SADC and is made up of Heads of State and Government from member states. The Summit meets annually to review regional integration, peace and security, and sustainable development progress and make decisions on key policy issues.
- ➔ SADC Council of Ministers: The Council of Ministers is composed of ministers responsible for foreign affairs or other designated ministers from SADC member states. The Council meets twice yearly to review progress on regional integration, peace and security, and sustainable development and make decisions on key policy issues. It reports to the SADC Summit.
- ➔ SADC Standing Committee of Officials: The Standing Committee is made up of senior officials from member states. The Committee meets several times a year to review progress on SADC programmes and activities and to provide recommendations on key policy issues. It reports to the SADC Council of Ministers.
- ➔ SADC Secretariat: The Secretariat is the principal executive institution of SADC, responsible for implementing SADC policies and programmes. The Secretariat provides technical and administrative support to the other Organs of SADC and is key in coordinating the decision-making process.

The decision-making process of SADC involves a consultative and consensus-based approach. Decisions are usually made by consensus, with member states working together to reach an agreement on key policy issues. The Secretariat plays a critical role in facilitating the decision-making process by providing technical and administrative support to member states and by helping to coordinate their efforts. The following figure broadly reflects the process of moving from initiation to approval.

Figure 25: Decision-making process of SADC



Overall, the decision-making process of SADC is designed to be inclusive, consultative, and consensus-based. It involves several Organs and institutions, each with specific roles and responsibilities, working together to achieve SADC's objectives of regional integration, peace and security, and sustainable development in the Southern African region. The information available points to the importance of the Standing Committee of Officials as being a key structure within the decision process.

5.8 Resourcing and capacity

The financing of SADC is primarily through contributions from member states, supplemented by support from development partners and other external sources. The main sources of funding for SADC include:

- ➔ **Member state contributions:** SADC member states contribute to financing SADC through annual contributions. Each member state's contribution is based on a formula that takes into account the size of the country's economy and its population.
- ➔ **Donor support:** SADC receives support from a range of development partners, including multilateral development banks, bilateral donors, and international organisations. Donor support is primarily directed towards specific programmes and activities and is intended to supplement member state contributions.
- ➔ **Resource mobilisation:** SADC also engages in resource mobilisation efforts to generate additional funding for its programmes and activities. This includes seeking support from the private sector and from other external sources.

- ➔ **Cost-sharing arrangements:** SADC also uses cost-sharing arrangements to fund specific programmes and activities. Under these arrangements, member states contribute a portion of the costs of a particular programme or activity, with the remainder of the costs being covered by external funding.

SADC's budget is prepared by the Secretariat and approved by the Council of Ministers. The budget is based on the priorities and objectives of SADC and is designed to support the implementation of SADC's programmes and activities. The budget is reviewed annually, and adjustments are made as necessary to reflect changing priorities and funding availability. Overall, the financing of SADC is primarily through member state contributions, supplemented by support from development partners and other external sources. SADC also engages in resource mobilisation efforts and cost-sharing arrangements to support its programmes and activities. The financing of SADC is designed to ensure that SADC's objectives of regional integration, peace and security, and sustainable development are achieved in the Southern African region.

The budget process begins with the preparation of a budget framework paper that outlines the priorities, goals, and expected outcomes of the budget. The budget framework paper is prepared by the Secretariat in consultation with the member states and other stakeholders. The Council of Ministers reviews the budget proposals and adjusts as necessary to ensure that they align with the priorities and goals of SADC. Approval of the budget: The Council of Ministers approves the budget and submits it to the Summit of Heads of State and Government for review and approval. Once the budget is approved, the Secretariat implements the budget by allocating funds to various programmes and projects, monitoring expenditures, and reporting on progress to the Council of Ministers and other stakeholders. The budget is subject to audit by the Audit Committee, which is responsible for ensuring that funds are used in accordance with the budget and that there is transparency and accountability in the management of resources.

The SADC budget typically includes two main components: the administrative budget and the development budget. The administrative budget covers the running costs of the organisation, while the development budget covers the implementation of SADC programmes and projects aimed at promoting economic integration, social development, and political cooperation among member states.

The procurement of goods and services by the SADC is a comprehensive and transparent process that is designed to ensure that procurement is conducted in an efficient, effective, and accountable manner. SADC prepares a procurement plan and budget that outline the procurement requirements, timelines, and budgetary allocations. SADC advertises the procurement opportunity through its website and other appropriate channels. Potential suppliers are invited to submit bids, and SADC evaluates the bids according to established criteria. SADC awards the contract to the successful bidder who meets the required criteria. The SADC procurement process is guided by the SADC Procurement Manual, which sets out the procedures, rules, and regulations governing procurement activities.

SADC finances are audited by an external audit firm working under the direction of the Audit Committee. The Audit Committee was established by the Council of Ministers in March 2011 for the purpose of reviewing compliance with the financial, regulatory, corporate governance, accountability and transparency framework for SADC under provisions of the Treaty. The Committee is constituted of the Heads of Audit from five member countries and appointed directly by the Council of Ministers. There is limited evidence of CSO involvement in exercising oversight over the use of SADC resources and the audit reports presented. The audit reports often form part of the organisation's annual report.

5.9 Relationships with civil society

The relationship between SADC and civil society has always been complex and difficult. The formal modalities of engagement remain fairly limited despite the provisions within the framework of the SADC Treaty. Article 5 of the Treaty includes a provision that encourages the participation of people and organisations in the implementation of the organisation's programmes. Article 16 provides for the participation of CSOs in the activities of the SADC at a national level. It provides that the National Committee should involve all stakeholders. Article 23 is substantive as it indicates that SADC shall involve the people in the region and key stakeholders in the process of regional integration. It also calls for cooperation to foster closer cooperation between organisations and the region's people. The actual modalities of participation are both at a formal level and within the framework of more grounded informal arrangements established with different SADC institutions.

5.9.1 Formal structural relationships

SADC recognises the important role that CSOs can play in promoting regional integration, peace and security, and sustainable development in the Southern African region. As such, SADC has established formal relationships with CSOs through the following mechanisms:

- ➔ **SADC Civil Society Forum:** The Forum is a platform for CSOs to engage with SADC member states on regional integration, peace and security, and sustainable development issues. The Forum is held annually and allows CSOs to make recommendations to SADC member states on key policy issues. The Apex Alliance of members of civil society exercises the authority to convene and includes the Economic Justice Network of the Fellowship of Christian Councils in Southern Africa (FOCCISA), the Southern African Trade Unions Coordinating Council (SATUCC), and the SADC Council of Non-Governmental Organisations (SADC-CNGO). The SADC-CNGO serves as the secretariat of the Apex Alliance and provides all the logistical as well as technical support for the Forum.
- ➔ **SADC-CSO dialogues:** SADC also holds periodic dialogues with CSOs to discuss regional integration, peace and security, and sustainable development issues. The dialogues provide an opportunity for CSOs to provide input into SADC's decision-making process and identify areas where they can work together with SADC to achieve common objectives.

These mechanisms provide formal channels for CSOs to engage with SADC on regional integration, peace and security, and sustainable development. They allow CSOs to provide input into the decision-making process of SADC and to work together with SADC to achieve common objectives in the Southern African region.

The realities of practice suggest that SADC remains a very closed organisation and has not made substantive progress on engagements with civil society. CSOs have engaged with the challenges associated with the lack of clear modalities, and a report was produced by the Southern Africa Trust in 2018 to advise SADC on establishing a mechanism for engagement with non-state actors. The report details actions that SADC can introduce consistent with the Treaty. The detailed reports included a roadmap for implementation.⁶⁰ While there has been engagement on the possibility of having a new mechanism, the pace is slow, and there is substantive resistance

60 Southern Africa Trust 'The proposed SADC Mechanism for Engagement with Non-State Actors in line with Treaty provisions' (2018) https://knowledgehub.southernafricatrust.org/site/assets/files/1772/the_proposed_sadc_mechanism_for_engagement_with_non-state_actors_in_line_with_treaty_provisions.pdf

from member states.⁶¹ Guidelines for accreditation of CSOs under the engagement mechanism have now been developed.

5.9.2 Informal relationships

In addition to the formal relationships between CSOs and SADC, there are also several informal relationships and channels of communication. These include:

- ➔ Informal meetings: CSOs and SADC officials often participate in informal meetings and discussions outside of formal channels. These meetings provide an opportunity for CSOs to share their perspectives and insights on key policy issues and for SADC officials to learn more about the work of CSOs in the region.
- ➔ Workshops and training sessions: SADC and CSOs often collaborate in workshops and training sessions that are designed to build the capacity of CSOs to engage with SADC on issues related to regional integration, peace and security, and sustainable development. These workshops and training sessions allow CSOs to learn more about SADC and its programmes and share their perspectives and insights with SADC officials.
- ➔ Joint advocacy campaigns: SADC and CSOs often collaborate on joint advocacy campaigns to promote regional integration, peace and security, and sustainable development in the Southern African region. These campaigns allow CSOs to work with SADC to achieve common objectives and raise awareness about key policy issues.
- ➔ Informal feedback mechanisms: SADC officials often seek feedback and input from CSOs on key policy issues through informal channels such as email, phone calls, or social media. This allows CSOs to provide input into the decision-making process of SADC in a timely and efficient manner.

Overall, these informal relationships and channels of communication between CSOs and SADC play an important role in promoting dialogue and collaboration between the two groups. They allow CSOs to provide input into the decision-making process of SADC and to work together with SADC to achieve common objectives in the Southern African region. However, outside of the varied engagement efforts of CSOs and some officials, there is a general view that officials often take cues from member states and, relative to other RECs, are generally much more reluctant to engage with civil society. The staff of SADC generally exercises caution when engaging with non-state actors as they tend to be afraid of stepping on member states' toes, which creates a situation where CSO participation is often dependent on the goodwill of individual officials.

5.9.3 Regional civil society networks

Several civil society networks in the SADC region work on issues related to regional integration, peace and security, and sustainable development. Some of the major networks include:

- ➔ SADC Council of NGOs (SADC-CNGO): SADC-CNGO is the umbrella body for CSOs in the Southern African region and is recognised by SADC as the main platform for CSO engagement with SADC. SADC-CNGO has over one thousand member organisations and works to promote dialogue and collaboration between CSOs and SADC on key policy issues. SADC-CNGO has struggled to sustain its work as is largely reliant on funding from donors. The organisation, however, remains active, arranges various meetings on issues of concern within the region, and retains a relationship with the SADC Secretariat.

61 See for example the inputs of the Minister of Foreign Affairs of Zimbabwe at an Executive Council meeting held to discuss the mechanism for participation: S Mail 'SADC urged to monitor NGOs'. Sunday Mail (Online) 2023 <https://www.sundaymail.co.zw/sadc-urged-to-monitor-ngos>

- ➔ SADC Gender Protocol Alliance: The Gender Protocol Alliance is a coalition of CSOs that promotes gender equality and women's empowerment in the Southern African region. The Alliance works closely with SADC to promote the implementation of the SADC Gender Protocol, a regional framework for addressing gender inequalities in the Southern African region.
- ➔ SADC Alliance for Food Sovereignty: The Alliance for Food Sovereignty is a coalition of CSOs that works to promote food sovereignty and agroecology in the Southern African region. The Alliance promotes policies and practices that support small-scale farmers and promote sustainable agriculture.
- ➔ The Southern African Anti-Corruption Network (SAACoN): The organisation is focused on the SADC Protocol and has members from across SADC countries. The main objectives of SAACoN are to achieve a corruption-free and prosperous SADC region.
- ➔ SADC People's Summit (or Civil Society Forum): The SADC People's Summit is an annual event that brings together CSOs from across the Southern African region to discuss key policy issues related to regional integration, peace and security, and sustainable development. The Summit provides an opportunity for CSOs to share their perspectives and insights with SADC officials and to advocate for policies that reflect the needs and priorities of the region's people. The Summit or Forum is generally arranged before or on the margins of the SADC Summit of Heads of State and Government.

A variety of other organisations in the region have a wider focus and incorporate the SADC in their focus. Overall, these civil society networks play an important role in promoting dialogue and collaboration between CSOs and SADC on key policy issues in the Southern African region. They provide a platform for CSOs to share their perspectives and insights with SADC officials and to work together with SADC to achieve common objectives related to regional integration, peace and security, and sustainable development.

5.9.4 Civil society influence and strategies

CSOs play an essential role in SADC by advocating for policy change, promoting good governance, and ensuring that the interests of various stakeholder groups are considered. Although the extent of their influence may vary across different countries and sectors, CSOs have had some impact on SADC in several ways.

Advocacy and policy recommendations: CSOs actively engage in advocacy efforts to influence policy-making processes nationally and regionally. They provide policy recommendations, research, and analysis to governments and SADC institutions, contributing to informed decision-making and promoting transparency and accountability. For example, CSOs from the SADC region come together to form the Coalition for the Restoration of the SADC Tribunal, which focuses on restoring the SADC Tribunal's original mandate. The coalition aims to raise awareness about the importance of the Tribunal as a regional mechanism for promoting human rights, access to justice, and the rule of law.

Monitoring and evaluation: CSOs often monitor the implementation of SADC policies and agreements at the national level, assessing their effectiveness and impact. They provide independent analysis and feedback, which can help identify challenges, shortcomings, and areas for improvement. For example, the Southern Africa Gender Protocol Alliance championed the adoption of the SADC Protocol on Gender and Development (2008) producing an annual

Barometer to track progress in achieving gender equality in the SADC region against the targets of the Protocol. CSOs in the region have been key to championing actions needed for the implementation of agreements and adopted plans.

Capacity building and technical support: CSOs provide capacity building and technical assistance to governments, institutions, and communities in various sectors, such as health, education, and human rights. They also facilitate the exchange of knowledge, best practices, and lessons learned within the region. One example of a CSO building the capacity of the SADC Secretariat is the Southern Africa Resource Watch (SARW). SARW is a regional network of NGOs promoting transparent and accountable management of natural resources in the SADC region. SARW has been working with the SADC Secretariat since 2006 and has played a key role in building the capacity of the Secretariat on issues related to natural resource governance.

Representation and inclusiveness: Civil society helps ensure that diverse voices and perspectives are heard in regional policy-making processes. CSOs represent the interests of marginalised groups, such as women, youth, and people with disabilities, and work to ensure that their concerns are addressed in SADC policies and programmes. For example, the Working Group for Indigenous Minorities in Southern Africa (WIMSA) has been actively lobbying SADC on the issues related to the rights of San communities of the Southern African region. The intention is to establish a San Council to be officially recognised by SADC.

Public awareness and engagement: CSOs play a crucial role in raising public awareness about regional integration, policy issues, and socio-economic challenges. They organise public forums, workshops, and campaigns to engage citizens, stimulate debate, and promote active participation in the SADC integration process. For example, SADC-CNGO has arranged various public awareness campaigns, including workshops, seminars, and conferences on SADC-related issues. SADC-CNGO has also been active on social media platforms such as Facebook and Twitter, where they share updates and news on SADC-related issues and engage with the public on these issues.

However, the influence of civil society over SADC is not without challenges. In some member states, CSOs face political constraints, limited access to funding, and a lack of capacity to engage effectively in regional processes. Additionally, the relationship between CSOs and governments can be adversarial at times, with some governments viewing civil society as a threat to their authority rather than a development partner.

The agenda and papers for the SADC Summit and Council of Ministers meetings are unavailable before the meeting. CSOs are forced to rely on national governments or Secretariat officials for information on the details of the agendas. This undermines preparations by the CSO Forum, which often must rely on the theme for guidance on priority issues for their engagements. There is no formal channel to provide technical inputs to the Summit or Council of Ministers by CSOs. Publications and communiqués from civil society are circulated during Summits and the preceding Council of Ministers meetings without a formal channel for making input. Ministers from member states and senior officials from the Secretariat sometimes accept invitations to CSO side meetings and events where they are handed communiqués and statements for onward transmission. There has been a growing push from civil society on their engagements in the policy process and the imperatives of ensuring effective participation. CSOs in the region have also cooperated in wider inter-regional efforts in specific policy areas, such as on gender issues.

5.10 Summary of key integration issues

The region is dynamic and subject to constant changes, which impact regional integration and hence the agenda of SADC itself. The issues are constantly evolving and require ongoing engagement to appreciate the key concerns of governments in the region and within the structures of SADC. The following provides a broad synopsis of some critical challenges that continue to shape regional engagements.

Security and political instability: Several SADC countries have experienced political unrest, disputed elections, and governance challenges. For example, Zimbabwe has faced political and economic crises, while countries like Mozambique and Eswatini have grappled with political unrest. Aside from the developments in Mozambique, it is likely that matters relating to Zimbabwe and Eswatini will continue to feature as areas of concern for civil society in the region. SADC will probably need to engage further on issues relating to governance in some of its member countries. Furthermore, the region faces various security threats, such as the rise of extremist groups and armed conflicts. For example, Mozambique has been dealing with an Islamist insurgency in its northern Cabo Delgado province, which has led to violence, loss of lives, and displacement of people.

Economic inequality and underdevelopment: The region has significant income disparities and high levels of poverty, unemployment, and underdevelopment. Many SADC countries are heavily dependent on commodities, making them susceptible to fluctuations in global markets and external shocks. The difficulties experienced in South Africa related to inequality are not unique and likely to impact other countries in the region. The challenges incorporate issues related to migrant workers in the region and hence are likely to impact deliberations within SADC on the movement of people. Some countries in the region continue to negotiate directly on the movement of their citizens into, for example, South Africa.

Health crises: The COVID-19 pandemic has put a significant strain on the health systems and economies of SADC countries. Additionally, the region has been grappling with other health challenges, such as HIV/AIDS and malaria. Health issues continue to take on a regional reality as many people move across borders to access healthcare. In addition, there is a growing movement of health workers within the region and away from the region. These matters are likely to continue to feature as concerns in SADC deliberations.

Climate change and environmental degradation: Climate change poses a significant threat to the region, with consequences including increased droughts, floods, and food insecurity. These challenges exacerbate existing vulnerabilities and create new risks for the population, especially those reliant on agriculture. The August 2022 Summit adopted a Memorandum of Agreement for the Establishment of SADC Humanitarian and Emergency Operations. The

establishment of such operations should be an element of priority as it would enhance SADC's capacity to respond to environmental changes and related consequences for the people in the region.

Regional integration and global development: Although SADC made progress in promoting regional integration and trade, challenges remain in implementing key policies, harmonising regulations, and removing trade barriers among its member states. This has limited intra-regional trade and slowed economic integration. The January 2023 Summit also gave priority to the challenges associated with the non-alignment of members as it related to the conflict in Ukraine. In particular, the attention is focused on the efforts of the USA embodied in the Countering Malign Russian Activities in Africa Act. In addition, SADC is engaging the AU for the development of a common African position.

The communiqués arising from SADC Summits provide a useful framework for identifying the issues that the Heads of State and Government prioritise. However, these may not always reflect the priority challenges faced by communities. CSOs can influence the agenda of SADC through deeper advocacy and engagement to highlight challenges and areas where progress has been minimal. The realities of practice suggest that SADC has been much slower in efforts related to the free flow of people and general trade across borders. In addition, SADC has limited its value as it has not established appropriate structures for participation and for the exercise of legal oversight over agreements forged in the region. A core thread in recent civil society engagements is that the space within the region and states for civil society is closing and there has been democratic regress.

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