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**PROGRESS REPORT ON THE PROCESS OF ELECTIONS INTO THE
2ND PERMANENT GENERAL ASSEMBLY OF THE ECONOMIC,
SOCIAL AND CULTURAL COUNCIL OF THE AFRICA UNION
(ECOSOCC)**

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1. Council will recall that it adopted Decision EX.CL/Dec.716 on the Economic, Social and Cultural Council (ECOSOCC) during its 21st Ordinary Session held in Addis Ababa, Ethiopia in July 2012. That Decision, amongst others, directed “the Commission to make necessary arrangements to conduct elections for the ECOSOCC Permanent General Assembly on due date in accordance with EX.CL./Dec.656(XXI) and the ECOSOCC Statutes.”

ELECTION FRAMEWORK

2. In response, the Commission proceeded by developing an election framework that would facilitate the completion of this assignment on due date. The framework had four basic components as follows:

- a) **A Call for Application**: Prior to the Summit, the Secretariat in the Commission had already initiated a call for application on 29 June 2012 in view of the fact that the statutory tenure of the 1st ECOSOCC Assembly will expire on 7 September 2012. After the Summit Decision, the Commission set a deadline of 31 August 2012 for the receipt of applications.
- b) **Process of Receiving and Sorting out of Applications**: The Secretariat in the Commission was charged with the process of receiving and labeling applications for membership at national, regional and continental levels in accordance with the Statutes. The Secretariat was directed to catalogue all applications and send acknowledgements but to make no decisions regarding appraisal or eligibility.
- c) **Procedure for Verification and Appraisal of Eligibility**: The Chairperson of the Commission established an Interdepartmental Committee comprising all relevant arms of the Commission including the offices of the Chairperson and Deputy Chairperson, the Secretariat in CIDO, Office of the Legal Counsel, Strategic Planning, Internal Audit, Finance and Conferences to appraise and scrutinize the applications and determine eligibility of candidates applying for membership in accordance with Article 6 of the ECOSOCC Statutes that sets the criteria for membership. The representative of the Office of the Chairperson served as Chairperson of the Committee.
- d) **Election Management** : The Office of the Legal Counsel was charged with responsibility for producing electoral guidelines and conducting elections accordingly.

OUTCOME OF THE VERIFICATION AND APPRAISAL PROCESS

3. The Commission set timelines for this process and had expected that the outcomes of the verification process would facilitate early elections between September and early November 2012. However, the process was delayed and the call for application extended twice because the appraisal process produced few eligible candidates. Ample number of applications were received but only a very limited number met the qualification requirements. The Committee met twice from 10-12 October 2012 and 5-7 March 2013 to review two hundred and nineteen (219) applications received from African NGOs out of which only fifty-two (52) applications met the eligibility requirements specified in the ECOSOCC Statutes. The Committee concluded that if elections were to be held on this basis including where there is only one candidate, the total number of membership will be thirty-seven (37) out of the required one hundred and thirty (130) members, excluding the twenty (20) CSOs from the African Diaspora since the framework for their participation had not yet been elaborated. It considered that the thirty-seven (37) members will not be able to operate due to lack of quorum and, in any case, cannot discharge the functions of ECOSOCC effectively. It then recommended that the elections be postponed to allow adequate representation, spread and regional balance of CSOs from the fifty-four (54) member states.

EXTENSION OF THE CALL FOR APPLICATION

4. The Commission accepted this recommendation and extended the call for applications till 30 June 2014 to allow a wider pool to apply for membership in the bid to establish a quorum. In the course of interdepartmental consultations on the Report of the Committee, the Office of the Legal Counsel had observed that the quorum requirement would be about sixty-six (66) members. Representatives of the African Civil Society community had also met with the Chairperson of the Commission to express anxiety and concern about the delay in the process of ECOSOCC elections. The African CSO community observed that the Commission had encountered a similar problem in the period of the Interim General Assembly under Professor Wangari Maathai but had overcome the hurdle by embarking on a campaign of sensitization that enabled it to obtain the desired quota and regional balance and spread of candidates. The Commission acknowledged the view of the civil society as stakeholders and sought to accommodate their views in seeking a solution to the problem.

REFLECTIONS ON THE PROCESS

5. The demand for sensitization has two logical corollaries. It requires a longer time phase than initially anticipated. The process would require two or three months for implementation and a planning phase that would facilitate sensitization tours and motivation campaigns across various states or regions with emphasis on “fallow areas” that had one or no eligible candidates. Secondly, it would require virement of expenditures. The 2014 budget was finalized earlier in 2013 with the assumption that the ECOSOCC Elections would be completed by December 2013. Thus, it provided for normal statutory functions. It would be necessary, therefore, to adapt elements and

expenditure items and budget codes to support election sensitization and motivation campaigns.

6. In view of this, the Commission decided to extend the call for applications till June 30, 2014, develop a strategy for sensitization and motivation campaign that will involve an extension of final call for applications till August 2014 and consult Council through the PRC with recommendations for consideration on how to proceed.

BASIC CONSIDERATIONS

7. In submitting the recommendations for consideration, the Commission feels it imperative to provide an update on the current status quo. As of now and following the third call for applications, the Commission has received three hundred and three (303) applications, an increase of ninety (90) over the previous one. Following the assessment of these applications, about sixty-four (64) candidates were adjudged qualified including fifty-five (55) applications at the national level, three at the regional level and six (6) at the continental level. The Interdepartmental Committee has observed that if elections were to be conducted on this basis at all levels even in countries with only one (1) or two (2) qualified candidates (national, regional and continental), the total number of membership elected will be forty-two (42) out of the required one hundred and thirty (130) members expected (excluding the twenty (20) members of the Diaspora). The Office of the Legal Counsel has noted that the quorum requirement would be sixty-six (66) members and since there are also six (6) nominated members by the Commission in consultation with Member States (Article 4(d) of the ECOSOCC Statutes), the numbers required to form a quorum will be approximately eighteen (18) more candidates. It is reasonable to assume that this shortfall can be met by a sensitization and motivation campaign that will last till end of August 2014 and that this would enable elections to be held in late October or early November 2014.

8. A sensitization campaign has other benefits. It would help to re-energize the ECOSOCC agenda, mobilize the African civil society around its aims, values and contribution to the African Union and revitalize its people-centric agenda for the benefit of all.

9. Even so, there is a broader issue that also merits urgent attention. The results of the Committee's appraisal and verification process highlights the fact that most CSOs did not qualify because they could not meet the eligibility requirements of Article (6) of the ECOSOCC Statutes that "the basic resources of such an organization shall substantially at least fifty (50) percent be derived from contributions of members of the Organization." The Committee considered that if this threshold were lowered to thirty (30) percent, it would facilitate the appropriate electoral base for the operationalization of the next ECOSOCC Assembly. The "dog in the manger" therefore, is the financial qualification requirements. The PRC consultations that had enshrined this requirement that was accepted by Council in the lead-up to the adoption of ECOSOCC Statutes underlined the need for ECOSOCC as a policy organ to be based on "authentic African voices" that is not tele-guided or inspired from outside. Thus it prescribed a financial requirement for "African NGOs." The requirement now poses a challenge because

several of the NGOs that previously qualified have attracted external patronage sponsors because they had membership of ECOSOCC and have, therefore, not qualified subsequently.

RECOMMENDATIONS AND OPTIONS FOR CONSIDERATION

10. Taking into account the foregoing, the Commission recommends the following options for the consideration of PRC and Council :

- a) **Suspension and/or lowering of the eligibility criteria that fifty (50) percent of the financial resources should be derived from contribution from members:** The Interdepartmental Committee felt that “suspension of this criterion would have the effect of making a lot more candidates qualify... many candidates would be able to qualify if threshold for members’ financial contributions was at thirty (30) percent.” In considering this option, Council will need to reflect upon the concerns that had instigated this provision originally that CSOs having a voice in the policy process should share the characteristics of authenticity and legitimacy as stakeholders and not be “briefcase NGOs” that are trumpeted from outside. Furthermore, the lowering of the percentage of internal contribution from fifty (50) percent to thirty (30) percent creates the risk of lack of internal consistency. The criteria for Observer Status to the AU demands that sixty-six percent (66%) of resources contribution should be internally derived. Should it then be the case that CSOs with mere Observer Status should require sixty-six percent (66%) while CSOs in ECOSOCC, a policy organ, would require less than half of sixty-six percent (66%) if the requirement for contribution is lowered to thirty percent (30%)? Should a policy maker require less than half of the prescriptions for an Observer? How would this impact on external influence on the policy process?
- b) **Extension of the Call for Application allied with sensitization and motivation campaign to produce a sufficient pool of candidates over and beyond minimum requirement:** Based on the experience of the Interim ECOSOCC Assembly as advocated by civil society, the Commission, the PRC and Council may wish to allow the Commission to extend the call for applications to August 2014 to accommodate an allied sensitization and motivation campaign in July/August 2014. The campaign will concentrate on states and regions without sufficient applications. Going by the experience of the Interim Assembly, this is calculated to produce results over and above the minimum requirements. However, this option would involve the virement of some expenditure to support the campaign requirements. There is more than sufficient resources in the current ECOSOCC budget to support this option and if it attracts support, the sensitization process could commence immediately after the Summit. It is calculated that this would permit the establishment of a third ECOSOCC Assembly by late October or first week of November 2014.

- c) **Interim General Assembly for two years.** The third alternative is to allow the current pool of candidates to establish an Interim ECOSOCC Assembly that would be in place for two (2) years during which the Statute and operations of ECOSOCC including criteria for membership would be reviewed on the basis of the experience of the last ten years.
- d) **Combination of Options (b) and (c):** The fourth and final option is a combination of (b) and (c). This would involve an election and sensitization campaign but the outcome, whether or not it produces a sufficient number of candidates, would lead again to the establishment of an Interim Assembly for two years. In the course of the two years, the Interim Assembly will work with relevant organs of the Union, especially the Commission, PRC and Council to review the Statutes and operations of ECOSOCC with a view to enhancing its operational modalities. In this context, it may be useful to scrutinize various options about the purpose and functions of the Organ itself and how to ensure that its constitution and membership is paired with the functions that the Organ is expected to perform.

CONCLUSION

11. In conclusion, the Commission would wish to submit these options for your consideration with a view to receiving appropriate guidance on how to proceed with this process.

2014

Progress Report on the process of elections into the 2nd Permanent general assembly of the economic, social and cultural council of the Africa Union (ECOSOCC)

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