



African Union
Reforms Engagements

AU REFORM: CIVIL SOCIETY ENGAGEMENT

ADVOCACY BRIEF



initiatives for
human rights



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HUMAN
RIGHTS



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1. WHAT IS THE AFRICAN UNION REFORM PROCESS?

The current AU Reform is a process which started in 2016 when African governments (through the Assembly of Heads of State) decided that there was an urgent need to accelerate the reform of the African Union.¹ President Paul Kagame of Rwanda was then tasked to conduct a review of the African Union and develop a report with recommendations to lead this reform process.

In 2017, the '*The Imperative to Strengthen our Union Report*, popularly known as the 'Kagame Report' presented five areas of reform for the AU.² These include:

1. Streamline the African Union priorities to focus on four core areas: peace and security, political affairs, economic integration, and Africa's global representation.
2. Realign the African Union institutions to effectively address these priorities.
3. Connect the African Union to its Citizens
4. Manage the African Union efficiently at both political and operational levels
5. Financing the African Union independently and sufficiently

Brief Background

- The Organisation of African Unity (OAU) was established in 1963 to promote unity, defend sovereignty, eradicate colonialism, and foster international cooperation.³ By the end of the 1970s, there was a consensus to 're-examine the provisions of the Charter (of the OAU) in light of the changing realities in Africa'.⁴ As a result, In the year 2000, the OAU underwent a significant transformation, culminating in the establishment of the African Union (AU).
- However, by 2007, it was evident that the AU required substantial reforms to fulfill its objectives effectively. Consequently, a high-level panel led by Professor Adebayo Adedeji was convened to evaluate the structure and functions of

¹ Decision on the Institutional Reform of the African Union Assembly/AU/Dec.606 (XXVII).

² Paul Kagame *The Imperative To Strengthen Our Union Report on the Proposed Recommendations for the Institutional Reform of the African Union* 2016; See also African Union *Building A More Relevant African Union* January 2017.

³ Legum, Colin. "The Organisation of African Unity-success or failure?" *International Affairs* (Royal Institute of International Affairs 1944-) 51.2 (1975): 208-219.

⁴ Chekol, Yayew Genet. "African Union institutional reform: Rationales, challenges and prospects." *Insight on Africa* 12.1 (2020): 29-44.

the African Union Commission (AUC) to improve the AUC's effectiveness in carrying out its responsibilities.⁵

- Therefore, prior to this reform process, there have been several attempts to reform the AU in the past. While the ongoing need for reform within the Union is a sign of its dynamism, it also suggests that past reform efforts may have been insufficient in addressing the root causes of the challenges facing the Union.

Status of the Current AU Reform

Since 2017, the AU reform has so far significantly concentrated on the structure of the African Union Commission, recruitment to the new structure and some of the working methods of AU policy organs such as the Summit of the AU and coordination meetings with Regional Economic Communities. Not so much has been done with respect to the normative basis, composition, powers and proper segregation and alignment of powers that would enable the AU to function effectively and efficiently.⁶

The current phase of the reform concerns the review and update of mandate and structure of key AU organs and institutions. These include:

- i. Judicial organs, legal and human rights bodies including:
 - a. The African Commission on Human and Peoples' Rights (ACHPR)
 - b. The African Court on Human and Peoples' Rights (ACtHPR)
 - c. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC)
 - d. AU Commission on International Law (AUCIL)
 - e. AU Advisory Board on Corruption (AUABC)
- ii. The Pan African Parliament (PAP)
- iii. The Peace and Security Council (PSC)
- iv. Specialised Technical Committees (STC)

This is a critical stage of the reform process for CSOs, activists and human rights defenders to engage with. It involves changes to human rights bodies and key institutions which African citizens, as rights holders and as users of these mechanisms engage them in pursuit of justice, peace, security and accountability.

⁵ Union, African. "Audit of the African Union." Addis Ababa (2007): 1.

⁶ See further details on the progress of the AU Reform and what has been achieved so far in the attached *CSO Position Paper on AU Reforms, 2023*.

2. WHAT ARE THE IMPLICATIONS OF THE AU REFORM ON THE AFRICAN HUMAN RIGHTS SYSTEM?

Currently there are three main reform proposals regarding the African human rights system. These options include:

- 1) **Enhancing the current framework:** This option focuses on fine-tuning the current African human rights system, preserving its mission and mandate. It recognizes the system's unique ability to reflect African values and addresses a range of human rights issues. The proposals suggest increasing the system's autonomy, establishing a full-time chair and vice-chair, and improving resources. This option calls for streamlining the complaint mechanism and reinforcing the enforcement of decisions. Additionally, the special rapporteurs mechanism system should be made autonomous of the treaty mechanisms and the secretariats of the African human rights bodies should be restructured to bolster their effectiveness.

Implications

- This option does not suggest any major structural changes to the human rights mechanisms.
- This is likely the most progressive proposal available since most of the key CSO proposals for strengthening the system (see section 5) can be actualised without major institutional changes to the human rights mechanisms.

- 2) **Merging human rights bodies:** The second option proposes a merger of the African Commission on Human and Peoples' Rights (ACHPR), the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), and possibly the African Union Commission on International Law (AUCIL) into one entity.

Implications

- This rationale behind this proposal is to simplify the human rights mechanism, enhance cooperation, and optimize resource use.
- However, it may lead to the dilution of specialized focus, especially on children's rights, and introduce bureaucratic challenges and conflicting priorities.

- 3) **Clear division of responsibilities:** The third option advocates for a distinct separation of mandates among the ACHPR, ACERWC, and the African Court. This would involve mandate clarification, referral mechanisms, complementarity in operation, coordinated reporting, and improved communication. Under this option, the protection mandate of the ACHPR and the ACERWC would be removed so that they are left solely with the promotion mandate. Only the African Court would have the protection mandate.

Implications

- This means that it would no longer be possible to bring complaints of rights violations before the African Commission and the Committee on the Rights and Welfare of Children, which are the most accessible human rights mechanisms on the continent.
- This option has the effect of weakening the accountability mechanisms on the continent since African citizens, activists, and CSOs will no longer be able to hold states accountable for human rights violations through the complaints procedures of the two most accessible human rights bodies.
- This option also risks creating a fragmented system with potential duplication of efforts and communication barriers.
- Removing complaints procedure as a protection tool from the ACHPR and ACERWC without expanding access to the African Court through, simultaneously, deleting article 34(6) and broadening the definition of 'recognition' in article 4(1) of the protocol establishing the Court could adversely affect human rights protection in Africa.⁷

In June 2023, the proposal for merger was rejected by States. The Consultants hired for this reform work (Deloitte and Touche Africa and Maziwisa) were asked to develop a document that would clearly articulate other various options for consideration and their financial and legal implications.

So far, the documents containing reform proposals have not been made publicly available for CSOs to engage meaningfully with the process and provide feedback.

⁷ For further explanation on the limited access created by Article 34(6) and the confusion created by the African Court's interpretation of Article 4(1) see the attached CSO Position Paper on the AU Reforms.

3. WHOSE VOICE IS MISSING? THE LACK OF INCLUSIVE CONSULTATION IN THE AU REFORM PROCESS

- A major gap in the current reform efforts so far is inadequate consultation with critical stakeholders, including the users of these AU institutions, human rights defenders, civil society organisations, private sector and other non-state actors. Yet, one of the main recommendations of the AU reform is to enhance connection between the African Union and its citizens so as to increase the relevance of the Union.⁸
- It may be argued that once ECOSOCC was consulted, CSOs' perspective was incorporated into the reform process. However, it is important to note the advisory-only status of ECOSOCC and its constraining membership criteria. One of the critiques of ECOSOCC is that it has often included organisations that are primarily aligned to state interests, therefore compromising their capacity to act as watchdog, check the balances of power or hold states accountable.
- It is critical for CSOs to consider both the benefits and limitations of 'invited' spaces for participation. There is need to re-examine whether these 'invited' spaces are still working as effective entry points for meaningful CSO engagement. Barriers to effective CSO engagement with the AU as well as the ineffectiveness of 'corridor diplomacy' has been widely documented.⁹ It is time for CSOs to look beyond invited spaces and explore the use of 'invented' spaces or other platforms where necessary to close existing gaps and discharge their role as watchdog.
- Most of the CSOs that have so far sought to engage the reforms are mainstream international human rights organisations. Many of these organisations are represented by men. The reform process is missing voices from feminist activists, national and grassroots organisations, climate justice actors, disability rights movements, political activists, development actors, scholars/ academics from across various disciplines whose analysis would be important in determining what the African Union and its structures should focus on, and how it should operate.

⁸ Paul Kagame *The Imperative To Strengthen Our Union Report on the Proposed Recommendations for the Institutional Reform of the African Union* 2016.

⁹ Sue Mbaya *African Union-civil society relations Lessons for strengthening ties*, by the Institute for Security Studies 2023.

4. WHY IS IT IMPORTANT FOR CIVIL SOCIETY ORGANISATIONS AND ACTIVISTS TO ENGAGE WITH THE AU REFORM?

Reform is a process that involves major changes to the operation of a mechanism, as opposed to minor changes which are a continuous part of any mechanism and evolution of practice.

- a. *This reform is an opportunity for CSOs to be part of building the system that will shape the future of Africa.* It is an opportunity to participate in determining African Union's priorities, values, and mechanisms. Audre Lorde warned us that 'the master's tools will never dismantle the master's house'.¹⁰ There are grave difficulties in trying to address systemic challenges within structures and institutions that we were not part of establishing, while using the limited tools and methods that exist within these structures. By engaging with this reform process, we are participating in building the 'house'.
- b. *To defend and strengthen the human rights protection and accountability systems in Africa.* Reform processes can be used to delegitimize and weaken existing protection of human rights and state accountability systems. CSOs need to be vigilant especially in these challenging contexts where, for example:
 - i. There is an increase in efforts by the political organs of the AU to overtly challenge the independence of Africa's human rights mechanisms.¹¹
 - ii. The incompetency of persons nominated and elected to serve at the African human rights bodies compromises the independence, integrity and effectiveness of these institutions.
 - iii. Anti-rights actors have become more emboldened in co-opting human rights language, systems and structures to galvanize against realization of human rights for all.¹² For example in the most recent session of the African Commission, 77th session in Arusha, the American based Alliance Defending Freedom (ADF) sought observer status before the African Commission.

¹⁰ Lorde, Audre. "The Master's Tools Will Never Dismantle the Master's House." 1984. *Sister Outsider: Essays and Speeches*. Ed. Berkeley, CA: Crossing Press. 110- 114. 2007.

¹¹ See analysis done by Coalition for an Independent African Commission at <https://achprindependence.org/>

¹² SIRC, *Convergence of interests, Resurgence of Oppression: 2023 Patterns of attacks 2023* at <https://tinyurl.com/sirc-trends2023>

5. WHAT ARE THE KEY DEMANDS THAT CSOS AND ACTIVISTS SHOULD RAISE IN THE REFORM PROCESS?

1. The reform should result in enhanced promotion and protection of human rights rather than diminished protection.

Reforming the African human rights system has immense potential for positive and negative outcomes. There is the risk that the reform process could potentially be used to undermine the robust normative framework within the African human rights system. It's crucial that the reform process not only preserves but also enhances the protections offered by the African human rights system. To this end, the reform process should take into account:

- a) **Human rights as a universal standard:** Human rights are founded on universal applicability. These rights are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. The reform should uphold this universality, ensuring no group is discriminated against.
- b) **Progressive realization of rights:** The African human rights system has made significant strides in recognizing and protecting various rights. Reforms should aim at the progressive realization of rights, continually expanding and enhancing the scope of protections.
- c) **Inclusivity and diversity:** Africa's strength lies in its diversity. A reformed human rights system should reflect this diversity, respecting and protecting the rights of all individuals, including those from marginalized communities. This inclusivity is essential for fostering social cohesion and national unity.
- d) **International obligations and reputation:** Many African countries are signatories to international human rights treaties. Backtracking on human rights commitments through the reform process could harm Africa's standing in the global community. The AU needs to align its reforms with international human rights standards.
- e) **Economic and social development:** There is a strong link between the protection of human rights and socio-economic development. A system that robustly protects human rights encourages investment, promotes social stability, and fosters development. Reforms that weaken human rights protections could have adverse economic and social impacts.

- f) **Legacy and future generations:** Today's decisions will shape the legacy left for future generations. The reform process must strengthen, rather than diminish, the human rights framework, ensuring a just and equitable society for future Africans.

2. The reform should affirm the independence of Africa's human rights organs and clarify the separate roles of the AU political organs and judicial organs.

There have been steady efforts from the AU political organs to undermine the independence and legitimacy of Africa's judicial bodies especially the African Commission. For instance,

- The African Commission has increasingly become the target of political backlash.¹³ AU political organs are known to control the substantive content of the Africa Commission's activity reports by forcing information that implicates states human rights record to be removed from the reports. In exercising their role to 'consider' Activity Reports of the African Commission, the tone and recommendations of the AU political organs have become more fraught, 'belligerent and even disdainful over time' especially since 2014.¹⁴
- In 2015 the Executive Council asked the African Commission to 'review its criteria for granting Observer Status to NGOs and to withdraw the observer status granted to the Organization called CAL, in line with those African Values'.¹⁵
- In 2018 the Executive Council in decision 1015 underlined '... that the independence enjoyed by ACHPR is of a functional nature and not independence from the same organs that created the body'.¹⁶ Yet the African Commission is not created by the AU political organs. It is a treaty body established under the African Charter of Human and People's Rights. The Commission has substantive (statutory) independence which the Executive Council cannot impeach unless it instigates States to amend the African Charter on Human and People's Rights.

¹³ Japheth Biegon *The Rise and Rise of Political Backlash: African union Executive Council's Decision to Review the Mandate and Working Methods of the African Commission* August 2 2018 ><https://www.ejiltalk.org/the-rise-and-rise-of-political-backlash-african-union-executive-councilsdecision-to-review-the-mandate-and-working-methods-of-the-african-commission>

¹⁴ Lawrence Mute *Protecting the mandate and autonomy of the African Commission on Human and Peoples' Rights: leveraging the roles of national human rights institutions* CIAC, June 2021 accessed at https://achprindependence.org/wp-content/uploads/2021/07/NHRIs-ACHPR_EN.pdf

¹⁵ Decision on the 38th Activity Report of the African Commission on Human and Peoples' Rights Doc. EX.CL/921(XXVII), Para. 7, Decisions and Recommendation of the 27th Ordinary Session of the Executive Council (7 - 12 June 2015, Johannesburg South Africa) Doc. EX.CL/ Dec.873-897(XXVII).

¹⁶ Decision 1015 on the Report on the Joint Retreat of the Permanent Representatives' Committee (PRC) and the African Commission on Human and Peoples' Rights (ACHPR) Doc.EX.CL/1089(XXXIII).

- Attempts by CSOs to approach the African Court seeking an advisory opinion on the meaning of ‘consider’ under article 59(3) of the African charter were unsuccessful. The Court avoided this critical question and dismissed the matter on a technicality, based on a restrictive interpretation of what an organisation ‘recognised’ by the Union means.¹⁷

To operate effectively and efficiently, judicial and quasi-judicial bodies in Africa responsible for overseeing protection and promotion of human rights must operate free from political interference. This reform process is an opportunity to clarify the separate mandates of the AU organs to ensure that human rights bodies independence is secured.

3. **The reform should result in establishment of a transparent and inclusive selection and vetting mechanism for the commissioners and judges of Africa’s human rights organs**

The credibility and integrity of the African Human Rights System hinges on the competency and quality of its 33 mandate holders, including judges, commissioners, and experts responsible for upholding human rights standards. Despite legal qualifications specified by relevant charters, political influences often compromise the selection process, leading to a lack of qualified personnel.

Reform efforts should focus on establishing transparent and robust procedures for the nomination, vetting, and election of these officials to ensure their high competency and moral integrity. This includes

- a) Establishment of an independent advisory body for vetting nominated candidates.
- b) Mandatory inclusion of a requirement for transparent and public dissemination of upcoming vacancies to encourage wide participation by African citizens.
- c) Establish standard criteria and operational guidance for national level processes of selection and nomination of candidates. This operational guidance should include a mechanism for assessing the extent to which national processes complied with the standard criteria, including whether the nomination process was inclusive of CSO engagement and public awareness. It is not sufficient to simply send a note verbal to member states.

¹⁷ Request For Advisory Opinion by the Centre for Human Rights and the Coalition of African Lesbians, No. 002/2015, September 2017.

4. **The reform should expand access by African citizens and by CSOs to the mechanisms of the African human rights system (standing).**

The requirement in article 34 (6) of the African Court Protocol which requires a separate declaration from countries after ratifying the protocol to enable individuals and CSOs to access the African Court presents a significant challenge. It limits the ability for Africans to seek justice and hold governments accountable. To address this challenges, it is proposed that the Court protocol be amended to remove the need for a separate declaration, simplifying the process for individual right holders and CSOs to submit cases and empowering them to effectively utilize the court, strengthening justice, accountability, and human rights across the continent.

Access to the African human rights system is also inhibited due to confusing and inconsistent interpretations of existing norms and standards, making it difficult for people to understand and use the system effectively. For example, according to Article 4 (1) of the Court Protocol, an African organization recognized by the African Union is eligible to request an advisory opinion from the Court. However, the Court's interpretation of "recognition" does not include recognition by organs of the African Union, (such as observer status before the African Commission) which is arbitrary and ambiguous since the Court fails to offer clear and concrete guidance about how to obtain such recognition. This lack of clear definition confuses CSOs about their eligibility for court engagement, undermining their ability to contribute effectively to human rights advocacy.

The reform process should:

- a) Clarify the definition of "recognition" within the protocol, outlining specific criteria or statuses, such as observer status, that qualify CSOs for Court engagement.
- b) Enhance transparency around the criteria and processes for obtaining recognition and the rights that come with it, ensuring CSOs are well-informed and can actively participate in the African human rights system.
- c) Create more inclusive and consistent policies that allow a broader range of CSOs, to access advisory opinions and contribute to the human rights dialogue in Africa.
- d) Simplify Access Procedures: Recommend simplifying legal processes and guidelines for accessing human rights mechanisms. Clear and non-technical language should be used, and these guidelines should be translated into multiple local languages to ensure comprehensibility and broader reach.

5. Strengthen compliance and implementation of the norms, decisions, and recommendations of the African human rights system.

The AU is struggling to enforce decisions and recommendations from its human rights bodies, significantly impairing the human rights system in Africa. This challenge stems from member states' lack of compliance, often due to limited political will or resources, and their reluctance to accept decisions they perceive as threats to their sovereignty or national interests. This challenge undermines the legitimacy and credibility of Africa's human rights system. The lack of implementation of decisions can disillusion victims of human rights abuses potentially fostering a culture of impunity.

For the AU to strengthen its capability to implement and enforce human rights norms, decisions, and recommendations, it is proposed that:

- a) An inter-ministerial committee should be established within the Executive Council with the mandate to ensure political oversight on the implementation of the African human rights system's recommendations and decisions. This committee should be required to report regularly to the Assembly and recommend actions for the Assembly to consider, to ensure compliance with the decisions and recommendations of the system's mechanisms.
- b) Establishment of a compliance and follow-up mechanism within the powers of the Assembly and directly linked to article 23 of the Constitutive Act. This unit within the African Union Commission could be tasked with monitoring the compliance and implementation of decisions and recommendations, issuing regular reports on member states' compliance, and providing technical assistance to ensure that these are carried out.

6. The reform should increase in Transparency and Access to Information on the operations of the African Human Rights Bodies

There is a restrictive interpretation of 'confidentiality' under article 59 of the African Charter, by the AU political organs and the African Commission. They interpret 'confidentiality' to mean complete secrecy of complaints proceedings before the African Commission, which effectively leads to a blackout of processes. As a result of the restrictive interpretation of article 59 pending communications before the African Commission are kept secret. Several challenges arise as result of this secrecy, for instance:

- CSOs are prevented from conducting ongoing advocacy and mobilisation on the basis of rights violations in the communications brought before the Commission. There have been instances where CSOs were asked to take down their own pleadings that they developed from their websites.
- This lack of transparency inhibits potential intervention by Amicus Curiae who can provide expertise to guide the Commission in the development of its jurisprudence. Amicus cannot intervene because they will not know which communications have been filed before the Commission.
- The secrecy also contributes to the invisibility of the African human rights mechanisms at the local, national, regional and international levels.

To address these challenges the reform process should:

- a) Result in the adoption of a functional and purposeful interpretation of Article 59 to enhance transparency and access to information which would enable CSOs and human rights experts to engage effectively with African human rights bodies.
- b) Establish that every human rights body should have a cause list of pending matters before it, in line with international standards, which will give effect to the requirement that 'public bodies hold information not for themselves but as custodians of the public good, and everyone has a right to access this information, subject only to clearly defined rules established by law.'¹⁸

7. The reform should strengthen CSOs engagement in the AU processes through enhancing inclusivity, accessibility and participation.

The AU has increasingly faced criticism for restricting CSOs and citizen engagement despite its Constitutive Act emphasizing citizen-centric integration. This pattern emerges through various decisions and interpretations by AU policy organs and treaty bodies, which collectively hinder the active participation and access of CSOs to the AU framework.

- **Policy organ decisions:** Several decisions of AU policy organs place stringent restrictions on which CSO should or should not be allowed to participate in the AU human rights process. Imposing strict criteria or procedural hurdles limits the scope for CSOs to contribute effectively to the AU's agenda.¹⁹

¹⁸ Declaration of Principles on Freedom of Expression in Africa, 2002, para 4(1).

¹⁹ Mute above n 14.

- **Restrictive membership criteria for ECOSOCC:** The ECOSOCC of the AU, intended to be a platform for civil society engagement, has been hampered by restrictive membership criteria. These limitations prevent diverse CSOs from contributing their perspectives and expertise.

This pattern is problematic as it contradicts the AU's foundational principles of citizen-centric governance and undermines the effectiveness of its human rights system. Civil society plays a crucial role in representing diverse interests, providing checks and balances, and ensuring that the AU's policies and actions are grounded in the realities of its citizens.

The following recommendations are proposed to address the pattern of restricting CSOs in the AU.

- a) The AU Policy Organs should ease the participation of CSOs by simplifying application processes and criteria for observer status that are inclusive.
- b) There should be a reform in the membership criteria of the ECOSOCC to allow a broader range of CSOs to participate, ensuring diverse representation.
- c) The reform process involving the harmonisation of the systematic process of granting observer status to CSOs should result in expand rather than constrict CSO participation engagement with AU organs. Through this reform process the AU should implement transparency and accountability measures to enable CSOs to monitor and evaluate policy implementation effectively.

6. HOW CAN CSOS AND ACTIVISTS ENGAGE WITH THE REFORM PROCESS?

1. *State engagement at the national level:* Engage with your state by identifying key state representatives (e.g. ambassadors, ministers of foreign affairs) and state agencies and provide them with analysis of key issues to raise in the AU reform process. Reach out to relevant AU missions and special liaison offices as well.
2. *Participate in the AU policy making spaces.* Track and analyse member states statements in the negotiations. Use these analyses to map supportive/ progressive states as well as regressive states. Approach the supportive states and build allyship. Provide them with one pager statements with analysis on the gaps and the asks, for them to raise these issues on the floor.
3. *Write submissions with your input and suggestions to the African Union Commission Reform Unit and the Consultants.* You may use the analysis of key demands provided in this advocacy brief as a starting point.
4. *Write letters, organisational and collective statements* raising critical issues that affect the populations and constituencies you work with.
5. *Integrate advocacy on the AU reforms as part of your ongoing work.* The work of strengthening Africa's regional institutions should not be seen as separate and isolated from other thematic work done by CSOs and activists in Africa. The key demands listed in this brief affect all areas of our work which require implementation and accountability systems. Accordingly, CSOs can build in conversations on engaging AU reforms into the existing spaces. If you need someone to join your meetings/webinars to provide a background and analysis to AU reforms and how CSOs can engage with the process, reach out to Mai Aman, contact provided below, who will engage the coalition to provide support.

7. OPPORTUNITIES FOR ENGAGEMENT AND KEY TIMELINES TO WATCH OUT FOR

1. *15th - 26th January 2024: 47th Ordinary Session of the Permanent Representatives' Committee (Ambassadors):* CSOs should track the outcomes of the PRC meeting with regards to adoption of AU reforms.
2. *14th - 15th February 2024: 44th Ordinary Session of the Executive Council (Ministers of Foreign Affairs):* CSOs should engage with states to take the floor and make objections to the adoption of the AU reform recommendations, raise key asks, and make proposals for a more consultative process . (See attached State Engagement Brief for content that may help here).
3. *17th - 18th February 2024: 37th Ordinary Session of the Assembly of the Heads of State and Government of the African Union.*
4. Use any key relevant upcoming advocacy opportunities to raise these challenges as opportunities and advocacy issues. For example
 - i. *March 2024: UN CSW/NGOCSW New York and Africa CSW:* The thematic aspect on 'strengthening institutions' is an opportunity for organisations that engage with this space to elevate advocacy on strengthening Africa's regional human rights institutions.
 - ii. *September 2024: [UN Summit of the Future](#)* where states will deliberate on how to strengthen multilateralism, rebuild trust, and *how* to achieve development goals and human rights commitments.
5. Join ongoing efforts by CSOs that have been referenced under this brief, for example:
 - i. Collective working on the challenge of Implementation of decisions, under the Litigants Group.
 - ii. Collective working on establishing transparent and inclusive selection and vetting mechanism to ensure competency of judges and commissioners in African human rights bodies

To join these coalitions or if you would like to propose a working group based on your area of interest, or convening a webinar or other space for CSOs to engage, write to Mai Aman, at mai@the-isa.org

8. WHAT CAN WE LEARN FROM OTHER REFORM PROCESSES?

1. The benchmark for reforms is that nothing should be done to harm the existing protection of human rights. All stakeholders should advocate that any proposals for reform should represent progress and strengthening of the accountability and protection systems, not weakening or diminishing protection.
2. To be credible, any discussions on 'strengthening' or 'reforming' the system should be fully inclusive of all key stakeholders. Without sufficient and inclusive consultation, the reform process is unlikely to result in a mechanism that is fit for purpose.
3. AU bodies, organs or institutions that are subject to reform need to engage with the reform process substantively. This engagement may be through developing position papers, being consultative and inviting wide stakeholder engagement. Statements from CSOs and other stakeholders may reinforce the progressive positions proposed by these organs leading to collective mobilisation to protect and strengthen human rights mechanisms.
4. Strategic partnerships are necessary to safeguard the protection and promotion of human rights in a reform process. These may include partnerships among progressive or supportive member states, CSOs, AU organs and CSOs and academics. A wide range of tactics may be used including diplomacy, research, advocacy and CSO mobilisation of movements where needed.
5. CSO engagement with the AU Reform should be viewed as part of the ongoing work to strengthen Africa's human rights institutions and mechanisms. It is important for CSOs to make connections between their existing work and the current reform recommendations. This reform is an opportunity to highlight the gaps and weaknesses which have arisen from many years of CSO's experiences. These gaps should be framed as advocacy issues which can be addressed through the reform.
6. No reform should be adopted whose outcome would be to unduly limit or disadvantage civil society and human rights defenders from effective participation with human rights machinery.
7. Reform processes do not happen in a vacuum. There are usually other external but interlinked processes to change or strengthen the system that may be

happening parallel to the 'formal' reform process. It is important to draw linkages between these other 'external' processes and the reform in order to have coherent outcome for the system.

8. Contextual analysis of the regional environment as well as political environments at the national levels is important. This analysis may reveal and how such contexts may fuel underlying drivers and interests in the reform process.
9. Reform processes need to have a review mechanism. Incorporating a mid-review and an end-review process is useful for ascertaining whether the reform is on track to achieve the intended objectives. The measures against which the reform process should be reviewed also need to be substantive, based on the mandate of the bodies and institutions under reform. Any measures to strengthen 'efficiency' should not be assessed in a vacuum or separated from the need for 'effectiveness'. For instance, in the context of reform which has implications to human rights mechanisms, 'effectiveness' would require an approach that considers how victims of human rights violations can access justice.
10. There is need to have a long-term strategy to engagement with reforms. Reform processes can be contentious and lengthy. There is need for investment from various stakeholders not only in the reform process but in monitoring and tracking the practical impact of reform recommendations and their implementation.



**African Union
Reforms Engagements**

