



African Union
Reforms Engagements

CIVIL SOCIETY ORGANISATIONS' POSITION PAPER ON AU REFORM



initiatives for
human rights



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CONTENTS

1. Introduction	4
2. The state of the AU Reform	7
2.1. Assessment and Shortlisting of Candidates:.....	10
2.2. Election Timelines:.....	10
2.3. Implementation Timeline:.....	10
3. An assessment of the reform.....	13
3.1. Reform of structures	18
3.2. Inadequate consultation	19
4. The next phase of the reform.....	23
4.1. Context of reform of the African Human Rights System	23
4.2. The African human rights system and a case for reform.....	24
4.3. Reform Options: Enhancing efficiency and effectiveness of the African human rights system	26
5. Civil Society Organisations' Proposal for the Reform of the African Human Rights System	33
5.1. More and not less protection	34
5.2. Enhancing the independence, complementarity, collaboration, and coordination within the norms and mechanisms of the African human rights system: Ensuring horizontal and vertical complementarity and subsidiarity.....	35
5.3. Strengthen capacity and credibility of the African Human Rights System: Increase resources and improving competency.....	37
5.4. Expand access to the African Human Rights system: Access and enablement.....	41
5.5. Quality and competency of mandate holders	43
5.6. Establish mechanism for follow-up and enforcement of the decisions and recommendations from the African human rights system.....	46
6. The reform process should enable a meaningful CSOs access, engagement and participation in the AU processes	47
Reference	49

By consistently failing to follow up on the implementation of the decisions we have made, the signal has been sent that they don't matter. As a result, We have a dysfunctional organization in which member states see limited value, global partners find little credibility and our citizens have no trust.¹

¹ "The Imperative to Strengthen Our Union: Report on the Proposed Recommendations for the Institutional Reform of the African Union" by President Paul Kagame, 29 January 2017.

1. INTRODUCTION

The Organisation of African Unity (OAU) was established to promote unity, defend the sovereignty of African countries, eradicate colonialism, and foster international cooperation.

By the end of the 1970s, much of Africa had been liberated from colonialism, except for the racist regimes in Namibia, South Africa and Zimbabwe. This shift in Africa's landscape prompted calls to review the OAU Charter as early as 1979. The sixteenth ordinary session of the Assembly of Heads of State and Government of the OAU, held in Monrovia, Liberia, in July 1979, established the OAU Charter Review Committee (the Committee) to 're-examine the provisions of the Charter in light of the changing realities in Africa'.¹

In the early 1990s, member states of the OAU, along with policymakers, scholars, and civil society organizations, came to believe that the OAU had fulfilled its initial purpose. They recognized that its mandate, structure, and organization were no longer adequate to meet the African continent's challenges. There was, therefore, a need to reform the OAU to make it fit for purpose.

In 2000, the OAU underwent a significant transformation, culminating in the establishing of the African Union (AU). The transformation of the OAU to the AU is a demonstration of the dynamic nature of African intergovernmental organisations to adjust to the shifting needs and challenges of the African continent. The OAU was primarily concerned with political liberation and regional solidarity, but the AU has redirected its focus to include economic integration, improving institutional efficiency, and enhancing global representation.

The proposed reforms aimed to enhance unity and cooperation among African nations, establish a more effective framework for peace and security, and promote socio-economic development. Additionally, these reforms sought to amplify Africa's voice and defend its interests more vigorously on the global stage. To this end, a series of consultations and conferences were held, providing a platform for African leaders to discuss and decide on the most effective strategies for the transformation process.

¹ Chekol, Yayew Genet. "African Union institutional reform: Rationales, challenges and prospects." *Insight on Africa* 12.1 (2020): 29-44.

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 the African Union Commission (AUC).²

The Adedeji Report or the 2007 Abuja Reforms were initiated to improve the African Union Commission's (AUC) effectiveness in carrying out its responsibilities. The objective was to enhance the AU's institutional capability, particularly in peace, security, and development. This involved broad consultations and the creation of an Audit Panel to evaluate the AUC's operational efficiency. The reforms emphasized the need for transparency and accountability and realigned the AUC's structure and functions to achieve its goals better. Recommendations included bolstering the executive leadership and the operational efficiency of the AUC's departments.

The Adedeji Report argues that the African Union's challenges are rooted in its Constitutive Act, which lacks clear principles, norms, and actionable steps for integration.³ It lacks clarity on roles, powers, and interconnections of entities and key players, and lacks a structured approach for handling Union affairs at a national level. The Act also fails to address inter-governmental practices inherited from the Organization of African Unity.

Even though the Adedeji Audit was meant to be limited to the AUC, the Report pointed out statutory, structural and performance gaps and limitations within the policy organs (Assembly, Executive Council, and the Permanent Representative Committee (PRC)) as well as in the African Union Commission (AUC) and the relationship between the AUC and the Regional Economic Communities (RECs).

A decade later, in 2017, the AU entrusted President Paul Kagame with the responsibility of leading a comprehensive reform of the Union.⁴

The 2017 Kagame Reforms focused on increasing the AU's operational efficiency and financial independence. President Paul Kagame led the review and engaged with key stakeholders. The Kagame Report found that the AU "has neither achieved its current objectives nor adjusted its organisation and is, in fact, ill-equipped to carry out its mandate in its current form."⁵ According to Kagame, the AU faces operational inefficiencies due to its fragmented focus, complex structure, and limited managerial capacity. This results in poor decision-making, lack of accountability, and financial dependence on external funding. The lack of coordination between the AU and

² Union, African. "Audit of the African Union." Addis Ababa (2007): 1.

³ As above.

⁴ Kagame, n1 above.

⁵ Kagame, n1 above.

Regional Economic Communities further complicates its effectiveness.

Kagame recommends that the African Union (AU) should focus on continental priorities, realign institutions, connect the AU to its citizens, and implement reforms to drive transformative progress. Efficient management, sustainable financing, and reforms are needed at political and operational levels. The AU's initiatives should be fully owned by its member states, and implementing these reforms will enhance its effectiveness and foster self-reliance for the continent.

Specifically, President Kagame made four broad recommendations:

1. Streamline the AU's priorities to four core areas: peace and security, political affairs, economic integration, and global representation.
2. Overhaul the organization's institutions to effectively address these priorities.
3. Implement strategies to attain financial independence.
4. Administer the AU with effectiveness and efficiency.⁶

The Kagame Reform sought to consolidate these efforts by providing a clear vision for the AU's future. It aimed to boost the AU's position in global affairs and better reflect the African people's ambitions.

Overall, these reform efforts continuously desire a more capable African Union. Focusing on financial self-reliance, enhanced efficiency, strategic global positioning, and priority setting, the reforms across different years share a common goal of restructuring the AU to serve Africa's evolving needs and goals.

Therefore, for the AU to become more effective, self-reliant, and capable of achieving its objectives of promoting unity, solidarity, and development in Africa, it must faithfully implement the various statutory, structural, operational, and policy changes within the AU recommend by the different reviews.

⁶ Kagame, n1 above.

2. THE STATE OF THE AU REFORM

The AU is undertaking structural and operational reforms directed by the Assembly. The reform is coordinated and implemented by a Reform Implementation Unit within the Bureau of the Chairperson of the AUC. Additionally, an expanded Reform Troika which includes the Bureau of the Assembly, collaborate closely with President Kagame to provide leadership and oversight of the reform implementation process. The leadership of the reform initiative is further reinforced by the advisory support of 15 Ministers of Foreign Affairs, representing various regions, emphasizing a collaborative and inclusive approach to reform.

The state of the implementation of the reform has to be assessed against its stated aims. According to Kagame, the AU reform was meant to address organisational, institutional and operational fragmentation of the AU, improve inefficient operations, enhance financial dependence, and enhance inadequate coordination with Regional Economic Communities. To address these challenges, AU reform was meant to:

- 1) Achieve long-term financial self-sufficiency. An important component of implementation of this recommendation is the introduction of a 0.2 percent levy on eligible imports from outside the continent, which is expected to significantly contribute to the Union's self-financing.
- 2) Narrow the focus of the AU to key areas of continental importance, specifically political affairs, peace and security, Africa's global representation, and economic integration. This refined focus marks a departure from the broader, less concentrated approach previously employed.
- 3) Realign its institutions to ensure they are structured to deliver better service and results in these areas. Additionally, the Union seeks to enhance its political and operational management to increase effectiveness and efficiency.
- 4) Connect AU citizens by delivering continent-wide public goods and promoting sustainable and predictable funding, primarily through member state contributions. These five priorities, if successfully executed, are expected to expedite the AU's progress toward its Agenda 2063 goals, which envision a peaceful and prosperous Africa, propelled by its own citizens and holding a dynamic presence on the global stage.

Unfortunately, so far, the AU reform, has significantly concentrated on reform of the structure of the AUC, recruitment to the new structure and some of the working methods of AU policy organs such as the summit of the AU and coordination meeting with Regional Economic Communities. While Kagame acknowledges that “reform does not start with the Commission. It starts and ends with the leaders, who must set the right expectations and tempo;”⁷ so far, 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 effectively and efficiently lead and drive integration agenda.

A significant aspect of the AU's reform agenda is enhancing representation and inclusivity. The Union has set ambitious targets to achieve equal representation of women and men in senior and staff positions by 2025. Complementing this, the AU is also committed to increasing youth representation in its workforce to 35% by the same year, alongside dedicating resources to finance youth empowerment programs. The AU is struggling to deliver on any of these two objectives.⁸

Operational reform is another critical component of the AU's reform strategy. As part of the reform, the AU holds one Ordinary Summit annually, starting from 2019. This structural change necessitated the delegation of budget adoption powers to the Executive Council, signifying a streamlined approach to decision-making and financial management.

Financial management and accountability are also key areas of focus. The AU has established mechanisms to ensure the effective implementation of legally binding decisions, including proper categorization and assessment of the financial and resource implications of each decision. The Committee of Ministers of Finance (F15) has been expanded and vested with enhanced responsibilities in budget oversight, reflecting the Union's commitment to financial prudence and accountability.

The reform extends to the structure and election processes of the AU Commission. The Commission's structure was revised to include a total of eight members, and a Director-General position was created to lead operational coordination. The African Union Commission's new structure will be composed of eight members, detailed as follows:

- 1) Chairperson
- 2) Deputy Chairperson

⁷ Kagame, n1 above.

⁸ See for example https://au.int/sites/default/files/documents/39663-doc-state_of_the_african_youth_report.pdf and https://au.int/sites/default/files/documents/41992-doc-AWD_report_English_E.pdf

- 3) Six Commissioners:
 - a) Commissioner for Agriculture, Rural Development, Blue Economy, and Sustainable Environment
 - b) Commissioner for Economic Development, Trade, Industry, and Mining
 - c) Commissioner for Education, Science, Technology, and Innovation
 - d) Commissioner for Infrastructure and Energy
 - e) Commissioner for Political Affairs, Peace & Security
 - f) Commissioner for Health, Humanitarian Affairs, and Social Development

This structure is designed to streamline the Commission's functions and ensure a focused approach to the critical sectors of development and governance within the African Union.

The principles governing the distribution of leadership roles within the African Union Commission are as follows:

- a. **Rotational gender parity:** The posts of Chairperson and Deputy Chairperson will adhere to the principle of rotational gender parity. If the Chairperson is male, the Deputy Chairperson will be female, and vice versa.
- b. **Equitable gender representation:** The six Commissioner-level posts will be distributed equally by gender.
- c. **Regional representation:** These six posts will also be distributed across the three regions not represented at the Chairperson and Deputy Chairperson level.
- d. **Exclusivity of candidacy:** Regions that have candidates elected to the position of Chairperson or Deputy Chairperson will not be eligible for consideration for the six remaining Commissioner posts.

This structured approach ensures balanced gender representation and regional inclusivity in the Commission's senior leadership roles.

The selection process for senior leadership positions was overhauled to enhance transparency and meritocracy, including measures like public debates and vision presentations for candidates.

As part of the reform, the AU established a comprehensive process for the assessment and election of its senior leadership, which is structured as follows:

2.1. Assessment and Shortlisting of Candidates:

- a) A High-Level Panel of Eminent Africans, one from each region, will conduct a skills and competency-based assessment and shortlisting of candidates. This panel will be assisted by an independent African firm.
- b) The panel's task is to create a ranked pool of pre-qualified candidates, nominated by the relevant AU regions, from which the Commissioners will be elected and appointed by the Executive Council.
- c) The assessment process includes an initial review of applications and CVs, followed by invitations to shortlisted candidates for further evaluation against established skills and competency criteria for the leadership posts.

2.2. Election Timelines:

- a) The announcement of candidatures for the senior leadership posts is scheduled to begin in March of the year preceding the election of the new Commission.
- b) An independent assessment of candidates for Commissioner posts will take place from August to December.
- c) The election and appointment of the Chairperson and the Deputy Chairperson will be conducted in January/February by the AU Assembly.
- d) Similarly, the election and appointment of the Commissioners will occur in January/February by the Executive Council.

2.3. Implementation Timeline:

- a) This selection process came into effect at the end of the tenure of the 2021 Commission.

This structured approach is designed to ensure a transparent, merit-based selection process, reinforcing the AU's commitment to efficiency and competency in its leadership roles.

The selection process for the senior leadership of the African Union Commission will be guided by the following key principles:

- a. **Equitable regional representation and gender parity:** Ensuring a balanced representation from various regions and equal opportunities for all genders.

- b. **Predictable inter and intra-regional rotation:** Implementing a systematic rotation for senior leadership positions, following the English alphabetical order, to promote fairness and diversity.
- c. **Attracting and retaining Africa's top talent:** Focusing on identifying and keeping the best talents from across the continent.
- d. **Accountable and effective leadership and management:** Emphasizing the importance of responsible and efficient leadership practices.
- e. **Transparent and merit-based selection:** Ensuring the selection process is open, fair, and based solely on merit and qualifications.

These principles are designed to foster a leadership selection process that is fair, inclusive, and focused on securing the most qualified individuals to lead the Commission.

Performance management within the AU has been significantly bolstered. A results-based system has been implemented for all staff, with clear annual goals and targets that are closely monitored and evaluated. This approach is aimed at ensuring accountability and effective performance across the organization.

To enhance performance management at the senior leadership level of the African Union Commission, the following decisions have been made:

- a. **Implementation of a performance management system:** The Commission has decided to promptly integrate a results-based performance management system. This system is aimed at ensuring accountability for performance and delivery and will apply to all staff, both elected and non-elected. Measures will be in place to address misconduct, abuse of office, poor performance, and failure to fulfill responsibilities.
- b. **Setting annual goals and targets:** The Commission is tasked with establishing annual goals and targets, which will be presented to the AU Assembly via the Executive Council, starting from February 2020. These objectives will form the foundation for performance agreements applicable to the leadership, management, and all staff members.
- c. **Reporting and evaluation:** The Chairperson of the Commission is required to submit an annual performance report to the Executive Council, detailing progress made towards achieving these targets. The Executive Council is mandated to assess the Commission's performance against the set goals and targets and to submit an evaluation report to the Assembly each year for review.

- d. **Delegation of authority proposals:** The Chairperson of the Commission is also expected to propose specific delegation of authority to the Commission on matters of internal management. This is to ensure that the Commission operates with greater flexibility and responsiveness. These proposals are to be submitted through the Executive Council at its Ordinary Session in February 2019.

These steps are aimed at fostering a culture of accountability and high performance within the Commission, thus enhancing its effectiveness and efficiency in meeting its mandates.

Finally, the ongoing reform efforts demonstrate the AU's commitment to continuous improvement and stakeholder engagement. The Commission has been tasked with finalizing remaining reform priorities, ensuring thorough consultation with all relevant stakeholders and expert involvement. Furthermore, the implementation of an AU-Wide Quota System marks a significant step towards balancing principles of solidarity and equity, while emphasizing gender and youth parity in recruitment.

The new system for hiring staff that ensures fairness and unity among its member states. This system divides the decision-making into two equal parts:

- a) **Solidarity:** Meaning all member countries have an equal part in the organization.
- b) **Equity** (scale of assessment 50% each): Meaning that the process of assessing and selecting candidates for jobs is fair.

Every type of job within the organization, whether it's a permanent job, a contract job, or a short-term job, will use this system. This system also promotes equal opportunities for both men and women, and for younger applicants, ensuring everyone has a fair chance to be hired.

These reforms collectively signal the AU's dedication to becoming a more inclusive, efficient, and accountable body, better positioned to achieve its overarching goals of unity and development across the African continent.

3. AN ASSESSMENT OF THE REFORM

In general terms, the AU's ambitious reforms have encountered several implementation challenges. A notable gap exists between proposed changes and their execution, often delayed by political resistance, bureaucratic inertia, and a lack of consensus among member states. This gap has significantly restrained the reforms' intended effectiveness.

Political will and commitment towards these reforms are variable across the member states, leading to uneven adoption and application. There is a perception among some member states of a lack of inclusivity in the consultation process, leading to disagreements on how the reforms should be implemented. On January 24, 2018, the Southern African Development Community (SADC) at the ministerial level voiced concerns over the progress report by the Chairperson of the AU on implementing institutional reforms. Their concerns centred on the actual reform process, the late submission of the report, which was filled with various options and recommendations needing further discussion, and additional consultations with other regions and like-minded countries.⁹

At a private meeting of AU Heads of State and Government on January 29, 2018, some SADC countries brought these issues to the forefront again. Despite these concerns, the SADC states have shown a strong united front regarding implementing reforms. However, key countries such as Egypt, South Africa, and Nigeria have demonstrated consistent reluctance regarding the decision to finance the Union.¹⁰ There is a worry that the perceived exclusion and resistance from influential member states may hinder the momentum of the reforms, reduce the sense of ownership, and undermine the leadership needed to drive these changes.

The principle of sovereignty, held dearly by some nations, influences their level of engagement with the reform process. Financial sustainability is another area of concern. Initiatives like the 0.2% levy on eligible imports, designed to foster economic self-reliance, have not been fully realized due to some member states' hesitancy or inability to fulfil financial obligations. Moreover, bureaucratic efficiency is hampered by systemic bottlenecks.

⁹ Chekol, Yayew Genet. "African Union institutional reform: Rationales, challenges and prospects." *Insight on Africa* 12.1 (2020): 29-44 and Okeke, Jide Martyns. "Ambition versus Realism: Evaluating the Prospects of Success of the African Union Institutional Reform Agenda." *A Wind of Change? The Institutional Reform of the African Union and Africa's Security Provision* (2018): 6-20.

¹⁰ As above.

The clarity and focus of the reform proposals are sometimes lacking, with some failing to specify clear timelines or accountability mechanisms, complicating progress tracking and enforcing responsibilities. Stakeholder engagement is another critical area where the reform process has fallen short, often excluding civil society and the private sector from discussions, which limits the diversity of input and diminishes the sense of collective ownership of the reforms.

Specifically, in comparison to the statutory, structural, and operational challenges facing the AU, the reform framework presents a modest response. As commendable as the current reform regime is, without addressing the statutory and structural challenges facing the AU, the benefits from the operational and tactical changes achieved under the reform will not be sustained.

The Constitutive Act serves as the constitution for an association of equal and sovereign states. The principles guiding the Union reflect and respond to this intergovernmental architecture, resulting in a slow process towards closer and deeper political and economic integration. This sluggish progress hinders Africa's economies from effectively collaborating and impedes the improvement of governance and performance within its institutions.

While the AU's stated principles, objectives, and values strongly advocate for political and economic integration among African nations, there is a noticeable disconnect between these aspirations and the actual provisions and institutions established by the Constitutive Act. The AU proclaims strong political and economic integration principles among African nations. Yet, there's a stark disconnect between these ambitions and the realities outlined in its Constitutive Act.

This gap is evident in the Act's failure to embed crucial institutions, such as those for human rights, within its primary framework. Although 6 out of the AU's 16 principles address human rights, the main organs responsible for them are not listed as primary Union organs, reducing their prominence and effectiveness. This oversight hampers the interplay between human rights and integration processes, which are integral to each other's success. Integration processes and human rights are deeply interrelated: integration acts to broaden and achieve human rights, while human rights guide and regulate the integration process.

A meaningful reform of the AU necessitates more than superficial adjustments; it calls for a fundamental reevaluation and potential amendment of the Constitutive Act. For instance, the current decision-making process, especially in the Assembly of the AU, is slow and often based on consensus or a two-thirds majority. Reform should introduce more efficient decision-making methods adapted to the nature of the decision at hand to hasten and reinforce actions for integration.

The Peace and Security Council (PSC) of the AU, which is responsible for conflict management, is hindered by limited resources and member state sovereignty. Empowering the PSC with more robust mandates and resources and revising its intervention protocols would bolster the AU's role in maintaining peace and security. Similarly, economic initiatives like the African Continental Free Trade Area (AfCFTA) suffer from inconsistent implementation across member states.

Financial instability further challenges the AU with irregular and inadequate member-state contributions. More reliable funding methods, possibly through new contribution formulas or alternative sources, are essential for the AU to meet its goals effectively.

The reforms must also fortify AU member states' collective will to commit to political and economic integration. Currently, essential public goods for integration, such as a continental free trade area and free movement protocols, are only enacted through subsidiary protocols that require separate ratifications.

Without compelling provisions in the Constitutive Act, these protocols are only binding for states that ratify them, undermining the cohesion and effectiveness of the integration efforts. It is quite possible that Kagame's diagnosis that, in the past at the AU "serious problems were repeatedly identified. Solutions were found. Decisions were made to apply the solutions. And very little happened;"¹¹ might unfortunately become predictive of the outcome of the current reform process.

A closer look at the principles that underpin the AU and the EU might make this point clearer.

AU	EU
Intergovernmental	Supranational
<p>Governance and Sovereignty:</p> <ul style="list-style-type: none"> ▪ Sovereign Equality and Interdependence: Member States have equal status and rely on each other while working within the AU. ▪ Respect for Borders: The AU respects the borders established at the time of independence, reinforcing state sovereignty. 	<ul style="list-style-type: none"> ▪ Subsidiarity and Proportionality: Decisions should be made at the most local level possible, and EU action should not go beyond what is necessary to achieve treaty objectives. ▪ Supremacy of EU Law: EU laws take precedence over national laws to ensure consistency across all member states.

¹¹ <https://www.tralac.org/news/article/11228-address-by-president-paul-kagame-at-the-retreat-of-the-au-heads-of-state-and-government.html>

AU	EU
Intergovernmental	Supranational
<ul style="list-style-type: none"> ▪ Non-Interference: There is a principle of non-interference in the internal affairs of Member States, which respects national sovereignty. ▪ Prohibition of Force: The use of force or threats among Member States is prohibited, promoting peaceful relations. ▪ Democratic Principles and Good Governance: The AU encourages adherence to democratic principles, the rule of law, and good governance. <p>Peace and Security:</p> <ul style="list-style-type: none"> ▪ Common Defence Policy: The AU aims to establish a common defense policy for the continent. ▪ Resolution of Conflicts: The AU seeks to resolve conflicts through appropriate means decided by the Assembly. ▪ Peaceful Co-existence and Security: Member States have the right to live in peace and security. ▪ Intervention Rights: The AU has the right to intervene in Member States in cases of war crimes, genocide, and crimes against humanity. ▪ Request for Intervention: Member States can request the AU's help to restore peace and security. 	<ul style="list-style-type: none"> ▪ Mutual Recognition: Products and services can be sold across all member states if they are legally available in one, supporting the single market. ▪ Solidarity and Cohesion: Member states support each other during crises, and the EU aims to reduce regional disparities for balanced development. ▪ Conferral: The EU can only act in areas where member states have given it the authority to do so through the Treaties. ▪ Loyalty: Member states should actively support EU actions and objectives and avoid actions that could harm the Union. ▪ Equality of Member States: All member states have an equal say in the EU's decision-making processes, respecting each state's sovereignty. ▪ Free Movement: Goods, capital, services, and people can move freely within the EU, which is essential for the single market.

AU	EU
Intergovernmental	Supranational
<p data-bbox="316 360 778 434">Economic Development and Self-Reliance:</p> <ul data-bbox="316 461 823 719" style="list-style-type: none"> <li data-bbox="316 461 823 539">▪ Self-reliance: The AU promotes self-reliance within its framework. <li data-bbox="316 555 823 719">▪ Economic Development: There is a focus on social justice to ensure balanced economic development across the continent. <p data-bbox="316 768 810 801">Human Rights and Gender Equality:</p> <ul data-bbox="316 824 823 1444" style="list-style-type: none"> <li data-bbox="316 824 823 947">▪ Gender Equality: The promotion of gender equality is a fundamental principle. <li data-bbox="316 965 823 1088">▪ Human Rights: Respect for human rights is central to the AU's principles. <li data-bbox="316 1106 823 1267">▪ Sanctity of Human Life: The AU respects human life and rejects impunity, political assassination, terrorism, and subversive activities. <li data-bbox="316 1285 823 1444">▪ Rejection of Unconstitutional Changes in Government: The AU condemns any unconstitutional change of governments. 	

Some of the immediate implications of the differences in principles include:

- a) **Supranational governance vs. sovereign equality:** The Lisbon Treaty establishes a strong supranational entity where EU law has primacy over national laws, suggesting a higher level of integration among Member States. The AU's emphasis on sovereign equality and non-interference can be seen as a barrier to deeper integration and may limit the AU's ability to enforce collective decisions.
- b) **Conflict resolution and peacekeeping:** While both treaties emphasize peaceful conflict resolution, the EU, under the Lisbon Treaty, has the institutional capacity for a common defense and security policy, which could be more robust

compared to the AU's mechanisms that rely on the consent and cooperation of Member States to resolve conflicts.

- c) **Economic integration:** The Lisbon Treaty provides for an internal market with the free movement of goods, services, capital, and people, which is a cornerstone for economic integration. The AU's Constitutive Act lacks specific mechanisms for such deep economic integration, potentially impeding the creation of a seamless internal market.
- d) **Democratic principles and human rights:** Both frameworks advocate for democracy and human rights. However, the EU has established extensive legal frameworks and institutions to monitor and enforce compliance, which may be more advanced than those of the AU. This includes the EU's Charter of Fundamental Rights, which the AU does not have an equivalent of.
- e) **Institutional structure:** The Lisbon Treaty outlines a clear and detailed institutional structure for the EU, including the roles of the European Commission, European Parliament, and European Court of Justice. The AU's institutional framework may benefit from further clarity and strengthening to enhance its functionality and impact.
- f) **Social policy and citizenship:** The EU under the Lisbon Treaty advances social policy and a sense of EU citizenship, which fosters a collective identity among Member States. The AU Constitutive Act focuses more on states than individuals, which may limit the development of a pan-African identity and citizenship.
- g) **Financial contributions and solidarity:** The EU has a more structured system for financial contributions from Member States and mechanisms for financial solidarity, such as the European Stability Mechanism. The AU has faced challenges in securing member contributions and implementing its self-financing decisions.

A reform of the AU that does not include a review and amendment of the Constitutive Act to infuse it with inbuilt-pull and push factors for political and economic integration falls short of an ambitious reform agenda.

3.1. Reform of structures

The leadership and decision-making processes of the African Union (AU) are primarily driven by an executive leadership structure. This structure is not complemented by the traditional checks and balances usually provided by a legislature and the oversight functions of a judiciary. The AU's three principal policymaking organs—the

Assembly, the Executive Council, and the Peace and Security Council—are composed of members from the executive branches of member states' governments. The Pan-African Parliament, meanwhile, functions more as a deliberative and advisory body rather than as a fully empowered legislative institution. Additionally, the Protocol that would establish the AU Court of Justice and Human Rights has not yet been put into effect.

This arrangement where the AU's governance is heavily skewed towards the executive branch has several implications:

- a. **Lack of checks and balances:** Without a fully functioning legislative body and an operational judiciary, there are limited checks on executive power. This could lead to decision-making that is less scrutinized and potentially more susceptible to the influence of a few powerful member states or leaders.
- b. **Democratic deficit:** The current state of the AU's institutions may reflect a 'democratic deficit', where there is an inadequate representation of the diverse voices of African citizens. This could impact the legitimacy and acceptance of the AU's decisions among the broader African populace.
- c. **Potential for inefficiency:** Executive-driven organizations without robust oversight mechanisms can become inefficient over time. There could be a lack of accountability for decisions made, and inefficiencies may not be addressed promptly.
- d. **Delayed justice and human rights protections:** The fact that the AU Court of Justice and Human Rights is not yet operational means that there is no continent-wide judicial body to oversee human rights issues or to interpret AU laws, potentially leaving gaps in justice and human rights protection.
- e. **Policy implementation challenges:** Without a strong legislative body to pass binding resolutions or laws, implementing policies across diverse member states could be challenging. Member states may interpret and apply policies inconsistently, leading to fragmentation in how the AU's objectives are realized.

A reform process of the AU that fails to address these structural challenges is likely to fall short of expectations.

3.2. Inadequate consultation

While the ongoing reform of the AU has benefited from several consultations, these consultations have been state-led, state-centric and state-focused. The state-centric and state-led nature of the consultations in the AU's reform process can have

significant implications, particularly in explaining why the AU may find itself in a recurring cycle of needing reforms. Such a consultation approach might not fully capture the diverse perspectives and needs of the African populace, including civil society, the private sector, and other non-state actors.

This deficit could lead to the creating of policies and structures that do not have broad-based support or fail to address the continent's challenges comprehensively. When reforms are designed without a wide range of stakeholder inputs, they may lack the necessary depth and adaptability, resulting in less resilient reforms to the dynamic and varied realities across the continent. Consequently, this could necessitate frequent revisiting and restructuring, as each round of reforms may only partially address the underlying issues needing attention.

3.2.1. Citizen participation

Even when the Kagame-led process attempted to consult with civil society organizations, it was not broad enough and inclusive, and hardly this resulted in meaningful participation. To be consulted about a process typically means to be asked for one's opinion or feedback on a matter before decisions are finalized. Consultation is often a one-way interaction where the consulted party provides input, but others make the final decisions. Those consulted do not have direct control over outcomes; they merely advise or provide perspectives that decision-makers may consider.

In contrast, participating in a process indicates a more active, hands-on role. Participants are directly involved in the decision-making process, contributing to the development, planning, and execution of actions. Participation implies control and often shared responsibility for the process and its results. It's a two-way interaction where participants are part of the driving force of the initiative rather than merely advising from the sidelines.

The AU aims to foster a partnership between governments and all segments of civil society, including women, youth, and the private sector. This initiative is meant to bolster solidarity and cohesion among African peoples, ensuring their active participation in the Union's activities. However, the AU's constitution does not adequately facilitate the creation of a citizen-centered union. Its policy-making structures are predominantly state-centric. Moreover, the Economic, Social and Cultural Council (ECOSOCC), which serves as the civil society platform within the AU, has a statutorily limited role that is exclusively advisory.

The current setup of the AU, with its state-centric approach and the advisory-only status of ECOSOCC, could have several implications:

- a. **Limited civil society engagement:** The lack of a robust mechanism for civil society participation could result in policies that do not fully reflect the diverse interests and needs of African citizens.
- b. **Potential for disconnect:** The state-centric nature of the AU may lead to a disconnect between the Union's actions and the priorities of civil society, potentially reducing the effectiveness of AU initiatives.
- c. **Underrepresentation of marginalized groups:** Women, youth, and other marginalized groups might find their concerns and perspectives underrepresented in the policymaking process, which could hinder the progress toward inclusivity and equity.
- d. **Challenge in policy implementation:** Without the active engagement and buy-in of civil society, implementing policies at the grassroots level could face significant challenges, undermining the AU's goals of solidarity and cohesion.
- e. **Missed opportunities for innovation:** A partnership with the private sector is crucial for innovation and economic growth. If the private sector's role remains peripheral, opportunities for innovation and development could be missed.
- f. **Inadequate advocacy for civil rights:** The advisory status of bodies like ECOSOCC suggests that advocacy for civil rights and societal needs might not translate into actionable policies, potentially stifling societal development, and human rights advancements.

While ECOSOCC is usually not considered part of the mechanisms constituting the African human rights system, its mandate related to 'promotion of human rights, the rule of law, good governance, democratic principles, gender equality and child rights'¹² and facilitating CSOs' engagement with the AU are crucial to the functioning of the African human rights system.

In addition, the decision by the Executive Assembly requesting the ECOSOCC to lead the process of harmonizing criteria for observer status within the Union has implications for CSOs' and citizens' access to and engagement with the mechanisms of the African human rights system.¹³ Harmonizing accreditation criteria across the

¹² See article 7(5) of the ECOSOCC Statute.

¹³ Decision on the Criteria for Granting Observer Status and a System of Accreditation within the AU - Doc. EX.CL/161 (VI) EX.CL/Dec.168(VI)

AU under the leadership of the ECOSOCC could streamline the process for CSOs to gain observer status, which is a positive step toward efficiency. This could lead to a more consistent and transparent process, allowing CSOs to engage with AU mechanisms more easily.

However, the challenge lies in ensuring that the harmonized criteria do not become exclusionary, particularly for CSOs that advocate for minority groups or on sensitive issues like sexual orientation, which may be contentious in various member states. Harmonisation should result in greater inclusivity and the facilitation of a unified civil society voice within AU processes. There is, however, is the concern that, if the harmonized criteria reflect conservative values that are predominant in some member states, it may inadvertently marginalize CSOs working on issues that lack widespread acceptance across the continent, thereby silencing vital voices that contribute to the diversity and richness of the African human rights discourse.

4. THE NEXT PHASE OF THE REFORM

4.1. Context of reform of the African Human Rights System

The AU has almost completed the reform process of the AUC and the working methods of policy organs. The next phase of the reform process is that of the other organs of the AU- the Pan-African parliament, the African Court of Human and Peoples' Rights (AcHPR), the African Commission on Human and Peoples' Rights (ACHPR), the African Committee on the Rights and Welfare of the Child (ACERWC) and ECOSOCC. The focus of this paper is the AcHPR, the ACHPR and the ACERWC referred to here as the African human rights system.

The AU is undertaking reforms of the African human rights system when the continent navigates a labyrinth of complex challenges. The situational analysis of Africa's current human rights context reveals several layers the AU must consider, ensuring the reformed system is practical and progressive.

- **Toxic geopolitical environment:** The geopolitical landscape in Africa is marked by volatility, with power struggles and conflicts affecting the human rights situation. External influences and interests often exacerbate internal tensions, leading to governance crises that undermine human rights.
- **Rise of conservative and anti-rights forces:** A surge in conservative political ideologies and movements, some resistant to universal human rights norms, threatens protecting and promoting human rights. These groups often challenge the legitimacy of human rights mechanisms, creating an environment of hostility towards human rights defenders and activists.
- **Diminishing resources:** Human rights mechanisms often rely on international funding, which is declining. This scarcity of resources limits the ability of these mechanisms to operate effectively and to respond promptly and efficiently to human rights violations.
- **Capacity deficits:** Many African human rights institutions face challenges regarding expertise, infrastructure, and support, which hinder their ability to enforce human rights standards and hold violators accountable.
- **Legitimacy deficits:** There is a growing perception that human rights institutions are either too weak to confront powerful violators or are being used as tools for political ends, leading to a legitimacy crisis.

- **Pandemic and economic impacts:** The COVID-19 pandemic has not only posed direct health challenges but also exacerbated economic inequalities, leading to a spike in rights violations, such as the right to health, education, and an adequate standard of living.
- **Technology and rights:** While technology offers new avenues for promoting human rights, it also presents unique challenges, such as digital surveillance, which can infringe on privacy and freedom of expression.
- **Environmental issues:** Climate change and environmental degradation pose significant threats to the rights to health, access to water, and livelihood, particularly for vulnerable communities.

In reforming its human rights system, the AU should focus on creating a robust framework capable of withstanding these challenges. The reformed system must be resilient against political pressures and have sustainable funding mechanisms less reliant on external sources. It should also invest in capacity building to ensure institutions are well-equipped with the necessary tools and expertise to uphold human rights standards.

Moreover, the AU must ensure that the reformed system is reactive and proactive, with the ability to anticipate and respond to emerging human rights challenges, including those posed by technology and environmental change. It should also work to enhance the legitimacy of human rights mechanisms by ensuring they are impartial and effective in holding violators accountable.

Finally, the reformed system must be inclusive, engaging with civil society, human rights defenders, and the wider public to build a culture of respect for human rights across the continent. This approach will help the system be fit for purpose and forward-looking, capable of navigating the complexities of the current and future human rights landscape in Africa.

4.2. The African human rights system and a case for reform

4.2.1. Overview of the Current African Human Rights System

The African human rights system comprises the African Charter on Human and Peoples' Rights, its Additional Protocols, and the African Commission on Human and Peoples' Rights (ACHPR), a supervisory body. This system also includes the African Charter on the Rights and Welfare of the Child, overseen by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), and the African Court on Human and Peoples' Rights (the Court).

The Commission and the Committee have 11 experts, Executive Secretaries, and Secretariat staff. The Court has 11 judges. The three mechanisms have similar mandates in human rights promotion, protection, and interpretation. Both the ACHPR and the ACERWC receive and review state reports and individual communications and conduct on-site visits, requiring states to provide periodic updates. The ACHPR, ACERWC, and the Court all hold protection mandates. The Secretariats of the ACHPR, ACERWC, and the Court are located in Banjul, The Gambia; Maseru, Lesotho; and Arusha, Tanzania, respectively.

The goals of the AU reform process are focusing AU's interventions on a few policy issues with continental scope, improving operational effectiveness and efficiency, institutional alignments to reduce duplication of efforts, ensuring sustainable financing for AU's efforts and enabling popular participation in AU and its processes. These parameters will inform how the reform unit approaches African human rights challenges and its proposed solutions.

4.2.2. Challenges faced by the current system

The African human rights system encounters numerous challenges in addressing the continent's intricate and interrelated human rights issues. These include overlapping mandates, resource duplication, inefficient use, and poor implementation of treaty body recommendations and decisions.¹⁴

- a) **Overlap of mandates:** The system's treaty bodies often have overlapping responsibilities. Although these bodies address specific human rights issues, their similar mandates and methods can lead to confusion, competition, and limited cooperation, diminishing their effectiveness.
- b) **Duplication of efforts:** The system sometimes sees efforts duplicated across different treaty bodies that promote, protect, and interpret various human rights treaties. This results in resource wastage, funding competition, and inconsistencies in addressing similar human rights challenges, compounded by the absence of a centralised coordination mechanism.
- c) **Inadequate and inefficient resource use:** Limited resources, compounded by redundant efforts and poor coordination, frequently constrain the system. Allocation of financial, technical, and human resources is often inefficient, with

¹⁴ Heyns, Christof. "The African regional human rights system: In need of reform." *Afr. Hum. Rts. LJ* 1 (2001): 155; Gutto, Shadrack. "The reform and renewal of the African regional human and peoples' rights system." *Afr. Hum. Rts. LJ* 1 (2001): 175; Zouapet, Apollin Koagne. "From 'puzzling' to comprehensible and efficient: Reform proposals to the African human rights framework through a 'system' lens." *African Human Rights Law Journal* 23.1 (2023): 1-29.

external assistance from international partners not always aligning with the treaty bodies' priorities.

- d) **Poor implementation of recommendations:** The development of numerous policies and frameworks is often let down by inadequate implementation, which can be attributed to a lack of political will, insufficient institutional capacity, limited resources, and weak enforcement mechanisms.
- e) **Determinations by sovereign parties:** The system's effectiveness largely depends on the commitment of individual state parties. However, ineffective governance, corruption, and competing priorities often impede the effective implementation of regional and sub-regional human rights initiatives.

4.3. Reform Options: Enhancing efficiency and effectiveness of the African human rights system

A reform of the African human rights system could take several forms this could include: improving the status quo, merging different mechanisms with similar mandates or rationalizing mandates within the system. Each option has advantages and disadvantages.

4.3.1. Option 1: Improving the status quo

The African human rights system's vision, mission, and mandate remain as relevant as when the OAU first established it. The treaty bodies' existing mandates, structures, organisations, and compositions provide Africa with unique human rights services.

- a) **Emphasis on African context and values:** The African human rights treaties are tailored to the region's unique historical, social, cultural, and political contexts, incorporating individual and collective rights and responsibilities that reflect African societies' values and principles.
- b) **Comprehensive mandate:** The African human rights system's mandate is expansive, encompassing the promotion, protection, and interpretation of a broad spectrum of human rights. This allows the treaty bodies to address various human rights issues holistically.
- c) **Accessible complaint mechanism:** The African human rights system in its current form offers an accessible avenue for individuals and NGOs to seek redress for human rights violations, mainly when domestic remedies are ineffective or non-existent.

- d) **Flexibility and informality:** The African human rights system's procedures and methods are less formal and more adaptable than those of international and domestic courts, facilitating a more approachable environment for complainants and stakeholders.
- e) **Promotion of regional cooperation and integration:** The ACHPR and the ACERWC fosters dialogue and cooperation among member states, contributing to harmonising regional human rights standards and practices.
- f) **Engagement with civil society:** The ACHPR and ACERWC's active engagement with civil society allows for diverse stakeholder participation, enhancing responsiveness to the continent's needs and concerns.
- g) **Special mechanisms and rapporteurs:** The ACHPR and the ACERWC have established mechanisms focusing on specific human rights issues or vulnerable groups, allowing in-depth research and policy engagement with member states on thematic topics.

According to this option, the reform process should be directed at fine-tuning the existing structural, institutional, and organisational challenges inherent in the African human rights system. These challenges include:

- a) **Lack of functional autonomy:** The political interference from AU policy organs calls into question the independence and impartiality of the African human rights system. To remedy this, the AU must delineate the African human rights system's autonomous functions, allowing it to operate without political interference. Additionally, the AU should establish selection criteria that define expertise in human rights and high moral standards and set up an inclusive, transparent vetting committee to recommend for elections members who will serve on the mechanisms of the African human rights system. This committee, involving civil society organisations and other stakeholders, would shortlist and endorse candidates for election to AU Policy Organs.
- b) **Full-time chair and vice-chair:** The ACHPR and the ACERWC require a permanent Chair and Vice-Chair to function effectively. A permanent Bureau would provide the following:
 - **Dedicated leadership:** A full-time Bureau will wholly concentrate on the ACHPR and ACERWC's purpose and objectives, enhancing decision-making, coordination, and strategic direction.
 - **Visibility and representation:** A full-time Bureau will elevate the ACHPR and the ACERWC's profile at high-level meetings and conferences, thereby deepening its engagement with key stakeholders and broadening its impact on human rights issues in Africa and internationally.

- **Coordination and collaboration:** Improved interaction with regional and international human rights entities, national institutions, and civil society organisations will result from a full-time Bureau, benefiting the ACHPR and ACERWC's activities and influence through enhanced cooperation and information exchange.
 - **Advocacy and diplomacy:** A permanent Bureau will be instrumental in advocating the ACHPR and ACERWC's recommendations and decisions to member states and international partners, garnering high-level support for the Commission's initiatives.
 - **Accountability and transparency:** A full-time Bureau could more effectively monitor the ACHPR and ACERWC's decisions and recommendations, holding member states accountable for their human rights commitments and enhancing the transparency of human rights monitoring in Africa.
 - **Organisational capacity and efficiency:** A full-time Bureau would fortify the ACHPR and ACERWC's internal processes and organisational capacity, potentially securing more funding, optimising the Commission's operations, and assembling a more robust team.
 - **Responsiveness:** With a full-time Bureau, the ACHPR and the ACERWC could more adeptly respond to emerging human rights issues and crises, allowing for the development specific initiatives to promote and safeguard human rights across the continent.
- c) **Inadequate resources:** The African human rights system often faces constraints due to insufficient financial and human resources, limiting its capacity to effectively promote and protect human rights. To address this, increasing funding from AU member states and other sources and enhancing human resource capabilities is crucial. Moreover, the AU should establish a voluntary human rights fund to allow additional contributions to support the African human rights system's initiatives.
- d) **Inefficient complaint mechanism:** The ACHPR and the ACERWC's complaint process are complex and lengthy, challenging the body's effectiveness and timely access to justice for victims of human rights violations. If the ACHPR is to maintain its protective mandate, it should address massive, systemic, and gross human rights violations, leaving individual complaints to the African Court.
- e) **Weak enforcement of decisions and recommendations:** The African human rights system often struggles to ensure member states' compliance with its

directives. Establishing a robust monitoring mechanism is necessary to track adherence and engage states effectively. Significant violations identified by the ACHPR, the ACERWC and the Court should activate Article 23 (1) & (2) of the Constitutive Act.

- f) **Special mechanism system:** The current system wherein Commissioners and experts also serve as special mechanisms have notable drawbacks, including limited capacity and potential conflicts of interest. A new system should involve a limited number of independent experts, appointed based on expertise and recommended by a Vetting Committee, to enhance the ACHPR and the ACERWC's work by providing legitimacy, increasing focus, and avoiding conflicts of interest, thereby extending the ACHPR and the ACERWC's reach.
- g) **Resource and restructure the secretariats of the ACHPR, the AchPR and the ACERWC:** The Secretariats require restructuring and resourcing as proposed in the different proposed structure. To align with policy decisions and reflect the ACHPR's standing and workload, the position of Executive Secretary should be upgraded to a D1 level.

4.3.2. *Option 2: Consolidation of Human Rights Bodies: Merging the ACHPR and ACERWC into a Single Entity*

This option proposes the 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 potentially the African Union Commission on International Law (AUCIL) into a singular body dedicated to international law, human rights, and children's rights promotion.¹⁵ The ACHPR's and the ACERWC's protection mandates should be delegated to the Court.

Amendments to Article 34(6) of the Court Protocol would be required to align the Court's access and standing requirements with those that preceded the ACHPR and ACERWC, empowering the Court to undertake its protection mandate effectively.

The amalgamated treaty body would be composed of X number of commissioners, including regional and gender representations, a permanent chair and vice-chair (Bureau), and Commissioner Rapporteurs for children's rights and women's rights. Special rapporteurs appointed by AU organs would enhance this body.

Advantages of Consolidation include:

¹⁵ Please note that this option was rejected by member states at a Retreat in Kigali.

- a. *Streamlined human rights mechanism:* A consolidated entity would simplify the human rights framework in Africa, making it more understandable and accessible for redress.
- b. *Unified secretariat:* A single secretariat for ACHPR, ACERWC, and AUCIL would improve coordination and communication, streamline reporting and monitoring, and allow for integrated capacity building and technical assistance.
- c. *Enhanced cooperation:* Consolidation would foster better coordination and cooperation between different human rights institutions for a unified approach to human rights violations.
- d. *Optimised resources:* Merging bodies would lead to a more effective and efficient operation, alleviating African countries' administrative and financial burden.
- e. *Increased visibility and impact:* A consolidated entity would likely have a more robust regional and international presence, enhancing the mobilisation of resources to address human rights challenges.
- f. *Improved compliance and enforcement:* A singular system could better monitor and enforce human rights obligations across the continent.
- g. *Reduced state party burden:* The merger would streamline reporting obligations, coordinated monitoring, consistent decision-making, simplified civil society engagement, and efficient resource use.

Potential disadvantages to consider:

- a) *Loss of specialised focus:* A singular body may dilute the attention given to children's rights as it broadens its scope to address more human rights issues.
- b) *Bureaucratic challenges:* Integrating various bodies with distinct mandates and procedures could lead to inefficiencies and delays.
- c) *Conflicting priorities:* Balancing the varied priorities of merged entities could lead to a lack of focus on specific issues.
- d) *Overburdened mandate:* The combined body might struggle to address all human rights issues effectively due to an expanded mandate.
- e) *Loss of Expertise:* The merger could lead to a loss of specialised expertise, particularly in children's rights.
- f) *Stakeholder resistance:* Resistance from various stakeholders might pose implementation challenges.

4.3.3. Option 3: Rationalising promotion and protection mandates

The third option involves delineating the roles and responsibilities among the ACHPR, ACERWC, and the Court.

Methods for Mandate Division:

- a) *Mandate Clarification:*
 - ACHPR: Focus on widespread human rights promotion and protection, interpreting the African Charter, and state report evaluations.
 - ACERWC: Concentrate on children's rights promotion and protection, interpreting the Children's Charter, and monitoring state compliance.
 - Court: Handle judicial functions litigation and issue binding judgments on human and children's rights.
- b) *Referral Mechanisms:* Establish procedures for case referrals to the Court, ensuring all protective and promotional measures are exhausted before litigation.
- c) *Complementarity:* Recognise each institution's expertise and collaborate when necessary.
- d) *Coordinated Reporting:* Harmonise reporting requirements and coordinate recommendations with the Court for consistency.
- e) *Communication:* Regular meetings and joint task forces should be established between ACHPR, ACERWC, and the Court.

Advantages of a Clear Division of Mandates:

- a. *Specialised focus:* Each institution can concentrate on its expertise for targeted responses.
- b. *Clear jurisdiction:* Well-defined mandates reduce overlaps and confusion.
- c. *Effective Resource Allocation:* Separate mandates allow for efficient resource use.
- d. *Tailored support:* Capacity building and technical assistance can be more specific to each body's expertise.
- e. *Complementary approach:* Clear roles can lead to better collaboration and a comprehensive human rights protection strategy.

Disadvantages could include:

- *Potential fragmentation:* Dividing mandates between multiple institutions may lead to a fragmented human rights system, making it more challenging for state parties and civil society to navigate and potentially resulting in gaps in human rights protection.
- *Duplication of efforts:* Despite efforts to divide mandates, there may still be overlaps in the work of the ACHPR, ACERWC, and the Court, leading to duplication of efforts and inefficient use of resources.
- *Communication barriers:* Having separate mandates may hinder communication and collaboration between institutions, as each body may focus more on its specific role rather than fostering cooperation.
- *Inconsistent interpretation and application:* Dividing mandates might result in varying interpretations and applications of human rights standards, leading to confusion and inconsistency in promoting and protecting human rights in Africa.
- *The burden on state parties:* Multiple institutions with separate mandates may impose a more significant burden on state parties regarding reporting obligations, engagement, and resource allocation.

5. CIVIL SOCIETY ORGANISATIONS' PROPOSAL FOR THE REFORM OF THE AFRICAN HUMAN RIGHTS SYSTEM

As the preeminent continental organisation representing African nations' collective interests, the AU has steadfastly advocated for its citizens' rights and welfare. Its recent endeavours to reform the African Human Rights System continue this legacy of innovation in human and peoples' rights promotion and protection, advancing the frontiers of knowledge and policy. The ongoing reform cannot be solely administrative; it must embody the AU's dedication to ensuring dignity, justice, and freedom for everyone, irrespective of origin or status.

Civil society organisations, including ours, have historically led human rights advocacy, acting as watchdogs, educators, and advocates for the marginalised. We acknowledge the intricacies of reforming a system catering to nations with varied cultural, political, and socioeconomic backgrounds. Yet, this diversity underscores the necessity for a resilient and inclusive human rights framework.

The AU, with its roots in fighting colonialisation, overcoming apartheid and building a democracy founded on justice and equality, must use the reform process to strengthen rather than weaken its human rights architecture. AU's leadership and commitment to its regional human rights system often set a precedent for other regional human rights systems.

The CSO proposals aim to constructively engage with the reform unit and the different AU member states with two objectives:

- a) To emphasise procedural nuances that ensure the reform process is transparent, inclusive, and resonates with the continent's diverse perspectives.
- b) To underscore crucial enhancements that could render the African Human Rights System more effective, agile, and aligned with international benchmarks.

In its engagement with the reform process, the CSOs would want to emphasis and seek to achieve six key outcomes from the reform process of the African human rights system. As civil society organizations we expect the reform of the African Human Rights System to address three main and interrelated aspects:

- 1) The reform should result in enhanced promotion and protection of human and peoples' rights rather than diminished protection.
- 2) The reform should enhance the independence, complementarity, collaboration, and coordination within the norms and mechanisms of the African human rights system.
- 3) The reform should strengthen the capacity and credibility of the African Human Rights System (resources- and competency).
- 4) The reform should expand access by African citizens and by CSOs to the mechanisms of the African Human Rights system (standing).
- 5) The reform should further strengthen the Union's capability and resources to implement and enforce the norms, decisions, and recommendations of the African human rights system.
- 6) The reform should increase transparency in the decision-making processes and operational procedures of the African human rights system's mechanisms.
- 7) The reform process should enable a meaningful CSOs access, engagement and participation in the AU processes.

5.1. More and not less protection

Reforming the African human rights system has immense potential for positive and negative outcomes. One of the primary concerns 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:

- 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. Diminishing these rights in the name of reform would be a regressive step. Instead, 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.

In summary, the reform of the African human rights system should be approached to strengthen and enhance the existing framework. This ensures the protection of universal human rights, promotes inclusivity, aligns with international standards, supports socio-economic development, and secures a just legacy for future generations.

5.2. Enhancing the independence, complementarity, collaboration, and coordination within the norms and mechanisms of the African human rights system: Ensuring horizontal and vertical complementarity and subsidiarity.

The African human rights framework is at a crossroads, necessitating a re-imagining and reform to enhance its relevance, coherence, efficiency, and effectiveness. The African Charter initially set the stage for this framework but did not foresee the intricate architecture it would necessitate. The result has been an organic and uneven development, leading to a complex assembly of institutions and norms that demand a systematic overhaul.

At the heart of the issue is the need for institutional and methodological reform to construct a coherent, effective, and efficient African human rights system. The drafters of the African Charter did not set out to establish a system of human rights promotion and protection. If indeed out of the African Charter, an African human rights system has emerged did so sporadically, shaped more by the ebb and flow of historical events than by a deliberate, cohesive design.

Historically, the African Commission was the primary body for human rights promotion and protection under the African Charter. However, new institutions emerged without a clear mandate for ensuring horizontal and vertical complementarity and subsidiarity between existing and new components of the human rights system or consistency in framing of the new norms and mechanisms as the system expanded, leading to a disjointed architecture.

The outcome is dual: there's been a marked increase in the density of normative instruments for human rights protection, and a proliferation of institutional mechanisms at national, regional, and continental levels tasked with realizing or safeguarding these rights. This abundance and variety necessitate a more orderly, coherent, and well-articulated environment to more effectively honour the dignity of all individuals in Africa.

The current framework is a diverse collection of human rights institutions and norms that constitute a system only when viewed from a purpose-driven perspective. Thus, if the human rights structure initiated by the African Charter is meant to evolve into a true system dedicated to the protection and promotion of human rights, there must be a deliberate effort to re-envisioned the different norms and mechanisms as a cohesive system and reformed to enhance its relevance, coherence, efficiency, and effectiveness in safeguarding fundamental rights. Such a reform will minimise the natural tendency of each human rights mechanism in Africa to assert itself as autonomous and, in the case of relations between mechanisms, superior to the other.

A system is defined by its order; its elements are interconnected and cannot be isolated without distorting their analysis. A regional human rights protection system is characterized by four elements: a normative declaration of rights to be guaranteed, a dedicated institutional architecture, a coherent articulation of normative and institutional elements, and the capacity of the system to function autonomously yet complementarily with other international mechanisms.

To advance this system, it's essential to organize the relationships between the various subsystems to establish operational synergy and effectively articulate the continental and regional levels. This includes overcoming the natural tendency of legal orders to assert sovereignty and, instead, fostering more complementarity and less competition.

A clear division of tasks is also crucial. Political organs should maintain powers of general orientation, norm adoption, African human rights policy coordination, operational decision-making, follow-up, and sanction. Technical bodies should focus on normative development for political body adoption and jurisdictional control/sanction of obligations.

Effective complementarity between national, regional and continental jurisdictions and among mechanisms within the continental jurisdictions should be further strengthened to by avoid competition risks and duplication. This can be achieved by rationalizing organs, considering the AU's resource limitations, and possibly introducing a principle of subsidiarity to distribute institutional roles according to the capacity to execute them effectively.

5.3. Strengthen capacity and credibility of the African Human Rights System: Increase resources and improving competency

5.3.1. Human and financial resources constraints

In 2022, the combined operational and programmatic budget for the African Commission, the African Court, and the African Children's Committee barely exceeded 20 million US dollars. Such a modest budget significantly hampers the effective functioning of these bodies. It constrains their ability to implement programs fully, limits their reach and responsiveness to human rights issues, and impedes their capacity for oversight and enforcement. This level of funding is insufficient to support the extensive mandate of these institutions in a continent with numerous and complex human rights challenges.

During the same timeframe, these institutions collectively employed fewer than 150 professional staff members, most of whom occupy lower-level technical positions and have worked for years without the chance for further training or studies. This situation severely affects the functioning of these mechanisms; it limits their capacity to address complex human rights issues effectively and constrains their ability to develop and implement strategies. The lack of advanced training and educational opportunities hinders staff development, crucial for the progressive evolution of institutional expertise and the overall enhancement of institutional effectiveness.

Human Rights and Governance Fund: The reform unit should recommend the establishment of a Voluntary Human Rights Fund within the Peace Fund or a standalone facility. This fund would allow member states and willing partners to financially support the operations of human rights treaty bodies financially, enhancing their efficacy and sustainability. A transparent reporting and auditing system should be included to ensure accountability.

5.3.2. *Quality and competency of mandate holders*

The Commission, the Court, and the Committee, constituting the oversight mechanisms within the African human rights system, comprise 33 elected mandate holders. These individuals, including 11 judges, 11 commissioners, and 11 experts from across Africa, are entrusted with the competency in human rights and the highest moral standards. Their crucial role is to promote and protect human and peoples' rights by monitoring the implementation of human rights treaties, rendering authoritative and high-quality jurisprudence, and interpreting the provisions of human rights treaties, thereby enhancing the promotion and protection of human rights.

The calibre of the Commissioners, judges, and experts elected to the treaty monitoring mechanisms is crucial to the performance, efficiency, and effectiveness of the oversight mechanisms of the African human rights system. It is fundamental to its credibility and long-term success.

However, despite the clear legal qualifications for candidates outlined by the Banjul Charter, the Court Protocol, and the Children's Charter, political factors during the national nomination processes and subsequent election phases have impeded the selection process's transparency, fairness, and meritocracy. This has sometimes resulted in the African human rights system being deprived of qualified, impartial, and capable judges, commissioners, and experts adept at upholding the norms and principles outlined in the human rights treaties.

Therefore, a primary goal of the reform process for the African human rights system should be to establish robust nomination, vetting, and selection procedures at both continental and national levels. This will ensure that only candidates—judges, commissioners, or experts—of the highest competency and moral integrity are presented on the ballot for election by AU policy organs.¹⁶

The quality of staff members in the secretariats of African human rights treaty bodies is just as crucial as the competence and moral standing of elected mandate holders. The secretariat staff form the backbone of these institutions, providing the necessary administrative and technical support that enables the treaty bodies to function effectively. They are responsible for the day-to-day operations, which include preparing for sessions, facilitating communication between stakeholders, managing case files, and following up on decisions and recommendations.

¹⁶ For good practices see: National Nomination of Judicial Candidates for the International Criminal Court: A Handbook by Parliamentarians for Global Action, 2023; Al-Khudayri, Yassir. Raising the bar: improving the nomination and election of judges to the International Criminal Court. Open Society Foundations, 2019.

Highly competent secretariat staff ensure that the machinery of the African human rights system runs smoothly and efficiently. Their professional abilities are vital for maintaining a high standard of work, from accurate and timely reporting to the thorough examination of human rights issues. Moreover, their technical skills are essential for managing the increasingly complex tasks of monitoring and enforcing human rights across diverse legal and cultural contexts.

The values and virtues of human rights upheld by the secretariat staff are equally important. Staff members who embody these principles can reinforce the integrity of the human rights system and foster trust among member states, civil society, and individuals seeking justice. They serve as role models, demonstrating a commitment to human rights in their professional conduct.

Enhancing the secretariat staff's professional and technical competencies during the reform process must be prioritised.

Improving the quality of mandate holders should start with improving the process of nomination and selection of candidates for election into the African human rights system at national and continental levels are extremely important to ensure quality and competency. To achieve this, the CSOs offer the following recommendations to AU and its member states:

1. Nomination Process:

- a) *Public Call for Nominations:* Announce nominations publicly, detailing eligibility requirements and disseminating the call across various networks to reach a diverse pool of candidates.
- b) *Transparent Selection Criteria:* Develop and publish criteria outlining professional qualifications, experience in international law, and high moral character.
- c) *Consultation and Involvement:* Engage with national legal entities like the highest courts and legal academies to nominate candidates.
- d) *Public Commentary Period:* Allow for a period where the public and civil society can submit feedback on candidates.

2. Vetting Mechanisms:

- a) *Independent Vetting Committees:* Establish national and continental vetting committees comprising legal professionals and civil society representatives, tasked with reviewing applications and conducting interviews.

- b) *Background Checks and Misconduct Allegations*: Implement a due diligence framework for extensive background checks and a confidential channel for misconduct allegations.
- c) *Operational Transparency*: Ensure the vetting process is transparent, with clear procedures and confidentiality protocols.

3. **Due Diligence Process:**

- a) *Standardized Framework*: Create a standardized due diligence framework, including a checklist for necessary background checks.
- b) *Confidential Reporting Mechanism*: Develop a secure channel for misconduct allegations.
- c) *Comprehensive Background Checks*: Mandate thorough background checks, including contacting previous employers and relevant bodies.

4. **Vetting Committee Operations:**

- a) *Formation and Training*: Form vetting committees with diverse composition and provide specialized training in investigative techniques and international human rights law.
- b) *Accountability and Reporting*: Introduce accountability measures for vetting committees, requiring documentation and justification of decisions.
- c) *Feedback and Appeals Process*: Establish a feedback mechanism for unsuccessful candidates and an appeals process for those contesting the vetting outcomes.

5. **Outcome and Reporting:**

- a) *Communication of Outcomes*: Publicize vetting results, including the rationale for candidate selection or rejection.
- b) *Merit-Based Elections*: Advocate for merit-based elections without vote trading.
- c) *Gender Parity and Diversity*: Commit to achieving gender parity and diversity in nominations.
- d) *Monitoring and Continuous Improvement*: Set up mechanisms for ongoing candidate performance monitoring and regular review of the vetting process.

6. **Vacancy Advertisement and Stakeholder Engagement:**

- a) **Open Calls and Regular Updates:** Publicize calls for applications through various channels and provide regular updates on the nomination and vetting progress.
- b) **Inclusive Postings and Balanced Panels:** Ensure vacancy postings are inclusive and selection panels are demographically balanced.
- c) **Diversity Metrics Reporting and Stakeholder Engagement:** Publish reports on diversity metrics and engage stakeholders in the nomination process.
- d) **National Legal Framework and Reporting:** Establish a national legal framework for nominations, ensuring transparency and merit-based selections, and mandate regular reporting by national authorities.

7. **Advisory Committee on Nominations:**

AU member states should establish formal Advisory Committees on nomination. The roles of these committees include thorough reviews of candidates' qualifications and the transparency of the nomination process, with a mandate to produce comprehensive public reports.

5.4. **Expand access to the African Human Rights system: Access and enablement**

Access to justice within the African human rights system faces several challenges that the reform process must address to ensure that individuals and institutions can effectively seek redress for violations of their rights.

- *Limited standing:* The restrictive criteria for direct access to the African Court, especially the requirement for a state to make an Article 34(6) declaration, severely limits the ability of individuals and NGOs to bring cases before the Court. This restriction means that many who suffer human rights abuses have no recourse at the regional level if their state has not made such a declaration.
- *Geographical barriers:* The physical distance of the mechanisms from citizens, particularly those in remote areas, can be a formidable barrier to access. This geographic remoteness can discourage or outright prevent individuals from seeking justice.
- *The complexity of legal processes:* The procedures and guidelines for accessing human rights mechanisms are often complex and technical, making it difficult for the average person, who may lack legal expertise, to understand and navigate the system.

- *Lack of awareness:* There is a widespread lack of awareness about the existence of these bodies and how to access them, which is compounded by the scarcity of information in local languages and formats accessible to people with disabilities.

How the Reform Process Can Address These Issues:

To ensure that the reform process expand access to justice, the CSOs offer the following recommendations:

- a) CSOs proposes several reforms to improve access to justice in Africa. Firstly, they suggest broadening the standing in the African Court by amending Article 34(6) to allow individuals and NGOs direct access, irrespective of their state's declaration. This change would enable more people affected by human rights violations to seek justice. Additionally, there's a need to address the ambiguity in Article 4 of the Protocol establishing the Court, particularly regarding the criteria for CSOs to gain "recognition" and access the Court for advisory opinions. The lack of clarity and restrictive interpretations hinder CSOs' participation and effectiveness in human rights advocacy. The reform should clarify the definition of "recognition," make the criteria and processes for obtaining it transparent, and create policies that allow a broader range of CSOs, including those advocating for minority rights, to contribute to the human rights dialogue in Africa.
- b) Further recommendations include operationalizing the AU Legal Aid Fund to provide financial assistance for litigation costs, particularly benefiting marginalized groups. Simplifying access procedures to human rights mechanisms is also crucial, involving clear, non-technical language and translations into local languages for better understanding and broader reach. Enhancing the mobility of human rights mechanisms across the continent would make justice more accessible. Finally, the reform should strengthen partnerships between African human rights bodies, local CSOs, and NGOs. These organizations can serve as intermediaries, aiding individuals and communities in understanding and navigating the human rights system effectively.
- c) **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.
- d) **Enhance Mobility of Mechanisms:** Support and fund the mobility of human rights mechanisms, enabling the mechanisms to hold sessions and hearings in

various locations across the continent. This would not only make justice more accessible but also raise awareness of the system's existence and functions.

- e) **Partnerships with Local CSOs and NGOs:** The reform mechanism should strengthen and further formalise partnerships between the African human rights mechanisms and local CSOs and NGOs. These organisations can act as intermediaries, helping individuals and communities understand and navigate the human rights system.

5.5. Quality and competency of mandate holders

The process of nomination and selection of candidates for election into the African human rights system at national and continental levels are extremely important to ensure quality and competency. To achieve this, the CSOs offer the following recommendations to AU and its member states:

8. **Nomination Process:**

- *Public call for nominations:* Announce nominations publicly, detailing eligibility requirements and disseminating the call across various networks to reach a diverse pool of candidates.
- *Transparent selection criteria:* Develop and publish criteria outlining professional qualifications, experience in international law, and high moral character.
- *Consultation and involvement:* Engage with national legal entities like the highest courts and legal academies to nominate candidates.
- *Public commentary period:* Allow for a period where the public and civil society can submit feedback on candidates.

9. **Vetting Mechanisms:**

- *Independent vetting committees:* Establish national and continental vetting committees comprising legal professionals and civil society representatives, tasked with reviewing applications and conducting interviews.
- *Background checks and misconduct allegations:* Implement a due diligence framework for extensive background checks and a confidential channel for misconduct allegations.
- *Operational transparency:* Ensure the vetting process is transparent, with clear procedures and confidentiality protocols.

10. Due Diligence Process:

- *Standardized framework:* Create a standardized due diligence framework, including a checklist for necessary background checks.
- *Confidential reporting mechanism:* Develop a secure channel for misconduct allegations.
- *Comprehensive background checks:* Mandate thorough background checks, including contacting previous employers and relevant bodies.

11. Vetting Committee Operations:

- *Formation and training:* Form vetting committees with diverse composition and provide specialized training in investigative techniques and international human rights law.
- *Accountability and reporting:* Introduce accountability measures for vetting committees, requiring documentation and justification of decisions.
- *Feedback and appeals process:* Establish a feedback mechanism for unsuccessful candidates and an appeals process for those contesting the vetting outcomes.

12. Outcome and Reporting:

- *Communication of outcomes:* Publicize vetting results, including the rationale for candidate selection or rejection.
- *Merit-based elections:* Advocate for merit-based elections without vote trading.
- *Gender parity and diversity:* Commit to achieving gender parity and diversity in nominations.
- *Monitoring and continuous improvement:* Set up mechanisms for ongoing candidate performance monitoring and regular review of the vetting process.

13. Vacancy Advertisement and Stakeholder Engagement:

- *Open calls and regular updates:* Publicize calls for applications through various channels and provide regular updates on the nomination and vetting progress.
- *Inclusive postings and balanced panels:* Ensure vacancy postings are inclusive and selection panels are demographically balanced.

- *Diversity metrics reporting and stakeholder engagement*: Publish reports on diversity metrics and engage stakeholders in the nomination process.
- *National legal framework and reporting*: Establish a national legal framework for nominations, ensuring transparency and merit-based selections, and mandate regular reporting by national authorities.

14. **Advisory Committee on Nominations:**

- *Role formalization*: Formalize the role of the Advisory Committee to include thorough reviews of candidates' qualifications and the transparency of the nomination process, with a mandate to produce comprehensive public reports.
 - a) Reforming and strengthening the mechanisms as they exist: The CSOs Coalition proposes a reform option that supports mandates, institutional and operational effectiveness and efficiency of the ACHPR, AchPR and the ACERWC. Such a reform proposal should include:
 - *Restructuring the Secretariat*: The reform process should create a robust and well-resourced secretariat for each of the mechanisms within the African human rights system. The proposal for such a new structure for the secretariats should be informed by a thorough evaluation of the current secretariat structure, which should prioritise hiring experts in human rights law, advocacy, and policy development.
 - *Full-time bureau for human rights mechanisms*: The reform proposal should endorse and harmonise the establishment of a full-time bureau for treaty bodies lacking one. This would ensure dedicated management and oversight. The proposal should detail the bureau's roles, responsibilities, and budget allocations.
 - *Independent human rights mechanisms within the AU*: The reform should include the creation of independent special mechanisms within treaty bodies and the Union to conduct human rights functions like research, monitoring, and advocacy, ensuring autonomous operation free from political bias.
 - *Coordination mechanism for human rights bodies*: The reform unit should recommend the establishment of a

Coordination Unit within the AUC for Human Rights. This coordination unit will serve as the focal point for the human rights treaty bodies within the AUC. This would streamline operations, reduce redundancy, and foster collaboration.

5.6. Establish mechanism for follow-up and enforcement of the decisions and recommendations from 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. Weak enforcement mechanisms within the AU further complicate the situation. This crisis undermines the legitimacy and credibility of Africa's human rights system, leading to a loss of trust among both the African populace and the international community. The ineffective implementation of decisions can disillusion victims of human rights abuses and civil society organizations, potentially fostering a culture of impunity and raising questions about the authority of the AU's human rights institutions. To address this crisis, a coordinated effort is needed to strengthen the AU's enforcement capabilities, increase political commitment, and build capacity within member states to implement human rights decisions effectively. Without these actions, the human rights system in Africa risks becoming ineffective, posing long-term challenges to human rights protection on the continent.

For the AU to strengthen its capability to implement and enforce human rights norms, decisions, and recommendations, it could establish a compliance and follow-up mechanism within the powers of the Assembly and directly linked to article 23 of the Constitutive. This unit within the AUC could be tasked with monitoring the implementation of decisions and recommendations, issuing regular reports on member states' compliance, and providing technical assistance to ensure that these are carried out.

An inter-ministerial committee should be established within the Executive Council with the mandate to ensure effective follow-up and 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.

6. THE REFORM PROCESS SHOULD ENABLE A MEANINGFUL CSOS ACCESS, ENGAGEMENT AND PARTICIPATION IN THE AU PROCESSES

The AU has increasingly faced criticism for restricting civil society organizations (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.

- a) **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.
- b) **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.
- c) **Interpretation of Article 59(3) of the Banjul Charter:** The ACHPR's interpretation of this provision to mean complete secrecy of complaints proceedings effectively leads to a blackout of processes, constraining CSOs' ability to access important mechanisms for human rights protection and advocacy within the AU system.

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.

Several key recommendations are proposed to address the pattern of restricting CSOs in the AU. Firstly, the AU Policy Organs should ease the participation of CSOs by simplifying application processes and criteria for observer status that are inclusive. Secondly, there should be a reform in the membership criteria of the ECOSOCC to allow a broader range of CSOs to participate, ensuring diverse representation. Thirdly, treaty provisions such as Article 59(3) of the Banjul Charter need a liberal interpretation to enhance transparency and credibility of the complaints mechanism

and facilitate CSO engagement in human rights processes. Lastly, the AU should implement transparency and accountability measures to enable CSOs to monitor and evaluate policy implementation effectively, ensuring the organization's actions align with its foundational principles and goals.

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**African Union
Reforms Engagements**

