

Improving compliance with African Treaties – Conclusions of a civil society workshop held in Banjul, The Gambia, 26-28 June 2006

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Civil society organisations from 19 African countries met in Banjul, the Gambia, 26-28 June 2006, in advance of the AU Assembly of Heads of State and Government, to discuss ways of improving compliance with commitments made under African Union treaties, with particular reference to the African Peer Review Mechanism (APRM).

The workshop, which was a follow-up to a similar meeting held in Addis Ababa, Ethiopia, in January 2006, discussed presentations from organisations that have engaged with the APRM in countries where the process has been undertaken, and from organisations working on independent civil society efforts to monitor compliance with African and other international standards. The workshop was addressed by Dr Bernard Kouassi, CEO of the APRM Secretariat, during its opening session.

The meeting was hosted by the Institute for Human Rights and Development in Africa (Banjul), in collaboration with Partnership Africa Canada, the Africa Governance Monitoring and Advocacy Project (AfriMAP) and the Open Society Justice Initiative.

The participants at the workshop reached the following conclusions and recommendations:

In relation to the APRM

The workshop welcomed the APRM as a useful new process to monitor states' compliance with their obligations under African treaties and to provide a space for national dialogue on democracy, human rights and the rule of law. In order to strengthen the contribution that the APRM reviews can make, participants recommended that:

- Those responsible for national APRM processes should improve the quality of civil society participation in APRM self-assessment reports in particular by:

- o Ensuring that national APRM governing councils represent the broadest spectrum of civil society
- o Making draft APRM reports available for public comment as soon as they are completed, well before they are adopted by the heads of state APR forum
- o Encouraging rather than discouraging independent civil society efforts to contribute complementary or shadow reports to the APRM self-assessments
- o Increasing efforts to inform and involve the media and grassroots organisations in the self-assessments

- The APRM process should be regularly reviewed to evaluate its success in improving governance and to ensure that it is not simply duplicating other processes. It should go beyond simply assessing effectiveness and efficiency of government. Thus, as part of an early review process, the APRM questionnaire should be amended to focus on additional critical issues, in particular:

Freedom of expression and of the media

- o Citizenship and discrimination

- Access to information about the APRM must be improved at both continental and national level. The APRM secretariat should have its own regularly updated website, with detailed progress reports, and appoint a person to act as a focal point for civil society. National APRM focal points should provide much wider access to information about the self-assessment reports and the data collected to complete them.

In relation to ensuring compliance with African standards more generally

The challenges faced by the APRM highlight the difficulty of ensuring compliance with African standards more generally. Workshop participants recommended that:

- The African Union should ensure that there are sanctions if African states do not comply with their obligations under African treaties, especially in the case of gross abuses of the rights of African citizens.
- The AU and its institutions should enforce reporting obligations under African treaties and ensure that states adopt national laws to give detailed effect to treaties.
- The AU should work towards the consolidation of reporting processes under international treaties, to reduce the number of reports states need to prepare

In relation to civil society organisations' own activities

Civil society organisations (CSOs) at the workshop discussed their own strengths and weaknesses, taking cognisance of the challenges they face, and recommended that:

- CSOs must develop their own capacity to engage more effectively with efforts by the AU, APRM and other African institutions to monitor compliance with international standards
- CSOs should develop improved coordination and networking, especially to share information and strategies relating to the APRM
- CSOs should ensure greater respect for their own internal democracy and transparency
- Urban-based groups must reach out more effectively to rural and grassroots organisations and mobilise their leadership to take part in national political processes
- Human rights and pro-democracy organisations should also reach out to the media, to strengthen journalists' ability to report on monitoring efforts such as the APRM
- CSOs should organise to engage the state and non-state actors on their own initiative in order to contribute pro-actively to the definition of the national agenda

Access to information

A key theme that emerged from the workshop's various discussions was that of access to information. Independent civil society monitoring of government performance is impossible without access to good quality, up to date information. Yet information about government activities is often poor and hard to obtain – even by other government departments and even when such information is required to be made public by law. Accordingly:

- Participants called on African governments to enact freedom of information laws on an urgent basis, and ensure their effective implementation, but also noted that such laws are not sufficient.
- African states should change their existing laws and policies to create a presumption that official information is public, unless there are specific and justifiable reasons why it should not be.

- African states should strengthen their officials' own capacity to produce and make available information to their citizens, including through electronic media.

Citizenship, Discrimination and Participation

Another substantive theme discussed was the effect of discrimination in citizenship rights on political participation. The denial of legal citizenship marginalizes specific groups, and the existence of different categories of citizenship entrenches discrimination. The situation in each country is different and many countries were discussed. Several areas were identified where state practice should be changed. Specifically:

- States should ensure that discrimination in access to citizenship and proof of citizenship does not deprive specific groups of their rights to economic and political participation
- Different local and regional 'citizenships' within a single state that are based on ethnicity or origin should not create barriers to political participation
- Patterns of public expenditure should not discriminate against certain social groups and regions
- States should bring their nationality laws into conformity with international human rights standards and should comply with the decisions of human rights mechanisms in citizenship cases
- The African Union should develop a new treaty to strengthen the rights of Africans to citizenship and nationality on a non-discriminatory basis.

AU-civil society relations

Finally, the workshop welcomed the fact that the AU Commission has held a civil society forum in advance of the current AU summit, after the absence of such a forum at the last two summits. However, it expressed its disappointment that the Coordinating Committee set up by the Gambian government to oversee the summit had blocked the organisation of a forum on freedom of expression. Civil society organisations should be free to organise their own events, without the need for permission from the African Union or the host country of a summit.