

**The challenges of Diaspora
representation in the African Union's
ECOSOCC Assembly**

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INTRODUCTION

One feature of the African Union (AU) that distinguishes it from its predecessor, the Organization of African Unity (OAU), is that it is envisioned as a people-oriented institution and not simply an exclusive club for African heads of state and government. This vision is clearly captured in the enabling law of the organisation, the Constitutive Act, which states that the continent seeks to establish a "people-friendly African Union Community based on popular participation and association with all segments of society, particularly women, youth and the private sector, in order to strengthen solidarity and cohesion among our people."¹ Crucially, two elements stand out in this vision: the first is the recognition of popular participation as a precondition for the development of the continent, and the second is the emphasis on the total mobilisation of the energies of all relevant social and economic forces for the transformation of the continent.² This imperative to mobilise African peoples in their diversity implies that a fully functional AU must necessarily reach out, not only to Africans in the continent, but also to those in the Diaspora.

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Although the operational logic of the AU is not fundamentally different from that of the OAU, some of the institutions described in the Constitutive Act have the potential to truly give a voice to African peoples in the body politic of the organisation. Alongside the Pan-African Parliament (PAP), the Economic Social and Cultural Council (ECOSOCC) is one of the new organs of the AU designed to facilitate engagement between African governments and their people. Indeed, ECOSOCC has been rightly projected as the major, though not the only, window for the AU's engagement with African peoples.³

In keeping with the vision of total mobilisation, the ECOSOCC statutes in its Article IV (1a) provides for 20 Diaspora representatives in the ECOSOCC General Assembly from across the various continents of the world.

1 See African Union, Constitutive Act, Preamble, Paragraph 7.

2 AU, Experts Group Meeting, 29-30 March 2004, p 1.

3 Other avenues and modes of engagement of African people with the AU include: the PAP; granting CSOs observer status to attend AU Summits; Civil Society Pre-Summit Forums; signing of MOUs with relevant groupings enabling them to engage directly with the AUC or indirectly through relevant departments as resource persons or as consultants.

Notwithstanding this provision, and in spite of the enthusiasm of the African Diaspora as reflected in the establishment of various Diaspora networks⁴, the actualisation of their representation in ECOSOCC has remained evasive. The African Diaspora, for example, was not represented in the Interim ECOSOCC Assembly (April 2005-September 2008) that was assigned the strategic role of sensitising and mobilising African peoples about the ECOSOCC process, with the ultimate goal of putting in place a permanent ECOSOCC Assembly through transparent and competitive elections. The Diaspora has not been involved in various consultative and subsequent electoral processes. Hence, this policy brief examines the challenges facing the effective representation of the African Diaspora in the General Assembly of the AU's ECOSOCC.

Africa's efforts to engage its Diaspora: an overview

*The vision of mobilising
all of African peoples
has a direct bearing on
the AU's Diaspora
Initiative*

The destinies of continental Africa and its Diaspora have always been historically intertwined. Africans on both sides of the Atlantic have faced the same challenges of overcoming historical injustices, humiliation, and various forms of deprivations. Thus the quest for freedom and social emancipation became a shared concern. As a result, the civil rights movement in the Diaspora and the independence movement in Africa coincided and became mutually reinforcing.⁵

The independence of a number of African countries in the 1950s and 1960s and the formation of the OAU in 1963 drew inspiration from the Pan-African movement in the Diaspora, championed by individuals like Marcus Garvey, Sylvester Williams, and John Padmore.⁶ While the OAU sped up the independence of African nations, it did not reach out to the African Diaspora in a meaningful way. Despite the longings of African descendants on both sides of the Atlantic Ocean, Africa and the Diaspora did not unite as envisioned by the

4 The most prominent of these networks and associations are based in the USA and include The AU 6th Region Education Campaign; The Pan-African Organising Committee; Organisers of the Pan-African Movement Summit 2007; Universal Negro Improvement Association; National Black United Block; National Coalition of Blacks for reparations in America; Western Hemisphere African Diaspora Network, Black Students Association; National Association for the Advancement of Coloured People.

5 AU, Executive Council, Third Ordinary Session, 21-25 May 2003, Sun City, South Africa: The development of the Diaspora initiative within the framework of the OAU/AU, p 1.

6 Ibid.

The African Diaspora consists of peoples of African origin living outside the continent

founding fathers of the Pan-African movement. This was partly because of the impact of the Cold War and African leaders' obsession with newly acquired sovereign power, nation-building, and political self-aggrandisement. During much of the post-independence era, engagement between Africa and its Diaspora was reduced to courtesy visits and near-passive identification with the aims and objectives of the OAU by the Diaspora. Although this began changing in the early 1990s, with the advent of the Sullivan Summits,⁷ it was only during the transformation of the OAU into the AU in 2001 that the idea of a structured engagement with the African Diaspora took shape. The provision in the Constitutive Act for engagement with all segments of African peoples, both within and outside the continent, for the development of the continent, is seen as marking the beginning of the long-awaited outreach to the African Diaspora.

The vision of mobilising all of African peoples has a direct bearing on the AU's Diaspora Initiative. African leaders and policymakers recognise that the Diaspora constitutes a significant and valuable resource which should be tapped for the development of the continent.⁸ At the same time, however, they have had to contend with a number of critical issues regarding the Diaspora such as:

- properly identifying and defining what constitutes the African Diaspora
- how to sensitise the Diaspora on the importance of identifying with, and supporting, the African integration and development agenda
- how to respond to the needs and expectations of the Diaspora, including on politically sensitive issues, including the right to return, the right to vote, dual citizenship, and recognising the Diaspora as the AU's 6th region.⁹

Probably the two most contentious issues were, first, getting an acceptable definition of the African Diaspora and, second, addressing the question of the Diaspora as the AU's 6th region. African leaders adopted the following consensus definition that had been proposed by experts from member states:

⁷ The Sullivan Summits are intended to unite people of African heritage with the motherland, and to build a bridge from America and other parts of the world to the African continent. The very first of these was held in Cote d'Ivoire in 1991 and the sixth was held in Abuja, Nigeria in 2003. They have continued to attract more and more participants and have also witnessed a growth in influence.

⁸ See AU, Expert Group Meeting (Migration) 2004:1

⁹ See generally, AU, First African Union Western Hemisphere Diaspora Forum General Report, 17-19 December 2002, Washington DC; AU, Executive Council, 3rd Extraordinary Session, 21-25 May 2003, The development of the Diaspora initiative within the framework of the OUA/AU.

The African Diaspora consists of peoples of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union.¹⁰

However, the Diaspora's request to be recognised as the 6th region of the African Union is yet to be fully addressed. The Diaspora's institutional links to the AU remains only vaguely defined by the provisions of the new Article 3 (q) introduced by the amendment of the Constitutive Act by the Assembly of the AU in February 2003 that: "invite and encourage the full participation of the African Diaspora as an important part of our continent, in the building of the African union."¹¹

ECOSOCC as an institution and a process is structured and influenced by key actors, stakeholders and constituencies.

ECOSOCC: Institutional development process

The ECOSOCC is a statutory organ of the AU, established under Articles 5(1) (i) and 22 of the Constitutive Act, composed of different social and professional groups of member states and social and professional groups representing the Diaspora. It is an advisory organ that is intended as the main, yet not exclusive, institutional framework for civil society participation in AU processes, with the ultimate goal of contributing to the development and integration of the continent. It is designed as a continental mechanism for an effective interface between African governments and their peoples. The ECOSOCC's statutes define its objectives, functions, composition, membership and institutional structures. Furthermore, it is embedded in the vision and mission of the AU.

ECOSOCC as an institution and a process is structured and influenced by key actors, stakeholders and constituencies. The major direct actors are the elected CSO representatives who make up the ECOSOCC General Assembly. Its constituencies are the civil society organisations that elect and give them the mandate to sit in the ECOSOCC Assembly. In this regard, it is important to note that membership of the ECOSOCC General Assembly lies with CSOs and not with individuals. Individuals are only representatives of elected CSOs. The stakeholders in the ECOSOCC process are: the African people; the AU Commission, including in its role as ECOSOCC secretariat; the policy and executive organs of the AU; Regional Economic Communities (RECs), the

10 AU, Report of the meeting of experts from member states on the definition of the African Diaspora, Addis Ababa, 11-12 April, 2005, p 7.

11 AU, The development of the Diaspora initiative within the framework of the OAU/AU, Executive Council 3rd Ordinary Session, 21-25 May 2003, Sun City, South Africa, p 4.

building blocks of African integration; member states, and development partners.¹²

With regard to its composition, the groups that constitute the ECOSOCC include, but are not limited to:

- social groups, such as those representing the interest of women, children, the youth, the elderly, and people with disabilities and special needs
- professional groups, such as associations of artists, engineers, health practitioners, social scientists, academia, business organisations, national chambers of commerce, workers, employers, industry, agriculture and other private sector interest groups
- non-governmental organisations (NGOs), community-based organisations (CBOs) and voluntary organisations
- cultural organisations
- social and professional groups in the African Diaspora.¹³

This Assembly elected an AU-Civil Society Provisional Working Group, which was to serve as ECOSOCC's Interim Standing Committee (ISC).

At its 3rd Ordinary Session in Addis Ababa, Ethiopia from 4-5 July 2004, the AU Assembly adopted Decision Assembly/AU/Dec.48 (III) on ECOSOCC.¹⁴ The Assembly also adopted the ECOSOCC draft statutes, and requested the chairperson of the Commission to take urgent measures to launch the ECOSOCC and get it operational. The authors of the ECOSOCC statutes were conscious of the elaborate processes and procedures that needed to be followed for the effective launch of a substantive ECOSOCC Assembly. Accordingly, and in order to ensure the speedy launching of ECOSOCC, transitional arrangements were annexed to the statutes to facilitate putting an Interim ECOSOCC Assembly in place.¹⁵ In pursuit of the provisions of these transitional arrangements, the Commission convened a 'General civil society conference' in Addis Ababa on 24 March 2005 that was constituted and launched as an Interim General Assembly of ECOSOCC. This Assembly elected an AU-Civil Society Provisional Working Group, which was to serve as ECOSOCC's Interim Standing Committee (ISC). The ISC's mandate was to facilitate the organisation of elections of CSO representatives from national, regional, continental and Diaspora constituencies

12 See Francis Ikome, AU's ECOSOCC: an overview, Global Insight, IGD, August 2008: 2.

13 See ECOSOCC Statutes, Article 3.

14 See AU, Provisional internal rules and modalities for operationalisation of ECOSOCC, 2004.

15 Ibid; also see ECOSOCC statutes, annexure on draft decision on transitional arrangements for the launching of the ECOSOCC of the AU.

in preparation for the launch of a permanent ECOSOCC Assembly within two years.¹⁶

The ISC produced a strategic plan for ECOSOCC, and its members consulted mobilised and sensitised African civil societies at various levels.¹⁷ Unfortunately, however, due to a number of unforeseen constraints, the ISC was unable to deliver on its core mandate of organising elections to usher in a permanent ECOSOCC within the two-year period allotted to it. As a result, its mandate was extended to December 2007 by the AU's Council of Ministers, with further directives to take the necessary measures to ensure that the process of elections into the post-interim Assembly is completed within this period.¹⁸

As a follow-up to this decision, the ISC, alongside the Commission and other stakeholders, took a number of measures that included, among others: the production of a roadmap with a work programme and a template for elections; the production of a draft application form and its variables (eligibility requirements, support documents, deadlines for submission of applications and publication of shortlisted candidates) for distribution to prospective candidates; and defined the procedures and channels to be followed in submitting completed application forms to the Credentials Committee. These instruments were prepared during a meeting of the Standing Committee of ECOSOCC that was held in Cairo, Egypt, in February 2007.¹⁹ The draft application forms, the election template, and other relevant documents and information regarding the electoral processes were posted on both the AU and the ECOSOCC websites in all AU official languages. The secretariat also liaised with African permanent missions and other related stakeholders in Addis Ababa, Ethiopia and beyond, to help give the process adequate media coverage. Members of the ISC were also called upon to support the publicity campaign in their respective regional and national constituencies. The election template was also published in a number of national dailies and continental magazines, and the secretariat sent relevant election materials and information to NGOs on the AU's database, and took advantage of a number of CSO meetings to advertise the process.²⁰

The ISC produced a strategic plan for ECOSOCC, and its members consulted mobilised and sensitised African civil societies at various levels

16 Francis Ikome, The African Union's ECOSOCC: an overview, Global Insight, Institute for Global Dialogue, Issue No. 78, August 2008: 6.

17 See ECOSOCC, strategic plan, 2005-2007.

18 See AU, EX.CL/Dec.388(X).

19 See ECOSOCC Credentials committee meeting report, Cairo, 2007.

20 Ibid.

Overall, the secretariat received more than 280 applications from diverse civil society groupings across the continent. As a result, the Credentials Committee convened in Accra, Yaoundé and Addis Ababa in June, September and October 2007 respectively, to assess and shortlist candidates for election to the ECOSOCC General Assembly. The accreditation process was anchored on the prescriptions of relevant articles and clauses of the ECOSOCC statute.²¹ The election of CSO representatives into the Permanent ECOSOCC Assembly began on 31 October 2007 at the headquarters of the AU in Addis Ababa, with the election of eight continental CSOs to the ECOSOCC Assembly. This was followed by the election of national CSO representatives of 25 countries, as well as representatives of east, west and southern African regions.²² Although a partially constituted permanent Assembly was launched in Dar-es-Salaam in early October 2008, it does not contain any elected Diaspora representatives. The only Diaspora presence in the current ECOSOCC Assembly consists of two representatives, appointed by the chairperson of the Commission, in consultation with member states in application of the provisions of Article 4(1d) of the ECOSOCC statutes.

The accreditation process was anchored on the prescriptions of relevant articles and clauses of the ECOSOCC statute.

The Challenges of Diaspora representation in the ECOSOCC Assembly

As a result, securing the effective representation of the African Diaspora in the ECOSOCC Assembly remains one of the most serious challenges of the ECOSOCC process.

To begin with, the Diaspora is as diverse as it is dispersed: diversity in terms, for example, of its differential generational origins - first, second, and third generations - and dispersal in terms of its nearly global spread, in continental Europe, the Americas, Asia and the Middle East.²³ Moreover, the AU envisions engaging the Diaspora in a wide range of issues that would contribute to

21 Ibid.; also see Briefings by Chairperson of Credentials Committee, Yaoundé and Addis Ababa, 2007

22 These included: Algeria, benin, Burkina Faso, Burundi, Cameroon, Cote d'Ivoire, democratic Republic of Congo, Egypt, Ethiopia, Ghana, Guinea, Kenya, Malawi, Mali, Mauritius, Niger, Nigeria, Republic of Congo, Sudan, Tunisia, Madagascar, South Africa, Tanzania, Uganda, Zambia.

23 For some interesting perspectives on the diversity of Africa's Diaspora, see Francis Kornegay, "The AU and Africa's Three Diasporas," in John Akokpari, Angela Ndinga-Muvumba and Tim Morithi (eds), *The African Union and its institutions* (Cape town: Fanele, 2008: 85-110).

strengthening the AU and developing the continent. Therefore, the continent's interaction with the Diaspora transcends membership of the ECOSOCC Assembly. This raises a number of pertinent questions:

- What would constitute appropriate and practical modalities for the selection of Diaspora representatives into ECOSOCC, that would allow for fair and equitable distribution of the 20 seats provided for in the ECOSOCC statutes among different African Diasporas in various regions of the world?
- Who, among the Standing Committee of ECOSOCC, various Diaspora network organisations, and the AU Commission, should lead the process?

African leaders recognise the diversity and unstructured nature of the African Diaspora. They have, therefore, tended to explain the difficulty of securing Diaspora representation in both the interim and partially constituted ECOSOCC Assemblies in these terms. More importantly, they have made a strong case for a multi-layered approach of engagement that would allow for fair and balanced representation. This attitude is well captured in the response of the former chairperson of the Commission, Alpha Konare, to criticisms with regard to the non-inclusion of the Diaspora in the ISC's mobilising efforts for elections to a permanent ECOSOCC Assembly:

African leaders recognise the diversity and unstructured nature of the African Diaspora.

The ongoing election processes are for regional, national and continental elections. The African Diaspora is also expected to elect 20 representatives into the ECOSOCC General Assembly. However, since the provisions of Article 3 on the composition of ECOSOCC focuses strictly on social and professional groups within the continent, it would be wise to ensure that criteria for Diaspora participation in ECOSOCC are clearly spelt out in a framework document that would be endorsed by the relevant policy organs to ensure the legitimacy of the process. The African Citizens Directorate should work on this document as early as possible to ensure quick and effective participation of Diaspora representatives in the ECOSOCC process.²⁴

The substance of Konare's directive was two-fold: first, there is a requirement to formulate a central organising principle for Diaspora elections into ECOSOCC, beyond the prescriptions of the ECOSOCC statutes, for endorsement by relevant policy organs of the AU, and second, it is the prerogative of the Commission to lead the process in light of the fact that the Diaspora agenda transcends membership of ECOSOCC.

Distribution of seats: what is fair and equitable?

²⁴ President Konare, cited in correspondence from Mr. Wuyi Omitoogun, Diaspora Office, to Mr. Blake on the 'African Diaspora elections....' June 2007.

The distribution of the 20 seats has been a major challenge and there have been various proposals from diverse groupings. For example, during a round table organised by AFSTRAG in February 2004, it was recommended that the Diaspora seats should be allocated as follows: Latin America (including Brazil): 4 seats; The Caribbean: 2 seats; North America (including Canada): 4; Europe: 4; Asia: 2; The Middle East: 2; Australia and New Zealand: 2²⁵

The Foundation for Democracy in African (FDA) and the Western Hemisphere African Diaspora Network (WHADN) proposed the following distribution: The Western Hemisphere (which comprises 40 per cent of the Global African Diaspora) in the following manner: Brazil (population of 60 million): 3 seats; Canada (pop. 0.5 million): 2 seats; Caribbean (pop. 15 million): 3 seats; USA (pop. 37 million): 3 seats; Hispanic/Latin Region (pop. 8 million): 2 seats, and the remaining 7 seats to be distributed among the other regions of the world African Diaspora (which comprises 60 per cent of the Global African Diaspora).²⁶

The distribution of 20 seats has been a major challenge.

On his part, E. B. Akpan, a consultant hired by the AU Commission to propose modalities for elections into the post-interim ECOSOCC, proposed the following distribution: USA and Canada: 5 seats; United Kingdom: 3 seats; Other European Diasporas: 4 seats; Caribbean Diaspora: 2; South America: 3; France: 3.²⁷ Aside from advising that the proposal should be a subject of, and result from, consultation among various role players, and also acknowledging that the lack of leadership and central co-ordination among the Diaspora organisations will impede any one of them from taking the initiative in organizing consultation, the consultant provided no explanations on how he arrived at the distribution.

25 See Ras Sipiwe Nathaniel Blake, Re: African Diaspora elections to ECOSOCC, correspondence addressed to Her Excellency, Amina Salum Ali, AU Permanent Representative to the United States, 24 May 2007, p 4. Accessed at <http://uk.mc260.mail.yahoo.com/mc/showMessage?fid=Inbox&sort=date&order=dow...> accessed on 10/23/2008;

26 See Correspondence from David L. Horne, Los Angeles, to Dr. Jinmi Adisa, CIDO, AUC. Dated May 31, 2007 and accessible at: <http://uk.mc260.mail.yahoo.com/mc/showMessage?fid=Inbox&sort=date&order=dow...> accessed on 10/23/2008; David L. Horne et al, Grounding with our Diasporan family: comments from the 6th region facilitators. Public Position Statement on Organising the Diaspora for the AU. USA, June 1, 2007: 4.

27 E. B. Akpan, AU Consultant, on Elections into the post-interim ECOSOCC General Assembly and the Activation of its Cluster committees, presentation at a validation seminar, Abuja, December 2007.

What emerges from these schemes is that there is no consensus on how the seats allotted to the African Diaspora should be distributed. Furthermore, the proposed distributions lack logic and lend themselves to serious contestation by some regions that may feel under-represented or out rightly sidelined. A possible compromise would be a combination of the various proposals. However, even this has its own complications and requires serious re-examination. And in any event, this needs to go through the policy organs of the AU as required by its procedure.

Modalities for vetting, short-listing and election

A possible compromise would be a combination of the various proposals.

Article 6 of the ECOSOCC statutes relating to eligibility defines 10 criteria to be fulfilled by CSOs aspiring for membership of the ECOSOCC Assembly. Although some of the clauses of Article 6 refer to the African Diaspora, they do not provide sufficient bases for the selection of Diaspora representatives. Article 5(3) attempts to address the specific issue of the election of Diaspora representatives by stating that: "African Diaspora organizations shall establish an appropriate process for determining modalities for election and elect twenty (20) civil society organizations (CSOs) to the ECOSOCC General Assembly" (see ECOSOCC Statute Article 5(3)). However, it is useful to read this article together with Articles 6 and 12 that deal with eligibility criteria for membership of ECOSOCC and the role of the Credentials Committee.

The chairperson of the Credentials Committee of ECOSOCC summarises the mandate and the methodology used in the accreditation exercise as follows: " ...in fulfillment of Article 12 (2) of the ECOSOCC Statutes, members of the Credentials Committee were guided in their work by the prescriptions of relevant articles and clauses of the ECOSOCC Statutes, particularly: Articles 3 relating to the composition of ECOSOCC; Article 4 dealing with membership; Article 6 defining eligibility requirements; and Article 12 defining the mandate, composition and rules of procedure of the Credentials Committee. Serious attention was also paid to the Legal Advice provided by the AU's Legal Counsel with regard to applying the eligibility requirements stipulated in Article 6 of the ECOSOCC Statutes."²⁸ Although the Committee agreed not to examine applications from Diaspora groupings because "the details of Diaspora electoral

28 Hon. Saida Agrebi, Chairperson of the Credentials Committee, Briefing to candidates and members of the electoral College during the election of continental CSOs representatives to the ECOSOCC Assembly, Addis, October 2007: 4

process were still to be worked out,"²⁹ the vetting of national, regional and continental CSOs did set a precedence that has implications for the Diaspora process.

Article 12, for example, specifically states that the responsibility for ascertaining and approving the qualification of candidates is vested in the Credentials Committee of ECOSOCC. What this implies is that an incontrovertible pre-condition for any election into the ECOSOCC Assembly is that the Credentials Committee must first verify and shortlist applications. This is the more crucial, in light of the rigorous upholding of the prescriptions of the ECOSOCC Statutes by the Credentials Committee during the national, regional and continental vetting processes, which resulted in the disqualification of many civil society organisations in the continent. It is therefore inconceivable that less stringent criteria and more relaxed selection procedures should be applied to the Diaspora. This would be perceived as double standards, with the potential to erode the legitimacy of the ECOSOCC process. From the AU Commission's perspective, elections of Diaspora representatives must be in accordance with established rules and procedures, some of which are yet to be spelt out. It is felt there must be established procedures for electing Diaspora representatives. Yet, the way forward is uncertain.³⁰

The Constitutive Act of the AU places a premium on building partnerships between African governments and all segments of society.

CONCLUSION

The Constitutive Act of the AU places a premium on building partnerships between African governments and all segments of society. Indeed, the transformation of the OAU to the AU created a more conducive environment for more robust engagement with non-state actors in the activities and processes of the organisation. The broader mandate assigned to the AU, which moves away from the narrow focus on political issues to embrace broader socio-economic and cultural challenges, provides more opportunities for engagement with civil society. In principle, civil society should serve as a strategic partner for the effective implementation of the AU's mandate, vision and mission, particularly with regard to establishing "a peaceful, integrated and prosperous Africa, driven by its people and that would be a dynamic force in the global community."³¹

²⁹ Ibid p. 5

³⁰ Blake, Correspondence to AUC, p 4.

³¹ AU Vision Document, 2004.

The ultimate goal is the establishment of an African community predicated on popular participation and partnership with all segments of African society in order to strengthen solidarity and cohesion among African peoples - a Union of African people and not just a union of governments. The potential of the African Diaspora to contribute to this vision of the AU cannot be over-emphasised, particularly when viewed in the light of the recent election of an African American as president of the most powerful nation in the world, the United States. The emergence of peoples of African descent in high places across the globe further strengthens the case for more structured and robust engagement. The ECOSOCC provides the first crucial window of opportunity in this direction and all stakeholders need to expedite action to actualise the representation of Diaspora groupings in this very important organ of the Union.