

STATEMENT ON THE CRITICAL IMPORTANCE OF AFRICAN CITIZEN PARTICIPATION

Statement by:

**The Pan African Lawyers Union (PALU), (Observer Status Number 485),
The African Centre for Democracy and Human Rights Studies (ACDHRS),
AIDS and Rights Alliance for Southern Africa (ARASA),
Human Rights Institute of South Africa (HURISA),
Institute for Human Rights and Development in Africa (IHRDA),
Equality Now, and
The Pan-African Citizens Network (PACIN /CCPAU)**

Honourable Chairperson and Commissioners of the African Commission on Human and Peoples' Rights, distinguished representatives of Member States to the African Charter on Human and Peoples Rights, esteemed delegates from human rights organisations, ladies and gentlemen,

The right of Africans to participate and to organise is firmly entrenched in several African treaties and policies, including in the Constitutive Act of the African Union; the African Charter on Human and Peoples' Rights and its Protocols; the Declaration on Democracy, Political, Economic and Corporate Governance, and the follow-up Memorandum of Understanding, which, together, establish the African Peer Review Mechanism (APRM); and the African Charter on Democracy, Elections and Governance.

Madam Chairperson,

We cannot, in this day and age, be seeking or permitting the exclusion of African citizens in African Union spaces or in national democratic settings. Many African Union documents, decisions and policies recognise the pivotal role of African Citizens on this continent. It has become well accepted that Africa cannot develop, and cannot grow without its people, whether at national, regional or continental levels. As a matter of fact, the QUALITY of laws, institutions, mechanisms or results that we have on this continent, is directly proportional to the quantity and quality of African citizens' engagement with them.

This is why the African Union has a strong normative basis for civic participation through a number of key legal instruments, and policy and institutional frameworks, and has undertaken to design, promote and implement programmes to strengthen the involvement and participation of civil society. It is why the Commission itself has provided for the fostering of its relationship with civil society organisations through the framework of observer status and has promulgated guidelines for granting it. The premier AU policy and strategy document, outlines its 6th aspiration as "An Africa whose development is people-driven, relying on the potential of African people".

How do we tap into this potential if the default reaction is towards exclusion of Africans from spaces, refusing to engage with us and disrupting our ways of organising towards our mutual goals for the development of Africa? The continental rhetoric is about meeting the aspirations of African people, but the practice is based on perceiving the African as something to be feared and controlled. We see repeated reprisals against citizens and human rights defenders, and the increased closure of civic space across the Continent. Madam Chair, it is worrying that since 2012, 29 laws restricting the operation of civil society have been introduced in Sub-Saharan Africa, by States that are party to the African Charter on Human and Peoples' Rights!

Yet CSOs have been a rich knowledge, financial and technical resource for their governments and for the Commission in particular, and have assisted the Commission with the implementation of their mandate. We have heard here how civil society organisations have over the last 30 years, contributed and dedicated their time, energies and resources towards the growth of the Commission.

Madam Chair,

It is in this regard that we make the following Recommendations:

1. That member states celebrate, facilitate, protect and encourage the engagement of citizens and civil society organisations at national, regional and continental levels, in line with their commitments under the various AU instruments including the Constitutive Act of the African Union and the African Charter on Human and Peoples' Rights; rather than seek to hamper their participation and access;
2. That the Commission should strengthen its relationship with civil society through enhanced communication, openness and transparency, coherence in its scheduling and by entering into formal systematic arrangements;
3. The Commission should also adopt standardised procedures for engagement and collaboration so as to enhance inclusion and avoid duplication – For example Madam Chair, civil society organisations travel to Banjul to engage with the Commission at great expense, and this should be acknowledged in the order of business of the Sessions as we are here from the days of the NGO Forum preceding each session;
4. For any relationship to thrive, there needs to be a mutually beneficial way of working and value for all partners. Therefore, the Commission should establish and maintain a formal sustained dialogue framework for engaging civil society organisations working with it whether as partners, litigants or observers, in open and honest dialogue, with a view to assessing the relationship and generating pragmatic steps on how it can be improved. This, so that we are talking with and not at each other;
5. In order to facilitate these recommendations, the Commission should establish a focal point for citizens and CSOs at the Secretariat, at the highest levels, for example the Deputy Executive Secretary, in order to enhance the co-ordination of partnership arrangements and information to and from the Commission, and provide systematic solutions to the challenges currently being experienced in the engagement.