



ECOSOCC
Economic Social & Cultural Council




**The Voice of the
African Citizenry**

ECOSOCC CSO MANUAL

Advocacy and Policy Writing in the
Areas of Democracy, Governance
and Human Rights

An Organ of the
African Union



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ABBREVIATIONS AND ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
ACDEG	African Charter on Democracy, Elections and Governance
AU	African Union
AU Assembly	Assembly of Heads of State and Government of the African Union
COMESA	Common Market for Eastern and Southern Africa
CSOs	civil society organisations
Charter on Democracy	African Charter on Democracy, Elections and Governance
EAC	East African Community
EACSO	East African Civil Society Organisations Forum
ECOWAS	Economic Community of West African States
EU	European Union
Maputo Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
NGOs	Non-governmental organisations
RECs	Regional Economic Communities
RM	Regional Mechanisms
SADC	Southern African Development Community
SADC-CNGO	SADC Council of Non-Governmental Organisations
WACSOF	West African Civil Society Forum



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INTRODUCTION

The Constitutive Act of the African Union provided for the establishment of a people centred community in the African Union as a successor to the Organization of African Unity (OAU) that was state-centric. In its Preamble, the Act posited that the AU will be ‘guided by the common vision of a united and strong Africa and the need to build partnership between governments and all segments of civil society... in order to strengthen solidarity and cohesion among African people [emphasis added].’ In pursuit of this colossal ambition, the African Union Agenda 2063 included a goal to build an integrated, prosperous, and peaceful Africa, an Africa driven and managed by its own citizens and representing a dynamic force in the international arena. At the core of this agenda is the goal to have a continent that is cohesive in collaboration for mutual progress and development.

Aspiration 2 of Agenda 2063 speaks lucidly of this desire to have a closely knit continent with vibrant citizenry evoking their agency for a better continent. With the drive towards achievement of continental integration from national to regional economic communities and other regional mechanisms, there is a growing need for civil society to be dynamic in its engagement in playing its role as the third actor in the national and regional polities. Inadvertently, CSOs have been playing an increasingly influential role in setting and implementing Agenda 2063 as well as the Sustainable Development Goals on the continent. A plethora of these civil society organizations on the continent have been in the forefront of advocating principles of social justice, good governance, and human rights.

It is uncontested that civil society on the continent of Africa provides ‘patterns of collective action and interaction that provide societies with at least partial answers to questions of structure and authority, meaning and belonging, citizenship and self-direction.’¹ The historiography of civil society shows that it is a space where new energy and ideas around old and familiar questions are engaged with. Be though as it may, civil society as a concept, is a confusing and contested concept because there are a plethora of definitions and understandings. Despite the contestations though, civil society provides frames and spaces in which the agency and imagination of individuals can be combined to address the key issues of the day.

It is this realisation which made the African Union to establish ECOSOCC as an Advisoral organ with a mission to establish ‘An African citizenry platform for engagement on cultural and socio-economic issues, that serves a consultative and advisory role to the African Union for Africa’s inclusive development.’ Articles 5 and 22 of the AU Constitutive Act specifically established ECOSOCC as an advisory organ made up of civil society organizations to serve as an interlocutor between the Member States of the Union and African civil society organizations. As its modus operandi, ECOSOCC recognizes the multiple functions that civil society organizations play in addressing the main challenges of democracy, governance, and human rights on the continent. The organ also appreciates that the increasing dynamism on the context of Africa calls for the need to have vibrant, adaptive and sophisticated civil society actors in the governance and human rights arena on the African continent.

This manual is therefore aimed at providing civil societies on the continent with practical guidance and essential information on policy advocacy around the issues of democracy, governance, and human rights. Further, the operational manual seeks to equip ECOSOCC members and the general-ity of civil society organisations on the African continent with the essential tools, instruments, and information on the substantive content of advocacy on democracy, governance, human rights. The operational manual responds to some of the most frequently asked questions as well as capacity deficits of the civil society organisations on the continent. The operational manual is designed as a practical aid for civil society organisation working in various contexts of the African continent in the area of democracy, governance and human rights. The tool therefore does not prescribe specific advice and guidance as the contexts may be different for the many players. The content therefore is generic in orientation though anchored on the normative standards of the African Union.

1 Ehrenberg, J. (2011). The history of civil society ideas. In The Oxford handbook of civil society.



a. About This Manual

The manual is being developed after a thorough study has been conducted by the African Union on the functionality, efficiency, and effectiveness of ECOSOCC in the delivery of its mandate.

The study titled In-Depth Study On The Effectiveness And Efficiency Of The Economic, Social And Cultural Council Of The African Union (ECOSOCC) delves into the entire ECOSOCC ecosystem and provides recommendations of how the entire system can be strengthened for ECOSOCC to be fit for purpose as well as deliver on its mandate effectively.

This manual therefore is informed by the outcome of this in-depth study to delineate the content therein as well as the scope. In view of the guidance of the in-depth study, the manual is then intended to assist African civil societies in understanding and effectively engaging with continental democracy, governance, and human rights institutions such as the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights and RECs/RMs. These bodies bear principal responsibility for promoting and protecting human rights in Africa and are primary components of the continental democracy, governance, and human rights architecture.

This manual's purpose is to equip African civil society organisations with soft skills needed for effective policy engagement on the issues of democracy, governance, and human rights. The manual also provides substantive content on the salient aspects to consider in advocacy and policy writing. The manual is meant to be an ergonomic operational tool which will provide practical information to the civil society on effective advocacy. It is designed to give stakeholders access to tools and advocacy strategies to use in pursuit of accountability and redress for injustices and inequalities. Effective engagement with the African human rights system requires civil societies to understand the human rights obligations of states and other regional duty bearers. The engagement also requires one to be familiar with existing entry points and opportunities for advocacy.

The manual therefore seeks to play a dual role of equipping the civil society organisations with substantive content on the one hand whilst availing insights into proven advocacy strategies that CSOs can use to be effective in their engagement. The manual identifies gender as one of the critical elements to address in the advocacy.

b. Questions Addressed in the manual



1. What is civil society and what is its role on the continent of Africa?
2. What are the existing normative standards on democracy, governance, and human rights?
3. What are the opportunities for advocacy and engagement around the issues of democracy, governance, and human rights?
4. How can African civil society organisations take advantage of the existing engagement opportunities with regional economic communities and other regional mechanisms?
5. How can work on democracy, governance and human rights be gender transformative?

c. Overall Goal and Objectives Of The Operational manual

This operational manual is meant to equip CSOs with relevant technical skills for effective policy engagement and subsequent advocacy that will produce results in the areas of democracy, governance and human rights with the aspiration of achieving inclusive development. The specific objectives of the toolkit will be to:

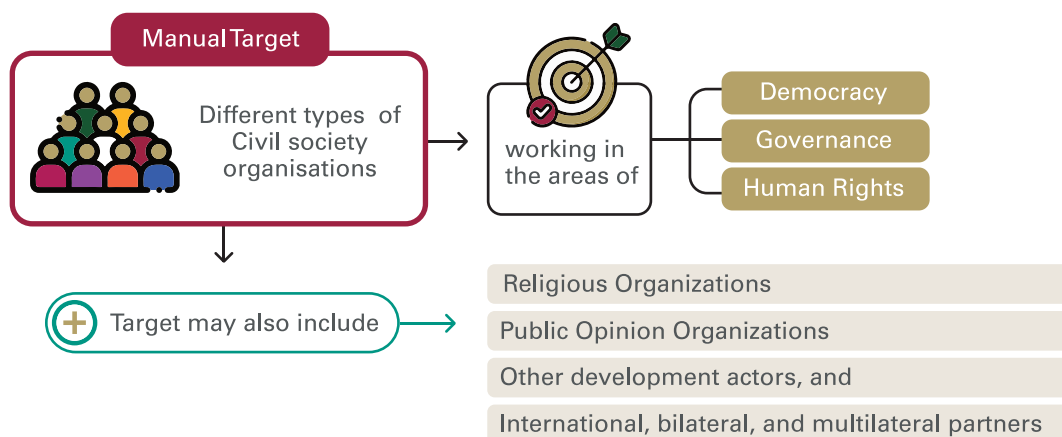
1. Improve understanding of the role of CSOs in promoting citizens' participation and influencing policy decision making processes in democracy, governance and human rights;
2. Improve the technical capacity of CSOs to develop advocacy strategies, action plans, and campaigns in the areas of democracy, governance, and human rights.



3. Improve the technical capacity of CSOs to develop effective policy documents including policy briefs, advisory opinions, white papers and other types of policy writing – on thematic areas related to democracy, governance and human rights.
4. Identify common challenges faced by CSOs in the formulation, implementation, and monitoring of advocacy campaigns in the areas of democracy, governance and human rights.

d. Groups targeted by the manual

This manual targets the different types of civil society organisations working in the areas of democracy, governance, and human rights. The target may also include religious and public opinion organizations, other development actors and international, bilateral, and multilateral partners.

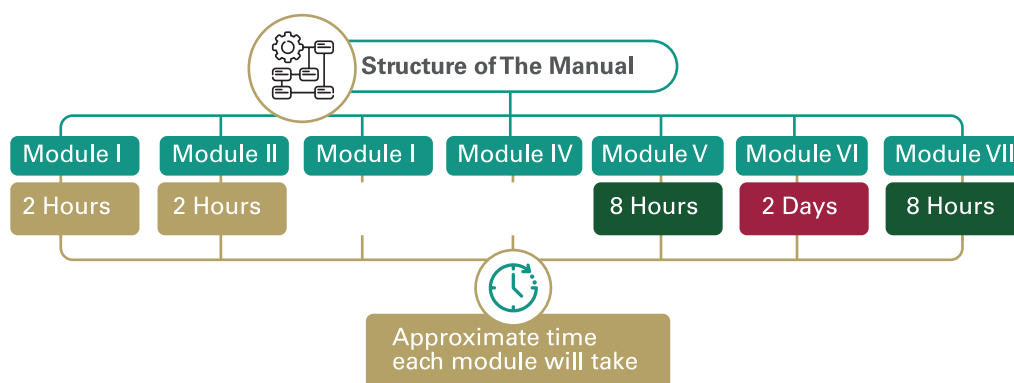


In view of the need to address the entire spectrum of the participants in equal measure, the language and level of instruction of the manual has been simplified so that it can be accessible to non-specialists. As they are designed for collective use, the modules offer a standardized framework that can be used as a self-learning tool or for formal training.

The time allocated to cover the full contents of the courses in this manual depends largely on the level of the trainers and their teaching ability, as well as the different course participants. Ideally, the workshops should be organized with small groups of 30-35 people, to allow for interaction and to make the activity productive and manageable. To generate more interest from participants, it is advisable to include working group sessions, which would allow for greater coverage in the exchange of ideas and the discussions. If possible, participants should be invited from countries that have already undergone the complete APRM review to share their experiences on the subject.

e. Structure of the manual

This manual consists of eight modules intended for African civil society organisations working in the area of democracy, governance and human rights. The content of the manual tries to balance between emerging CSOs and those that have been in the trenches for a long time.



Module I

provides conceptualisation of civil society in the context of democracy, governance and human rights. The module outlines key functions that CSOs play in any jurisdiction. The module also provides the various typologies of CSOs. The purpose of this session is to enable the participants to delineate what CSOs are and their role as a way of setting the tone for the course.

It is anticipated that the module will take approximately 2 hours.

Module II

focuses on the normative frameworks for democracy, governance, and human rights in Africa. As a disclaimer, the module acknowledges the existence of a plethora of international instrument that can be used to address the issues of democracy and human rights at international level. There are many manuals that have been developed on these instruments.

The focus of the manual however is on African instruments. The focus is further horned to zoom on three instruments, namely, the AU Constitutive Act, the ACDEG and the ACHPR. Agenda 2063 is included under this session because it provides programmatic priorities in addressing the issues of democracy, governance and human rights. It is worthwhile to note that the session identifies the role of CSOs at the national level.

It is anticipated that the module will take approximately 2 hours.

Module III

addresses the nuts and bolts of policy advocacy. The session defines advocacy and highlights the premise of policy advocacy in the human rights discourse.

The session also pushes boundaries to suggest the need for CSOs to use the transformative advocacy conceptual framework in undertaking advocacy initiatives. The session ends by providing step by step guide in undertaking policy advocacy.

It is anticipated that the module will take approximately 4 hours.

Module IV

identifies the important of the citizenry's agency in the area of democracy, governance and human rights. In this module, the training provides justification for the participation of the citizenry. It also outlines principles for meaningful and effective participation of the citizens. The session ends by providing a checklist for good citizen participation.

It is anticipated that the module will take approximately 5 hours.

Module V

focuses on the nuances in policy writing. The session begins by defining policy, showing the different typologies of policies and the policy making cycle. The module unpacks the roles of CSOs at each stage of the policy making cycle as well as tips which the CSOs may consider in their work.

It is anticipated that the module will take approximately 8 hours.

Module VI

focuses on the tools to policy advocacy. The module focuses mainly on three tools that are often used by CSOs in their advocacy work. The session covers development of policy briefs and the different types of policy briefs. The session also unpacks the case study tool to advocacy. The session identifies the different types of case studies, data collection for case studies and basic tips on what makes a good case study. The session also accords attention to policy advocacy campaigns, how to plan a successful campaign and basic tips in developing a campaign.

It is anticipated that this session will take approximately 2 days.

Module VII

recognises the role that regional duty bearers on democracy, governance and human rights. While there are many mechanisms on the continent, the module zooms on the APRM, the RECs/RMs and the PSC. With all these institutions, the session assist the CSOs in identifying entry points for engagement.

It is anticipated that the session will take approximately 8 hours.



01

MODULE I:

Conceptualizing Civil Society
in Democracy, Governance
and Human Rights

1.1 Learning objectives

Participants should be able to
articulate what civil society is,
its different functions and its
different types.



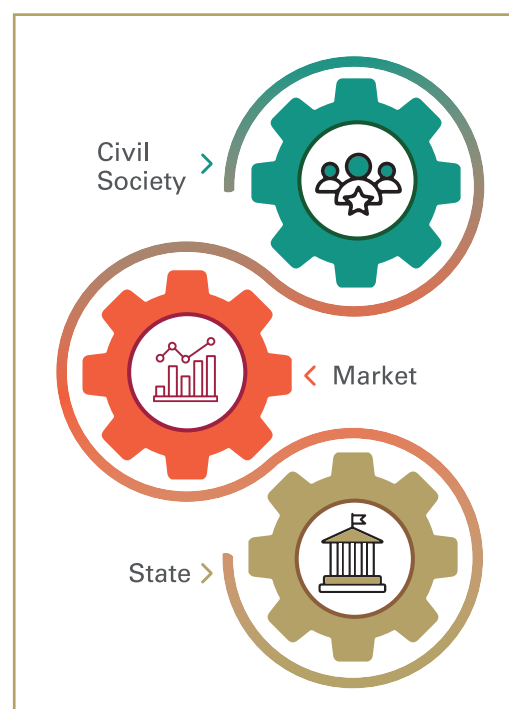
1.2 Introduction

Civil society encompasses a spectrum of actors with a wide range of purposes, constituencies, structures, degrees of organisation, functions, size, resource levels, cultural contexts, ideologies, membership, geographical coverage, strategies and approaches.² The AU places premium on its engagement with civil society, as its Constitutive Act's preamble observed that the Act was 'guided by the common vision of a united and strong Africa and the need to build partnership between governments and all segments of civil society... in order to strengthen solidarity and cohesion among African people'. But then, what is civil society?

1.3 What is civil society?

The concept of civil society is a normative issue and therefore is highly debatable within any society. Its conceptualisation can be traced to the evolution of the state.³ Its direct equivalent in Latin is *societas civilis*, and a close equivalent in ancient Greek *politike koinona*.⁴ The foregoing both referred to a 'political society', with active citizens shaping institutions and policies.

It was a law-governed society in which the law was seen as the expression of public virtue, the Aristotelian 'good life'.⁵ Gramsci, popularized the term civil society, where he considered it to be an 'ensemble of private interests' located somewhere between the 'economic structure' and the 'super-structure' by which he meant public life and the state.⁶ In other words, civil society, is the process through which individuals negotiate, argue, struggle against or agree with each other and with the centres of political and economic authority. Through voluntary associations, movements, parties and unions, the individual can act publicly.⁷



Hitherto, the term has been broadly used to refer to any independent, mission-driven, non-profit, voluntary citizens' group. Further, civil society then has been defined as a sphere of ideas, shared values, building of institutions, organisations, networks, and individuals located between the family, the state, and the market. Seckinelgin, 2002 posits that the term has been used in more recent times to reflect an attempt to bring people into the development process in Africa, Asia and elsewhere.⁸ In the context of Africa, the concept of civil society denotes an aspirational formation to enable people to act for themselves for desired policy outcomes.

² WEF, 2013, p. 8; AfDB, 2012, p. 10

³ Hearn, J. (2001). The 'uses and abuses' of civil society in Africa. *Review of African political economy*, 28(87), 43-53.

⁴ Church, M., Bitel, M., Armstrong, K., Fernando, P., Gould, H., Joss, S., & Vouhé, C. (2002). *Participation, relationships and dynamic change: new thinking on evaluating the work of international networks*. London: University College London.

⁵ Shivji, I. G. (2007). *Silences in NGO discourse: The role and future of NGOs in Africa*. Fahamu/Pambazuka.

⁶ Mafeje, A. (1998). Democracy, civil society and governance in Africa. In *Proceedings of the Second DPMF Annual Conference on Democracy, Civil Society and Governance in Africa II* (pp. 7-10).

⁷ Kaldor, M. (2003). The idea of global civil society. *International affairs*, 79(3), 583-593. Kaldor, Mary. "The idea of global civil society." *International affairs* 79, no. 3 (2003): 583-593.

⁸ Seckinelgin, H. (2002). Civil society as a metaphor for western liberalism. *Global society*, 16(4), 357-376.



Table 1: Definitions of civil society



Various definitions of 'civil society'

1. Civil society is a space where people hold discussions and debates, come together and influence their society – as an aspect of human activity. Our current concept of civil society reflects the structures of a modern and evolving society. All human beings are entitled to internationally approved societal operating models, especially respect for human rights, democracy and good governance, the principles of non-discrimination and equality, freedom of expression and freedom of association.
2. Civil society is an arena of voluntary collective actions around shared interests, purposes and values distinct from families, state and profit seeking institutions. The term civil society includes the full range of formal and informal organizations that are outside the state and the market – including social movements, volunteer involving organizations, mass-based membership organizations, faith-based groups, NGOs, and community-based organizations, as well as communities and citizens acting individually and collectively. (Voice and Accountability for Human Development: A UNDP Global Strategy to Strengthen Civil Society and Civic Engagement', UNDP 'What Is Civil Society?', London School of Economics)
3. Civil society is the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power.
4. "CSOs can be defined to include all nonmarket and non-state organisations outside of the family in which people organise themselves to pursue shared interests in the public domain. Examples include community-based organisations and village associations, environmental groups, women's rights groups, farmers' associations, faith-based organisations, labour unions, co-operatives, professional associations, chambers of commerce, independent research institutes and the not-for-profit media".
5. Civil society constitutes a third sector, existing alongside and interacting with the state and market. UNDP defines civil society organizations in its policy of engagement with CSOs (2001) as: CSOs are non-state actors whose aims are neither to generate profits nor to seek governing power. CSOs unite people to advance shared goals and interests. (UNDP, 2001)
6. Civil society refers to an arena of collective action between citizens on the one hand, and the state and market on the other hand. It is bound by norms and networks of civic engagement, and composed of an array of self-governing, voluntarily formed and autonomous, non-profit associations pursuing publicly defined purposes. Civil society is the network of autonomous associations that citizens voluntarily create to address common problems, advance shared interests and promote collective aspirations.

Compiled by the author.



1.4 Civil Society Typologies

In the value chain of human rights accountability and development policy, civil society exists from the local up to the global levels. Despite the increased importance of the global civil society, civil society will continue to be closely tied to individual states and local cultures.⁹ There are several types of civil society actors. Principally, there are two types of civil society actors namely, operational actors and advocacy actors. Operational actors' primary purpose is to fund, design, or implement development-oriented programs or projects. Advocacy civil society actors have a primary purpose of defending and/or promoting a specific development cause. These players seek to influence the development policies and practices governments, the African Union, and other intergovernmental organisations. More specifically, the civil society actors can be categorized along the following lines:¹⁰

- | | |
|----|---|
| a. | Non-governmental organisations, and non-profit organisations that have organised structures or activities, and are typically registered entities and groups |
| b. | Grassroots associations with activities at local level |
| c. | Labour unions and labour organisations representing workers |
| d. | Faith-based organisations |
| e. | Academic and research institutions |
| f. | Organisations of indigenous peoples |
| g. | Children and youth clubs |
| h. | Independent media outlets such as radio stations, television stations, print and electronic media |
| i. | Cooperatives owned and democratically controlled by their members |
| j. | Social movements of collective action and/or identity, which can be online or physical; |
| k. | Online groups and activities including social media communities that can be "organised" but do not necessarily have physical, legal or financial structures |
| l. | Social entrepreneurs employing innovative and/or market-oriented approaches for social and environmental outcomes |
| m. | Neighbourhood or community-based coalitions |

⁹ VanDyck, C., K. (2017). Concept and definition of civil society sustainability. Washington DC: Centre for Strategic and International Studies. Retrieved from https://csisprod.s3.amazonaws.com/s3fspublic/publication/170630_VanDyck_CivilSocietySustainability_Web.pdf?QfxMleHr9U8aeV1kOjFo.FBTsLG76HPX (Accessed 27 March 2022).

¹⁰ Ibid.



1.5 Civil Society Functions

A well-functioning civil society is fundamentally anchored on civil liberties such as freedom of expression, freedom of association and assembly, and freedom of the press. A vibrant and pluralistic civil society offers channels for participation in activities of society.¹¹ At best, civil society can enhance citizens' opportunities to influence their own situation in life and to break free of the vicious circle of poverty.¹²

***Whilst the specificities of the roles of civil society actors are defined by the political, legal, historical, and socioeconomic factors within a given jurisdiction, there are some generic functions which can be applicable to any context. These roles include:*¹³**



1.5.1 Watchdog:

Holding institutions to account, promoting transparency and accountability

1.5.2 Advocate:

influencing positive changes in policies, laws, structures, and actions

1.5.3 Service provider:

delivering services to meet societal needs such as education, health, food and security; implementing disaster management, preparedness and emergency response

1.5.4 Expert:

bringing unique knowledge and experience to shape policy and strategy, and identifying and building solutions

1.5.5 Capacity builder:

providing education, training, and other capacity building

1.5.6 Representative:

giving power to the voice of the marginalized or under-represented

1.5.7 Citizenship champion:

encouraging citizen engagement and supporting the rights of citizens through the promotion of pluralistic and multifarious civil dialogue and participation in such civil dialogue

1.5.8 Definer of standards:

creating norms that shape market and state activity through testing and development of innovative operational models

1.5.9 Civic education provider:

equipping the citizenry on their rights and responsibilities in upholding principles of human rights, democracy and good governance:

Member States shall use the services of civil society organisations involved in electoral matters to educate and enlighten the public on the need for peaceful elections devoid of all acts of violence.

Article 8 of ECOWAS Protocol A/SP1/12/01 on Democracy and Good Governance: Supplementary to the Protocol relating to the Mechanism

¹¹ https://um.fi/documents/35732/48132/guidelines_for_civil_society_in_development_policy

¹² Ibid.

¹³ World Economic Forum (2013) Future Role of Civil Society Report 2013



02

MODULE II:

Normative Frameworks For Civil Society Advocacy

2.1 Learning objectives

- a. Participants should be able to outline the African normative instruments on democracy, governance and human rights.
- b. Participants to outline democratic principles of governance.
- c. Participants to be able to articulate human rights based approaches to advocacy.



2.2 Introduction

While there are several democracy, governance, and human rights instruments at the international level,¹⁴ this operational manual will use primarily the African instruments starting with the African Union Constitutive Act. The continent also has several democracy, governance, and human rights instruments. This manual focuses specifically on three of these instruments, namely the African Union Constitutive Act, the African Charter on Democracy, Elections and Governance (ACDEG), and the African Charter on Human and People's Rights (ACHPR). The section goes further to look at Agenda 2063 as a programmatic instrument that facilitates the implementation of the norms enshrined in the above-mentioned instruments.

2.3 The African Union Constitutive Act

In its Preamble, the Act places premium on partnership between governments and all segments of civil society, in particular women, youth, and the private sector, in order to strengthen solidarity and cohesion among African peoples. Beyond the Constitutive Act, the African Union developed a plethora of normative instruments on democracy, governance, and human rights. The key instruments addressing these issues are the African Charter on Human and Peoples' rights and the African Charter on Democracy, Elections and Governance. There are other African human rights instruments promulgated which address the rights of special interest groups such as women, the elderly, and children.

2.4 The African Charter on Democracy, Elections and Governance

The African Charter on Democracy Elections and Governance (ACDEG) was adopted on 30 January 2007 as the African Union's main normative instrument to set standards for better governance across the continent. It came into force in February 2012 after ratification by fifteen (15) States.¹⁵

The Charter was developed with the aim of addressing political (mal)practice through law, and the instrument now forms a fulcrum yardstick for holding states legally accountable for (dis)respecting norms on democracy and good governance.¹⁶

As the key instrument on the continent dealing with the issue of democracy, governance and human rights, the Charter focuses mainly on duties of the state parties to foster democratic governance and rule of law in the continent. Human rights protection, equal treatment and rule of law are the goal of the Charter.

The ACDEG is different from previous AU instruments as it combines, in a holistic manner, the key elements of democracy, human rights and governance. Its objectives are to enhance the quality of elections in Africa, promote human rights, strengthen the rule of law, improve political, economic and social governance, and address the recurrent issues relating to unconstitutional changes of government in the continent.¹⁷ The ACDEG is anchored in the Constitutive Act of the African Union (AU Constitutive Act), which commits African Union (AU) member states to participatory democracy, constitutionalism, rule of law, human rights, peace and security, good governance as well as sustainable human development in Africa.¹⁸ One notable outcome from the Charter is the development of the African Governance Architecture (AGA), which is the overall political and institutional framework for promoting and strengthening democracy, good governance and human rights in Africa. AGA provides the platform through which different Organs and Institutions of the African Union support the implementation of the provisions of the Charter at the Member State level

¹⁴ The key instruments at the global level on democracy, governance and human rights include the following: the Charter of the United Nations; Universal Declaration of Human Rights (UDHR); International Covenant on Economic, Social and Cultural Rights (ICESCR); International Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention on the Rights of the Child (CRC); Convention on Migrant Workers (CMW) and the Convention on the Rights of Persons with Disabilities.

¹⁵ Aniekwe, C. C., Oette, L., Vandeginste, S., & Wiebusch, M. (2017). The 10th anniversary of the African charter on democracy, elections and governance.

¹⁶ Wiebusch, M., Aniekwe, C. C., Oette, L., & Vandeginste, S. (2019). The African Charter on Democracy,

¹⁷ Ibid.

¹⁸ AU Constitutive Act, arts 3 and 4, adopted on 11 July 2000



Democratic Principles as enshrined in the African Charter on Democracy, Elections and Governance

State Parties shall implement this Charter in accordance with the following principles:

- | |
|---|
| a. Respect for human rights and democratic principles; |
| b. Access to and exercise of state power in accordance with the constitution of the State Party and the principle of the rule of law; |
| c. Promotion of a system of government that is representative; |
| d. Holding of regular, transparent, free and fair elections; |
| e. Separation of powers; |
| f. Promotion of gender equality in public and private institutions; |
| g. Effective participation of citizens in democratic and development processes and in governance of public affairs; |
| h. Transparency and fairness in the management of public affairs; |
| i. Condemnation and rejection of acts of corruption, related offenses and impunity; |
| j. Condemnation and total rejection of unconstitutional changes of government; |
| k. Strengthening political pluralism and recognising the role, rights and responsibilities of legally constituted political parties, including opposition political parties, which should be given a status under national law. |

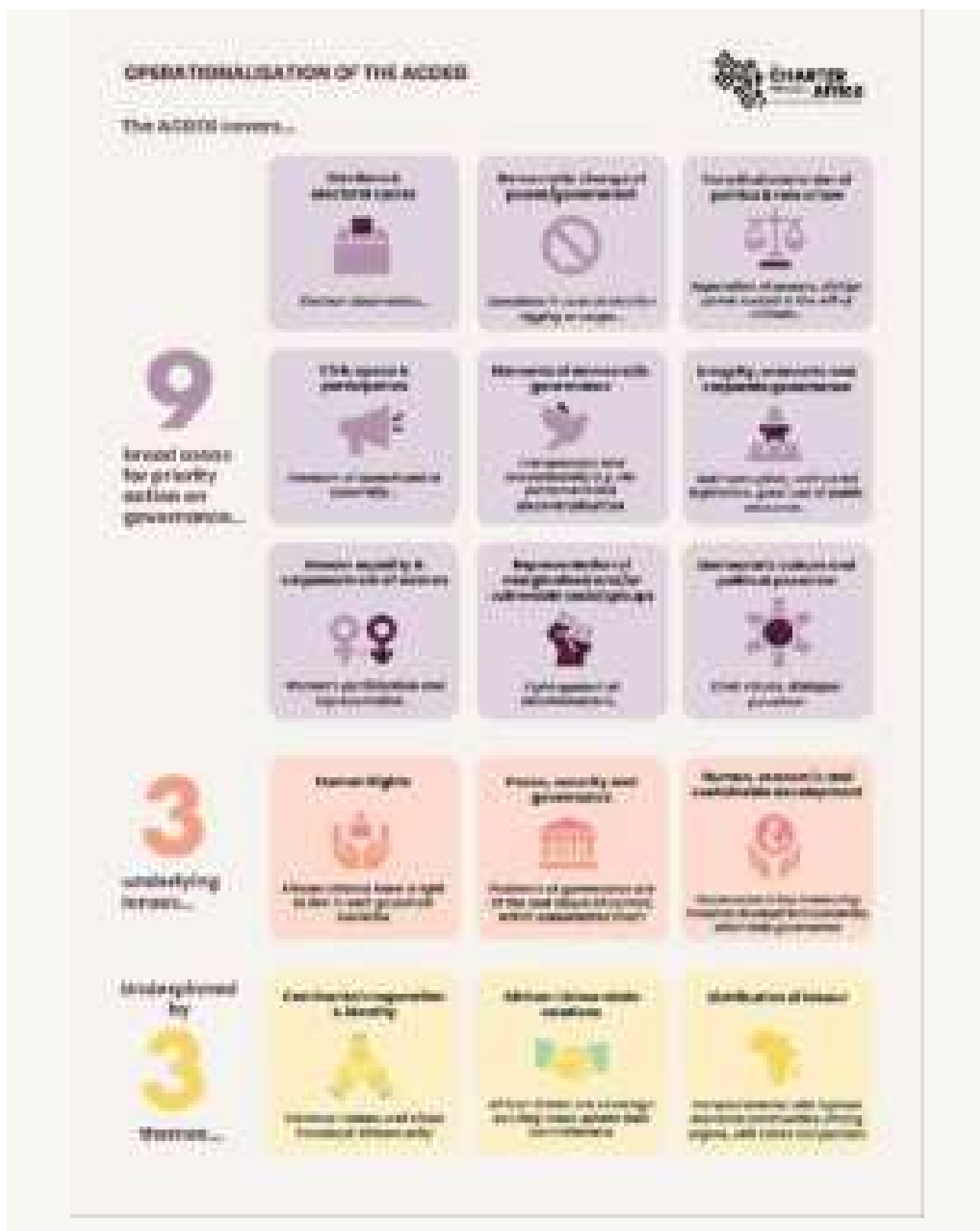
As comprehensive as the ACDEG is, there are gaps. For example, the drafters missed an opportunity to make a link between terrorism and governance, even though terrorism is to some extent caused and or aggravated by the democratic deficits, marginalization, bad governance, and lack of good electoral practices that the ACDEG seeks to address.¹⁹ Further, there is also no indication of what a culture of democracy in articles 11, 12(2) and 29(2) means, and how or through what means this lofty objective will be achieved. If the intention was that this objective be achieved through, for example, “civic education in their educational curricula and develop[ment of] appropriate programmes and activities” (article 12(4)), this should have been clearly stated.²⁰

¹⁹ The issue of terrorism was neither raised in the initial drafts nor by the delegates, perhaps because it is adequately addressed in the 1999 AU Convention on Preventing and Combating Terrorism, which entered into force on 26 December 2002.

²⁰ Kioko, B. (2019). The African Charter on Democracy, Elections and Governance as a Justiciable Instrument. *Journal of African Law*, 63(S1), 39-61. doi:10.1017/S0021855319000044



Figure 1: Summary of the ACDEG21



21 https://express.adobe.com/page/swNxl0o11685q/?ref=https%3A%2F%2Fecdpm.org%2Fpublications%2Fguide-african-charter-democracy-elections-governance%2F&embed_type=overlay&context=lightbox-expand (Accessed 22 April 2022)



2.5 The African Charter on Human and Peoples' Rights

There are two key peculiarities that the African Charter on Human and Peoples' Rights has which other international human rights instruments do not have. First, the African Charter recognises the indivisibility of all rights. Within the African Charter, all the 'generations' of rights are recognised and given similar weight.

The African Charter recognises the indivisibility of all rights. Within the African Charter, all the 'generations' of rights are recognised and given similar weight.

The Charter therefore does not provide for progressive realisation of socio-economic rights. This makes the socio-economic rights justiciable as much as the civil and political rights. Linked to this aspect is the fact that the Charter does not contain a derogation clause. This means that there cannot be a justification of circumstances such as emergencies or conflict which will provide for derogation of the rights. Secondly, the Charter places duties on both individuals and states. In its Preamble, the Charter imposes duties all stakeholders. An important benefit of the human rights instruments is that they assist with developing advocacy initiatives that are transformative.

2.5.1 The Human Rights Based Approach to Advocacy

A Human Rights Based Approach (HRBA) to advocacy is premised on the normative content of human rights instruments which States Parties have ratified. This approach to advocacy aims to promote, protect and fulfil human rights and democracy in practice through integration of the norms, standards and principles of international and regional human rights law into plans and processes of development programmes. This approach to advocacy sets the achievement of human rights as an objective of development. Programmes need to assess the capacities of rights-holders and duty-bearers and to develop appropriate strategies to build these capacities. At the heart of a Human Rights Based Approach is the recognition that unequal power relations and social exclusion deny people their human rights and keep them in poverty. The approach therefore puts strong emphasis on marginalised and discriminated groups.²² The approach places special emphasis on empowerment of people to claim their rights.

2.5.2 Key tenets of the Human rights approach to advocacy

Within a human rights-based approach to advocacy, civil society organisations must be able to do the following:

- a. understand the synergy between the development of public policy, the legislative process, and the national development choices that affect the vulnerable within a society either directly or indirectly.
- b. analyse capacities, support, and mobilise those state institutions, authorities or other duty bearers that have obligations to respect, protect or fulfil the rights for the deprived.
- c. recognise economic processes, natural phenomena, social forces, beliefs and practices that render people vulnerable or put the population at the risk of vulnerability.
- d. work effectively with central and local governments, and civil society, private sector and other partners based on mutual respect and shared values, and fully use the opportunities for promoting and securing human rights that such partnerships present.

22 SIDA. Human Rights Based Approach. <https://www.sida.se/en/for-partners/methods-materials/human-rights-based-approach> (Accessed 7 April 2022)



Table 2: The Human Rights Based Approach

Necessary, specific, and unique elements of the HRBA	Exemplary practices for CSOs using the HRBA
<p><i>Assessment and analysis to identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying, and structural causes of the non-realization of rights.</i></p> <ul style="list-style-type: none"> Programmes assess the capacity of rightsholders to claim their rights and of duty bearers to fulfil their obligations. They then develop strategies to build these capacities. Programmes monitor and evaluate both outcomes and processes guided by human rights standards and principles. Programming is informed by the recommendations of international and regional human rights bodies and mechanisms. 	<p><i>People are recognized as key actors in their own development, rather than passive recipients of commodities and services.</i></p> <ul style="list-style-type: none"> Situation analysis is used to identify immediate, underlying, and basic causes of development problems. Participation is both a means and a goal. Analysis includes all stakeholders. Programmes focus on marginalized, disadvantaged, and excluded groups. The development process is locally owned. Programmes support accountability to all stakeholders. Programmes aim to address inequality Strategic partnerships are developed and sustained.

2.6 Agenda 2063 and civil society

Agenda 2063 can also be conceptualized as a general framework which must guide the work of African civil society organizations in deciding on their priorities and areas of focus.

The framework is made up of the following seven aspirations:

- **Aspiration 1:** A Prosperous Africa based on Inclusive Growth and Sustainable Development
- **Aspiration 2:** An Integrated Continent, Politically United based on the ideals of Pan Africanism
- **Aspiration 3:** An Africa of Good Governance, Democracy, Respect for Human Rights, Justice, and the Rule of Law
- **Aspiration 4:** A Peaceful and Secure Africa
- **Aspiration 5:** An Africa with a Strong Cultural Identity, Values and Ethics
- **Aspiration 6:** An Africa where Development is People-driven, relying particularly on the potential of Women and Youth
- **Aspiration 7:** Africa as a Strong and Influential Global Player and Partner



Figure 2: Agenda 2063



Civil society organisations have an important role to play in realizing the vision of Agenda 2063. As mentioned earlier on the functions of civil society in any jurisdiction, CSOs can spur government action through persistent advocacy and act as watchdogs holding governments accountable to their commitments. The CSOs can also advise governments on concrete implementation measures to take, building on their experience on the ground, often working with marginalized communities.²³ The specific roles which civil society organisations can play include the following:

2.6.1 Localizing the aspirations and monitoring progress

Localisation can be defined as “the process of defining, implementing, and monitoring strategies at the local level for achieving global, national, and subnational sustainable development targets. It involves various concrete mechanisms, tools, innovations, platforms and processes to effectively translate the development agenda into results at the local level.”²⁴ Localisation of Agenda 2063 can be considered to be the main challenge so that it can be translated into national and local policies. With limited institutional capacity in African Union member states for coordination of implementation at country level, CSOs have a role to play in ensuring that the coordination is achieved. One key strategy to use is the collection of Agenda 2063 data on the implementation and reporting. That way, the CSOs will contribute significantly to the monitoring of progress in the implementation of the agenda. Attention will need to focus on ensuring that the data collected is disaggregated meaningfully to be able to identify any groups of the population which may be unable to access their rights.

²³ Not Without Us: Civil Society’s Role In Implementing the Sustainable Development Goals: https://www.euro.who.int/_data/assets/pdf_file/0006/319308/6-Not-without-us-civil-society-role-implementing-SDGs.pdf, (Accessed 22 March 2022) Global Task Force of Local and Regional Governments for Post-2015 Development Agenda Towards Habitat III, United Nations Development Program and United Nations Habitat (GTF et al., 2015). “Key Messages and Process on Localizing the Post-2015 agenda.”

²⁴ Global Task Force of Local and Regional Governments for Post-2015 Development Agenda Towards Habitat III, United Nations Development Program and United Nations Habitat (GTF et al., 2015). “Key Messages and Process on Localizing the Post-2015 agenda.” <http://www2.dse.unibo.it/ardeni/Key%20Messages%20and%20Process%20on%20Localizing%20the%20Post-2015%20agenda.pdf> (Accessed 27 March 2022).



2.6.2 Advocating for the marginalised and underrepresented

Civil society organisations can play a role in conducting action research which can inform the public decision-making processes and budgeting to address the plight of the poor. Beyond this kind of CSO support through budget planning, CSOs can coalesce as lobby groups for the governments to identify development priorities informed by Agenda 2063 so that the agenda can tap into existing local capacities. CSOs can then influence governments to adopt new and better approaches to addressing poverty and other societal ills.

2.6.2.1 Table 3: Practical steps in advocating for the poor²⁵



Roles of CSOs:

- 1. Listen to people and be aware of what is happening in their respective areas of operation.** This requires CSOs to be proactive in gathering information and interacting with communities. Therefore, it is crucial to create opportunities, spaces and platforms for engaging with these groups in order to promote genuine dialogues, build community awareness and develop strong relationships. It is important to listen to, and consider the solutions to, problems identified by these groups. Moreover, this dialogue should work both ways: CSOs should provide feedback to these groups on steps they are taking to address concerns and the (lack of) progress made. This role constitutes a long-term process for CSOs.
- 2. Translate the voices of the poorest and most marginalised citizens into rational or strong arguments** that are acknowledged and addressed by the local government. Agenda 2063 provides a galvanizing frame of reference for CSOs, which can introduce issues into policy dialogues. Where possible, CSOs should identify integrated improvements or interventions that could make a significant difference for vulnerable people. CSOs should also reiterate the value of locally tailored solutions in realising local and continental development goals.
- 3. Develop relationships or partnerships with the local government,** and in particular, identify the government departments, actors or institutions that need to respond in order to remedy problems. Moreover, they can ensure that action is taken by the responsible person or department, and if this is not the case, they should also follow up with the relevant government officials or departments. The goal is to ensure that local resources are mobilised for those who are most vulnerable and that their needs are reflected in local development plans and national public policies.
- 4. Use human rights as a lens of analysis.** Adopting a human rights approach will enable the identification of groups of people whose rights have been violated, neglected or overlooked in development processes. This approach also calls for the need to understand why these particular groups of people have had their rights infringed – for example, as a result of discriminatory laws or social practices that perpetuate inequality.
- 5. Identify, engage with and learn from other CSOs that interact with these groups.** CSOs should use “claimed” or “invited” spaces to highlight the actions, pilot projects or remedies that are effective or ineffective. In such spaces, CSOs can introduce issues important for their constituencies to the policy agenda through research advocacy, the lobbying of governments, litigation, mobilisation of public opinion and other actions (Coalition on Civil Society Resource Mobilisation, 2012).
- 6. Play a critical role as transformers in society by being involved in training and advocacy processes,** which build the capacities and knowledge of the general populace towards achieving Agenda 2063. This will ensure that people become the focus of the agenda and that the most vulnerable in society are not left behind when the continental agenda is being localised.

Adapted from African Civil Society Circle (2016)

²⁵ Adapted from African Civil Society Circle The Roles of Civil Society in Localizing the Sustainable Development Goals, https://www.gppi.net/media/KAS_CS0_2016_Localizing_SDGs.pdf (Accessed 8 April 2022).



2.6.3 Promoting citizen-centric, collaborative governance

Since most of the CSOs on the African continent operate at grassroots levels, it means that they are in active engagement with the citizenry. This presents an opportunity for social mobilization to promote the participation of citizens in both the implementation and monitoring the implementation of Agenda 2063. The social capital of the grassroots organisations can be leveraged to ensure that the groups of population that ordinarily may be left behind, get included in development processes and fulfilment of rights. The grassroots organisations can play a key role in the implementation of Agenda 2063 through the 'co-production' strategic approach. In this approach, the citizens produce or improve existing services that they use themselves without relying so much from public agencies. Co-production engages citizens not as mere passive recipients of, but as active participants in public services.²⁶ It is the driving force of an open, and collaborative governance which ensures more inclusive public service delivery.

2.6.4 Practical Steps for CSOs in implementing Agenda 2063

This flow chart illustrates some of the steps you can take to turn the Agenda 2063 into action through advocacy, awareness raising and working in coalitions.



26 Not Without Us: Civil Society's Role In Implementing the Sustainable Development Goals: https://www.euro.who.int/data/assets/pdf_file/0006/319308/6-Not-without-us-civil-society-role-implementing-SDGs.pdf, (Accessed 22 March 2022)



03

MODULE III:

Policy Advocacy on Democracy, Governance and Human Rights

3.1 Learning objectives

- a. Participants to be able to define what policy advocacy is and the premise thereof.
- b. Participants to be able to outline state obligations in human rights.
- c. Participants to be able to define what transformative policy advocacy entails



3.2 Introduction

Advocacy can be defined as a deliberate process, based on demonstrated evidence, to directly and indirectly influence decision makers, stakeholders, and relevant audiences to support and implement actions that contribute to the fulfilment of desired outcomes.²⁷

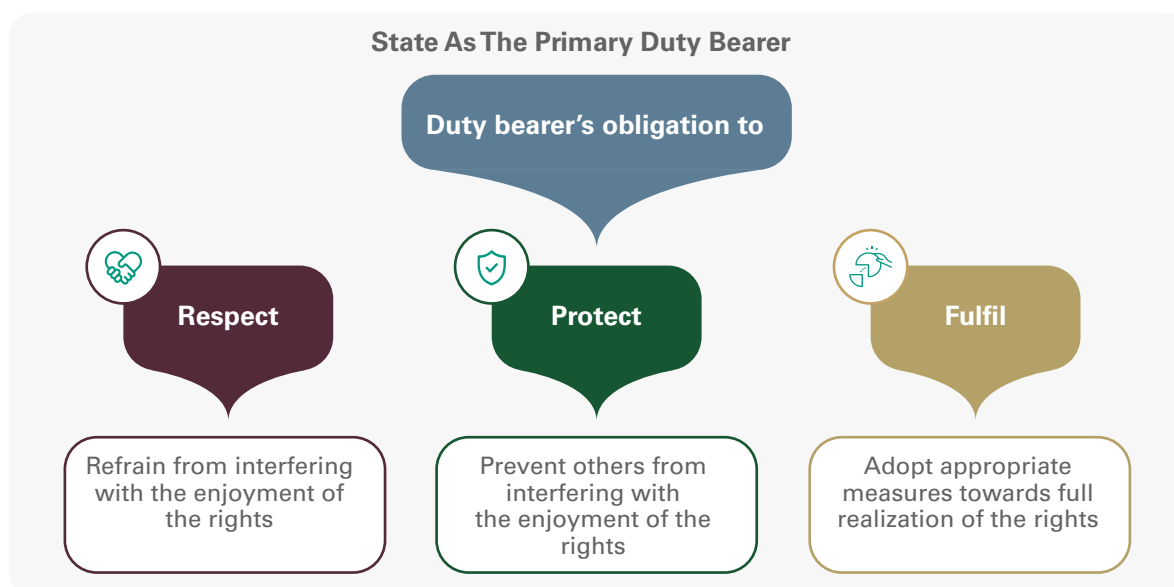
Advocacy is made up of continuous, systematic, focused, and deliberate efforts to influence or cause change of positions, policies, laws, and practices

The foregoing definition shows that advocacy is made up of continuous, systematic, focused, and deliberate efforts to influence or cause change of positions, policies, laws, and practices. Advocacy facilitates the interface between citizens and legislators. It also enhances the change process and allows people to have their views heard and encourages decision makers to be accountable.

3.3 Policy Advocacy Premise

The human rights corpus makes the state to be the primary duty bearer as a high contracting party to treaties and conventions for human rights. It is a fundamental principle that by becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. Within the global and regional human rights framework, individual human beings are the named rights holders and governments are considered the principal duty bearers.

Figure 3: Human rights obligations



3.3.1 State obligation to respect

This obligation requires the State and all its organs and agents to abstain from carrying out, sponsoring or tolerating any practice, policy or legal measure violating the integrity of individuals or impinging on their freedom to access resources to satisfy their needs. It also requires that legislative and administrative codes take account of guaranteed rights. The obligation to ensure respect requires that state parties take all appropriate measures with regard to its population and the groups within its territories to observe the obligations enshrined in the human rights instruments.²⁸ This obligation extends to other states and non-state partners operating in other states. This means that the international community has obligations to ensure that human rights are respected in each country. The advocacy can target the international community, premised on the obligation of ensuring respect.²⁹

²⁷ UNICEF Advocacy Toolkit,

²⁸ Chibwana, M. (2021). Transformative Child Rights Advocacy: An Ergonomic Conceptual Framework. The International Journal of Children's Rights, 29(3), 541-562.

²⁹ Ibid.



3.3.2 State obligation to protect

This obligation compels the State and its agents to prevent the violation of rights by other individuals or non-state actors. Where violations do occur, the State must guarantee access to legal remedies. The state parties carry out this obligation through promulgating legislation and providing mechanisms for effective remedies. This is a positive obligation, because it requires the State to take positive measures to protect beneficiaries of rights against political, economic, and social interference by other non-state actors.³⁰

3.3.3 State obligation to fulfil

This obligation involves issues of advocacy, public expenditure, governmental regulation of the economy, the provision of basic services and related infrastructure, and redistributive measures. The duty of fulfilment comprises those active measures necessary for guaranteeing opportunities to access entitlements. Further, the obligation requires state parties to take positive measures in order to realise the direct enjoyment of a right.³¹ For example, in order to realise the right to education, the state must build the infrastructure, train teachers and pay them well. In advocacy, attention will focus on the practical steps that the state party will have taken or should take to make a given right a reality for all.³² Another obligation is on promotion of human rights. This obligation entails that the state parties should make sure that individuals are able to exercise their rights and freedoms, for example, by promoting tolerance and raising awareness.

3.4 Categories of Human Rights

There are two broad categories of rights that are enshrined in human rights instruments such as those mentioned above:

3.4.1 Civil and political rights

This group of rights places a premium on the sanctity of the individual before the law and guarantees his or her ability to participate freely in civil, economic, and political society. Civil rights include such rights as the right to life, liberty, and personal security; the right to equality before the law; the right to protection from arbitrary arrest; the right to the due process of law; the right to a fair trial; and the right to religious freedom and worship. Political rights guarantee involvement in public affairs and include such rights as the right to speech and expression; the right to assembly and association; and the right to vote and political participation.³³

3.4.2 Economic, social, and cultural rights

This group of rights promote the individual's flourishing, social and economic development, self-esteem, and identity. Economic and social rights include such rights as the right to a family; the right to education; the right to health and well-being; the right to work and fair remuneration; the right to form trade unions and free associations; the right to leisure time; and the right to social security.³⁴ Cultural rights maintain and promote sub-national cultural affiliations and collective identities, and protect minority communities against the incursions of national assimilationist and nation-building projects. They include such rights as the right to the benefits of culture; the right to indigenous land, rituals, and shared cultural practices; and the right to speak one's own language and to 'mother tongue' education.

30 Coomans, F., "The Ogoni Case Before the African Commission on Human and Peoples' Rights," *International & Comparative Law Quarterly*, 2003 (52(3)), 749–760.

31 African Commission on Human and Peoples' Rights (ACHPR). 1996. *Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO) v. Zambia*. 71/92. available at: <https://www.refworld.org/cases,,51b6f3524.html> (accessed 5 April 2022).

32 Chibwana, M. (2021). *Transformative Child Rights Advocacy: An Ergonomic Conceptual Framework*. *The International Journal of Children's Rights*, 29(3), 541–562.

33 Centre for Human Rights University of Pretoria, *A GUIDE TO THE AFRICAN HUMAN RIGHTS SYSTEM: Celebrating 30 years since the entry into force of the African Charter on Human and Peoples' Rights 1986 – 2016*, University of Pretoria.

34 Ibid.



3.4.3 Types of rights and state obligations

	Respect (no interference in the exercise of the right)	Protect (prevent violations from third parties)	Fulfil (provision of resources and the outcomes of policies)
Civil and political rights	Refrain from: Torture, extra-judicial killings, disappearance, arbitrary detention, unfair trials, electoral intimidation, disenfranchisement	Measures to prevent non-state actors from committing violations, such as torture, extra-judicial killings, disappearance, abduction, and electoral intimidation.	Investment in judiciaries, prisons, police forces, and elections, and resource allocations to ability
Economic, social, and cultural rights	Refrain from: Ethnic, racial, gender or linguistic discrimination in health, education, and welfare and resource allocations below ability.	Measures to prevent non-state actors from engaging in discriminatory behaviour that limits access to health, education, and other welfare.	Progressive realization Investment in health, education, and welfare, and resource allocations to ability

3.5 Transformative human rights advocacy

This kind of advocacy can be defined as progress-oriented change that places emphasis on rights holders' agency, using local resources and recognizing that the legitimacy of the outcome is underpinned by inclusivity of the disparate groups of the population.³⁵ At the core of this kind of advocacy is the quest for every member of the society to live a life of dignity and reach their full potential. The ambition is also to challenge unequal power relations and dismantle structures that perpetuate exclusion of certain groups of the population in development processes, starting with the family and all the way to the global level. The power structures are socioeconomic and political processes that establish hierarchical power relations, stratifying societies based on inter alia, class, religion, place of origin, occupational status, level of education and gender. Efforts must address existing inequalities in access to basic social services through equity-oriented advocacy.

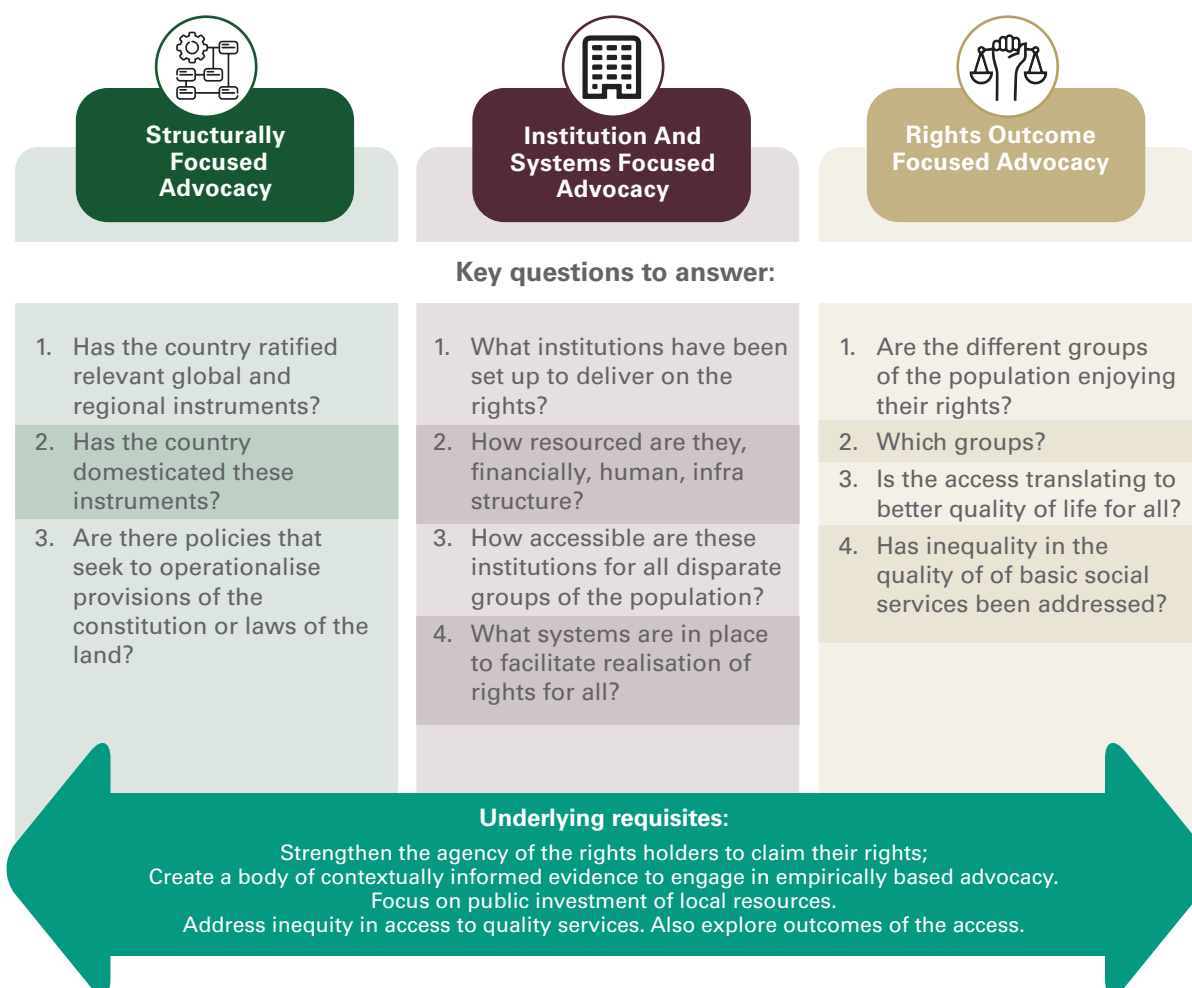
3.6 Transformative human rights advocacy conceptual framework

Transformative advocacy at national level covers three pertinent aspects. Firstly, it addresses the structural elements in a jurisdiction. Secondly, it interrogates the institutional arrangements that facilitate the enjoyment of rights by the people within a jurisdiction. Lastly, it explores the extent to which the rights holders are accessing their rights, paying attention to the disparate groups of the population.

³⁵ Chibwana, M. (2021). Transformative Child Rights Advocacy: An Ergonomic Conceptual Framework. The International Journal of Children's Rights, 29(3), 541-562.



Figure 4: Transformative human rights advocacy conceptual framework



3.6.1 Structural advocacy focus

Transformative advocacy has to be anchored on a commitment that a duty bearer would have made. The commitments could be through ratification of international and regional instruments addressing the subject matter. The focus will also be on the national constitution as well as national laws which the State would have promulgated.

1. State Parties shall entrench the principle of the supremacy of the constitution in the political organization of the State.
2. State Parties shall ensure that the process of amendment or revision of their constitution reposes on national consensus, obtained, if need be, through referendum.
3. State Parties shall protect the right to equality before the law and equal protection by the law as a fundamental precondition for a just and democratic society.

ACDEG Article 10

It is important to ensure that progressive legislation that addresses the root causes of inequalities and poverty, whilst facilitating development outcomes, is put in place. This is highly desirable and, in some cases, may even be indispensable for the realization of human rights.³⁶ In instances where the law is missing or has gaps in addressing a specific human rights issue, this becomes the starting point.

36 CESCR General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant)



Transformative advocacy recognizes the state as the primary duty bearer, therefore it should come up with appropriate legislation that guarantees the enjoyment of rights by all rights holders in a jurisdiction. Appropriate legislation is indispensable in addressing aspects such as discrimination in access to basic social services. Beyond legislative provisions however, advocacy initiatives have to lobby for the costing of the laws. When the laws are costed, the advocacy will become empirical when asking for prioritization of aspects such as education, health, and social protection.³⁷ The question of how much is enough will be easy to answer according to each jurisdiction.

3.6.1.1 Addressing transnational human rights concerns

For advocacy initiatives that are targeting transnational human rights issues, the advocacy will need to be targeted towards regional economic communities or regional mechanisms such as the Economic Community of West African States (ECOWAS), the East African Community (EAC) and the Southern African Development Community (SADC).

State Parties undertake to design and implement social and economic policies and programmes that promote sustainable development and human security.

ACDEG Article 9

The African Union is also another duty bearer to target at regional level. In such instances, the starting point will be to anchor the advocacy initiative on a resolution or decision that the institution would have made addressing the issue in question. If there is no such resolution, lobbying to having a resolution will be the starting point. Resolutions can be encapsulated in summit communiques that are produced after a summit or session. For example, the African Union Peace and Security Council comes up with either a press statement or a communique after its meetings. A communique will contain resolutions whilst a press statement is provided for information, highlighting the conversations that would have ensued. For one pushing a specific advocacy agenda, it is imperative to influence processes to have a resolution in a communique. This requires engagement with the secretariat of the inter-governmental body as well the representatives of member states that will be making decisions in the meeting.

3.6.2 Institution focused advocacy

At national level, having progressive laws on paper is the first indispensable step towards realization of rights. Beyond having the laws on paper, member states have to give expression to these laws through establishing policies and institutions that deliver on the provisions of the laws. These institutions can be categorised into two typologies. First, it is the institutions that provide services to the people. Such services as education, health, child justice and social protection. The second typology of institution are the accountability mechanisms such as the judiciary and national human rights institutions. Both types of these institutions play a crucial role in the promotion, protection and fulfilment of human rights in a wide variety of ways.

1. State Parties shall establish public institutions that promote and support democracy and constitutional order.
2. State Parties shall ensure that the independence or autonomy of the said institutions is guaranteed by the constitution.
3. State Parties shall ensure that these institutions are accountable to competent national organs.
4. State Parties shall provide the above-mentioned institutions with resources to perform their assigned missions efficiently and effectively.

ACDEG Article 15

³⁷ Chibwana, M. (2021). Transformative Child Rights Advocacy: An Ergonomic Conceptual Framework. The International Journal of Children's Rights, 29(3), 541-562.



If the national constitution or an education act provides for compulsory and free primary education for all children in a country, for example, transformative advocacy has to explore the extent to which education infrastructure is available, accessible and acceptable throughout the country. Another example can be that of children's courts. The advocacy should also focus on the consistency in quality of service throughout the country.

Experience has shown that institutions are relatively well resourced in the cities whilst the rural ones have subpar services, if at all they exist.

3.6.2.1 Public goods institutional focus

Whilst the concept of quality of social services is contested in development, there has to be consistency in all contexts within a country. Access to services is usually generalized. Within the same country, some groups of the population may access quality social services whilst other groups may not.

*ACDEG Article 27: Principles on Political, Economic and Social Governance
In order to advance political, economic and social governance, State Parties shall commit themselves to:*

1. Strengthening the capacity of parliaments and legally recognised political parties to perform their core functions;
2. Fostering popular participation and partnership with civil society organizations;
3. Undertaking regular reforms of the legal and justice systems;
4. Improving public sector management;
5. Improving efficiency and effectiveness of public services and combating corruption;
6. Promoting the development of the private sector through, inter alia, enabling legislative and regulatory framework;
7. Development and utilisation of information and communication technologies;
8. Promoting freedom of expression, in particular freedom of the press and fostering a professional media;
9. Harnessing the democratic values of the traditional institutions; and
10. Preventing the spread and combating the impact of diseases such as Malaria, Tuberculosis, HIV/AIDS, Ebola fever, and Avian Flu.

Transformative advocacy goes beyond the homogenizing statistics of access to basic social services to addressing the heterogeneity of the different geographical and ethnic groups' realities. This means that transformation-oriented advocacy is concerned about issues of equity and subsequent equality. In some countries on the continent of Africa, there are neopatrimonial practices which result in the neglect of certain regions of the country for various reasons such as ethnicity, religion, political affiliation and so forth.³⁸ Meanwhile, the normative instruments all provide for non-discrimination on any grounds. For advocacy to be transformational therefore, it has to address such nuances and ensure that resources are invested proportionately according to the relative need of the region or county. The previously neglected regions or districts should get more public resources to cover the deficit in equality of distribution throughout a country.

Transformation-oriented advocacy is concerned about issues of equity and subsequent equality.

38 Chabal, P & J-P Daloz (1999), *Africa Works. Disorder as Political Instrument*, Oxford: James Currey



3.6.2.2 Accountability institutional focus

Accountability institutions first must be well resourced to be able to undertake their function. There has been debate on the extent to which the national human rights institutions (NHRI) are independent (Smith, 2006). This is because their budgetary allocations are mostly at the discretion of the government and that the commissioners in these institutions are appointed by sitting governments sometimes on patronage grounds. Civil society must engage with these institutions despite their shortcomings. Transformative advocacy must place a premium on having functioning institutions that are able to undertake their mandates. It means that civil society has to lobby to have competent commissioners in these NHRIs.

3.6.3 Outcome focused advocacy

Having laws that are entrenched in the aspiration of ensuring human dignity for all is the first step in transforming the reality of people in a jurisdiction. The second indispensable step is ensuring that there are institutions that deliver on human rights. At the outcome level, attention of advocacy processes has to go beyond access to basic social services to service outcomes for the different groups of rights holders such as women, children, ethnic minorities and so forth. The key question that has to be answered is 'are the people enjoying their rights?'

If an advocacy agenda is to realize results that are transformative, it should ask a further question of 'which people?' since the population is not a homogeneous group³⁹

Whilst using statistics to make a case for exclusion and rights violation is impactful, the use of case studies has a striking human appeal. Transformative advocacy indeed is interested in macro goals which are demonstrated by consolidated statistics. However, transformation begins by focusing on the individual, and the individual groups whose rights may be abrogated.

3.7 Promoting the agency of rights holders

Civil society organisations need to foster the agency of the rights holders. This outcome should interrogate the extent to which rights holders' capacity to be assertive as rights holder is strengthened. Bandura (1997) concurs with this argument when he notes that:

... unless people believe they can produce desired effects by their actions, they have little incentive to act, or to persevere in the face of difficulties. Whatever other factors serve as guides and motivators, they are rooted in the core belief that one has the power to effect changes by one's actions.

The above citation suggests that it is pertinent to build the self-efficacy of rights holders in different contexts to believe in themselves and not underestimate their power to influence issues that affect their wellbeing. One key tenet of transformative advocacy is underpinning initiatives on the premise that rights holders have the ability to shape the circumstances in which they live and if need be, change their reality. The effective participation of rights holders through their own agency is both a process and an outcome in itself.

1. State Parties shall eliminate all forms of discrimination, especially those based on political opinion, gender, ethnic, religious and racial grounds as well as any other form of intolerance.
2. State Parties shall adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social groups.
3. State Parties shall respect ethnic, cultural and religious diversity, which contributes to strengthening democracy and citizen participation.

ACDEG Article 8

³⁹ Chibwana, M. (2021). Transformative Child Rights Advocacy: An Ergonomic Conceptual Framework. The International Journal of Children's Rights, 29(3), 541-562.



3.8 Key Advocacy questions



- i. What is the problem and whose problem?
- ii. What is the desired change and why?
- iii. Who should change what?
- iv. Who are the actors in the change process and what roles do they have [opinion formers, opponents, allies, sympathizers etc.]?
- v. How will the change come about?
- vi. What factors will affect the change?
- vii. How do we notice and keep track of the change?
- viii. How can the change be made sustainable?
- ix. Who will do what and when?

3.9 Step by Step Guide for Policy Advocacy

Below is a succinct step by step guide to help advocacy staff to develop an understanding of the policy and regulatory context, and to make policy based programmatic recommendations.

3.9.1 Step One:

Literature Review of Existing Policies and Laws

- a. You should take stock of the policy and legislative framework available for the issue you want to address.
- b. There is need to analyse the policy context and its implications on practice.
- c. You need to have an appreciation of the specific policies/laws that govern the area of your interest.
- d. You have to identify where the gaps are in the current laws and possible changes that need to be effected in addressing the same gaps.

3.9.2 Step Two:

Assessing the Legislative Process

- a. You need to understand how laws and policies are formulated within your jurisdiction
- b. You need to identify gaps in the existing policy frameworks
- c. It is necessary to conduct a thorough review of national laws and policies
- d. Analyse the extent of ratification, domestication of international and regional instruments

3.9.3 Step Three:

Assessing the Regulatory Framework

- a. Identify the relevant institutions for implementing particular laws and policies
- b. Engage with the government institutions that have a mandate in addressing the issue in question
- c. Engage with international and regional accountability mechanisms
- d. Engage with the development community at large.



3.9.4 Step Four:

Citizen Participation

- a. You need to identify the most effective ways of engaging with the rights holders in identifying policy gaps and possible remedies.
- b. In some instances, it may be necessary to build the capacity of the rights holders to understand the processes and the roles they can play throughout.
- c. Establish systematic platforms for the rights holders to participate, paying attention on dissenting voices and those left behind.

3.9.5 Step Five:

Conducting Policy Advocacy

- a. Develop advocacy strategies with clear change goals.
- b. Map key stakeholders, internal capacity and external potential partners.
- c. Prepare budgets for the implementation of the identified strategies.
- d. Incorporate policy advocacy in work plans.
- e. Develop and use relevant advocacy tools
 - i. policy briefs
 - ii. case studies
 - iii. advocacy campaigns
 - iv. communication plans
- f. Engage with the circles of influence.
- g. Manage risks.

3.9.6 Step Six:

Analysing the Impact of Policy on Practice

1. Evaluate the impact of policy on your targeted constituency
2. Identify and document good practices for possible replication
3. Share good practices



04

MODULE IV:

Participation of Citizens in Democracy and Governance Processes

4.1 Learning objectives

- a. Participants to able to outline practical considerations for meaningful participation of citizens in governance processes.
- a. Participants to be able to outline various citizen participation models.



4.2 Introduction

Participation of the citizenry is central to governance. Governance refers to the process through which decisions are taken and implemented especially by public institutions at the national and local levels. Good governance describes a decision-making system that is based on the open government principles: transparency, responsibility, accountability, participation, and responsiveness to the needs of the people.⁴⁰ Citizen participation is a key element of a good governance system. It provides private individuals and groups the opportunity to inform, influence, monitor and evaluate public decisions, processes, and actions. It also involves focussing on civil society and the ways in which citizens exercise influence and control over the decisions that affect them, and responds to the dissatisfaction identified among the poor regarding the accountability of public institutions to citizens, notably poor citizens, and at their lack of 'voice' in service delivery.⁴¹ Further, the concept of citizen 'voice' implies an engagement with the state that moves beyond consultation to more direct forms of influence over spending and policy decisions.⁴²

... the process of participation determines the legitimacy of the outcome.

While there is a plethora of definitions of what constitutes participation, there are salient features which help in defining what participation entails. It is pertinent to note that the process of participation is continuous and is based on mutual respect, the right to explicit, adapted information, and dialogue between the citizenry and duty bearers. Participation also includes the inclusion of various interest groups in a process of decision making or defining the desired future. It is imperative to note that the process of participation determines the legitimacy of the outcome.

4.3 Why citizen participation is indispensable

There is a range of benefits that involving citizens in policy making can bring. Generally, involving citizens in public decision making is beneficial for the following reasons:⁴³

4.3.1 It is good for democracy:

Citizen participation has intrinsic benefits. It leads to a better and more democratic policy-making process, which becomes more transparent, inclusive, legitimate, and accountable. Citizen participation enhances public trust in government and democratic institutions by giving citizens a role in public decision making.

4.3.2 It is good for policies, laws, services and projects:

Citizen participation also has instrumental benefits. It leads to better policy results that take into account and use citizens' experience and knowledge to address citizens' most pressing needs. The quality of policies, laws, and services is improved, as they were elaborated, implemented and evaluated based on better evidence and on a more informed choice. They also benefit from the innovative ideas of citizens and can be more cost-effective as a result.⁴⁴

40 ActionAid, Good Governance and Citizen Participation, <https://morethanprojects.actionaid.it/en/good-governance-and-citizen-participation/> (Accessed 22 April 2022)

41 Narayan, R. (2018). North Korean Human Rights Discourse and Advocacy: The European Dimension. North Korean Human Rights: Activists and Networks, August.

42 Goetz, A. M., & Gaventa, J. (2001). Bringing citizen voice and client focus into service delivery.

43 Extracted and adapted from: OECD Public Governance Working Papers, ENGAGING CITIZENS IN COHESION POLICY, <https://www.oecd-ilibrary.org/docserver/486e5a88-en.pdf?expires=1650524577&id=id&accname=guest&checksum=714DB69CA6AC63C5CFBE8AF9E561BABB>

44 OECD (2016), Open Government: The Global Context and the Way Forward, <https://doi.org/10.1787/9789264268104-en> (Accessed 22/04/2022).



4.3.3 It is good for inclusion and diversity:

Citizen participation can make governance and decision making more inclusive by opening the door to more representative groups of people. Through participatory processes, public authorities can strengthen the representation of often excluded groups like informal workers, migrants, women, indigenous populations, people with disabilities etc. Citizen participation in public decision making can answer the concerns of unrepresented groups by addressing inequalities of voice and access, and thus fight exclusion and marginalisation. This in turn can create better policies and services, build a sense of belonging, and foster social cohesion.⁴⁵

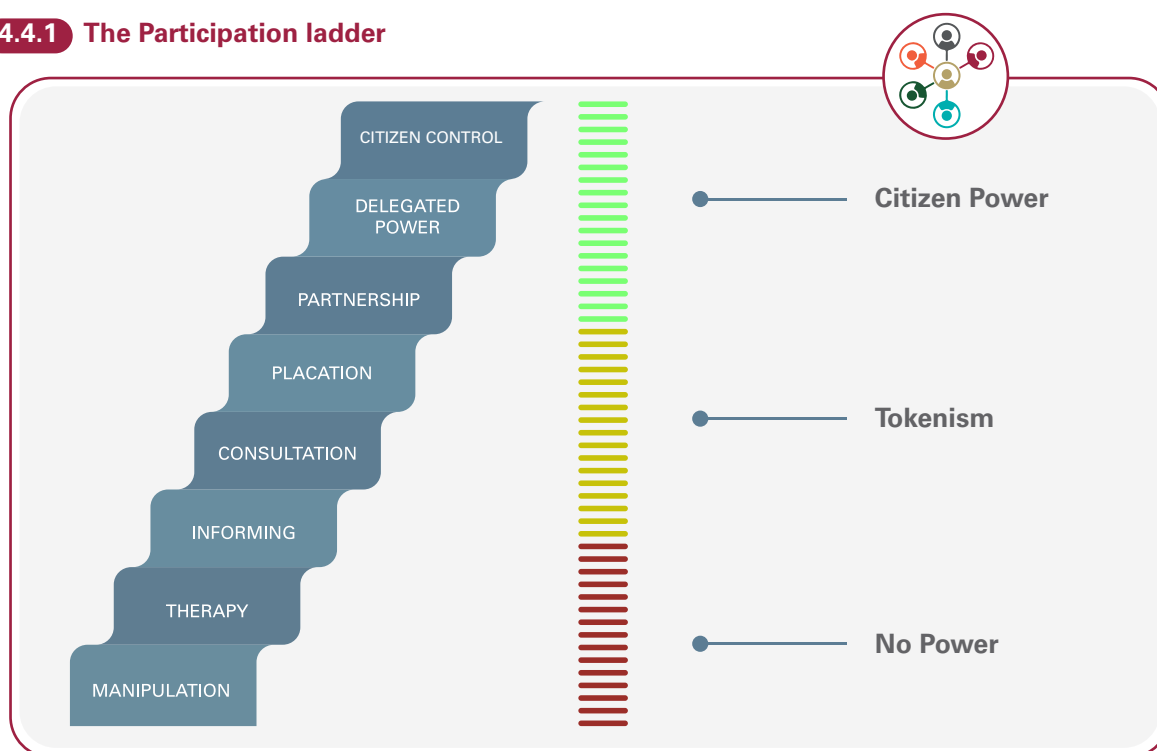
4.3.4 It is good for legitimacy and facilitates implementation:

Involving citizens in the decision-making process supports the public understanding of the outcome and enhances its uptake. Citizen participation can allow the public to follow, influence, and understand the process leading to a decision, which in turn enhances the legitimacy of hard choices. Empowering citizens through participatory processes is also good for the overall legitimacy of the democratic process as it signals civic respect and builds a relationship based on mutual trust.

4.4 Citizen participation frameworks

To ensure that the process of participation of the rights holders is systematic, several scholars and practitioners have developed models and conceptual frameworks which seek to provide a standardised format or approach through which participation may occur. This manual has identified two of the most prominent frameworks which can be used in the process of policy advocacy on issues of democracy, governance, and human rights.

4.4.1 The Participation ladder



This model was introduced by Arnstein, where he outlined typologies of citizen participation is presented as a metaphorical “ladder,” with each ascending rung representing increasing levels of citizen agency, control, and power. In addition to the eight “rungs” of participation, Arnstein includes a descriptive continuum of participatory power that moves from nonparticipation (no power) to degrees of tokenism (counterfeit power) to degrees of citizen participation (actual power).⁴⁶

⁴⁵ OECD (2020), Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave, <https://doi.org/10.1787/339306da-en> (Accessed 22/04/2022).

⁴⁶ Arnstein, S. (1969.) A ladder of citizen participation. Journal of the American Planning Association, 35(4), 216–224.



At the bottom of the ladder is participation that does not empower the rights holders, it is manipulative. This form of participation is only done to soothe the conscience of the CSO to tick a box that citizens were involved. No attention will be paid on what that participation produced and how it was conducted.

The next level still does not strengthen the agency of the citizenry. Instead, the approach considers them to be passive recipients of programs who are only informed and consulted without themselves deciding on the agenda. At this level, the rights holders are in some instances involved only to parrot the information they would have been told by the organisers. They can carry placards which have messages they have not contributed to. In some instances, consultations are done with the aim of obtaining the rights holders' reactions of proposals, plans and decisions so that these can be considered in policy making.

The highest level of participation on the ladder strengthens the agency of the rights holders to challenge the structural impediments to the enjoyment of rights. In this approach to participation, the rights holders decide on an agenda, design the approaches to be used in addressing the advocacy issue and are at the forefront of engagement with duty bearers in the amelioration of the issue.

4.4.2 The space, voice, audience and influence model

This participation model has been adapted from Lundy and it addresses the following four elements:

Space:

the rights holders must be given safe and inclusive opportunities to contribute to decisions that affect them. The space covers two aspects, first, it is the space on the agenda. Efforts should be made to have rights holders to be included onto the agendas when they are being developed especially for engagements between civil society organisations and the duty bearers. The second space is the physical rooms or platforms where engagement takes place. This space must be accessible to those with disabilities.



Voice:

the rights holders must be facilitated to express their view. It is important to ensure that the voices need to take note of the differentiated groups of rights holders. There is a tendency to harness the voices of the most vocal whilst neglecting the voices of those in the periphery.



Audience:

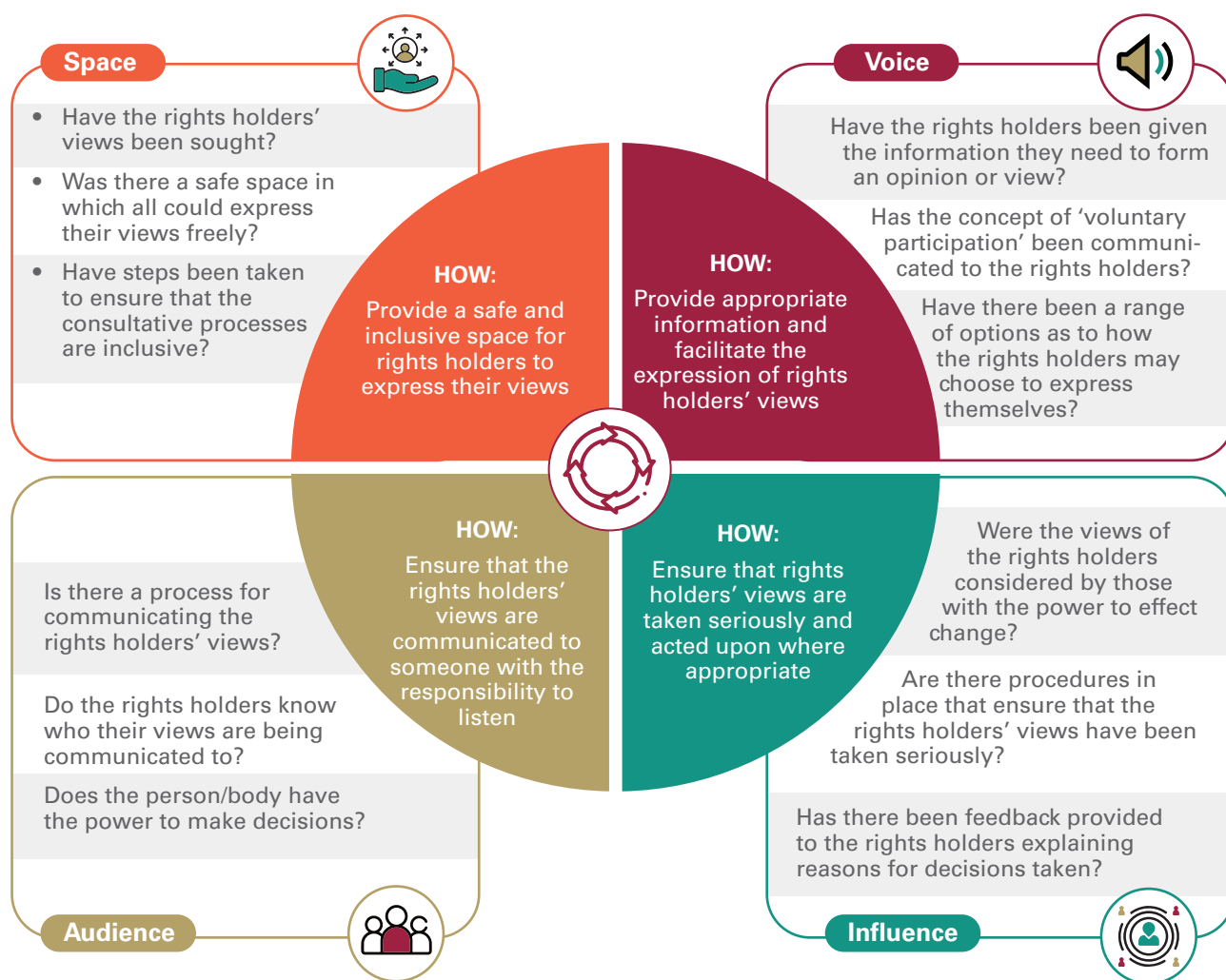
the views of the rights holders must be listened to, documented, and shared with relevant policy makers. With the advent of technology, curating the voices of the rights holders from the most remote areas becomes easier. As such, CSOs should ensure that the voices of the rights holders are not only collected, but their views given due weight.



Influence:

the views must be acted upon, as appropriate and the action should be done expeditiously. CSOs should make sure that views of the rights holders are given due weight in influencing policy decisions.





4.5 Principles for Effective Participation

There are eight important principles which will facilitate the effective participation of the citizenry. These principles have been adapted from the Convention on the Rights of the Child Committee in its General Comment No.12 on the Right of the Child to be Heard.⁴⁷

Table 4: Principles of effective participation

<p>Principle 1: Participation is transparent and informative</p>	<p>The rights holders must be given information about their participation in any activity in a friendly and accessible format. The information should include how they will participate, why they have been given this opportunity, the scope of the activity and its potential impact.</p>
<p>Principle 2: Participation is voluntary</p>	<p>The rights holders must be able to choose whether or not they would like to participate in the activity and should be able to withdraw from activities at any time. They must not be coerced into participating or expressing their views.</p>

⁴⁷ Committee on the Rights of the Child, General Comment No. 12 (2009), The right of the child to be heard, CRC/C/GC/12, 1 July 2009, available at <https://www2.ohchr.org/english/bodies/crc/docs/advanceversions/crc-c-gc-12.pdf>



Principle 3: Participation is respectful	The rights holders should be treated with respect and provided with opportunities to express their views freely. Staff should respect and understand the context of the rights holders.
Principle 4: Participation is relevant	Activities in which rights holders participate should build on their own knowledge and should be focused on issues that are relevant to their lives and interests.
Principle 5: Participation is adaptable	Adaptable approaches, based on participants' comparative advantages, should be used to ensure that rights holders are well prepared for the activity and are able to contribute meaningfully.
Principle 6: Participation is inclusive	Initiatives must provide opportunities for marginalised communities to be involved and should challenge existing patterns of discrimination.
Principle 7: Participation is safe and sensitive to risk	Staff must take every precaution to minimize risks of abuse and exploitation and any other negative consequences of participation in the activity.
Principle 8: Participation is accountable	After they have been involved in an activity, the rights holders must be provided with feedback that clearly explains how their input has been interpreted and used, and how they have influenced any outcomes.

4.6 Conditions for effective citizen participation in democracy and governance


Inclusive citizen participation has been considered as key in producing better democratic decisions as well as in governing processes. There are several conditions for successful inclusive citizen participation⁴⁸:

- **4.6.1 Empowered citizens:** Citizens who have the skills, knowledge, and attitudes to participate, including the ability to organise themselves.
- **4.6.2 Effectively implemented laws** regulations and policies that enable participation and social accountability.
- **4.6.3 Commitment to genuine inclusive participation** by the government (political leadership and civil service) and citizens: willingness to incorporate citizens' needs and suggestions in policy.
- **4.6.4 The identification, understanding and involvement of all relevant stakeholders** particularly marginalised and vulnerable groups.
- **4.6.5 A well-planned process with clear objectives and sufficient allocation of resources** (financial and human). The plan and its limitations should be understood by all stakeholders.
- **4.6.6 A transparent government:** the publication of understandable and useable information.
- **4.6.7 Trust between government and citizens.**

⁴⁸ The Hague Academy for Local Governance, 7 Conditions For Successful Citizen Participation, <https://thehagueacademy.com/news/7-conditions-successful-inclusive-citizen-participation/> (Accessed 20 April 2022)



4.7 Checklist For Good Citizen Participation

Clear goals and framework	Check (x) 
Verify competence and determine scope of participation	
Define the goal: how the results will be used	
Determine appropriate time to launch citizen participation	
Lay down the extent and key elements of the citizen participation procedure	
Secure adequate resources and expertise	
Well-designed procedure	
Invite and select citizens	
Motivate target group and remove obstacles to participation	
Select suitable participation formats	
Communicate scope of participation to citizens and compare to their expectations	
Provide professional and objective moderation	
Be present at participation events and seek direct contact	
Provide balanced and understandable information	
Maintain continuous communication with participating citizens	
Inform the public	
Appropriate management of results, evaluation	
Document stages in procedure and the results	
Make useable results available	
Process citizens' input, explain use of results and provide information on follow-up	
Evaluate the participation procedure	



05

MODULE V:

Policy Writing Considerations

5.1 Learning objectives

To help participants in understanding the following:

- a. What is policy and what are the different types of policies?
- a. What is the policy cycle and what practical interventions can take place at each stage?



5.2 Defining Policy

'Policy' can be defined as a 'purposive course of action followed by an actor or a set of actors.'⁴⁹ In theoretical terms, it is a process with distinctive (differentiated) stages, each with an activity that enables the next stage, the results of which feed back into the process.⁵⁰ These stages aim to address an issue (program, problem) in a systematic way by defining it, developing solutions, implementing the solutions and evaluating the results.⁵¹ This process-oriented view implies that the notion of policy goes beyond planning and commitments in laws and strategies to include the implementation of plans and the evaluation of results. In this sense, public policies are one of the main means through which order is established in societies and systems are governed.⁵² Beyond the understanding of generic policy, it is important to define public policy since it gives basis for state responsibility. Public policy can be defined as 'premeditated action in pursuit of objectives defined by those who have the power and authority.' This policy should encapsulate a set of decisions, prescribed procedures and approval levels and rationality within a given environment and timeframe.

5.3 Policy Typologies

While there are several theories which classify public policies into different typologies,⁵³ for the purpose of this manual however, focus will be on four types of policies as unpacked below.

5.3.1 Substantive policies

Substantive policy is a statutory document that unpacks what a government intends to do in meeting its obligations to respect, to protect and to fulfil. Activities covered in such a policy includes inter alia payment of welfare benefits, regulating operations of given spheres of life for the citizenry. Substantive policies directly allocate advantages and disadvantages, benefits, and costs to people.⁵⁴ This policy typology may include distributional policies which use public funds to assist particular groups and communities. Such policies include education policy, economic policy, fiscal policy and tax policy. In the implementation of such policies, CSOs should ensure that services are decentralized to all districts for ease of access for all. Further, quality of these services in the remote areas should not be different from that of urban centers.

5.3.2 Regulatory policies

A regulatory policy outlines how something is going to be done or who is going to act. Such a policy provides for the creation of administrative agencies, determining the matters over which they have jurisdiction, specifying the processes and techniques that they can use in carrying out their programs and providing for executive, judicial and other controls over their operations.⁵⁵ In the area of democracy, governance and human rights, CSOs should ensure that the regulatory environment does not foster structural discrimination of certain groups of people on any discriminatory basis such as religion, ethnicity, sex and so forth. Further, in conducting policy analysis, it is imperative to make sure that such policies do not create bottlenecks which can inhibit the citizenry or rights holders from enjoying their rights. In some instances, a regulatory policy of obtaining an identity document may have unrealistic demands resulting in having certain groups of the citizenry without any forms of identification. It is therefore important when CSOs are conducting policy analysis to reflect on the regulatory policies in place and the extent to which they are a conduit for realization of rights for all.

⁴⁹ Anderson, J.E., *Public Policymaking: An Introduction*, Houghton Mifflin, Boston, 1975.

⁵⁰ Lasswell, H., *The Future of Political Science*, Atherton Press, New York, 1963.

⁵¹ Anderson, J.E., *Public Policymaking: An Introduction*, Houghton Mifflin, Boston, 1975.

⁵² ETF (European Training Foundation), 'Torino Process: a policy analysis approach to supporting policy-making through policy learning', ETF, Turin, 2013.

⁵³ See Steinberger, P. J. (1980). Typologies of public policy: Meaning construction and the policy process. *Social Science Quarterly*, 61(2), 185-197.; Smith, K. B. (2002). Typologies, taxonomies, and the benefits of policy classification. *Policy Studies Journal*, 30(3), 379-395.; Bemelmans-Videc, M. L., Rist, R. C., & Vedung, E. (2017). Policy instruments: typologies and theories. In *Carrots, sticks & sermons* (pp. 21-58). Routledge.; Kellow, A. (2018). From policy typologies to policy feedback. In *Handbook on Policy, Process and Governing*. Edward Elgar Publishing.; Steinberger, P. J. (1981). *Typologies Of Public Policy*. *Policy studies review annual*, 5, 27.

⁵⁴ Eneanya, A. N. (2010). *Comparative Public Administration and Public Policy: Theories and Applications*. University of Lagos Press.

⁵⁵ Ibid.



5.3.3 Distributive policies

Distributive policies are meant for specific segments of society. Such policies include all public assistance and welfare programmes, adult education programs, food relief, social insurance, employability programs. Such policies usually collect payments or resources from many but concentrates direct benefits on relatively few groups of the population who will be disadvantaged. Distributive policies are also common when societies feel there is a social benefit to individuals obtaining private goods such as higher education that offer long-term benefits, but the upfront cost may be too high for the average citizen.

5.3.4 Redistributive policy

As the name suggests, redistributive policy redistributes resources in society from one group to another. According to Lowi, the costs are concentrated and so are the benefits, but different groups bear the costs and enjoy the benefits.⁵⁶ Most redistributive policies are intended to have a sort of “Robin Hood” effect; their goal is to transfer income and wealth from one group to another such that everyone enjoys at least a minimal standard of living. Typically, the wealthy and middle class pay into the country’s tax base, which then funds need-based programs that support low-income individuals and families. A few examples of redistributive policies include education support, medical care for the ultra-poor, household income support, and supplementary food programs.

5.4 Policymaking Cycle

The policy making cycle is a process through which policy is drafted, implemented, and assessed. There are many ways in which policy making can be achieved but four areas of focus have been identified to underpin the endeavor, namely the process, the qualities, the structures and the politics.⁵⁷ The process of policy making involves the actions that produce policy and this has mainly taken the form of ‘policy cycles’, comprising a logical flow of specific phases with distinct objectives that inform the policy options.⁵⁸ In terms of ‘qualities’, policy making looks at the way in which the actions that produce policy should be carried out, i.e. being innovative, forward-looking and joined up⁵⁹. The ‘structures’ in policy making are the institutional arrangements to support better policy making.⁶⁰ Finally, ‘politics’ in policy making refers to the way in which political aims and desires contribute to policy making.⁶¹ This is where gaining political will becomes important when advocating for a particular policy.

⁵⁶ Lowi, Theodore J. 1964. “American Business, Public Policy, Case Studies, and Political Theory.” *World Politics* 16: 677–715.

⁵⁷ Institute for Government (2011), *Policy Making in the Real World: Evidence and Analysis*, available at <https://www.institute.forgovernment.org.uk/sites/default/files/publications/Policy%20making%20in%20the%20real%20world.pdf>

⁵⁸ Institute for Government (2011), *Policy Making in the Real World: Evidence and Analysis*, available at <https://www.institute.forgovernment.org.uk/sites/default/files/publications/Policy%20making%20in%20the%20real%20world.pdf>

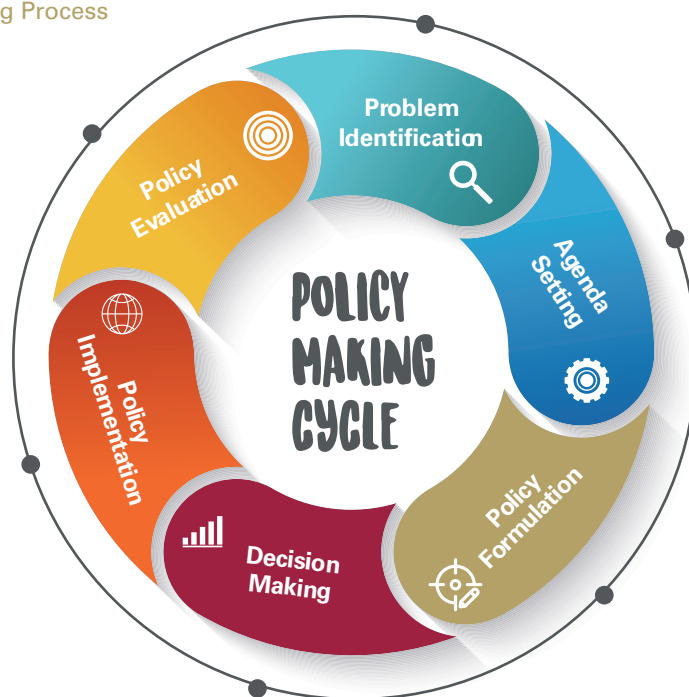
⁵⁹ Institute for Government (2011), *Policy Making in the Real World: Evidence and Analysis*, available at <https://www.institute.forgovernment.org.uk/sites/default/files/publications/Policy%20making%20in%20the%20real%20world.pdf>

⁶⁰ Institute for Government (2011), *Policy Making in the Real World: Evidence and Analysis*, available at <https://www.institute.forgovernment.org.uk/sites/default/files/publications/Policy%20making%20in%20the%20real%20world.pdf>

⁶¹ Ibid.



Figure 6: Policymaking Process



5.4.1 Problem Identification Stage

It is important for CSOs to conduct thorough analysis of the issue that will be needing policy attention. There are a few scenarios to consider. First, the country may not have a policy addressing a particular issue at all. This is usually due to the continuously evolving contexts which lead to the emergence of new phenomena. For example, the increase in digital technology has caught many African governments flatfooted as they have not taken the initiative to promulgate policies for digital governance. Another emerging area has been the effects of climate change on the continent. Some governments have not come up with policies on adaptation, mitigation and resilience. It therefore is imperative for CSOs to initiate processes for public policies premised on action research. Proposals for new public policy must be empirically based.

The second scenario is where a policy exists but has gone dormant with the passage of time. This will require a policy review. The process still has to start with doing a thorough analysis of the policy in order to identify any gaps.

Whether it is a proposition for a new policy or review of an archaic one, there are a few considerations to make as following:

- Describe the issue as you understand it, using data and research.
- Analyze the impact of the issue on the constituency that you represent.
- Identify available data that may help understand the issue and whether or not attempts have been made before to resolve it.
- Identify the change goal that the advocacy action for policy change wants to achieve.

Once the problem has been identified, the issue is how to place it on the policy agenda so that attention is accorded to it for adequate budgeting and accountability by public officials. It is important to choose the most effective way to achieve your change goals. Below is a catalogue of some strategies that can be used in this regard:



Focusing on events:

In each country, there are landmark events or commemorations which receive media attention due to their historical significance. Such events include commemorative days such as of independence, international human rights days, historical victories and so forth.



TIP:

It is important then to have clear messaging when there is a constellation of attention and opportunity. In some instances, when the issue gets attention without a clear message or ask, that opportunity will pass with no achievement made.

Identifying champions:

It may be possible to find prominent figures such as the President, the First Lady, a Member of Parliament, Judicial Officers, Chiefs, Religious Leaders, certain media figures, or celebrities having interest in the issue.



TIP:

In identifying champions, due diligence must be made to make sure that the potential champion may not have your cause discredited due to their skeletons in their cupboards.

The reason for the interest could be personal experiences of childhood. This is an opportunity to have such personalities as champions for the cause. In identifying champions, due diligence must be made to make sure that the potential champion may not have your cause discredited due to their skeletons in their cupboards.

Partnering with the media:

The media, both mainstream and social, can be a significant ally, especially now in the technology driven twenty-first century. Getting media attention does not happen by itself. There has to be a deliberate strategy to get the media interested in the issue. You can invite them for workshops, take them on tours in the areas of your interest and help them with news items. The journalists need to be trained also on the subject matter where policy attention is needed so that they may be able to articulate the issues well and ask relevant questions to duty bearers.



TIP:

The journalists need to be trained also on the subject matter where policy attention is needed so that they may be able to articulate the issues well and ask relevant questions to duty bearers.

5.4.2 Policy Formulation Stage

Policy formulation deals with the identified problem, goals and priorities, solution options for the achievement of policy objectives, cost benefit analysis, as well as the negative and positive externalities associated with each alternative.⁶² Policy formulation can also be the development of effective and acceptable courses of action for addressing what has been placed on the policy agenda. It involves identifying a set of policy alternatives and public policy tools to address a problem. This may involve formulating a set of proposed solutions from which decision makers can choose by judging the feasibility, political acceptance, costs and benefits.



TIP:

CSOs must be assertive and provide suggested language for the policy through development of model policies, policy briefs and opinion pieces.

62 Cochran, C. L., & Malone, E. F. (1999). Public policy: Perspectives and choices (p. 46). Sydney: McGraw-Hill College.



During this stage, the responsibility of CSOs is to ensure that the policy formulation stage stays true to human rights principles. CSOs must be assertive and provide suggested language for the policy through development of model policies, policy briefs and opinion pieces.

5.4.3 Policy Adoption Stage

Adoption of policy is usually a political process. Adoption is done usually by members of the executive or the legislature. Usually at this stage, the proposed ideal language is watered down to be acceptable to the various constituencies who have interests on the issue. As such, when influencing the policy formulation stage, you should suggest diction that best represents your position.



TIP:

When influencing the policy formulation stage, you should suggest diction that best represents your position. If it is toned down during the bargaining process, you will remain with some substantive content to work with.

If it is toned down during the bargaining process, you will remain with some substantive content to work with. This is the political phase of policy formulation. During this process, the earlier mentioned champions play a key role to justify certain terminologies in the policy document. They can lead the debates in the preferred direction. That process has to be deliberate. It will not happen by itself. For instance, you cannot assume that because it is an issue about children then everyone will understand because they were once children. The policy making space is contested. There will be many issues vying for the attention of the same people.

5.4.4 Policy Implementation Stage

It is at implementation where the rubber meets the road. That is where text is translated into action. There are some fundamental ingredients for this to happen. These include:

5.4.4.1 Legislative provision as the premise:

Ensuring that there is a legislative provision to address the issue needing policy attention. Should the country not have the necessary legislation addressing the identified problem, as mentioned earlier, this becomes the starting point for advocacy. Having legislation as the premise is the starting point as this is a binding instrument which can be enforced.

5.4.4.2 Rules and regulations:

Beyond a legislation, the country should have rules and regulations giving effect to what the law dictates. The rules and regulations provide nuanced guidance on how to implement the law.

5.4.4.3 Allocating a budget:

Having laws that guarantee rights and rules and regulations that are not budgeted for means that all those tenets and aspirations will not see the light of day. Schumpeter (1942) and Goldscheid (1958) called for a “sociology of finance” which can be achieved through meticulous analysis of budgets and other data of public expenditure.⁶³

National and local authorities’ budgets can be considered as human rights instruments since they are a conduit to the fulfilment of the laws and policies.

Schumpeter and Goldscheid’s conceptualisation of budgets as ‘the skeleton of the state, stripped of deceptive ideologies’, cannot be further from the truth.⁶⁴ As such, national and local authorities budgets can be considered as human rights instruments since they are a conduit to the fulfilment of the laws and policies.

⁶³ Schumpeter, J.A. (1942). Capitalism, Socialism and Democracy. George Allen and Unwin: NewYork.

⁶⁴ Goldscheid, R. (1958). A sociological approach to problems of public finance. In Classics in the theory of public finance (pp. 202-213). Palgrave Macmillan, London.



**TIP:**

Beyond appreciating budget allocations, CSOs should track how the money is used by the duty bearer.

It means that human rights activists must show interest in national and local authorities' budgets. At the very least, there must be effort to have the basic skill of reading and dissecting the budget and make sense of its contents. Beyond appreciating budget allocations, CSOs should track how the money is used by the duty bearers. You should be able to raise concerns if it is not used for its intended purpose or in some instances if it is underutilized and yet the need is still rampant.

5.4.4.4 Setting deadlines:

Each agenda needs to have a timeline. This creates urgency and accountability. You should not be satisfied when the duty bearer makes promises without putting dates and budgets. A goal without timelines is just a wish.

5.4.4.5 Conducting litigation advocacy:

To expedite the implementation of laws in place, litigation advocacy can be a useful tool. Sometimes the government needs that push to put the issue on the agenda. It means that collaboration has to be done with civil society organizations in the legal fraternity. The litigation may use opportunities that are available at both the regional and international levels, using established complaints mechanisms.

5.4.5 Policy Evaluation Criteria

When conducting policy evaluation, there are several considerations to make and critical questions to ask. There are different types of evaluations which a policy may be subjected to. These include:

5.4.5.1 Legal analysis:

This is when a policy will be evaluated on its adherence to available law. The analysis takes a legal lens to make sure that the policy does not infringe on other established legislative provisions.

5.4.5.2 Feasibility analysis:

This type of evaluation explores the practicality of implementation of the policy's provisions. Sometimes policies are promulgated without taking into cognizance what is feasible within a given context, resources, and time.

5.4.5.3 Impact analysis:

This nature of analysis looks at who shall be affected by the policy and in what way. A policy analysis of this kind may, for example, take a gendered analysis or use disability lenses to ascertain the efficacy of its provisions.

5.4.5.4 Cost-benefit analysis:

This evaluation approach measures the cost of implementing the policy vis-a-vis the magnitude of the benefit to be derived therefrom. If the cost of implementing a policy far outweighs the benefit that can be derived from it, it means that the policy is not effective and therefore may need to be reviewed to explore ways of bringing the cost of implementation down.

5.4.5.5 Client based analysis:

This analysis focuses on the constituency that an organization may be serving. So, an analysis of a policy may be done specifically to appreciate who it is serving and who may be left out in its implementation.



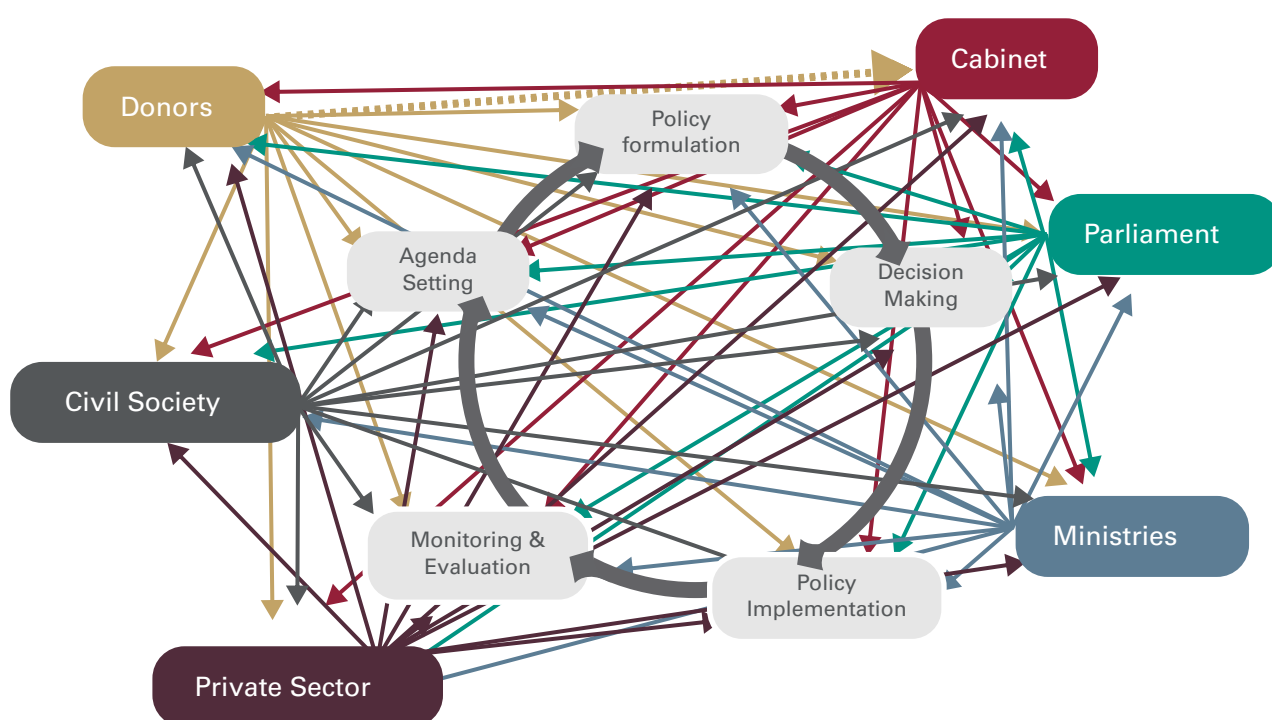
In conducting any type of policy evaluation, the following key concerns should provide guidance:



- a. **Availability of a legislative anchor:** Is the policy supported by legislative mandate?
- b. **Clarity of mandate:** Does the law give a clear mandate?
- c. **Policy accountability:** Is there an appropriate structure of accountability?
- d. **Implementation dynamics:** Does it provide for implementation mechanisms?
- e. **Transparency:** Are procedures fair, accessible and open?
- f. **Policy Expertise:** Is the policy maker acting with sufficient expertise?
- g. **Cost-Benefit Analysis:** How much will the policy change cost?

5.5 Partnerships in the policy making cycle

Figure 7: Practical processes in policy making



It is important to note that in the policy making cycle, processes may not always take a linear approach. Since the policy making process involves a lot of players who have diverse interests and power, the policy making processes will need to adapt to the different contexts and political trajectories. It is imperative for CSOs not to insist on a straitjacket approach but to be flexible and adjust to the political terrain's demands. Figure 7 demonstrates the unpredictability of the policy making processes in some instances. The cyclical approach indeed remains as the underlying policy making route but there are instances where there are a lot of back and forth, and sometimes, skipping of processes when the opportunity presents itself.



06

MODULE VI:

Tools of Policy Advocacy

6.1 Learning objectives

At the end of this module, the participants should be able to identify the many advocacy tools available and how to develop and use them in influencing processes.

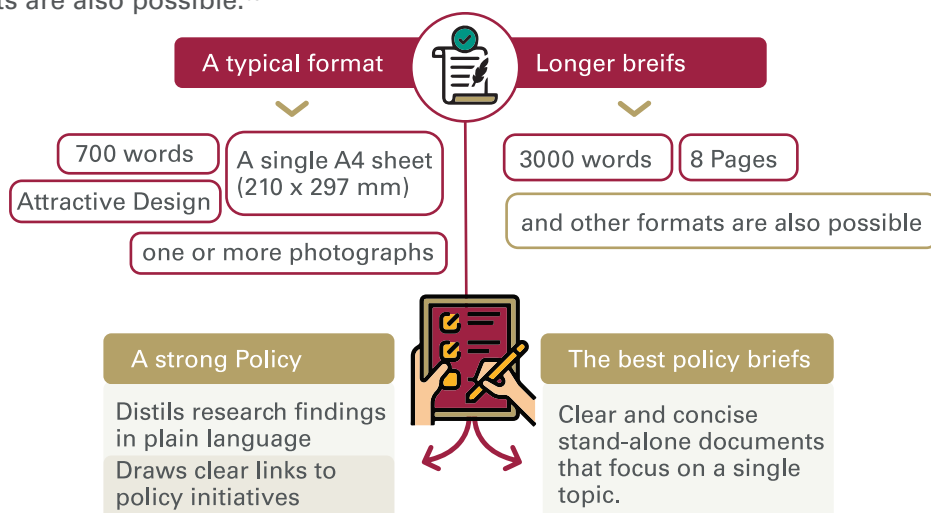


6.2 Introduction

Various advocacy tools can be used in policy advocacy, such as policy briefs, case studies, and advocacy campaigns. To assess the impact of your work, it is important to develop a framework for measuring your learning and effectiveness of using a particular policy advocacy tool.

6.3 Policy Briefs

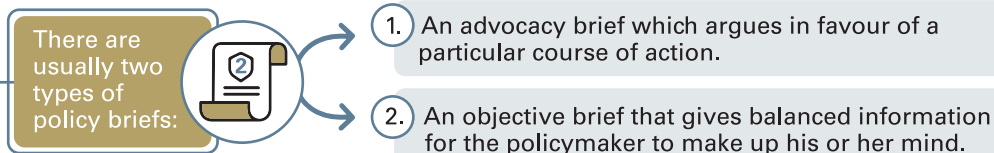
A policy brief is a concise document that presents the findings and recommendations of policy related research on a particular subject area, prepared for a non-specialized audience. It is a tool for providing policy advice that highlights the key policy messages from a piece of research and involves exploring an issue and distilling lessons learned from the research. Policy briefs can take different formats. A typical format is a single A4 sheet (210 x 297 mm), containing perhaps 700 words. It has an attractive design and may have one or more photograph. Longer briefs (up to 8 pages, or 3,000 words) and other formats are also possible.⁶⁵



Policy briefs are written for a variety of policy actors and this depends on the aim of the specific policy brief and the level of its application (local, national, regional or international). A strong policy brief distils research findings in plain language and draws clear links to policy initiatives. The best policy briefs are clear and concise stand-alone documents that focus on a single topic.

Overall, a policy brief should provide enough background information for the reader to understand the problem. It should also convince the reader that the problem must be addressed urgently. A policy brief should provide information on policy alternatives. This is mainly for the objective policy brief. Further, the policy brief should be based on concrete evidence to support a policy direction or argument. The brief should either have a call to action or recommendations to help the policy maker in taking decision.

6.3.1 Types of policy briefs



6.3.2 Structuring your policy brief

While there are many ways of structuring a policy brief, there are however some salient elements which should feature in any policy brief, regardless of its type and purpose:

65 FAO, Writing Effective Reports, <https://www.fao.org/3/i2195e/i2195e03.pdf> (Accessed 2 May 2022).

6.3.2.1 Title

The title of a policy brief should be short, catchy, and to the point. At most, it should be about 12 words. If that is not possible, consider breaking it into a title and subtitle. The title should also be catchy to capture the reader's attention. Try to include relevant key words or find an unusual turn of phrase that sticks in the mind. Also consider using a question as a title. Effort should be made in making sure that the title does not mislead the reader.

6.3.2.2 Summary

Some policy briefs include a summary or policy message at the beginning – sometimes printed in a box or in bigger text. This may contain three or four bullets giving the main points in the policy brief. Ask yourself, "What are the main points you want policymakers to get – even if they read nothing else?"⁶⁶

6.3.2.3 Recommendations

You do not have to put your recommendations at the end. There are various ways to present recommendations. The recommendations may be put on the first page as part of the policy brief's executive summary. Alternatively, they may be put in a separate box or sidebar. In some instances, the recommendations can be put at the end as a separate section.



TIP:

At most, your recommendations should not be more than five, to show that you are able to crystalize your thoughts and prioritize the action points.

Another way of doing it is to distribute the recommendations throughout the policy brief where they best relate to the text, but with each recommendation highlighted in some way (e.g. with boldface type). Regardless of where the recommendations are put, the policy brief should label them clearly so that it becomes easy to understand. You can do this by starting each recommendation with an action verb and boldfacing the key words. The recommendations should be easy to find. One way of doing it is to bolden them using a different colour, or put them in a box labelled 'Recommendations'. More often, the readers will skip straight to the recommendations without reading the rest of the text. It is important to keep your recommendations short, concise and few. At most, your recommendations should not be more than five, to show that you are able to crystalize your thoughts and prioritize the action points.

6.3.2.4 Introduction

This is the first part of the main body of the text. Think of it as a statement of the issue or problem. **The introduction does four things:**

- a. It grabs the reader's attention.
- b. It introduces the topic.
- c. It says why it is important.
- d. It tells the reader why he/she should do something about it.



In addressing the above mentioned points, the introduction should define the problem and provide justification why the problem is important. The introduction should also provide a contextual analysis of the issue, the role players and magnitude of the issue being addressed. This is a point also when evidence may be introduced or examples whilst demonstrating the effects of the current situation.

66 Ibid.



6.3.2.5 The body (the main text)

It is important to ensure that the policy brief is structured in a coherent and logical manner. One way of doing this is to keep the paragraphs short and restricted to a single idea. To be more succinct, the main idea of the paragraph can be put into a single phrase or sentence and printed in boldface at the beginning of the paragraph. Another way of ensuring the logical flow of the policy brief is the use of more headings and subheadings. In a four-page policy brief, you should have at least six subheadings one for every two to four paragraphs.

6.3.2.6 Policy implications

Under this section, the policy brief should focus on the policy options and implications. The section can suggest revisions in policy and the various options or pathways which may be available for consideration. The section can provide an analysis or prognosis of the potential effects of the revised policy, especially its impact on the constituency that the CSO serves. The section will also provide the possible advantages and disadvantages of each policy option, the potential benefits and the cost implications. If the recommendations are not put at the beginning of the policy brief, they can be put here.

6.3.2.7 Tables

Tables are a good way to present certain types of information. But keep them simple. A table with too many rows and columns will confuse readers more than help them understand what you are trying to say. You can use tables to present either number of textual information.

In using tables, pay attention to the following:

- a. Keep the number of rows and columns to a minimum – no more than four columns and six rows. Cut out those that you do not need.
- b. Put columns you want readers to compare next to each other.
- c. Put the rows in a logical order: by size or alphabetical order.
- d. Highlight table cells (using shading, labelling or boldface type) that you want to draw the readers' attention to. Make it easy for them to see the information you want to present.
- e. Consider converting a table into a graph. Would it make the information easier to read?
- f. Give round numbers: 25,000, not 24,567.23.
- g. Do not include statistical significance levels (such as $p < 0.05$): they are appropriate for a scientific paper, not a policy brief.
- h. Make the title talk: "Irrigation boosts yields" is better than 'Comparison of yields on irrigated and non-irrigated land'.
- i. Say where the information comes from: the date, place, project, etc. Put the details in a footnote if needed.



6.3.2.8 Graphics

Graphics include diagrams (such as flow charts or schematic diagrams), graphs (such as bar charts, line graphs and pie charts) and maps. Graphics are an important element in the design. Readers often look at them before reading the text. So make them clear and easy to understand.

- a. Choose the type of graphic that best suits the information you want to present.
- b. Use bar charts or pie charts to compare figures
- c. Use line graphs for time series.
- d. Keep it simple! Do not try to make a single graphic do too much work. For example, do not clutter a graph with too many lines: show only the most important variables.
- e. Make the labels legible.
- f. Give an explanatory title or caption.
- g. Finally, choose colours, shading patterns and symbols that are easy to distinguish from one other.

6.3.2.9 Acknowledgements



Remember to provide the following additional information:

- a. An acknowledgement of funding sponsors and organizations and individuals who made significant contributions to the content of the policy brief.
- b. An address where readers can find more information.
- c. The publisher and date.
- d. Information on the copyright – can others reproduce the material without permission?
- e. If necessary, a disclaimer stating that the views expressed in the policy brief do not necessarily reflect those of the publishing organization.
- f. Publication details

6.3.2.10 References

It is not necessary (and there is often not enough space) to include a full list of references. Instead, just provide references to one to four sources where readers can find further information. Give the web addresses of publications if you can. It is best to avoid footnotes if you can. Put vital information instead in the main text or in a box or sidebar. If you must use footnotes, keep them to a minimum.

A good policy brief can play double duty by standing on its own or as an effective accompaniment to a presentation. Tailor any accompanying visual presentation to your brief by focusing only on the key points and answering important questions.⁶⁷ Your audience can refer to the document when needed, so avoid repeating all of the brief's text in your presentation. When distributing your policy brief, it is often a good idea to develop a short question-and-answer package and a section for further reading.

⁶⁷ International Development Research Centre, How to write a policy brief, <https://www.idrc.ca/en/how-write-policy-brief> (Accessed 3 May 2022).



6.4 Case Studies

A case study can be defined as a generic story which presents concrete narrative detail of actual, or at least realistic events, it has a plot, exposition, characters, and sometimes even dialogue.⁶⁸ It can also be defined as 'an intensive study about a person, a group of people or a unit, which is aimed to generalize over several units'.⁶⁹ It provides for systematic investigation of a single individual, group, community or some other unit for in-depth examination relating to several variables.⁷⁰ Case studies help readers or other practitioners relate their problems to the story featured in the case study and see how they can use that experience and apply it to their own setting.

Case studies help readers or other practitioners relate their problems to the story featured in the case study and see how they can use that experience and apply it to their own setting.

The purpose of a case study is to glean lessons that shed light on your central problem and locate strategies or best practices towards recommendations that resolve key problems.⁷¹ Although case studies can be success stories or failures, they always address key areas that you will usually research further through other primary and secondary data.⁷² A case study studies a set of lessons about a problem, presenting the problem clearly and then focusing on how the solution either does or does not meet those needs.

6.4.1 Types of Case Studies

Under the more generalized category of case study exist several subdivisions, each of which is custom selected for use depending upon the goals and/or objectives of the investigator. These types of case study include the following:⁷³

6.4.1.1 Illustrative Case Studies

These are primarily descriptive studies. They typically utilize one or two instances of an event to show what a situation is like. Illustrative case studies serve primarily to make the unfamiliar familiar and to give readers a common language about the topic in question.

6.4.1.2 Exploratory (or pilot) Case Studies

These are condensed case studies performed before implementing a large-scale investigation. Their basic function is to help identify questions and select types of measurement prior to the main investigation. The primary pitfall of this type of study is that initial findings may seem convincing enough to be released prematurely as conclusions.

6.4.1.3 Cumulative Case Studies

These serve to aggregate information from several sites collected at different times. The idea behind these studies is the collection of past studies will allow for greater generalization without additional cost or time being expended on new, possibly repetitive studies.

6.4.1.4 Critical Instance Case Studies

These examine one or more sites for either the purpose of examining a situation of unique interest with little to no interest in generalizability, or to call into question or challenge a highly generalized or universal assertion. This method is useful for answering cause and effect questions.

68 Boehrer, J., & Linsky, M. (1990). Teaching with cases: Learning to question. *New directions for teaching and learning*, 1990(42), 41-57.

69 Gustafsson J. Single case studies vs. multiple case studies: a comparative study (Thesis). Halmstad, Sweden: Halmstad University, 2017.

70 Ibid.

71 10 Tips for Developing Effective Policy Case Studies, <https://www-cdn.law.stanford.edu/wp-content/uploads/2015/04/Writing-Policy-Case-Studies-Guidelines.pdf> (Accessed 3 May 2022).

72 10 Tips for Developing Effective Policy Case Studies, <https://www-cdn.law.stanford.edu/wp-content/uploads/2015/04/Writing-Policy-Case-Studies-Guidelines.pdf> (Accessed 3 May 2022).

73 Extracted from: Designing and Conducting Case Studies, <https://writing.colostate.edu/guides/guide.cfm?guideid=60> (Accessed 3 May 2022)



6.4.2 Data Collection for case studies



There are six types of data collected in case studies:

- Documents, both published and grey literature.
- Archival records.
- Interviews.
- Direct observation.
- Participant observation.
- Artifacts.

In the field of composition research, these six sources might be:

- A writer's drafts.
- School records of student writers.
- Transcripts of interviews with a writer.
- Transcripts of conversations between writers (and protocols).
- Videotapes and notes from direct field observations.
- Hard copies of a writer's work on computer.

6.4.3 Case study outline

It may be something like this:

- Key findings (Informed by evaluation reports or other project reports, project staff interviews)
- Intervention (Informed by Project proposals/quarterly reports, project staff interviews)
- Methodology (Informed by Project proposals/quarterly reports)
- Impact (Informed by Success stories from field documentation, project staff, beneficiaries, stakeholders interviews, implementing partners)
- Lessons learned (Informed by Project staff, implementing partners, stakeholders)
The outline should identify the key interviewees to ensure sufficient qualitative and quantitative data has been collected to triangulate the results.

6.4.4 Checklist: What Makes a Good Case Study⁷⁴

- What, broadly, are the lessons learned from this case and what types of information apply to the motivating problem or questions? What central issue does the case raise? How is the issue relevant to your problem or projected solution? Can those issues be raised equally well or better by another case?
- Does the case study offer a theory or overarching lesson? Does the case serve strategic as well as substantive goals?
- Is the case the best example of a common problem? Alternatively, does it offer the best example of a strong solution to a common problem? If the case is an isolated instance of the problem, you'll want to set it aside in favor of stronger evidence. If a case is unique, it may not be useful in demonstrating an overarching problem. On the other hand, the solution to a general problem is, in fact, the thing you'll highlight as a unique strategy with application to other instances.

⁷⁴ Extracted from: Designing and Conducting Case Studies, <https://writing.colostate.edu/guides/guide.cfm?guideid=60> (Accessed 3 May 2022)



- d. Is the case about something fundamentally controversial or one that shows a path through difficult tradeoffs? Does the case offer solutions to tough problems? Alternatively, does it show a failure to address such problems?
- e. Where are the decision points in the case? Excavate the points of controversy and highlight the decisions that ensued. Sort out the relevant options for each problem area in the case. What problems in each option must the central players resolve? How do those decision points fit in the context of your motivating question/s?
- f. Does the case address principles of management or particular methods of analysis?
- g. Have you carefully explained central lessons? Idiosyncratic facts can impede progress. Too many facts keep the focus on the particulars. Briefly glean the central lessons for your reader or decision-maker.
- h. Offer a conclusion to each case study that highlights lessons learned, applying those lessons specifically to the themes at stake in your own problem or projected solutions. Make it easy for your decisionmaker to understand the key lessons from the case.
- i. Develop a set of findings or lessons learned, supported by your analysis, of the case data.
- j. Do you have supporting data that points to best practices that you can build into your recommendations? If so, synthesizing those practices for immediate action steps for your decisionmaker and in the context of your research goals. Note: Best Practices require careful, replicable analysis. Be cautious in how you identify them.

6.5 Policy Advocacy Campaigning

Policy advocacy campaigning involves using various means to speak publicly on a policy with a view to generating a response from the public and action from policy makers.

The goals of any campaign are to increase:

- i. The numbers of people who are informed about the policy issue.
- ii. The numbers of people engaged in discussing, socializing, and promoting the issue.
- iii. The numbers of people who contribute or take part in the policy issue.

It focuses on the strategic use of information to achieve long lasting social change.

When planning campaign strategies, it is important to: ←

- a. identify the policy issue and solution (following policy research and analysis)
- b. produce campaign messages (make policy proposals)
- c. disseminate the core messages to as many people as possible using multiple channels

6.5.1 Campaign goals

The goal is to work towards three increased levels of engagement

- a. The number of people who are informed about the policy issue.
- b. The number of people engaged in discussing, socializing and promoting the issue.
- c. The number of people who contribute or take part in the policy issue.



6.5.2 Planning an advocacy campaign

The following questions must be answered:

i.	What is the problem and whose problem? Problem tree analysis: clear definition of issue [Who is affected, where and how? what is the impact on the constituency? Issue should affect a bigger group of people for it to have much significance, priority, supported by a critical mass, gender sensitive, legal etc.
ii.	What is the desired change and why?
iii.	What is the short term/ Outputs? Medium- term/Outcomes? and Long- term/ Impact?
iv.	Who should change what?
v.	Who has what power; influence; authority or legal right to make decisions on a given issue?
vi.	How will the change come about?
vii.	What are the effective advocacy approaches?
viii.	What messages do we want to communicate? [How convincing and justified?
ix.	What are the appropriate media and tools?
x.	Who [Organization and individuals] should deliver the message and how? [Legitimacy, mandate, track record, charisma, objectivity]
xi.	Is it the right timing [What advantage / opportunity?]
xii.	Have we mobilized all the required human, technical and financial resources?
xiii.	How do we know whether we are making a difference or not?
xiv.	What factors will affect the desired change?

6.5.3 Step by step advocacy campaign tips⁷⁵

6.5.3.1 Gather background information

Before you begin an advocacy campaign, do your research. You need to be certain that policy change is the best way to solve the problem. You'll also need to know the latest science and evidence in support of your issue, the current laws and regulations, and what gaps may exist. Research any past advocacy efforts on the same issue, so you know what worked...and what didn't.

6.5.3.2 Set clear policy objectives

A successful campaign starts with clear objectives that are specific, measurable, achievable, relevant, and time-bound. Make sure your objectives are linked to policy change and existing evidence, and that they include the following: a policy actor(s) or decisionmaker(s), the action or decision you want them to take, and a timeline by which you want them to act or decide.

6.5.3.3 Build strong partnerships

Working in coalition or partnership with others is the best way to demonstrate support for your issue. Identify a core group of organizations that will work together to drive the campaign forward on a day-to-day basis. Next, identify a range of old and new allies willing to speak out in favour of your objectives. To identify those allies, look to civil society and professional or business groups from relevant sectors.

⁷⁵ Elements of a Policy Advocacy Campaign: At a glance. <https://www.grsroadsafety.org/wp-content/uploads/Elements-of-a-Policy-Advocacy-Campaign-At-a-Glance-1.pdf> (Accessed 3 May 2022).



6.5.3.4 Know the political landscape

Understanding the policy-making process and which decision-makers and influencers to target are key to achieving your objectives. Once you understand the political landscape, strategize about when during the process you can successfully engage, intervene, and influence your targets. You will also need to know decision-makers' positions on your policy change objectives and identify any opposition you will encounter.

6.5.3.5 Help develop legislation or regulations

Early in the process, you will want to prioritize drafting of the actual policy, using the strongest wording possible. As an advocate, the role that you will play during this phase is likely to vary. Having a lawyer or policy expert as a resource is very important. At a minimum, they can help you analyse the strengths and weaknesses of existing or emerging policies in accordance with evidence-based best practices.

6.5.3.6 Determine what is non-negotiable

Compromise is sometimes necessary in advocacy. However, it is important to know your limits. You won't necessarily help your cause if you support the passage of weak policies. You and your core partners will need to determine together what aspects of your policy objective are non-negotiable, ideally early in the advocacy process.

6.5.3.7 Identify legislative sponsors and policy champions

Strong sponsors willing to champion a policy throughout the process are valuable assets for any campaign. Seek out influential and respected policymakers on relevant committees or in key positions who you can trust to act as loyal partners and effective champions. Remember that it takes time to cultivate such champions. Meet with them regularly to understand their concerns and needs, agree on how best to work together, and share information. Always be available to act as a resource for your champion.

6.5.3.8 Develop your key strategies

Persuading decision-makers to act is essential for affecting policy changes. There are many ways this can be done, but most successful campaigns employ some combination of the following three strategies:

- a. Direct interaction with decisionmakers and influencers,
- b. Using media and social media to influence decision-makers and the public,
- c. Grassroots mobilization to engage a strong base of supporters and organizational allies to encourage change and counter opposition or indifference.

6.5.3.9 Prepare to communicate effectively

Effective communication underpins every successful advocacy campaign. First, define your different audiences and work to understand their information needs, interests, concerns, and the best communication channels to reach them. Using this information, you can then design targeted, persuasive messages and identify the most compelling messengers and spokespeople. Make sure you have collected the most up-to date and accurate information to use in your communication activities and consider commissioning your own reports if you lack credible information supporting your argument. Message research such as focus groups or polling can help you ensure you have chosen the most compelling messages. Finally, it's important to monitor media and social media engagement on your issue so you know what is being said about your campaign and can respond quickly.



6.5.3.10 Formulate your campaign action plan

The campaign action plan is your roadmap for the campaign, leading from objectives to strategies and then to messages. Carefully consider all the elements of your plan in collaboration with your core group of partners. In addition to key activities, the action plan should also outline the necessary resources, responsible persons, and timeline. Remember that your plan is a living document that should be reviewed regularly and updated as the political landscape changes.

6.5.3.11 Run your campaign

With a detailed plan in place, it's time to implement. Keep in mind that a successful campaign requires strategic planning alongside strategic implementation. The campaign process is dynamic and ever changing, and every campaign will require you to respond to unanticipated events, disagreements within your network, changing decision-makers and new opposition. Don't be afraid to be flexible, revisit your plan and update it as needed.

6.5.3.12 Monitor and evaluate progress

Monitoring and evaluating implementation of your advocacy plan will be one of the most critical activities of your campaign but is often overlooked. Reviewing your progress at regular points will not only help to hold you and your partners accountable for planned actions but will also reveal whether your actions are accomplishing your goals. If your campaign is not making progress, you'll need to reassess and adjust your plan.

6.5.3.13 Celebrate success and remain engaged

Successful advocacy campaigns take time. Even if you don't secure your policy change right away, you will have made progress in educating decision-makers, the media, and the public on your issue. Celebrate milestones both big and small, and make sure you thank supporters for their ongoing commitment. Once you have achieved your policy change, ensuring successful implementation is the next objective. A campaign doesn't end with the change in law or policy change: Now it's time to push for implementation.

6.6 Framework for assessing advocacy impact

All policy advocacy strategies rely on a good contextual analysis. Once you have conducted this analysis, move onto planning. Impact can best be assessed in planning and the ability to clearly set out the changes you want to see. One viable framework for assessing advocacy impact is as follows:

Step 1:



One key principle to guide planning

It is recommended to use one core principle within planning. Differentiate between what you plan to do (e.g. meet with a politician); how this might influence behavior or practice, (e.g. the politician raises the policy issue on the political agenda); and theorize on how this might lead to the change you want to see (e.g. these discussions and commitments lead to changes in policy or practice). It is important to have a range of actors in the planning discussion to ensure complexity, interconnecting issues and assumptions are appropriately tested.

Step 2:



Defining intermediate steps to change

The most difficult part of policy advocacy monitoring and evaluation is the fact that policy change takes time. One may not see change in a strategic cycle. It is recommended to focus on intermediate changes you might see and use those as an indication that you might be on the right track. For example, policy advocacy campaigning works towards achieving one or more intermediate steps to change such as

- i. The ability to access and develop relationships with decision makers and opinion shapers to push forward policy advocacy issues



- ii. The evidence that decision makers, opinion shapers, partners and others are recognizing an organization's contribution in research and analysis
- iii. The ability to identify and align with partners or support partners to create platforms for civil society to engage decision makers
- iv. Participation in the implementation of policy decisions such as community mobilization, awareness raising and monitoring budgets
- v. The change in attitudes and behavior

Step 3:



Setting indicators

Once your pathway of change is outlined (i.e., clarity on control, influence, and concern), it becomes much easier to set indicators. You can set indicators based on the following:

- i. The things you control i.e., your activities
- ii. The things you influence i.e., your intermediate steps to change
- iii. The things you want to change i.e., your policy objective

Step 4:



Developing a monitoring plan

The monitoring plan can either be complex or simple. The most important aspect of the monitoring plan is to make sure it allows you to review your strategy and make changes and helps you to document and store information. Every organization will have a different format for a monitoring plan.

Step 5:



Reporting on progress

Given that policy change takes time, you will need to find ways of reporting on your intermediate progress, for example, reporting on the degree to which you have aligned with partners or been able to access decision makers on a particular policy. You then need to assess the achievements and the level of your organization's contribution.

Step 6:



Developing Reporting Products

The work done can be reported in many ways including the impact stories, narrative case studies, policy briefs etc.



07

MODULE VII:

Synergies and Engagements
with Regional Duty Bearers
and Other AU Organs

7.1 Learning objectives

- a. Participants to understand how CSOs can work with the APRM mechanism in addressing issues of democracy, governance, and human rights.
- b. Participants to understand the working modalities of the RECs/RMs and how CSOs can influence processes and decisions in these spaces.



“ Good governance means the creation of serious and well-functioning legal and political institutions which citizens consider as being legitimate, which give them power, and in which they participate in making decisions that affect their lives. ”

(Kofi A. Annan, 1998)

7.2 Introduction

Regional institutions and mechanisms are important players in ensuring accountability for human rights, democratic deficits and misgovernance. There are several such institutions on the continent of Africa. Some of them are treaty bodies such as the African Commission on Human and Peoples’ Rights, the African Committee of Experts on the Rights and Welfare of the Child, the African Court on Human and Peoples’ Rights. There are also regional economic communities and other regional mechanisms established by the Abuja Treaty of 1992. The scope of this manual does not include a detailed analysis of the human rights mechanisms of the African Union and how CSOs can engage. The manual however focuses on the peer review mechanism and the RECs/RMs.

7.3 Engagement with the APRM

One of the innovative ways which the African Union has come up with to address the issue of accountability is the African Peer Review Mechanism. This African-developed, African-owned and African-driven system is the only one of its kind anywhere in the world where national leaders regularly convene to discuss governance in their countries and hold one another mutually accountable, as equals.

The overriding logic and strategic agenda of the APRM is to transform Africa’s governance systems from being accountable to its external partners, to being accountable to its primary constituents, its citizens; a situation that would ensure true ownership of its development destiny.

Dr Kojo Busia, former head of the APRM Support Unit

The mechanism pursues the mission to ‘promote the African Union’s ideals and shared values of democratic governance and inclusive development by encouraging all Member States of the Union to collaborate and voluntarily participate in the home grown, credible, rigorous, independent and self-driven peer review process and the implementation of its recommendations.’⁷⁶

The idea of the APRM is to mutually evaluate the quality of governance on a voluntary, but standardised basis in five areas:

- a. Democracy and political governance,
- b. Economic governance and management,
- c. Corporate governance, and
- d. Socio-economic development.
- e. State resilience



For each area, there are guiding objectives, standards, criteria, and indicators for the assessment which link back to AU norms. The evaluation process involves an internal review (or Country Self-Assessment) based on research and wide public consultation, a Country Review Mission by African experts, and high-level mutual reviews among the participating heads of state and government in the APR Forum. The overriding logic and strategic agenda of the APRM is to transform Africa’s governance systems from being accountable to its external partners, to being accountable to its primary constituents, its citizens; a situation that would ensure true ownership of its development destiny.⁷⁷

⁷⁶ <https://www.aprm-au.org/page-about/> (Accessed 24 April 2022).

⁷⁷ Busia K, ‘Towards a new approach to strengthening governance systems in Africa: The role of the APRM in reshaping domestic accountability’, in Masterson G, Busia K & A Jinadu (eds), *Peering the Peers: Civil Society and the African Peer Review Mechanism*. Johannesburg: Electoral Institute for Sustainable Democracy in Africa (EISA), 2010, p. 40



7.3.1 APRM areas of focus

7.3.1.1 Democracy and good political governance



Under this theme, the process aims to:

- a. Prevent and reduce intra- and inter-country conflicts.
- b. Facilitate a move towards constitutional democracy, including periodic political competition and opportunity for choice, rule of law, a Bill of Rights.
- c. Promote and protect economic, social, cultural, civil and political rights as enshrined in all African and international human rights instruments.
- d. Uphold the separation of powers, including the protection of the independence of the judiciary and of an effective parliament.
- e. Ensure the accountability, efficiency and effectiveness of public office holders and civil servants.
- f. Fight corruption in the civil sphere.
- g. Promote and protect women.
- h. Promote and protect the rights of children; and
- i. Promote and protect the rights of vulnerable groups, including displaced persons and refugees.

7.3.1.2 Economic governance and management



Under this theme, the APRM seeks to:

- a. Promote macroeconomic policies that support sustainable development.
- b. Implement transparent, predictable, and credible government economic policies.
- c. Promote sound public finance management.
- d. Fight corruption and money laundering; and
- e. Accelerate regional integration by participating in the harmonization of monetary, trade and investment policies amongst the participating states.

7.3.1.3 Corporate governance



Under this theme, the APRM seeks to achieve the following objectives:

- a. Provide an enabling environment and effective regulatory framework for economic activities.
- b. Ensure that corporations act as good corporate citizens about human rights and social responsibility.
- c. Promote the adoption of codes of good business and ethics.
- d. Ensure that corporations treat all their stakeholders in a fair and just manner;
- e. Provide for the accountability of corporations and directors.



7.3.1.4 Socio-economic development

Under this theme, the APRM aims to:



- a. Promote self-reliance in development and build capacity for self-sustaining development.
- b. Accelerate socio-economic development to achieve sustainable development and poverty eradication.
- c. Strengthen policies, delivery mechanisms and outputs in key social development areas.
- d. Ensure affordable access to water, energy, finance, markets and ICT to all citizens, especially the rural poor.
- e. Ensure progress towards gender equality, particularly equal access to education for girls at all levels; and
- f. Encourage broad based participation in development by all stakeholders at all levels.

7.3.2 Entry points for CSO participation in the APRM processes

It is imperative for CSOs to understand how the APRM functions as it has real potential to promote participatory democracy that can mobilize the political and economic forces of the continent. The APRM can be viewed as a dual contract between African governments and their citizens on the one hand, and between Africa and its development partners, on the other.⁷⁸ But above all, the APRM provides a forum for an African voice to talk to Africans and allow them to take ownership of issues related to development in general and governance in particular. The APRM is a recognition by the African Union that the private sector and civil society are central actors in governance and development, hence the need to emphasize the strengthening of partnerships among the State, the private sector and civil society, in order to promote the effective participation of citizens in the crucial areas of governance and development.⁷⁹ As such, the success of the mechanism depends largely on the involvement of civil society at the national, regional and continental levels. Therefore, it is important to strengthen this dynamic and to encourage civil society to participate more actively in future reviews.

There are three prerequisites for civil society to participate fully in:

- a. Proactive engagement with national institutions
- b. Leveraging areas of comparative advantage
- c. Participating in all stages of the process

7.3.2.1 Proactive engagement with national institutions

Civil society organisations should take initiative on engaging in APRM processes. Waiting to be invited by the government may limit the level of involvement or influence on the outcomes of the processes. It means that the CSOs would need to plan and budget for the process while at the same time reaching out to the focal persons in government to ensure CSO inclusion. The participation by CSOs should not be ad hoc, instead, forming coalitions around the APRM, recognising each organisation's strength will go a long way in having the CSOs taken seriously by all stakeholders.

⁷⁸ Economic Commission for Africa, (2008) African Peer Review Mechanism (APRM) Handbook for African Civil Society https://repository.uneca.org/bitstream/handle/10855/3668/bib-29083_1.pdf?sequence=3&isAllowed=y (Accessed 24 April 2022).

⁷⁹ Ibid.



The participation by CSOs should not be ad hoc, instead, forming coalitions around the APRM, recognising each organisation's strength will go a long way in having the CSOs taken seriously by all stakeholders.

For the countries that have acceded to the APRM process, there is generally a National Governing Council (NGC) tasked with the responsibility of managing the process at the Country level. The CSOs should ensure that they have credible and competent representation on this platform because ideally this Council should have representation from different constituencies and institutions of the country. Given the experiences of the early APRM countries, there is an emerging jurisprudence that this entity should be chaired by an independent person, preferably a member of civil society.⁸⁰ Civil Society Organisations participate in the APRM process through providing submissions, reports and research on governance challenges and proposed reforms to representatives on the National Governing Councils.

Some of the activities which can be done under this ambit include:



- a. Providing a learning platform for CSOs on the APRM to facilitate their active involvement; Create platforms for shared learning with CSOs from countries that would have taken part in earlier APRM processes;
- b. Develop frameworks for collaborative action among CSOs interested in the APRM;

7.3.2.2 Leveraging areas of comparative advantage

The APRM Strategic Plan 2020-2024 prioritises Civil Society participation and engagement in the APRM process as a critical success factor. This presents an opportunity to bring a broad spectrum of civil societies to engage with the APRM process. Since the thematic coverage of the APRM transgresses different areas of expertise, it is vital to leverage the different areas of expertise of each CSO for the engagement in the entire process of the APRM to be rich in content contribution by the CSOs. CSOs with expertise in an area can also play the role of building capacity of the entire civil society movement to be able to understand the process and how they can contribute.

Leveraging on each of the civil society organisations requires effective coordination and network building that is not done in ad hoc fashion. It means that the CSO sector has to be a cohesive unit that is galvanized by a clear agenda, with undisputed leadership. One way of getting to this place is first, conducting a skills audit, where the sector appreciates the expertise that each CSO brings to the table. Secondly, there has to be a CSO strategy owned by all the CSOs, making it the rallying point for advocacy and engagement with accountability processes. Thirdly, there has to be continuous evaluation of progress, milestones and lesson learning for continuous improvement.


7.3.2.3 Participating in all stages of the process

CSOs need to participate in the entire process of the APRM. As highlighted, engaging as a cohesive unit will help the CSOs to play a vital role on the National Governing Councils which drive the APRM processes at national level. Being included in the national council is the most pronounced way of guaranteeing recognition of CSOs in the process. The CSOs should develop their national action plan on how they will participate in the entire process and how they will use the process to conjure action at national level. The table below shows all the stages available at national level and the scope of engagement required for CSOs.

80 Ibid.



Table 5: Relative levels of engagement of CSOs in the APRM process

	Sensitization	Consultation	Assessment	National Program of Action	Implementation	Follow up to NPA	Assessment of NPA
CSO level of involvement	+++	+++	+++	++	+++	+++	+++
Note: + means limited engagement required; ++ means active engagement required; +++ means central actor in this process							
Source: Adapted by author from a presentation by Kojo Busia (ECA)							

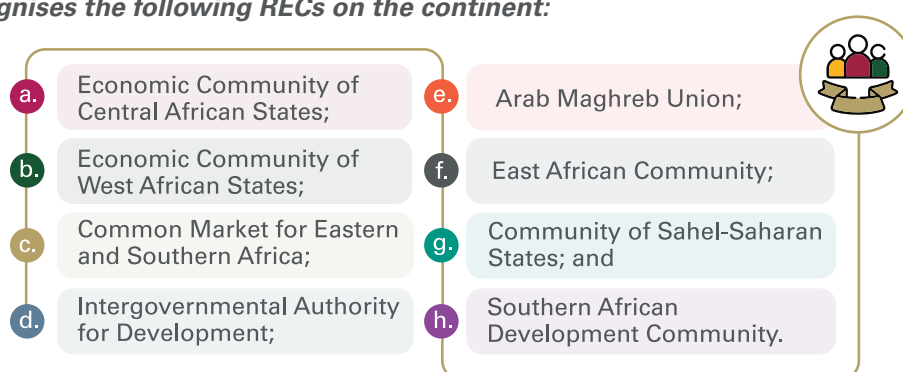
As mentioned above, the APRM does not end with the publication of the CRR. Civil society must develop a strategic plan to follow up on its recommendations. It must continue to put pressure on the Government to ensure that the solutions are applied. To this end, it must maintain the framework for concerted action on the APRM in order to:⁸¹

- Create effective checks and balances to compel the stakeholders to fulfil their commitments made in the National Program of Action (NPA), by mobilizing the media and organizing activities on a regular basis.
- Monitor the NPA and report. This is important not only for the CSOs, but also for the population.
- Mobilize the resources of civil society in order to execute the NPA. This is an opportunity to position the CSOs as forces of political and social change.
- Encourage the private sector to play a leading role in the implementation of the NPA.
- Institutionalize good practices that have proven their worth during national reviews.
- Evaluate the impact of the NPAs.
- Have the contribution of society in the entire process assessed.

7.4 Engagement with RECs/RMs

Regional Economic Communities (RECs) are the building blocks of the African Union (AU). The 1980 Lagos Plan of Action for the Development of Africa and the Abuja Treaty of 1991 establishing the African Economic Community provide the framework for Africa's overall economic integration.

The AU recognises the following RECs on the continent:



⁸¹ Economic Commission for Africa, (2008) African Peer Review Mechanism (APRM) Handbook for African Civil Society https://repository.uneca.org/bitstream/handle/10855/3668/bib-29083_1.pdf?sequence=3&isAllowed=y (Accessed 24 April 2022).



These RECs have gradually evolved away from purely economic cooperation. Their evolution towards associations of peoples that aspire to true economic, social and political integration – people-driven RECs – has created “virtuous feedback” that civil society can leverage to great effect. The level of civil society involvement in the RECs’ agenda is still mostly in its infancy. This, arguably, is attributable to the fact that the processes and procedures of these regional blocs and the possible entry points for civil society intervention remain opaque to many CSOs.

7.4.1 RECs/RMs Engagement with civil society

In their founding Treaties, the EAC, ECOWAS, and SADC all acknowledge the crucial role of civil society in helping achieve their economic, social and political integration objectives. They have committed themselves to involving civil society in decision-making and the integration process. More or less formal interfaces between the RECs and civil society have been set up in the form of the East African Civil Society Organisations Forum (EACSO), the West African Civil Society Forum (WACSO) and the SADC Council of Non-Governmental Organisations (SADC-CNGO).⁸² Engagement with these umbrella CSOs can assist in pushing an advocacy agenda.

7.4.2 RECs Decision-making tools and their legal effect

For CSOs’ engagement with RECs/RMs, it is imperative to understand the working modalities of these regional duty bearers and the kind of decisions they can make. Below is a compilation of the generic policy organs within RECs/RMs and the kind of decisions they can make.

Table 6: RECs/RM decision making tools

Decision-making organ	Type of instrument	Role of decision-making organ (if any)	Legal effect-binding nature of decision
Summit	Protocols	Must be approved by the Summit. Approval is achieved by consensus	Binding on partner states and all REC/RM organs after ratification by all partner states. However, if a protocol is adopted but has not been ratified, it becomes a source of soft law (not binding but highly persuasive)
	Directives	Summit may issue directives; however, most directives tend to be issued by the Council of Ministers	Binding
	Regulations	Can issue; however, these are the preserve of the Council of Ministers	Can be binding, though the binding status of regulations is contentious
	Decisions	Approves decisions from the Council of Ministers	Are considered binding
	Declarations	Preserve of the Summit. Used to direct the Secretariat to perform some functions	Are lowest in the “hierarchy of laws”. Do not have any binding force but are highly persuasive (soft law)
	Resolutions	Tend to be directed at the partner states. Also made at the Assembly. Usually tend to have some sort of implementation in practice.	Binding

⁸² Open Society Foundations (2016) The Civil Society Guide to Regional Economic Communities in Africa https://www.opensocietyfoundations.org/publications/the-civil-society-guide-to-regional-economic-communities-in-africa#publications_download (Accessed 30 March 2022)



	Policies	Provide clarification as to how certain instruments should be implemented or how particular pieces of the EAC legislation should be enforced.	They are not binding and have no legal force.
Council of Ministers	Protocols	Verifies Protocols and agrees on forwarding to the Summit. Decisions by consensus.	Binding
	Directives	Directives issued by the Council of Ministers are of the same nature as those passed by the Summit. In practice, the Council of Ministers has used delegated powers to issue directives.	Binding
	Regulations	Has power to issue regulations.	These are somewhat contentious. In the case of the EAC, a decision by the East African Court of Justice ruled that regulations were binding. There is however a contrary view which posits that regulations must be ratified by partner states.
	Decisions	Passes decisions on, for example, regional instruments	Are considered binding.
	Resolutions	Passes resolutions directed at the Secretariat as a follow-up mechanism.	Binding
	Policies	It is the main policy organ on matters such as peace and security, human resources management, etc.	They are not binding and have no legal force

Understanding the binding nature of decisions of RECs/RMs can guide CSOs in deciding on which route to take when conducting advocacy. Having identified the available tools for the RECs/RMs in dispensing their mandates, it is vital to look at the entry points that the CSOs can use to secure support from these institutions.

7.4.3 Decision-making processes at RECs/RMs and proposed civil society actions⁸³

Table 7 outlines the decision-making levels and processes within the RECs/RMs and the possible action which the CSOs can undertake to reach a desired goal of influencing processes.

⁸³ Open Society Foundations (2016) The Civil Society Guide to Regional Economic Communities in Africa https://www.opensocietyfoundations.org/publications/the-civil-society-guide-to-regional-economic-communities-in-africa#publications_download (Accessed 30 March 2022)



Table 7: Decision making processes

Level	Process	Suggested Civil Society Action Lines
Partner states or the REC/RM Secretariat	At this level agenda or decision proposals are introduced by: A partner state (through its hierarchy). Department or directorate of the Secretariat. The Council of Ministers; or The Summit.	Civil society should: i. Work with government departments/ministries to influence policy/agenda proposals; ii. Research on and inform formulation and formatting of agenda and policy proposals; and iii. Organise debate and public fora on key thematic issues to influence agenda and policy proposals.
Expert work groups/meetings	In various RECs/RMs, the practice is that once an agenda or an item has been proposed and agreed upon, consultants or experts are commissioned to package a policy document that is subjected to experts' scrutiny. These experts include government, civil society and business representatives. The most common shortcomings of expert meetings have been short notice, materials not supplied on time, and too much government direction.	Civil society should insist on: i. Reasonable time for meetings; ii. Advance access to workshop agenda and materials; iii. Participation in producing materials for workshop discussions; and iv. Provision of technical support where possible. Civil society should form strong thematic constituencies in order to competently participate in such fora.
Sectoral committee	The scrutinised and agreed proposals are submitted to the Sectoral Committee.	Civil society should: i. Lobby the REC/RM to be represented at the Sectoral Committee; and ii. Involve the media on the agenda of the Sectoral Committee with commentaries on the agenda and impact on society.
Coordinating Committee	The policy documents with budgetary recommendations are submitted to the Coordinating Committee and its sub-committees for scrutiny, adoption and recommendation to the Council of Ministers.	Civil society should : i. Prior to the Coordinating Committee meeting, seek meetings with representatives to these committees at the national government level and make appropriate submissions. ii. Seek to hold its own sectoral coordinating meeting alongside the REC/RM government session to generate comments to be shared with the Coordinating Committee. iii. Before the Coordinating Committee submits protocol, policy or decision proposals to the Council of Ministers, solicit written comments or proposals from civil society
Council of Ministers	The recommendations of the Coordinating Committee that require the Council of Ministers' attention are submitted to the Council for review and adoption.	Civil society should seek audience with the Council of Ministers to make its position known on each decision, policy or protocol proposal submitted to them.



The summit	<p>Once the proposals are approved and adopted by the Council of Ministers, where necessary, they will be sent to the Summit for adoption.</p> <p>The Summit will then: Direct the REC/RM Secretariat to implement policy; or Return the document (if Protocol) to the Council of Ministers for ratification; or Return to the Council of Ministers if rejected.</p>	<p>Civil society should:</p> <ul style="list-style-type: none"> i. Put in place appropriate monitoring and review mechanisms to follow up on policy and protocol implementation. ii. Mobilise its membership in implementation of the policy/Protocol; and iii. Work with REC/RM and partner states to restart negotiations on rejected proposals or protocols.
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7.4.4 Entry points for CSO engagement

There are different entry points for engaging and influencing the work of RECs/RMs. One route is to obtain observer status with the regional body, the other is signing of memorandum of understanding which will clarify the nature of collaboration between the CSO and the regional body.

7.4.4.1 Obtaining observer status

Most of the RECs/ RMs have mechanisms for granting observer status to CSOs. Having observer status provides CSOs with recognition to attend meetings of the organs of the RECs/ RMs to provide input on issues of concern. This is because observer status paves the way for formal recognition of individual organizations by the RECs/RMs. For some regional organisations, observer status is a requisite for an organisation to make oral statements during the sitting of policy making organs.

Having observer status also enables CSOs to suggest agenda items for the RECs/RMs' sessions. Being actively involved in the planning processes of meetings usually make the CSO privy to the agenda and documentation. The requirements from each REC/RM may be slightly different for granting of observer status. The CSO therefore needs to acquaint itself with the processes for obtaining observer status with relevant bodies.

There are several advantages in getting observer status. Below are some of them:

- a. requesting that a specific topic be included on the agenda of a session, presenting written and oral statements for consideration by the policy organ.
- b. Informal opportunities include presenting information – orally or in writing – to the secretariat, policy organs to inform its work, presenting on a panel convened by the REC/RM, speaking with State representatives informally, and organizing or participating on side events.
- c. Outside of scheduled meetings or sessions, civil society members may engage with the RECs/RMs secretariats by submitting information related to member states situations of concern;

7.4.4.2 Memoranda of understanding

CSOs can sign MOUs with the secretariats of RECs/RMs to guarantee systematic engagement and development of joint programs. This avenue for engagement can be more appropriate for service provision agencies aiming to supplement the efforts of a REC/RM the various levels of engagement.

7.4.4.3 CSO engagement platforms

Some RECs such as the EAC have a framework for engagement at national and regional levels through the national ministries in charge of engagement with RECs/RMs. It is through this framework that umbrella CSOs such as the SADC Council of NGOS, WACSOF and the EACSOF are established as the platforms for civil society participation in the respective RECs/RMs.



Taking advantage of regional courts and quasi-judicial mechanisms enables the development of jurisprudence needed in human rights advocacy. There is an opportunity in this area for more interventions aimed at constructing a positive, people and human rights-friendly jurisprudence.

It is worth noting that these spaces are contested as many civil society organisations will be fighting for prominence so that their agenda stands out. It calls for CSOs to be specific in their advocacy and demonstrate the linkages with other advocacy agendas in order to establish collaboration, instead of competition.

7.4.4.4 Strategic litigation advocacy

Some of the regional mechanisms have organs with legal and human rights mandates. In the case of East Africa, there is the East Africa Court of Justice. The EACJ can be used as an avenue for advocacy, particularly on human rights issues. Taking advantage of regional courts and quasi-judicial mechanisms enables the development of jurisprudence needed in human rights advocacy. There is an opportunity in this area for more interventions aimed at constructing a positive, people and human rights-friendly jurisprudence.

7.4.4.5 Expert working groups

There are a plethora of opportunities for CSOs with particular expertise to participate in working groups and expert consultation platforms of the RECs/RMs. Participation in technical working groups requires a close relationship with colleagues in the secretariats of the RECs/RMs.



TIP:

Participation in technical working groups requires a close relationship with colleagues in the secretariats of the RECs/RMs.

This can partly be provided through umbrella CSO platforms as well. The importance of technical working groups is that they provide the raw material through which the higher-level decision-making institutions conduct their affairs.

7.5 Engagement with the Peace and Security Council

The PSC was established through a Protocol that was adopted by the AU in July 2002 and entered into force in December 2003. The PSC is composed of 15 Members elected on the basis of equal rights in the following manner, as provided under Article 5(2) of its Protocol. The Council's first fifteen (15) members were elected in March 2004 by the Executive Council of the AU. Ten Members are elected for a term of two years while five get elected for a term of three years, in order to ensure continuity.

7.5.1 Mandate of the PSC

The PSC was established pursuant to Article 5(2) of the Constitutive Act, as a standing decision-making organ for the prevention, management, and resolution of conflicts in Africa, in line with Article 2(1) of the PSC Protocol. In dispensing its mandate, the PSC is expected to work closely with African civil society organizations dealing with peace and security issues on the continent. According to its Rules of Procedure, the PSC invites CSOs which have an observer status to the AU, to its open sessions to make contributions to its deliberations on various thematic issues related to the PSC mandate. During such open sessions of the PSC, the invited CSOs provide key/lead speakers or presenters.



7.5.2 Entry points for CSOs

7.5.2.1 Development of an annual indicative program of work

At the beginning of each year, the PSC develops an Indicative Annual Program of Work. The Annual Indicative Program outlines a list of mandatory/statutory meetings and other activities of the PSC, such as field missions, retreats and seminars, as well as conflict situations and thematic issues which the PSC is seized with. The Annual Indicative Programme includes the tentative periods within which these meetings/ activities should be convened or undertaken. CSOs can engage with the PSC Secretariat in the last quarter of the year to lobby for the inclusion of certain issues into the annual indicative program of work of the following year. CSOs can also lobby the PSC Committee of Experts who have the responsibility of reviewing the Draft Indicative Programme of Work before its submission for consideration and adoption by the PSC.

7.5.2.2 Development of the monthly provisional program of work

It is worth noting that the monthly provisional program of work is derived from the annual indicative program of work. CSOs that wish to influence the content of the PSC's agenda in a month must engage with the secretariat on time to get a schedule of the PSC chair for the month. It may be wise to suggest an issue to a member state that is amenable to the issue in question. That way, the chair of the month can consider scheduling the CSO's request. This means that CSOs must establish rapport with embassy staff to be able to negotiate to have an issue considered for the agenda of the month. It is vital to note that the monthly provisional program of work can be adjusted at any time during the month to take into full consideration new circumstances.

7.5.3 PSC Session outcomes

The PSC has three levels of meetings. First, there are meetings of permanent representatives who are accredited to the AU. These meetings are convened at least twice per month and as often as may be required by the PSC. Secondly, the PSC convenes ministerial meetings and once a year, a meeting for the heads of states. (Article 8(2) & Rule 2). During regular meetings, the PSC adopts its outcome, as either a communique, for closed sessions or a press statement, for open session. The decision on the nature of outcome is a result of discussions amongst the PSC members. After each PSC meeting, the PSC Secretariat drafts an outcome, which can either be press statement or a communique. PSC communiqués or press statements, once drafted, are disseminated to the PSC Member States for review through a silent procedure which lasts for 24 hours. For CSOs, there is need to be proactive and volunteer to work with the secretariat in developing the outcome statement.

7.6 Engagement With The African Court On Human And Peoples' Rights

7.6.1 About the Court

The African Court on Human and Peoples' Rights is the judicial arm of the African Union and one of the three regional human rights courts together with the European Court of Human Rights and the Inter-American Court of Human rights.⁸⁴ It was established to protect the human and peoples' rights in Africa principally through delivery of judgments. The Court has its permanent seat in Arusha, the United Republic of Tanzania.

The Court was established by virtue of Article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (the Protocol). The Protocol establishing the African Court on Human and Peoples' Rights was adopted on 9 June 1998 in Burkina Faso and came into force on 25 January 2004 after it was ratified by more than 15 countries.

⁸⁴ <https://www.african-court.org/wpafc/basic-information/> (Accessed 23 March 2023).



The mandate of the Court is to complement and reinforce the functions of the African Commission on Human and Peoples' Rights (the African Commission – often referred to as the Banjul Commission), which is a quasi-judicial body charged with monitoring the implementation of the Charter.

The Court applies the provisions of the African Charter on Human and Peoples' Rights and other human rights instruments ratified by the States concerned. It does not have criminal jurisdiction like the International Criminal Court.

CSOs that are recognised by the ACHPR can submit cases on alleged human rights violations directly against the thirty four State Parties to the Court's Protocol indirectly through a submission of a case to the ACHPR first. CSOs can defend individuals or groups of victims who submit an application before the Court against the eight Declaration countries.

7.6.2 Possible entry points for CSO engagement

- | | |
|----|--|
| a. | They can also make relevant submissions as amicus curiae to assist the Court in providing relevant contextual information about the factual and/or legal aspects of complex or innovative cases. |
| b. | CSOs can assist in monitoring and reporting on the implementation of the Court's decisions. |
| c. | CSOs recognised by the AU or in partnership with organisations recognised by the AU (like PALU) can submit requests for an advisory opinion on any human rights matter. |
| d. | CSO staff members who qualify may be included on the Court's roster of legal counsel and may be called upon to represent indigent applicant's under the Court's legal aid scheme. |

7.6.3 Roles that CSOs can undertake with the Court

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|-------|---|
| i. | Lobby for the increase of Member States signatures of the Court's Protocol (3 AU Member States still have not signed the Protocol) |
| ii. | Lobby for the increase of ratifications of the Court's Protocol (21 AU Member States still have not ratified the Protocol) |
| iii. | Advocate for increased ratification of other key AU human rights instruments (e.g. Malabo Protocol, Protocol on the rights of older persons, Protocol on the rights of people with disabilities, ACDEG) (To allow the Court to have a wider mandate to ensure protection of human rights, because the Court will be able to interpret and apply more international human right guarantees captured in treaties) |
| iv. | Develop and issue advisory opinions to relevant entities. |
| v. | Lodge cases before the African Court for human rights victims. |
| vi. | Promote the visibility of the Court's jurisprudence through increased citation of the African Court's jurisprudence in national courts or in governmental policy documents. |
| vii. | Monitor the compliance levels with the Court's decisions by the respective Respondent States. |
| viii. | Increase of lateral compliance levels with the Court's decisions by other States that were not directly the Respondent State in a particular case, but where there might be a similar systemic human rights issue that the Court's decision aimed to redress. |
| ix. | Increase in legal or policy change based on the African Court's jurisprudence. |



x.	Increase in media items about the African Court (incl. radio interviews, tv interviews, online articles, print stories, participation in talk shows).
xi.	Increase in academic publications about the African Court.
xii.	Increase of submissions of draft articles for African Human Rights Yearbook.
xiii.	Increase in downloads of the Court's decisions.
xiv.	Increase in downloads of the Court's law reports.
xv.	Foster increase in university courses, degrees, journals and chairs in African Human Rights Law
xvi.	Lobby for improved state reporting on human rights obligations (before the African Commission on Human and Peoples' Rights/ African Committee of Experts on the Rights and Welfare of the Child / different UN human rights treaty bodies) in reference to the African Court's jurisprudence.
xvii.	Support in the dissemination of other knowledge tools produced by the Court (e.g. studies by the Court, courses on human rights developed by the Court, events organised by the Court, etc.)

7.6.4 CSO Direct Cooperation with the Court:

- a. CSOs can sign MoUs with the Court for the purpose of direct engagement in other non-judicial areas, such as the conduct of studies or other forms of capacity building (e.g. Judicial Institute for Africa (JIFA) at the University of Cape Town has such an arrangement)
- b. CSOs can second staff members in context of the Court's internship program and/ or fellowship program. (e.g. EALS and the Centre for Human Rights in Pretoria regularly second staff as interns at the African Court)

7.7 Engagement with the African Commission on Human and Peoples' Rights

7.7.1 About the Banjul Commission

The African Charter established the African Commission on Human and Peoples' Rights. The Commission was inaugurated on 2 November 1987 in Addis Ababa, Ethiopia. The Commission's Secretariat has subsequently been located in Banjul, The Gambia. In addition to performing any other tasks, which may be entrusted to it by the Assembly of Heads of State and Government, the

Commission is officially charged with three major functions:

- a. the protection of human and peoples' rights
- b. the promotion of human and peoples' rights
- c. the interpretation of the African Charter on Human and Peoples' Rights.



7.7.2 Engagement with CSOs

CSOs play a prominent role in the activities of the Commission. Primarily, they draw the attention of the Commission to violations of the Charter, bring communications on behalf of individuals, monitor states' compliance with the Charter, and help to increase awareness about the Commission's activities by organizing conferences and other activities. CSOs participate in the Commission's public sessions and engage with the reporting procedure by submitting shadow reports and popularising concluding observations. Since 1988, the Commission has been granting observer status to CSOs. CSOs having observer status with the Commission are required to submit a report of their activities every two years. For systematic engagement with the Commission, CSOs are encouraged to obtain observer status, which comes with several benefits.⁸⁵

7.7.3 Opportunities for CSO engagement

Civil society can engage with the Commission during its sessions in various ways.

Formal opportunities include:

- i. Requesting that a specific topic be included on the agenda of an ACHPR session.
- ii. Presenting written and oral statements for consideration on the human rights situation in Africa.
- iii. Making an oral statement following a panel at an ACHPR session
- iv. Presenting alternative reports during the Commission's review of a State
- v. Participating in a private hearing concerning a pending communication.

Informal opportunities include presenting information – orally or in writing – to the ACHPR or its special mechanisms to inform its work:

- i. Presenting on a panel convened by the ACHPR
- ii. Speaking with State representatives and Commissioners informally
- iii. Organizing or participating in side events that may include ACHPR members as speakers or participants.
- iv. Outside of sessions, civil society members may engage with the ACHPR by presenting a communication;
- v. submitting information related to a State's review;
- vi. informing the ACHPR of situations of concern;
- vii. requesting or supporting an ACHPR fact-finding visit or promotion mission; and collaborating with, or sitting on, a special mechanism to – for example – develop a report or set of standards.

7.8 Engagement with the African Committee on the Rights and Welfare of the Child

7.8.1 The Mandate of the ACERWC

The mandate of the Committee is derived from Articles 32-45 of the African Charter on the Rights and Welfare of the Child.

Article 42 of the Charter spells out the main functions of the Committee which are:

- a. Promotion and protection of children's rights;
- b. Monitor the implementation of the Charter;
- c. Interpret the Provisions of the Charter; and
- d. Other tasks entrusted to it by the Assembly of the Heads of States and Governments and Organs of the African Union.

⁸⁵ <https://ijrcenter.org/wp-content/uploads/2018/10/Civil-Society-Access-ACHPR-2018.pdf#page=13&zoom=100,96,585> (Accessed 23 March 2023).



To carry out and deliver on its mandates, the Committee undertakes various activities in line with the provisions of the Charter. From articles 42-45 of the Charter and the Rules of Procedures of the Committee, the following are some of the main mandates and activities of the Committee:

- a. Consideration of State Party Reports on the status of the implementation of the Charter.
- b. Consideration of Communications on alleged violations of the Charter
- c. Investigations/Country visits to assess the implementation of the Charter.
- d. Development of Norms and Standards in the form of General Comments and Guidelines on matters covered by the African Children's Charter.
- e. Undertake research and studies on children's rights issues in the Continent.
- f. Lead the Celebration of the Day of the African Child
- g. Issue Resolutions, Declarations, Statements, and Letter of Urgent Appeals
- h. Monitor the Implementation of Agenda 2040

7.8.2 Engagement with CSOs

CSOs play a significant role in the activities of the African Children's Committee. Primarily, they draw the attention of the Committee to violations of the ACERWC, bring communications on behalf of individuals, monitor states' compliance with the African Children's Charter, and help to increase awareness about the Committee's activities by organizing conferences and other activities. CSOs participate in the Committee's open sessions and engage with the reporting procedure by submitting complementary reports and popularising concluding observations.

7.8.3 Opportunities for CSO engagement

Civil society can engage with the Committee during its sessions that are often held twice a year.

Formal opportunities include:

- i. Applying for observer status to be able to systematically and sustainably engage with the Committee and its various special mechanisms.
- ii. Requesting that a specific topic be included on the agenda of an ACERWC session.
- iii. Presenting written and oral statements for consideration on the child rights situation in Africa.
- iv. Making an oral statement following a panel at an ACERWC session
- v. Presenting complementary reports during the Committee's review of a State
- vi. Participating in a private hearing concerning a pending communication.

Informal opportunities include presenting information – orally or in writing – to the Committee members or its special mechanisms to inform its work:

- i. Presenting on a panel convened by the ACERWC
- ii. Speaking with State representatives and Committee Members informally
- iii. Organizing or participating in side events that may include Committee members as speakers or participants.
- iv. Outside of sessions, civil society members may engage with the Committee by presenting a communication.
- v. Submitting information related to a State's review.
- vi. Informing the Committee of situations of concern.
- vii. Requesting or supporting Committee fact-finding visits or promotional missions.
- viii. Collaborating with, or sitting on, a special mechanism to – for example – working groups.





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