

CIVIL SOCIETY PARTICIPATION AND THE COTONOU AGREEMENT

Briefing paper for Aprovev agencies and their Partners

1. ACP-EU cooperation

For more than 20 years, the EU has been co-operating with the ACP countries in the framework of the Lomé Convention. This Convention is the most substantial development cooperation framework in the world. Despite its outstanding importance, it is not very well known to civil society organisation, because it primarily serves as a framework for government-government cooperation. During the last two years this Convention was re-negotiated. The result is a new partnership agreement, which was signed in Cotonou, Benin, in June this year, and is now called the Cotonou agreement.

The new agreement is quite different from the Lomé Convention in a number of ways. One important new feature is a greater emphasis on the role of civil society.

2. The role of civil society

Both the former Lomé Convention and the new Cotonou Partnership Agreement are quite unique. They cover not only economic and financial cooperation, but also trade and political dialogue. The new Agreement foresees the involvement of civil society actors in all aspects of this cooperation.

The ACP States and the European Community have emphasised in the new Partnership Agreement the complementary roles and contributions of State (national and local levels) and non-state actors in the development process. The agreement to consider poverty reduction as a central objective of co-operation and development strategies makes it essential to ensure the widest possible participation of all sectors of society in order to provide the conditions for greater equity and inclusion of the poor in the benefits of economic growth. Democratisation processes and increased demand for participatory approaches have also led to opening the ACP-EC partnership to a wide range of non-State actors as well as local governments.

Non-State Actors are defined as:

private sector, economic and social partners (including trade unions) and civil society in all its forms (churches, self-help groups, community organisation, registered charities, independent research and academic institutions etc).

The wide-ranging role foreseen for non-state actors is laid down in article 4 of the Agreement, which indicates in particular that they are to be:

- informed and consulted on co-operation policies and strategies, on priorities for co-operation, especially in areas that concern or directly affect them, and on the political dialogue;
- provided with financial resources in appropriate circumstances;
- involved in the implementation of co-operation projects and programmes in areas that concern them or where they have a comparative advantage;
- provided with capacity building support in critical areas to reinforce their capabilities, particularly as regards organisation and representation, the establishment of consultation mechanisms, including channels of communication and dialogue and to promote strategic alliances

The Cotonou Agreement states that co-operation shall facilitate the elaboration of adequate and flexible mechanisms of dialogue between the government and non-state actors.

From the outset, it is important to stress that the EC considers that effective implementation of the provisions with regard to new actors is a collective responsibility of all parties concerned (ACP governments, non-state actors and local governments, EC Delegations). From the EC point of view, **it is up to the non-state actors to take the initiative to respond to the opportunities offered by the new Cotonou Agreement**

The role of the EC Delegations with regard to integrating new actors in future cooperation will be limited and can be summarised as twofold: to act as a critical observer and as a facilitator.

Participation in programming

The programming exercise is the national (or regional) process of consultation between the EU and ACP governments (or regional bodies) in which the initial allocation of resources to a country (or region) is planned. It determines the priority sectors, the type of assistance to be provided and the most appropriate agencies for implementation. The primary responsibility of programming falls on delegations working closely with partner governments and in consultation with non-state actors.

The outcome of this programming exercise will be a Country Support Strategy and a five years national indicative programme subject to yearly revisions.

The first aspect of the agreement in which civil society participation is emphasized is this programming exercise organised in three steps:

- outline and assessment of the country's own development strategy
- analysis of the country situation
- EU response which should concentrate on a limited number of priority sectors and take into account the role and activities of other donors (Country Support Strategy).

Non state actors should be consulted from the very beginning of the programming process when the ACP country defines its own strategy and priorities. Normally the first step of the programming exercise is due to be completed in June/July 2001. This doesn't leave much time for a proper consultation considering the present lack of mechanisms for dialogue and resources for civil society co-ordination in many ACP countries.

It has to be emphasised that a similar process of involving civil society in PRSP supported by the World Bank has, so far, produced mixed results. The EC recommends to the delegations that, where a PRSP process exists, there should be an assessment of the extent to which non-state actors have been involved and the quality of the consultation process.

Participation in implementation

The Agreement also foresees that NGOs be involved in the implementation of cooperation projects and that they should be provided with financial resources. It is important to stress that there is, in principle, no ceiling as to the resources from the NIP or the RIP that can be accessed, directly or indirectly, by non-state actors. There is equally no intention to reserve a “special envelope” for non-state actors. The new Cotonou agreement has rationalised the grant instruments in a single long-term development envelope and insists on the need for programming these resources in an integrated and coherent manner.

In the view of the EU, the share of the allocation to be assigned to non-state actors will emerge as part of the programming dialogue, and this implies that non-state actors must be involved “up-stream”, very early on in the programming process. As a rule of thumb, it is envisaged that up to a maximum of 15% of the initial indicative resource allocation could be directly allocated in this way to non-state actors.

Following agreement with the NAO (national authorising officer representing the ACP state government) on the global amount and the eligibility criteria for non state actors in the framework of the overall agreement on the Programming, these resources can be directly accessed by non-state actors via the EC delegations and can be used, inter alia, for activities related to information, consultation/dialogue and capacity building.

Participation in performance assessment and evaluation

If the governments adhere to the provisions of the Agreement, they must also consult non-state actors when the performance of the indicative programmes is assessed. The indicative programme will be annually reviewed and subjected to a performance test after 2.5 years (mid-term review) and at the end of the five years period (end review). This puts NGOs in a relatively powerful position. During the evaluation they could criticise and contribute to the improvement of development cooperation programmes. This means that, even if the civil society was not properly involved in the stage of programming, it still can influence the co-operation strategies, priorities and implementation at a later stage when the national programme will be reviewed.

Participation in Political Dialogue

The Agreement further states that civil society organisations shall be associated to the political dialogue. This is a big success. The political dialogue is one of the centrepieces of the EU-ACP partnership and has been strengthened with the new Agreement. Any issue which is of interest to one of the parties, can be brought up. If NGOs are involved in a proper way in this dialogue, they would gain a lot of power, because they could address human rights violations or draw attention to the problems resulting from not very well controlled small arms trade etc, in an important forum.

Besides the political dialogue, the Partnership Agreement obliges the institutions of the partnership such as the Council of Ministers and the Joint Parliamentary Assembly to consult with civil society. The Council of Ministers, which brings together ministers of the ACP and EU member States shall conduct an ongoing dialogue with representatives of civil society organisations in the APC and the EU. To that end, consultation may be held alongside its meetings.

The Joint Parliamentary Assembly, which is attended by members of the parliaments of the ACP member states and by members of the European Parliament shall organise regular contacts with representatives of the ACP-EU economic and social partners and other civil society actors in order to obtain their view on the attainment of the objective of the Agreement.

3. Putting provisions into practice

The legal possibilities of the ACP-EU partnership are one thing, putting them into practice is another. The provisions on civil society participation are not yet very concrete and in some areas they still need to be worked out. And even where they are clear, **no or few enforcing mechanisms are foreseen to press for stronger civil society participation.**

The extent to which civil society organisations will actually play a more important role in the ACP-EU Partnership Agreement will depend mainly on two factors: the strength of civil society organisations and the willingness of the individual governments to cooperate with civil society. We know that some of the ACP governments are willing to cooperate whereas others are clearly reluctant.

The EU will designate a contact point in its delegations in the ACP countries to be responsible for the relations with non-state actors. This contact point should help access information, give technical advice and facilitate dialogue. The European Commission, however, has also made clear that they will not go much further and that it is the responsibility of civil society organisations to push their governments.

The EC has, however, produced general guidelines for the delegations on the ways how best to involve civil society in the programming process and on mechanisms for the monitoring of non-state actors participation.

Concerning programming, the EC suggests that a two-track approach is used. First, the aim should be to encourage a wide involvement of non-state actors in the public debate, second, at the level of detailed programming discussions, it will be necessary to limit attention to those categories of non-state actors which are directly involved in or concerned with the specific sectors/focal areas envisaged for the EC response strategy.

Regarding monitoring, the EC is proposing to design a realistic and time-based participation plan which outlines the division of responsibilities of the different actors (ACP governments, non-state actors and local governments, EC Delegations and others) in the process of promoting greater participation. This plan could be attached as part of the National Indicative Work programme to the Country Support Strategy and updated yearly in the review process.

The problem is that most EU delegations are presently understaffed. They may miss the necessary attitudes and capacities to play the roles foreseen for them by the EC. The fact that a person will be designated as a contact point for civil society in the delegations is not sufficient. There is really the need on the side of non-state actors to take a pro-active approach and to propose their own intermediary bodies to facilitate dialogue and participation processes.

4. Experiences of civil society organisations until now

Before exploring possible ways forward, it is useful to look what others have done already.

One of the most important actors has been the ACP Civil Society Forum, which was established, following a meeting of 30 civil society organisations from the African,

Caribbean and Pacific regions in October 1997 in Entebbe, Uganda. Seven ACP NGOs, representing the four major African sub-regions (Southern Africa, Eastern Africa, Central Africa and West Africa), the Caribbean and the Pacific were mandated to drive the process leading to the establishment of the platform now known as the ACP Civil Society Forum. The seven Focal Points and contacts are:

- The Caribbean (Barbados): Caribbean NGO Policy Development Center
- The Pacific (Fiji): Pacific Concerns Resource Centre
- Eastern Africa (Kenya): Econews Africa
- Central Africa (Cameroon): CONGAC
- Southern Africa (Zimbabwe): MWENGO
- West Africa (Senegal): Enda TM
- West Africa (Ghana): Third World Network Africa Secretariat

These organisations, as well as some others, have all tried to launch a dialogue on Lomé issues with their respective governments on national and regional level, and they have succeeded to different extents.

The most successful case is probably the Pacific where the Pacific Concerns Resource Centre (PCRC), in a joint project with ECSIEP (which is linked to ICCO), took the initiative to promote the process of Decentralised Co-operation in the Pacific region. In the Caribbean, the process seems to go well, too. The Caribbean experience, up to 1998, is an example of both successful co-operation between the EU delegation, the National Authorising Officer (NAO) and civil society organisations, and of a regional approach. In 1995, Caribbean NGOs began organising themselves and asked the Caribbean Policy Development Centre (CPDC) to represent the civil society network, known as the Caribbean Reference Group. In addition, the Friedrich Ebert Stiftung initiated several meetings in Jamaica, Trinidad and Tobago and Haiti. They co-operated with local institutes, trade unions, farmers organisations and NGOs in organising the meetings and setting the agenda.

In Africa, the situation differs from one country to another. In West Africa, ENDA Tiers Monde, in co-operation with national partner organisations, initiated national seminars in eight countries in their region. In East Africa, DENIVA, organised consultative meetings both at a national, and in co-operation with MWENGO at a regional level. MWENGO has been very active and organised several regional meetings in Southern Africa. In Uganda, Cote d'Ivoire and Senegal, national NGO platforms around the Lomé issues have been established and they were very successful in organising dialogue and seminars.

Most of these NGOs organised workshops to which they invited NGOs, key government officials of their countries and representatives of the EU.

After the signature of the Cotonou agreement, a special effort has been made by the ACP Group secretariat to organise a series of regional workshops where civil society representatives were invited (Aprodev delegates participated in two of these regional workshops). The experience produced mitigated results but for certain organisations and networks it was seen as a good opportunity to be informed and to get involved. Several ACP governments have organised national consultation seminars in view of the drafting of the Country Strategy Paper. In some cases civil society organisations have been consulted individually or have been asked to give a specific input. However, these processes still need a lot of improvements if they ought to be inclusive, fair, democratic and representative of the real needs and aspirations of the beneficiary population.

The outcomes of an internet conference on civil society participation in the Cotonou agreement (led by Eurostep on behalf of the Cotonou Monitoring Group) showed that there is a lack of information, of appropriate resources for civil society organisation and co-ordination and of mechanisms for dialogue. The lack of information was perceived as a main problem by nearly all participants in the debate.

Churches and church related organisations certainly need more information about the Cotonou Agreement and the possibilities for them to participate.

Christian Aid (UK) and Bröt für die Welt together with EED (Germany) are in the process of preparing projects and programmes in view of informing and empowering their partners in the ACP and help them to grasp the opportunities offered to civil society under the Cotonou agreement.