

The future of the Cotonou agreement

Role of civil society in the future ACP-EU partnership

Civil society is specifically enshrined as an actor in the Cotonou Partnership Agreement (CPA). This is specific to ACP-EU compared with other strategies, eg. Joint Africa-EU Strategy (JAES). According to Articles 4, 7, 8 and 19, CSOs should be involved in the political dialogue of joint EU-ACP institutions, and the different issues approached in the political dialogue including development cooperation. CSOs should also be provided with capacity-building and financial resources for supporting the design and implementation of those cooperation strategies. But despite all these provisions, the CPA fails to define specific mechanisms for CSO participation.

Political dialogue

The participation of civil society and other non-governmental stakeholders in the dialogue, a binding provision of the CPA in its Art. 8, is far from being translated into reality. This results in a very rare engagement between CSO and EU-ACP joint institutions, the sole exception being the ACP-EU Joint Parliamentary Assembly where the majority of CSOs organizations participate as observers. According to Art. 15 of the CPA, the joint Council of Ministers was to have an ongoing dialogue with CSOs, however this was not implemented into practice. CSO engagement in other joint institutions or dialogue with other regional bodies is even more reduced and in some instances even, non-existent.

Currently there is a lack of transparency in ACP- EU institutions. It is possible to gain public information on the activities of the Joint Parliamentary Assembly, but there is rarely any communication regarding activities, meetings and decisions of the Joint Council of Ministers and the Committee of Ambassadors. At national and regional level, there is some dialogue often interlinked with financial cooperation and trade negotiations. It lacks also transparency and involvement of civil society and other non-state actors.

Consultation in programming

CSO participation has been threatened by the growing number of countries adopting restrictive legal frameworks or actions, both at ACP and EU level. In addition, consultations in country programming are more frequent in ACP countries than in others that are not covered by the same type of provisions as the CPA, but often these are more validation exercises than consultations, with little influence over final decision. A CONCORD study has highlighted the fact that some EUDs are making a real effort to improve the quality of the consultation and that good practice exists. However, different formats are reported for consultations and meetings and the quality varied largely depending on the country and on the perception of the participating organisations¹. It is not clear however if national governments / National Authorising Officers (NAO) consult national & local civil society for the programming of funds. The same happens with regional bodies, as these rarely or never consult CSOs for the programming of development funds.

¹ CONCORD (2015). Mutual Engagement between EU delegations and civil society organisations – Lessons from the field. <http://www.concordeurope.org/publications/item/406-the-eu-delegations-watch-report-2015>



Implementation & monitoring

In terms of national programming, there is possibility for civil society to benefit from support within the national envelope. In fact, according to the CPA, CSOs should be provided with capacity-building and financial resources for supporting the implementation of cooperation strategies. When an ACP country agrees to dedicate some money to CSO from the EDF, it can be used in that perspective. However, only 43 ACP countries have opted to have a CSO envelope under the 11th EDF. Although this represents a higher percentage than in previous EDF (9th EDF 21%; 10th EDF 35%), there are still 30 countries which chose not to have a CSO envelope. These ACP countries justify themselves due to 'failed past experiences' and 'unavailability of appropriate NSAs'. The level of financial support for CSOs as implementers also varies significantly, both in terms of volume and percentage. Almost half of these envelopes (18) are designed for CSO support to domestic accountability; 14 are aimed at supporting focal sectors².

Looking ahead

Civil society organizations are legitimate actors of cooperation with essential roles to play in ACP-EU relations and therefore the Cotonou Partnership Agreement 'acquis' for CS participation needs to be retained and reinforced. These multiple roles are also recognized in the 2012 EC Communication, which states that 'an empowered civil society is a crucial component of any democratic system and an asset in itself', contributing 'to more effective policies, equitable and sustainable development and inclusive growth' and participatory democracy by 'representing and fostering pluralism' and 'articulating citizens' concerns and growing demand for transparent and accountable governance'. CSOs do indeed have a role as watchdogs, contributing to democracy but also as implementers of development programs. For that reason, the involvement of CSOs should be included in **the legally binding principles of the agreement**.

In order to support the different roles of civil society, the revised partnership should:

A) Improve the dialogue between the EU and ACP institutions and CSO

- Put in place formal, inclusive, structured participatory dialogue mechanism, engaging the diverse types of civil society organisations (diaspora, farmers' organisation, grass roots organisations, disability organisations, labour union, NGOs etc) from both the ACP and the EU. Some CSO platforms could host these formal participatory dialogues in their own countries at the highest levels, such as the umbrella level. Such a participatory mechanism aims to inform political decisions and should include a feedback mechanism on how CSO input has been taken into account.
 - At umbrella level, this participatory mechanism should take the form of a permanent forum funded by the EC and ACP countries in order to receive CSO comments and proposals about cooperation policies and political issues.
 - Dialogue mechanisms should be established at different levels of governance – local, national (with the different existing national platforms) , regional and interregional based on existing structures;

² CONCORD (2017). Contribution to the Public Consultation on the External Financing Instruments of the European Union: https://concordeurope.org/wp-content/uploads/2017/05/PublicConsultation_EFI_CONCORDContribution.pdf?1855fc

- Inform and involve EU and ACP CSOs at every stage of the process of designing implementation strategies and governance and accountability mechanisms, reviewing and negotiating budgets, drafting new or revising existing policies, legislative acts, instruments and programmes, and choosing the most appropriate aid delivery mechanisms and CSO funding modalities;
- Promote meaningful and inclusive participation by CSOs in dialogue and decision making with the EUDs and more precisely ;
- Increase the visibility of country roadmaps for engagement with broader group of CSO and of CSO mapping exercises and transform the roadmaps into strategic tools for dialogue and for mainstreaming CSO participation in EU cooperation with the country;
- Increase the visibility of the role of the EUD CSO focal point amongst ACP CSOs
- Ensure that dialogue meetings between EUDs and CSOs are more than information sessions and ensure feedback on consultations held with CSOs
- Whenever possible, facilitate a tripartite dialogue with the partner government and civil society on a general level (e.g. on the country's sustainable development plan or strategy) or on a thematic basis (with a focus on EU priority sectors of cooperation or important policy processes inside the country).
- Encourage biannual exchanges between NAOs and the different CSO platforms in order to follow the implementation of the National indicative programme
- Put in place and support the functioning of CSO's advisory groups on other agreement than development such as the trade and investment agreements with each region.
- Enhance cooperation between CSO's and the joint parliamentarian bodies or the equivalent future institution, with inclusive spaces for debates which should go beyond EESC representatives.
- Put in place support mechanisms to facilitate transparent and inclusive Intra-ACP CSO cooperation and exchanges
- Establish multiple forms and mechanisms of dialogue between parliaments and CSOs and promoting space for civil society contribution in policy making processes at all levels (i.e. the local, national, regional and the global). Further efforts should be done with regional organisations so that these can include dialogue with CSOs on a regular basis. In addition, a structured dialogue with CSOs during or prior to meetings of joint institutions could also be included (as currently happens in ASEAN and EU-CELAC relations)
- Elaborate new ways to engage a broader range of CSO actors in the partnership through public dialogue

B) Improve the role of CSOs in the monitoring exercise

- Ensure that the monitoring, accountability and review mechanisms at local, national, EU and global level foreseen under the 2030 Agenda foresee/promote a central role for civil society;
- Support progress of ACP countries in implementing the 2030 Agenda by engaging in regular dialogue with local CSOs to assess the impact of EU and Member States

policies in those countries. The EU roadmaps for engagement with CSOs could play an important role in this regard.

C) More institutional and capacity building in Civil Society

- Provide adequate political and financial support to ACP and EU local, national and regional civil society organizations for developing their capacity as independent networks, inclusive and representative actors and allowing them to act more in synergy with others platforms, to enhance Intra-ACP CSO cooperation and dialogue as well as information sharing, dialogue and joint actions between ACP and EU CSOs.
- Keep specific financial envelopes targeting capacity-building of civil society in country (and even joint EU-ACP capacity building) and based on the CSO's needs (CSO self-assessment) CSO platforms need to be able to
 - better work with their members; support for these kind of meetings and digital space to exchange
 - work more in synergy with others platforms
- Ensure capacity building for regional CSO platforms in order for them to better work with their members

D) Funding

- Ensure complementarity between geographic (EDF) and thematic funding instruments and equip EU delegation with a range of flexible instruments to support the multiple roles of CSOs including policy and budget monitoring, advocacy and capacity building and to work with a wide range of civil actors at community, local, national and regional levels.
- Ensure that a civil society envelope is secured in each ACP country as part of the NIP or in case of difficult partnerships or fragile states, as a separate envelope (that could originate from EDF funds).
- Ensure that CSO funding is spent in an open and transparent manner through modalities best adapted to the specific situation of CSO in each country.

E) Dialogue with others actors

- Ensure exchange between CSO and private sector through multi-stakeholder spaces of dialogue.
- There exist several good practices on CSO involvement such as on the consultation of UN treaties and the relation with the UN special rapporteurs. More recently, CSOs will be involved in the highest decision body in the Global Partnership for Effective Development Cooperation which allow them to give useful input, to have a more effective development cooperation in the ground.

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