

The Cotonou Agreement: a gateway for civil society engagement in development co-operation?

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At first glance, the Cotonou Agreement signed in June 2000 seems to represent a significant departure from the system of co-operation practised by the governments of the African, Caribbean and Pacific (ACP) Group of Countries and the Member States of the European Union (EU). It states, as a fundamental principle, the participation of non-state actors, including civil society, in the ACP-EU partnership.

Article 2, Paragraph 2:

Participation: apart from central government as the main partner, the partnership shall be open to different kinds of other actors, in order to encourage the integration of all sections of society, including the private sector and civil society organisations, into the mainstream of political, economic and social life.

Integrating civil society actors in the partnership between the ACP and the European Community (EC) appears to be a fundamental change in the 25-year partnership, which was essentially conducted on a government-to-government basis. A close examination of the process of co-operation following the signing of the Agreement, however, shows that the true significance of the principle on civil society participation will depend on the extent to which mechanisms and modes of work are developed to implement it.

After two years of arduous negotiations, the ACP and EU governments arrived at a comprehensive 20-year partnership agreement as a successor to the Lomé Conventions on which ACP-EC co-operation had been anchored. The Agreement's main objective is eradication of poverty with a number of sub-objectives, which among other things, aim to mainstream gender issues in all areas of co-operation.

Article 1, Paragraph 1:

The partnership shall be centred on the objective of reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy.

Article 1, Paragraph 4:

Systematic account shall be taken of the situation of women and gender issues in all areas - political, economic and social.

In an attempt to establish coherence with work done in these areas in other international fora, the preamble of the Agreement makes specific reference to the international development targets and the goals and principles on social development agreed at the major UN conferences on international co-operation.

Preamble, Paragraph 4:

Considering that the development targets and principles agreed in United Nations Conferences and the target, set by the OECD Development Assistance Committee, to reduce by one half the proportion of people living in extreme poverty by the year 2015 provide a clear vision and must underpin ACP-EU Co-operation within the Agreement.

Preamble, Paragraph 5:

Paying particular attention to the pledges made at the Rio, Vienna, Cairo, Copenhagen, Beijing, Istanbul and Rome UN conferences and acknowledging the need for further action to be taken in order to achieve the goals and implement the action programs which have been drawn

up in those fora.

The Agreement devotes a chapter to non-state actors (which includes civil society), detailing the general approach to be taken. These actors should:

Article 4

- *be informed and involved in consultation 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;*
- *be provided with financial resources, under the conditions laid down in this Agreement in order to support local development processes;*
- *be involved in the implementation of Co-operation projects and programs in areas that concern them or where these actors have a comparative advantage;*
- *be provided with capacity-building support in critical areas in order to reinforce the capabilities of these actors, particularly as regards organisation and representation, and the establishment of consultation mechanisms including channels of communication and dialogue, and to promote strategic alliances.*

Civil society participation is widely recognised as an important precondition for an effective campaign against poverty. With the provisions on participation, principles on equality of co-operation partners, ownership of the development strategies and mainstreaming of gender issues, the Cotonou Agreement seems to be an ideal instrument for achieving the goals of the World Summit for Social Development in Copenhagen and the Fourth World Conference on Women in Beijing.

ACP regional seminars

The first opportunity to gauge the quality of civil society participation following the signing of the Agreement was in evaluating the participation of civil society in the ACP seminars of National and Regional Authorising Officers, European Commission and civil society, organised by the ACP Secretariat¹ in collaboration with the European Commission.² The aim of these seminars, according to the ACP Secretariat was to "begin the process of information and clarification about the provisions of the Agreement to ACP Governments, to the private sector and the rest of civil society, which are now major partners in ACP-EC co-operation."³

According to Commission staff these seminars could also be considered to be the first step of the programming exercise.⁴ The programming exercise is the process of consultation between the EU and individual ACP Governments to plan the utilisation of the money allocated to individual ACP countries. Programs essentially define the greater part of the framework of cooperation between each ACP country and the EU. It could be argued that the quality of civil society participation in the programming process could be considered a measure of the extent to which the provision on involving and consulting civil society on cooperation policies and strategies is fulfilled.

For the regional seminars, the ACP Secretariat and the European Commission agreed that each delegation from each ACP country attending the seminars should have one representative from civil society and one representative from the private sector. ACP governments were given the responsibility of identifying and inviting

² The European Commission is the executive body of the EU. It is responsible for implementing the European legislation, budget and programs. It also represents the EU on the international stage and negotiates international agreements chiefly in the field of trade and co-operation. <http://europa.eu.int/inst-en.htm>

³ Unofficial ACP Secretariat report on the regional seminars.

⁴ Interview with European Commission staff.

¹ The ACP Secretariat provides bureaucratic and technical services to support the work of other ACP organs such as the Council of Ministers, the Committee of Ambassadors and the ACP-EU Joint Parliamentary Assembly. <http://www.acpsec.org/>

the relevant civil society and private sector actors in their respective countries.

The seminars were held in each of the six sub-regions of the ACP—the Pacific, the Caribbean, West Africa, East Africa, Southern Africa and Central Africa—from September through November 2000. When this report was written in February 2001, neither the ACP Secretariat nor the European Commission had produced public reports on the outcome of the seminars.⁵

Eurostep produced a brief study of civil society participation in the regional seminars.⁶ This study measured the extent to which the aim of having one representative from civil society from each ACP country within the region where the seminars were organised was achieved. It also examined the gender balance of civil society participants in the seminars. As the study argues, the number of women participants in the ACP-EU seminars could be used as an indicator of the level of attention that was given to gender concerns in the seminars. It is known that women's concerns tend to be overlooked when women are not present.

In the absence of public reports of the seminars, the source of information for the study was the list of participants of each of the regional seminars produced by the ACP secretariat.

REGION	COUNTRIES REPRESENTED	COUNTRIES WITH CIVIL SOCIETY REPRESENTATIVES IN THEIR DELEGATIONS ⁷
Southern Africa	10	7
Central Africa	10	8
West Africa	16	9
East Africa	12	8
Pacific	14	10
Caribbean	15	12

As the lists of participants do not always clearly identify which organisation each participant was representing, the findings above should be taken with a margin of error. Many unofficial reports from civil society participants, the European Commission and the ACP Secretariat suggest that the findings are not far off the mark. What is also clear, given the absence of public reports on the seminar, is the lack of transparency and information around the whole process.

Overall, according to the list of participants, 23 of the 77 ACP countries did not have any civil society representation at all in their delegations. Furthermore, the lists indicate that a significant number of the participants that were supposed to be representing civil society were also representatives of their governments. Regarding the gender divide of the civil society participants, only 19 in 64 were women.

ACP civil society sources reveal that there was a clear lack of information about the regional seminars prior to their organisation. Furthermore, for those who had information on the issue, the process of how the civil society actors were to be selected was often unclear. A number of civil society actors who consider themselves to be the key ACP civil society actors or focal points on ACP-EU co-operation in their countries were not contacted or invited to the seminars by their governments. Others received untimely invitations to participate, to which they were unable to respond. Other actors who were invited were denied funding to participate.

Despite these obstacles, according to an unofficial report from the ACP Secretariat, the discussions with civil society representatives were the liveliest of all the discussions at the seminars. The main concern of the civil society actors were:

- The extent to which governments would apply their commitments to involve civil society in real consultations and policy formulation. Governments, they believe, see policy formulation as their preserve and would not willingly allow civil society to encroach on it unless there were mechanisms to entrench civil society involvement.
- The lack of clarity on the question of who would determine which non-state actors would be brought into the process and on the respective roles of the European Commission Delegate and the National Authorising Officer.⁸
- Governments did not as yet appreciate the value of civil society as allies in a common cause against externally imposed policies.
- Civil society's access to European Development Funds through National Authorising Officers would not be effective because of delays associated with the process or because of government's reluctance to use National Indicative Program funds for civil society projects.⁹
- The time for the completion the programming process is too short. The administrative and other procedures involved in identifying and organising consultations with representative non-state actors would be time-consuming and could result in late submissions of the Country Support Strategy.

Consensus amongst civil society participants and other state and non-state actors was reached on the need for capacity building for non-state actors so they could organise themselves more effectively. It was agreed that EU delegations in ACP countries should be strengthened and specially equipped to liaise with non-state actors.

Analysis

The manner in which the regional seminars were organised reveals a lack of understanding of the workings and structures of civil society and its potential contribution to ACP-EU co-operation. The way in which civil society representatives who were present were chosen best highlights the shortcomings of the organisation of the seminars. The ability of civil society actors to organise themselves and determine their own representation in cooperation with governments is one of the keys to the additional value they could bring to the work of state actors. Self-organisation is essential if civil society actors are to provide credible contributions from their constituencies that further compliments "consultations [amongst state actors] on Co-operation policies and strategies, on priorities for Co-operation". It goes without saying that self-organisation and representation of legitimate civil society organisations should be in full accordance with the rule of law practised in the states in question. In other words, civil society actors, while respecting the legal framework within which they operate, should have been able to determine their own representation at the regional seminars.

⁵ According to a European Commission civil servant, an internal report of the seminars was to be produced by Commission staff for the Commission. The ACP Secretariat was in the process of drafting a report on the seminars.

⁶ Research conducted by Cecil Stål for Eurostep.

⁷ Some country delegations had more than one representative from civil society present.

⁸ The National Authorising Officer is the ACP Government representative in charge of cooperation with the EU under the Cotonou Agreement.

⁹ Civil Society representatives argued that the role of the EC Delegation was very important as a channel through which requests for funds could be made, and to facilitate links with governments where necessary.

In the aftermath of the seminars, the EU and ACP government institutions, in an attempt to address the question of identification of civil society partners, are looking to set up a formal ACP civil society structure with representation in the different ACP regions and countries. But if the process is solely determined and controlled by government actors, it will restrict the space for burgeoning autonomous civil society to engage in ACP-EU co-operation. It would also bypass and hamper the development of the independent but embryonic structure known as the ACP Civil Society Forum. The ACP Civil Society Forum is a network of civil society organisations working on ACP-EU Cooperation issues from within the ACP region. The Forum has, since its inception in 1997, sought with some success to facilitate the process of engagement of civil society organisations in ACP-EU co-operation at the national and regional level.

Recommendations

The short experience of ACP-EU co-operation following the signing of the Cotonou Agreement clearly exposes certain problems that will have to be addressed if the principles and provisions espoused in the Cotonou Agreement are to be fulfilled.

Based on discussions with ACP civil society actors and the specific concerns raised at the Regional Seminars, Eurostep would like to make the following recommendations to both civil society actors and ACP and EU governments:

- ACP and EU governments should give space and support to the autonomous development of the accountable and legitimate ACP civil society structures at the national, regional and global level to provide for better engagement with ACP and EU government actors. The funds and means for this should be identified in the global, regional and national indicative programs under the Cotonou Agreement. The time required for such a process should be recognised.
- At the national level, support and space should be given to a civil society-led process for the development of independent, legitimate and accountable civil society structures that could act as focal points for civil society engagement with government actors.
- The process of developing these structures should involve consultation with a wide range of civil society actors that reflect the diversity of civil society. Efforts should be made to ensure a gender balance amongst the representatives of these structures.
- The process should build on work done by civil society actors such as the ACP Civil Society Forum in facilitating civil society participation at the national level in the ACP.

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