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In June 2000, the European Union (EU) and 77 countries in Africa, the Caribbean and the Pacific (ACP) signed a new cooperation agreement – the Cotonou Agreement. This partnership is not restricted to governments. Opportunities for participation are also provided to civil society organisations, economic and social partners and the private sector in the ACP countries. However, for these non-state actors to be fully involved in cooperation, they need to be well informed on the contents of the Agreement, and on ways and means provided for them to participate effectively. It is in that context that the initiative was taken to produce this user's guide to the Cotonou Agreement for non-state actors.

'This Cotonou Agreement seems most relevant for our communities in the rural areas. But we are only starting to discover it, to understand what it is all about and what it could mean for us. It is a world of which we had no clue so far.'

Representative of a women's organisation in Fiji

'We have nearly 20,000 members across Kenya, yet we have little information about this Agreement. How can this be if civil society is supposed to be involved?'

Representative of the street traders' association in Kenya

1.1 What is this guide about?

International cooperation between developed and developing countries has been going on for more than 50 years. This cooperation covers diverse areas (e.g. development, trade, peace and security, environmental protection) and takes different forms (predominantly financial or technical assistance).

Cotonou Agreement

The **European Union*** (i.e. the European Community and the Member States of the Union) is also an active player in international development cooperation. It has entered into cooperation agreements with all developing regions of the world. One of the flagships of European development cooperation is its longstanding relation with countries in Africa, the Caribbean and the Pacific, known collectively as the **ACP Group***. This cooperation formally began in 1975 with the signing of the Lomé I Convention - the first in a series of partnership agreements. In June 2000, the ACP countries and the EU concluded a new 20-year cooperation agreement, named the Cotonou Agreement after the capital of Benin in West Africa, where it was signed. This agreement entered into force in April 2003.

The Cotonou Agreement is in many ways a unique document. It defines how the **European Community*** (EC) and the ACP

countries intend to cooperate in the fields of aid, trade and political cooperation in order to fight poverty, support democracy, promote economic growth and foster sustainable development.

A key feature of the Cotonou Agreement is its emphasis on the participation of 'non-state actors' in ACP countries in the implementation of the Agreement. These actors are now recognised as essential in helping to ensure the relevance and impact of cooperation policies and programmes between the ACP and the EC.

Yet without adequate information on the Cotonou Agreement, the envisaged benefits from a more participatory approach may well remain elusive. It was in this context that the idea of producing a user's guide to the Cotonou Agreement arose.

Two main purposes

This guide has two main purposes:

- to inform civil society organisations, economic and social partners and the private sector in ACP countries on the most important features of the Cotonou Agreement, and
- to provide practical guidance on how and under what conditions non-state actors can participate in ACP-EC cooperation.

1.2 Who is this guide for?

This guide is targeted at the different groups of non-state actors across the ACP.

Non-state actors

The concept of 'non-state actors' may be unfamiliar to many readers. In the formal language of the Cotonou Agreement, the term is used to refer to a wide range of development actors – other than governments – whose participation in ACP-EC cooperation is now to be promoted.

The Cotonou Agreement provides a basic definition of who should be considered as non-state actors (*see box*).



Who are non-state actors?

According to Article 6 of the Cotonou Agreement, non-state actors include:

- *the private sector;*
- *economic and social partners, including trade union organisations; and*
- *civil society in all its diversity, according to national characteristics.*

This is obviously a very open-ended definition. In practice, it means that participation is open to all kind of actors, such as the private sector, community-based organisations, women's groups, human rights

associations, non-governmental organisations (NGOs), religious organisations, farmers' cooperatives, trade unions, universities and research institutes, the media, etc. Also included in this definition are informal groups such as grassroots organisations, informal private sector associations, etc.

Some limitations

- A wide range of ACP non-state actors may take an interest in this guide. Their information needs are likely to be extremely diverse. Some may expect detailed information on how to write a project proposal or to obtain funding. Others may need technical information on the ongoing trade negotiations between the ACP and the EC. A short guide like this cannot possibly address all of these needs. However, whenever possible, the text includes references and links to sources of more specialised information.
- This guide focuses primarily on civil society organisations. The private sector is considered only in so far as it is involved in non-profit activities (e.g. private sector associations, chambers of commerce, etc.). The reason for this is that the Cotonou Agreement has developed a set of specific instruments for supporting ACP private sector actors involved in profit-oriented activities (e.g. the Investment Facility, the Centre for the Development of Enterprise) These instruments are not addressed in detail in this guide. *For basic information see Annex V.*

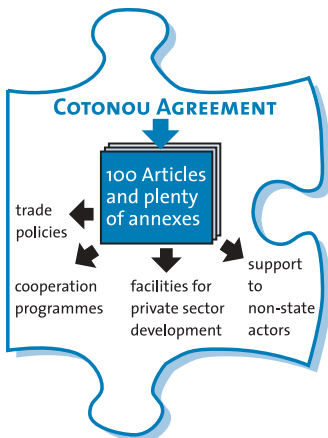
- Local governments are important actors in development, particularly in ACP countries that are involved in a decentralisation process. While acknowledging their role in ACP-EC cooperation, this guide does not provide specific information for them.

1.3 Why the Cotonou Agreement is also your affair

Why should non-state actors in ACP countries bother about the Cotonou Agreement? Why should they take an interest in it or try to get involved in the processes of cooperation between their government and the EC?

Three main reasons

There are three main reasons why local organisations should indeed regard the Cotonou Agreement as their affair.



Cotonou is about 'big issues' that affect your life

The Cotonou Agreement is not just about financing EC aid programmes and projects. It is concerned with many important issues that may have direct impacts on the lives of millions of ACP citizens. It is, among other things, about

- reducing poverty;
- social development, including employment policies;
- helping to avoid conflicts and wars, and, in areas where these are occurring, to restore peace and security;
- establishing a new trade regime between the ACP and the EC;
- improving the capacity of the ACP private sector to produce and export goods and services;
- strengthening cooperation between the ACP and the EC in the field of migration;
- promoting human rights and democracy; and
- furthering regional cooperation and integration.

Cotonou invites you to participate

The Cotonou Agreement represents a break with the tradition of cooperating almost exclusively with central governments. It fully embraces the concept of **participatory development***, following a trend that can be observed in all parts of the world and among virtually all donor agencies.

Making Cotonou work is a shared responsibility

The Cotonou Agreement is a fascinating legal document, with 100 articles and many

annexes that together provide a framework for setting in motion all kinds of processes and programmes that can have a positive impact on a country's development.

The challenge now, and in the years to come, will be to make full use of this cooperation tool, to tap its dormant potential, and to exploit all its relevant provisions and instruments.

Achieving this will be the shared responsibility of all state and non-state actors. The Cotonou Agreement is too important to be left to governments alone. The active participation of non-state actors can help to transform the words of the Cotonou Agreement into an effective tool that can be used to foster the development process of a country or region.



Further information about the Cotonou Agreement

For the full text of the Cotonou Agreement, please visit the European Commission's website: http://europa.eu.int/comm/development/body/cotonou/agreement_en.htm

For a copy of the Cotonou Infokit, which explains the Agreement in non-technical language, visit ECDPM's website www.ecdpm.org and check under 'Publications'.

1.4 How was this guide produced?

The ACP Secretariat, the body representing the interests of ACP countries in Brussels (*Annex I*) took the initiative to produce a guide for non-state actors, in a joint effort with the services of the European Commission. The European Centre for Development Policy Management (ECDPM), an independent foundation specialising in ACP-EC cooper-

ation, was asked to carry out the technical work.

In compiling this guide, consultations with non-state actors took place in six ACP countries – Democratic Republic of Congo, Fiji, Jamaica, Kenya, Malawi and Mali. These consultations involved information and discussion sessions with a wide range

of local actors, as well as national workshops. In each country, the process was facilitated by a local platform of non-state actors or local experts who produced a country report containing their conclusions and recommendations.

To complement the consultation processes in the six countries, between May and September 2003 an interactive dialogue was conducted via the Internet, to collect the views and experiences of actors in other ACP countries.

Finally, in September 2003, a validation seminar was held in Brussels at which all institutional stakeholders (the ACP Secretariat, the [European Commission*](#), etc.) as well as non-state actors from a further ten ACP countries (representing the different ACP regions) and European organisations were able to comment on the first draft of the guide.

1.5 Navigating this guide

The structure of the guide is as follows:

Background information

Chapters 2 and 3 provide background information. Chapter 2 describes the essential features of the Cotonou Agreement, and Chapter 3 provides an

overview of the legal opportunities for non-state actor participation, as enshrined in the Agreement.

Practice of participation

Chapters 4 and 5 are concerned with the practice of participation. Chapter 4 is intended as a guide for non-state actors on how best to engage in the different participation processes. Chapter 5 describes how to access EC funds, and briefly explains the rules that apply in the management of ACP-EC cooperation. Wherever possible, concrete examples from the field are included. It should be remembered, however, that although the Cotonou Agreement was signed in 2000, it entered into force only in April 2003. This means that so far practical experiences involving non-state actors are limited.

What next?

Chapter 6 looks to the future. It provides a number of suggestions to ensure the quality of non-state actor participation.

Chapter 7 reflects on ways to make this guide a dynamic and effective tool that can be adapted to the needs of each ACP country.

Glossary - list of acronyms

Glossary of terms (indicated throughout the text with an [asterisk*](#)).

Annexes

The annexes provide further information:

- I ACP countries and institutions in the framework of Cotonou
- II European Member States and institutions in the framework of Cotonou
- III Joint ACP-EC institutions
- IV The Economic Partnership Agreement (EPA) negotiations
- V Institutions and instruments for private sector development
- VI Eligibility criteria for non-state actors – Access to funding under the EDF
- VII ACP Civil Society Forum
- VIII Contact details:
National Authorising Officers
- IX Contact details:
Delegations of the European Commission
- X Contact details:
European Non-Governmental Organisations
- XI Extract from a Country Strategy Paper
- XII Regional Indicative Programmes under the 9th EDF
- XIII Resource allocation to ACP countries - Needs and performance criteria
- XIV European Commission preliminary assessment of non-state actor participation in programming

1.6 The status of this guide

Support to non-state actors should always conform to the legal provisions of the Cotonou Agreement and the EC [Financial Regulation](#)*.

This guide, by contrast, is not a legally binding document. Its main purpose is to provide accessible information to non-state actors on the Cotonou Agreement.

The guide complements existing sources of information produced by the European Commission or the ACP Group.

A case in point is the recent '*Communication from the Commission to the Council, the European Parliament and the Economic*

and Social Committee' on the Participation of Non-State Actors (NSA) in EC Development Policy, COM(2002) 598 final. (http://europa.eu.int/eur-lex/en/com/cnc/2002/com2002_0598eno1.pdf)

Building on the Communication, the European Commission is now elaborating guidelines on principles and good practices for the participation of non-state actors in the development dialogue and consultations. These guidelines are intended to cover EU cooperation with all developing regions. (http://europa.eu.int/comm/development/index_en.htm)