

Lomé Negotiating Brief

How Can Dialogue be Extended to Decentralised Actors?

One of the main challenges facing the current “beyond” Lomé IV negotiations is to increase the participation of decentralised actors while respecting the legitimate role of central governments. Although the ACP and the EU have both committed themselves to establishing a more pluralist partnership, it is unclear how this new partnership will be operationalised in future ACP-EU cooperation. This Brief brings together the main conclusions of a one-day seminar where various actors explored ways and means of building new public-private partnership through dialogue.

Opening up Lomé Cooperation

Over the last decade, the institutional landscape in ACP countries has changed quite dramatically. New “decentralised” actors, such as the private sector, civil society, and local government are more conspicuous than ever before. They are contributing – alongside states – to creating growth, fighting poverty, delivering social services, and nurturing democracy. Yet, in ACP-EU cooperation, these new actors have been largely neglected. The Lomé Convention remains “a thing of governments”, a hidden treasury. Despite recent innovations, decentralised actors still have few opportunities to participate in Lomé cooperation.

All this may be about to change. The EU’s negotiating mandate includes an unambiguous political statement in favour of opening up Lomé cooperation to a wide range of decentralised actors. While insisting on the primary responsibility of ACP states to manage development, it sees “participation” as a *fundamental principle* of future cooperation.

The objective is not simply to involve decentralised actors in project implementation, but to associate them in political dialogue and in the formulation of

cooperation policies and priorities.

The ACP negotiating mandate, while underlining the need for improved participation, is relatively vague on the nature and modalities of a pluralist partnership. The mandate only addresses a few words to the new actors, particularly those from the private sector. Openings to civil society appear to be limited, and there is no mention of the role that local government could play. It is also not clear how the ACP group proposes to change the current Lomé provisions in order to extend partnership to decentralised actors.

Clearly, the extension of the Lomé partnership to decentralised actors is a sensitive issue. Some ACP states appear to resist the idea, mostly out of fear that this might further weaken the state or lead to a loss of power. Compounded with the sheer technical complexity of turning Lomé from a “closed shop” into a pluralist partnership, this may help to explain why relatively little progress has been achieved so far.

Dialogue: A Vital Necessity

One of the strongest messages coming out of the discussions was that improved dialogue between government and decentralised actors should not be seen as imposing a risk on ACP states, nor as a new conditionality.

Provided that the process is properly handled, all parties stand to gain from removing artificial barriers between public and private actors and exploring the scope for complementary action. Rather than weakening the state, these new coalitions between different development players should enhance the legitimacy and effectiveness

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of ACP governments, while ensuring that EU cooperation resources have a greater impact.

Seminar participants suggested that extending the dialogue in future ACP-EU cooperation was a vital necessity in the light of the following considerations:

- *Internal changes.* Major political and economic reforms in ACP countries have altered the role of the state, while creating new opportunities for decentralised actors to participate in development. Local governments have emerged as actors with a distinctive identity, role and added value compared with central governments. These actors now *demand* that they be associated in ACP-EU cooperation.
- *Public-private partnerships.* The challenges of globalisation, development and poverty alleviation are pressurising the different development actors to build new public-private partnerships in order to achieve common goals. Dialogue plays an essential role in linking different actors, policy concerns and levels of intervention, (e.g. the linkage between sectoral policies and decentralisation).
- *Improved policies and aid management.* The limits of a highly centralised and bureaucratic approach to development have become evident. Bringing other actors into policy formulation may help to enhance the ownership and quality of future cooperation policies and priorities.
- *EU credibility and coherence.* The extension of partnership is a critical test for the EU with regard to its professed faith in promoting democracy and good governance. Extending dialogue is also an important way to improve the overall effectiveness of aid, strengthen the coherence of different EU cooperation instruments and bring about a stronger articulation between different levels of intervention (i.e. local, national and regional, global).

Promising Experiences

The seminar reviewed past dialogue experiences. Some ACP countries (e.g. Mauritius) have a long-standing tradition of formal and structured dialogue between the government and the private sector. Other countries (Zimbabwe, Senegal and the Dominican Republic) or regions (Caribbean and West Africa) are attempting to develop similar dialogue mechanisms. Building on the Libreville Declaration of ACP Heads of State, an ACP Business Forum has been set up as a dialogue partner. Several ACP countries have included private-sector representatives in their negotiating teams for the beyond Lomé IV talks. These dialogue experiences are not

confined to “big issues and big money”. ACP private-sector operators increasingly see the need to extend dialogue to the local (informal) private sector, to trade unions (in order to promote social dialogue) and to local governments (in order to properly integrate the local dimensions of economic and social development).

Civil society is finding it harder to develop dialogue with government. This is linked to the absence of a tradition of dialogue, the tendency of some ACP governments to see civil society (especially NGOs) as agents of opposition or mere implementing agencies, a lack of adequate fora and mechanisms for dialogue, and organisational weaknesses (e.g. the fragmentation of civil society, unclear legitimacy and accountability, financial dependency).

Interestingly, ACP civil society organisations have recently tried to use the re-negotiation of Lomé IV as a way to initiate processes of regional and national dialogue. This has provided them with an opportunity to discuss issues of wider application than simply Lomé cooperation, while testing how a non-confrontational partnership with governments can be operationalised. It has also led to the creation of an ACP Civil Society Forum.

Experience suggests that local governments are not yet considered as full-fledged (dialogue) partners by governments, private sector and civil society actors. Despite the creation of municipal associations in many ACP countries, it is proving to be difficult to forge a link with central governments, let alone with other important processes (such as the negotiations on a successor agreement to Lomé IV). One notable exception was “Africités” - a regional summit organised in Abidjan, in January 1998, which succeeded in bringing the local dimension of development issues to the attention of a wide range of actors.

Lessons learnt from these dialogue processes include:

- the initiative to organise a dialogue is often taken by decentralised actors themselves;
- a concrete policy agenda based on common interests is the best guarantee for success;
- the parties involved should adopt a non-confrontational and inclusive approach;
- it is important to link dialogue to clear results and follow-up actions (including access to funds);
- dialogue has proved easier to organise at a regional level than at a national level;
- a process approach to implementation needs to be adopted. It takes time to build trust and effective working relations;
- differentiated approaches are required, as local conditions vary greatly across the ACP.

Nurturing Dialogue as a Process

Despite this potential, it should be clear that dialogue is by no means easy to organise properly. There is no shortage of problems and threats that may hamper dialogue processes, including:

- political resistance by governments;
- top-down controlling attitudes, which are still deeply entrenched in many ACP public authorities (this problem was perceived as being particularly acute at middle-management level);
- problems of representativeness and capacity of decentralised actors in many ACP countries;
- the inadequacy of existing institutional mechanisms and structures for conducting dialogue;
- a lack of operational experience in setting up and managing dialogue with decentralised actors, including the limited time and capacity available for this at the level of ACP governments and EU delegations;
- the danger of organising parallel or separate dialogue processes on issues that can only be properly considered in a dialogue involving different actors and levels of intervention (e.g. sectoral planning);
- an unclear division of responsibilities between the various actors involved in dialogue processes;
- the difficulty of linking dialogue to concrete follow-up activities (including the allocation of funds and the implementation of programmes);
- the danger of “dialogue overload” .

These difficulties suggest that dialogue with decentralised actors is not something that can be pushed in an abrupt manner.

Dialogue is not an end in itself, but a means to gradually construct new public-private partnerships. This, in turn, implies that the extension of dialogue to decentralised actors should be seen as a process, to be carefully nurtured and developed based on the specific conditions and capacities prevailing in each ACP state.

Making it Work

The success of future dialogue processes depends on how they are put into practice. Participants identified the following conditions for effective implementation:

- *Clarify the objectives of dialogue* (why have a dialogue?). Dialogue should go beyond the defence

of narrow interests or the distribution of Lomé resources among competing actors. The challenge is rather to use the unique instrument of Lomé cooperation to promote new forms of dialogue that can trigger important policy changes (e.g. improved regional integration), institutional reforms (e.g. the consolidation of local democracy) and the construction of new public-private partnerships.

- *Pay particular attention to the national level* (at what level should dialogue take place?). Participants agreed that investing in dialogue at a national level should be the main priority. Successful dialogue processes at other levels (global or local) can act as an eye-opener, but in the final analysis, the political foundations of a new public-private partnership need to be constructed at the national level.
- *Provide genuine opportunities for participation* (what should dialogue be about?). This means creating opportunities for decentralised actors to participate in future political dialogue (e.g. in the framework of the joint ACP-EU institutions or performance assessment), in the design of policies (e.g. sectoral strategies) and preparation of indicative programmes.
- *Adopt a pragmatic approach to the selection of actors* (who should participate in the dialogue?). The ACP and the EU cannot enter into a dialogue with an infinite number of actors. Both parties have a role to play in identifying the actors who should be involved in dialogue processes, using different criteria (e.g. national legislation, areas of competence, organisational capacities or levels of internal democracy and transparency). At the same time, participants gave a firm warning against any mechanistic approach, based on a rigid set of formal criteria. Pragmatism and common sense are equally important in selecting the most appropriate actors. In this respect, a distinction should be made between “representativeness” (which can be assessed with the aid of formal criteria) and “legitimacy” (which is linked to the actual “value” produced by actors).
- *No dialogue without capacity development* (what measures are needed to operationalise dialogue?). Targeted capacity development initiatives at various levels will be needed to ensure a smooth implementation. The seminar identified two key priorities in this respect. First, invest in the *software* of dialogue processes (e.g. appropriate information flows between the various actors, informal dialogue opportunities, and capacity support to the various actors). Second, help decentralised actors to become credible and capable partners. This, however, should be done in a very careful manner. Throwing money

at the development of private-sector or civil society institutions or structures, is not the way to promote the emergence of legitimate decentralised actors, nor is it a sustainable investment. What donors can (and should) do is provide either seed money to start up processes of networking and dialogue among actors or (temporary) funding in support of concrete programmes, proposed by decentralised actors.

- *Clarify the role of the EU.* The primary responsibility for promoting dialogue lies with ACP governments and decentralised actors. Although the EU can help to facilitate dialogue, it cannot be a substitute for domestic actors. Participants also insisted on the need for the EU to adapt its culture, working methods and procedures in order to dialogue and cooperate effectively with a wide range of actors.

Implications for ACP-EU Cooperation

What does this mean for the negotiation of a successor agreement? Three tentative conclusions can be drawn from the seminar.

First, extending the dialogue process to include decentralised actors should be a *fundamental objective* of future ACP-EU cooperation. The current negotiations offer a unique opportunity to mainstream the participation of decentralised actors. In the current ideological context, the state is no longer the sole expression of the common interest.

Today, the public arena is occupied by many actors with many interests. This diversity should be seen as a strength, rather than a weakness. Decentralised actors recognise the need for an effective state that plays a catalyst role in development. Dialogue is a useful tool

to bring these actors together in new public-private partnerships.

Second, *caution* is required when it comes to translating this political choice into a new cooperation agreement. Due recognition should be given to the great diversity of cultures, levels of development and democratic traditions that prevail in ACP countries. Rather than imposing dialogue, a future cooperation agreement should create flexible openings for such dialogue processes to develop, appropriate to the internal dynamics of each ACP state. Hence, it would be a mistake to provide a rigid or detailed description in an international treaty of how this dialogue should take place at each level.

Third, while differentiation and flexibility should be guiding principles, a future cooperation agreement should nonetheless:

- clearly state the *political commitment* of the parties to dialogue with decentralised actors;
- clarify the objectives of such a dialogue;
- indicate the areas where dialogue opportunities shall effectively be offered (e.g. political dialogue, cooperation policies and priorities, preparation of indicative programmes);
- provide basic mechanisms and procedures that can be used to institutionalise dialogue (e.g. a consultative body or platform on Lomé cooperation for dialogue at national level).

The inclusion of these basic principles would leave the door open for country-specific approaches, while providing effective guarantees to decentralised actors that the issue of participation will be taken more seriously than in the past.

The European Centre for Development Policy Management (ECDPM) is an independent foundation that aims to improve international cooperation between Europe and countries in Africa, the Caribbean, and the Pacific. It does this through capacity building for policy management, the promotion of policy dialogue between ACP countries and Europe, and through the provision of information and facilities for knowledge exchange.

Lomé Negotiating Briefs are designed to provide information on key issues relating to the current EU-ACP negotiations. This brief brings together the main conclusions of a seminar on 'How to extend the ACP-EU dialogue to non-state actors'. The meeting was organised by ECDPM on June 28th 1999 in Brussels, with financial support from the Swedish Ministry of Foreign Affairs and the Friedrich Ebert Stiftung. The Brief was prepared by Jean Bossuyt. Kathleen van Hove and Karijn de Jong provided useful inputs. For further information contact Kathleen Van Hove (kvh@ecdpm.org)