



Cotonou Infokit

Opportunities and Challenges

Successive Lomé Conventions have often been considered a 'closed shop', reserved for central governments. The Cotonou Partnership Agreement breaks with this tradition. For the first time, a wide range of actors are invited to participate as genuine development partners in ACP-EU cooperation. The idea is not simply to involve the 'new' actors in project implementation, but to also associate them in political dialogue and policy formulation. Involvement of non-state actors does pose challenges to both the ACP and EU governments who signed the Agreement and to the many non-state actors who seek to be actively involved in the process. This fiche identifies the new opportunities and some possible 'bottlenecks' to greater involvement.

Post-independence development strategies gave a lead role to central governments in promoting growth and development. Successive Lomé Conventions largely followed this line, providing limited opportunities for other development players (e.g. civil society, private sector or local governments) to participate in policy formulation and implementation or to access resources. While special provisions were made for micro-projects under Lomé I (1975-80) and for decentralised cooperation under Lomé IV (1990-95), participation was usually confined to project implementation at the local level, and involved relatively few financial resources. There were virtually no opportunities for structured dialogue on policy issues or on cooperation priorities.

When the European Commission started the 'Green Paper' consultation process on future ACP-EU relations (1996), non-state actors generally considered Lomé as belonging to central governments. However, this monopoly position was seen as contradicting major changes taking place in ACP societies (economic liberalisation, democratisation, decentralisation, etc.). Broadening participation in the

partnership emerged as a priority issue in the negotiations on a successor agreement to Lomé IV. It proved to be a difficult issue to handle, both for political reasons (some ACP States resisted the idea) and for practical reasons (there was little tradition or expertise on how best to broaden participation in ACP-EU cooperation).

Innovations in the Cotonou Agreement

As far as participation is concerned, the new Agreement is a radical break with the past. The Agreement contains many new provisions that offer opportunities for new development players to participate in ACP-EU cooperation. It is notable that 'participation' is defined as a *fundamental principle* of cooperation (article 2).

While it recognises the right of ACP states to determine their development strategies 'in all sovereignty,' it sees other development actors as having a 'complementary role.' There is a separate chapter on the 'Actors of Partnership' (articles 4-7), defining basic principles, roles and responsibilities and eligible actors. The most important innovation is that participation will no longer be limited to implementing projects designed by governments. For the first time, the ACP and EU have legally committed themselves to involve new actors in both the *formulation* of ACP-EU cooperation and in the *evaluation* of outcomes. They are promised greater access to funds available under the National Indicative Programmes (NIP) and Regional Indicative Programmes (RIP). On paper, this is a major political breakthrough when compared to previous Lomé Conventions.

Forms of Participation

The Cotonou Agreement seeks to reconcile the legitimate lead role of central governments in development processes with the need for improved participation by other development players. This is not always easy, as is shown by Article 4 of the Cotonou Agreement which details how the participation of new actors could be organised. This article foresees that, where appropriate, non-state actors shall be:

informed and involved in consultation on cooperation policies and strategies, on priorities for cooperation and on the political dialogue;

provided with *financial resources*;

involved in the *implementation* of cooperation projects and programmes in areas that concern them or where they have a comparative advantage;

provided with *capacity-building support* to reinforce their capabilities, to establish effective consultation mechanisms, and to promote strategic alliances.

These provisions offer promising opportunities for 'upstream' participation in policy formulation and programming (i.e. the process by which ACP countries plan to use the resources allocated to them). In practice, however, central governments remain in the driving seat. They determine, to a large extent, what use will be made of these provisions. In principle, they need to approve each proposal for funding that is introduced by non-state actors. Where the political environment is not conducive to participation, using the provisions may be an uphill struggle.

The Actors

Article 6 of the Cotonou Agreement identifies two categories of 'actors of cooperation':

state actors, including actors at local, national and regional level

non-state actors - the private sector, economic and social partners including trade union organisations, and civil society in all its forms.

Three important observations should be made. First, the Cotonou Agreement does not restrict 'civil society' to NGOs. Instead, a broad and more inclusive concept is used, encompassing many different categories such as human rights groups, grassroots organisations, women's associations, environmental movements, farmers organisations, research institutes, media, etc.

Second, while local governments are not formally considered to be 'non-state actors,' the text and the spirit of the Agreement recognise that they are a 'new' actor in the partnership, with a specific role and added value. This certainly applies in ACP countries where a policy of decentralisation is being followed and where local governments represent a distinct and representative sphere of government. Considering their potential contribution to the development agenda (poverty reduction, local democracy, local economic development), they are also to be informed, consulted, provided with funding, and supported in capacity building.

Third, while European actors are not included in the definition of 'actors', the Agreement stresses the need for partnership and links between ACP and EU actors.

Implementation Challenges

Extending the ACP-EU partnership to non-state actors and local governments is a major challenge. It requires political support (from both the ACP and the EU), commitment by the actors themselves, country-specific approaches, as well as time and experimentation. The following implementation challenges can be noted:

Identifying and selecting the actors

Defining who the actors are was heavily debated during the negotiating process. Practical questions that need answers include: Who should participate in dialogue or get access to funding? What selection criteria should be used? Who should do the selection? What guarantees are needed for a transparent selection process? How can participation be kept manageable (as the ACP and the EU can only enter into dialogue with a limited number of actors)? How can the legitimacy and capacity of non-state actors be assessed?

The Cotonou Agreement provides a rather short answer to these questions. First, 'recognition' of non-state actors will be done 'by the parties' - ACP governments and the EU.

Second, the selection criteria will be the extent to which non-state actors:

address the needs of the population;
have specific competencies;
are organised and managed democratically and transparently.

Non-state actors are concerned that these provisions leave scope for arbitrary selection processes, particularly in countries confronted with governance problems or hostile to the idea of participatory development. While these fears may appear legitimate, an open-ended system also has

advantages. It allows country-specific processes to select actors, based on local realities, rather than use of a rigid set of formal criteria (which may exclude relevant non-state actors).

Lack of information

The actors need to be informed if they are to participate effectively. Presently, most ACP non-state actors and local governments are unaware of the existence of a Cotonou Agreement let alone of the opportunities it provides. Both sides have committed themselves to inform non-state actors on the overall partnership agreement, on the programming, dialogue and cooperation strategies, and on ways to obtain financial resources. It is still unclear how this commitment will be operationalised. In this context, European non-state actors can play a major role in supporting information flows and awareness raising events.

Political resistance

The opposition of local power groups and top-down attitudes (entrenched in public service after decades of centralised government) may reduce the scope for participation in many ACP countries. The Cotonou Agreement has two mechanisms to protect participation. First, the provisions on participation are legal commitments whose effective implementation can be monitored by ACP-EU institutions (such as the Joint Parliamentary Assembly), by other bodies (such as the Economic and Social Committee), or by non-state actors themselves. Second, the Cotonou Agreement has provisions to review the performance of partner countries on a regular basis. Depending on the performance, additional resources may or may not be provided. It is agreed that the quality of participation by non-state actors will be one of the performance indicators to be used in the review process.

Organising structured dialogues

Dialogue is a key feature of future ACP-EU cooperation. However, it is not clear how such a public-private dialogue will be organised at national, regional and global levels. The Agreement provides no detailed guidance in this area, but rather opts for pragmatism and country specific approaches. The involvement of non-state actors in the programming exercise is discussed in Infokit 9

Obtaining funds

This is likely to be another major battlefield. The Agreement clearly opens up access to the resources of the National and Regional Indicative Programmes to non-state actors. It remains vague on what this means in practice. This issue is discussed in Infokit 10

Capacity building

Effective implementation will be hampered by capacity problems in each of the actors (central governments, non-state actors, EU delegations and EC headquarters). In most ACP countries, governments are not used to involving non-state actors in major decision-making processes. Non-state actors are also mostly not ready to actively participate in ACP-EU cooperation. They need information, they need time for dialogue among themselves, and they need skills and capacity support. In many countries, non-state actors may face serious problems of legitimacy or lack the capacity to search for new partnerships with government. The understaffed EU delegations are hardly equipped, at this stage, to play a meaningful role in promoting participation. To make progress, extensive use of Article 4 of the Agreement - which foresees funding for capacity building - will be essential. This issue is further discussed in Infokit 11.

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 (ACP). 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.

Designed for policy makers and practitioners in ACP and EU countries, the Cotonou Infokit brings together, in a readable form, information on the implementation of the new Cotonou Partnership Agreement. For further information on the infokit, please contact Kathleen Van Hove (kvh@ecdpm.org).

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