



**CONCORD Cotonou Working Group
Briefing paper**

Civil society involvement in the review of the 10th European Development Fund

Introduction

The European Union's cooperation with developing countries in Africa, the Caribbean and the Pacific (ACP) is based on the Cotonou Partnership Agreement. Signed in 2001, this is a comprehensive legal agreement defining the scope, terms and obligations of the cooperation, and sets out the mechanisms for its implementation. It also introduced the concept of equality between partners and ownership of development strategies, as well as civil society participation, as some of the foundations of EU-ACP relations. The European Development Fund (EDF) is the EU's main financial instrument providing development aid to ACP countries within the context of the Cotonou Agreement. Consequently, it should be managed and implemented in a way that respects these fundamental principles.

The 10th replenishment of the EDF covers the period 2008-2013 and provides €22.8 billion for the six-year period. The initial planning for the use of these funds was undertaken in 2006-2007 through a programming process that established the focal areas and priorities in each country and region that would be financed by the EU from the EDF. The Country and Regional Strategies in which these focal areas and priorities are identified were adopted by the European Commission and EU Member States following a process of dialogue and agreement with ACP countries. National and regional indicative programs are established in the same process. These give specific orientation covering the first three years of the EU's support from EDF 10. Then the mid term evaluation takes place which can lead to reorientations within the strategies.

There are several critical issues around the 10th EDF. Many Southern and Northern civil society organizations, as well as some parliaments, sharply questioned the 10th EDF programming. They criticized the opacity of the programming process which does not make it possible to improve democratic "ownership" of country strategy papers, and which contributes only slightly to civil society participation in defining and implementing the EU's cooperation strategies. Moreover, the programming process is too often used as a way of imposing Europe's economic and geostrategic interests upon ACP countries, at the expenses of the populations' actual needs. The European Commission imposes its own agenda under the guise of "governance": migration management, anti-terrorism activities, institution of economic partnership agreements. Civil society's and parliaments' participation is necessary to avoid this instrumentalization of aid.

The mid-term review (MTR) of the 10th EDF, which was initiated in 2009 and will end in spring 2010, should be a key a moment for actually enforcing the Cotonou agreement's fundamental principles and for enabling the populations to determine their own priorities. In the light of the impacts of the global crisis on ACP countries, civil society organizations expect that some priorities in CSPs should be modified.

The purpose of this paper is to make some initial assessments on the effective involvement of CSOs in the MTRs, and to see how far this has been consistent with proposals for improving the effectiveness of CSO involvement that were made in 2007 as a result of the assessments of the initial 10th EDF programming.

It also identifies improvements and changes expected by Southern civil society organizations from MTR and evaluations of the programming in the future.

Civil society engagement

The Cotonou Agreement makes provision for civil society and other non-state actors to be engaged in the process of establishing these strategies. Article 7 of the Cotonou agreement specifies that civil society and other non-state actors should be involved in the process of establishing the country strategies and in their implementation. This obligation to involve national civil society is based on the recognition that civil society brings important perspectives to the process of establishing national strategies drawn from their specific areas of experience and involvement with development actions at a local level. They also provide an important basis for strengthening ownership of national development strategies by a country's citizens. Following the establishment of the EC's country strategies and programmes for the initial use of resources under the 10th EDF assessments were undertaken on the degree to which there was effective civil society involvement in the initial programming. This resulted in proposals being made on what would constitute "good practice". An indicative "road map" for civil society engagement was identified by the European Commission as a result of its own assessments (see Annex 1). This envisages that for the Mid Term Review of these country and regional strategies the involvement of civil society and other non state actors would be pursued according to the identified "best practice" and assessments.

The European Court of Auditors (ECOA) produced their own audit/assessment/ of the EC's implementation of the Cotonou Agreement's provisions for involving civil society in the EU's cooperation with ACP countries. The ECOA concluded that:

"the Commission should make further efforts to strengthen the involvement of the relevant NSAs in its development cooperation process. This involvement should go beyond the definition of the country strategies and include sectoral strategies and projects.

The Commission should take the following steps to strengthen the process by

- identifying the relevant NSAs;
- establishing clear and predictable schedules of consultations, for both geographic and thematic strategy papers;
- providing the necessary documentation and enough time for NSAs to prepare themselves properly, and feedback on the results of these consultations;
- developing further guidance and training for the Delegation staff."

The Mid-Term Review process

The European Commission released guidelines for the Mid-Term Review process of Country Strategy Papers in July 2009. This document, which was adopted in a quite unilateral way by the Commission after consultations with member state representatives in the EDF Committee, defines the scope of the review and states that the Mid-Term Review process is an opportunity to change strategies and adjust allocation according to changes in needs and performance criteria, and particularly recognising the potential impact of the global crises on ACP countries. Performance is assessed according to 4 key dimensions:

- a. the governance situation;
- b. the economic situation;
- c. the poverty and social situation;
- d. performance in the implementation of the European Commission's cooperation.

From July to October 2009, the "in-country" phase started, meaning that National Authorizing Officer of national governments and the European Commission delegations together were charged with reviewing

the CSPs. According to the EC guidelines, it would be primarily during the ‘in country’ process that all relevant stakeholders should be involved in the procedure, including civil society organisations and that next steps for Non State Actors participation should be included in the MTR.

Timing of the 10th EDF Mid-Term Review process

July 2009	Adoption of the MTR guidelines by the Commission.
July -October 2009	In country discussions involving the EC delegations, ACP governments and other actors.
November 2009-March 2010	Screening of ACP Country Strategy Papers by the EC headquarters in Brussels.
April-May 2010	Final adoption of the revised Country Strategy Papers and National Indicative Programmes by the EDF committee of EU Member States.

Approaching the Mid-Term Review

Building on the experiences of past practices in engaging CSOs in the EC’s cooperation strategy planning with ACP countries, the Cotonou Working Group (CWG) of Concord established an approach towards the programming and review process that would encourage the effective implementation of the proposals made by the EC after the 2006/7 process. The CWG envisages a role in which it both engages with the EC during the preparations for the MTR, as well as work with colleagues in ACP countries to support and promote an effective engagement in ACP countries.

- i. European organisations involved:
 - Coordination Sud, 11.11.11/CNCD, Eurostep, WWF
 - In Health: DSW, MSI, IPPF-EN, SAA, Red Cross EU Office
- ii. ACP countries from which European organisations received substantive feedback on the MTR process: Burkina Faso, Rwanda, Tanzania, Ethiopia, Uganda, Kenya, Benin, Mali, Senegal

The CWG welcomed the proposal from the EC to explore a joint process to enhance the effectiveness of CSO involvement that was initially presented by the Directorate General for Development (DG DEV) in May at the Stakeholders Advisory Group. However, the delay of adoption of the guidelines hindered the elaboration of concrete proposals. For members of the CWG this was compounded with a lack of clarity in the proposal by the Commission. Therefore, given the short period and the time of the year in which the country phase was taking place, it was thought that the limited capacity in EU organizations should prioritise working with our partner in ACP countries in order to promote a CSO involvement as effective as possible during the ‘in country phase’ of the review.

A tight timetable that does not allow satisfying consultation

In planning the EU’s approach towards the MTRs, the EC emphasised the opportunities for the EDF to be used to mitigate the impact of the global economic crisis on ACP countries. As part of its response to the financial and economic crisis which has had a substantive impact on many ACP countries, the Commission decided to bring forward the MTR process in order to allow for possible adjustments in country strategies and allocations that would address needs resulting from the crisis. This

resulted in the 'in country' phase of the MTR being effectively halved from the original foreseen 6 months (July 2009 to January 2010) to the period July to mid-October 2009. **While the desire of the EC to address the effects of the crisis in a timely way is to be welcomed, this shorter timeframe reduced the time available for meaningful consultation of ACP civil society.** This was compounded further when there was a delay by one month in the Commission's adoption of the guidelines.

A letter (See Annex 3) sent by Concord to DG DEV in July raised the issue of the tight timetable of the MTR process, followed by a meeting between representatives of the Concord Cotonou Working Group and DG DEV (Klaus Rudischhauser - Director of Directorate C – ACP General Affairs) in September. On 20 October, Stefano Manservigi, DG DEV Director General, sent a letter (See Annex 4) to EC delegations extending the deadline for submitting the MTR assessment documents. However, this extension only applied to the Annex A. I. 2 commenting on civil society involvement.

Moreover, there are questions about the relevance of the timing of the MTR since it was initiated only a few months after the 10th EDF started being implemented. In a number of countries disbursements under the 10th EDF had not yet started and are therefore not taken into account.

Establishment of transparent plan for consultation of CSOs and other NSAs

The proposals made by the EC in 2007 envisaged that delegations would establish a road map for consultation leading to and through the MTR. The intention of such a road map was to enable an effective, prepared input from a wide range of CSOs and other NSAs into the review. The proposal sought to ensure that interested CSOs and other actors would be informed about the purpose, timing and content of the review, and of the expectations of their role and contributions. It also recognised that the involvement of CSOs should be seen as an ongoing process and not just as one off consultations, in which information was provided in various forms sufficiently in advance, with the possibility of initial written contributions being provided in the first instance. Which was also repeated on p.8 of the guidelines itself: "These consultations should start at an early stage of the MTR process. Upon receipt, the MTR guidelines should be shared with the relevant stakeholders (...), exploring who will participate in or contribute to which part of the exercise, and determining a detailed calendar for the in-country review process that should be made public as soon as possible".

In general terms there is no evidence that there was any planning of this nature by most delegations. While it is clear that the delayed adoption of the guidelines may have hindered the ability of delegations to provide detailed documentation, the establishment of such road maps at national level did not depend on the guidelines per se. Indeed instructions were sent to delegations in January 2009 to beginning the process of planning for the MTRs. Establishing a road map for involving CSOs and other actors should have been part of these preparations. There was no indication that such planning was made within the ACP countries identified.

An insufficient inclusion of broad range of CSOs and other NSAs

Some progress but still insufficient

In certain countries there has been recognition of progress towards a periodic consultation and dialogue with CSOs. However, the Mid-Term Review seems to have missed the opportunity to increase the transparency and ownership of EU aid programming in accordance with the principles of the Cotonou Agreement. Many civil society organisations from ACP countries have expressed their frustration about the absence and/ or the poor quality of the consultation process.

Examples of EC workshops: In some countries the EC delegation and the National Authorising Officer organized consultation workshops to which some CSOs and other NSAs were invited.

- BENIN: the National Authorising Officer invited some CSOs and NSAs to a workshop discuss the MTR, on the 13th of October 2009.
- MALI: a workshop on the MTR was also organized by the EC delegation and the National Authorising Officer on the 6th of October 2009.
- ETHIOPIA: a tri-partite consultation meeting on the JAR/MTR was organized at Green View Hotel in Addis Ababa on October 14, 2009.
- BURKINA FASO: there was a consultation meeting, including representatives from 80 organisations, held on November 11, 2009.

Insufficient quality of the consultation process CSOs have questioned the use of their engagement. Involvement per se is not sufficient. What matters is the quality of the consultation process. In many instances, they were dissatisfied with the approach of the consultation process that did not give them sufficient room for raising their concerns and contributing with the sufficient substance. It was sometimes felt that the consultation process was an information session rather than a proper exchange of views, the agenda was already set and the issues raised by CSOs were excluded of the debate. Moreover, in some cases, the criteria to choose CSOs that will be invited to the workshops were not very clear

- BENIN: the workshop did not really provide space for CSOs to raise their concerns and to discuss the content of CSPs. CSOs pointed out the deterioration of the quality of consultation. While CSOs were involved in a quite satisfactory way in the 10th EDF programming process in Benin, the quality of consultation was very poor during the MTR. There was a change in the priorities they had agreed on during the programming without providing adequate justifications to CSOs and NSAs actors.
- SENEGAL: CSOs were critical of the choices of the focal sectors - regional integration and trade and sanitation - and wish they had had the opportunity to be more engaged in the identification of those sectors and of the envelopes allocated them. The poor quality was sometimes due to a lack of transparency and to a difficult access to information.
- MALI: debates remained very general and did not allow a real questioning of the priorities defined in the CSP.

Lack of transparency and access to background information

There has also been much criticism about the lack of timely documentation about the consultation process that would allow CSOs to properly prepare themselves for the discussions and provide written contributions in advance.

- BENIN: CSOs were informed by email about a consultation workshop only one working day in advance, at 7 o'clock in the evening. No relevant documentation or guidelines for the workshop were attached to the invitation. CSOs sent a letter to the national authorising officer to draw its attention on the late invitation and the lack of information.
- ETHIOPIA: CSOs regret that, for the preparation of the consultation process, the EC Delegation and the National Authorizing Officer did not provide the 'political developments' section and the conclusions of their draft JAR-MTR despite multiple requests to do so.

CSOs also highlighted that it was civil society partners in the North who were most proactive in providing key documentation in preparation of the MTR to Southern partners rather than EC delegations.

- In countries such as Uganda, Ethiopia, Rwanda and Burkina Faso, CSOs only learned about the consultation process from their partner organizations in the North. In all these cases, the MTR guidelines, the JARs, the CSPs and relevant websites were compiled and made available by these

Northern CSOs, whereas the EC delegation and national authorising officer failed to provide this information in a timely manner.

EC delegations did provide contact persons to provide information, but this contact with the EC delegation was facilitated by prior relationships between them and the organisations. There does not seem to have been any consistent initiatives by delegations in most countries to broaden the involvement of CSOs and other NSAs, particularly to those based outside the capital and main urban areas. Where such involvement has taken place this has been the result of initiatives taken by CSOs themselves.

- In Rwanda, Burkina Faso and Kenya, it was local CSOs previously informed by their Northern partners that took the initiative and requested to be included during the consultations. The partner in Burkina Faso stated that the contact with the EC delegation was greatly facilitated by the fact that they had already previously worked together. In Tanzania, the information regarding the MTR process was directly distributed by the EC project officer to NSAs currently receiving EC grants. While this is not bad as such, it indicates that small grass-root organisations with no prior contact to the EC delegation and/or weak links to Northern CSOs were most likely to be left out of the process.

The EC's proposed road map of 2007 also envisaged that EC delegations would use their websites as one means to make information available to CSOs and other NSAs. For the most part this did not happen. In August 2009, in the midst of the 'in country' process, EC delegations' websites included information on the 10th EDF with relevant documents available in only 18 ACP countries. In EC delegation websites for another 32 countries had some information about the 10th EDF with little or no documents, while for 29 countries the EC delegations' websites were either not working or did not include any information on the 10th EDF. EC delegations also need to make significant progress in the area of communication and transparency of information on their website.

Independent workshops organized by CSOs

Several workshops in different countries

Since the workshops organized by the EC delegations and the National Authorising Officer did not provide enough room for real debates, some CSO platforms from several countries organized workshops to freely and jointly discuss their priorities and concerns for the Mid-Term review and submitted written position papers and recommendations to the EC delegation and the National Authorizing Officer.

- MALI: The national platform (FECONG) organized a two days workshop to discuss the 10th EDF programming and the CSP. On the first day, they exchanged their views on the EDF in general and questioned the programming which they see as a way of imposing European interests, namely concerning migration. On the second day, they wrote a series of recommendations to improve the consultation and the content of the CSP. After the workshop, they wrote and circulated a memorandum with recommendations for the Mid-Term review. They welcome the EC delegation's commitment to give a follow-up to the consultation process and provide a report justifying why CSOs' recommendations were or were not taken on board.
- BENIN: Two platforms (CFRONG and PASCIB) also organized a workshop on the MTR on the 19th and 20th of October 2009. They criticized the changes in the programming decided without any consultation. They questioned the programming of the 10th EDF and made some recommendations.
- ETHIOPIA: The Cotonou Task Force (CTF) in Ethiopia organised a preparatory round of interviews with its members on the assessment of the NSA working environment and other specific issues relating to the content of the draft JAR/MTR. After interviewing 18 CTF member organizations a

first draft of the CTF report was drawn up and presented to the member organizations in a plenary session on October 5, 2009. In that meeting the member organizations voiced some comments and concerns and made comment on the draft. After including all the comments of the CTF member organizations the CTF Secretariat consolidated a final report on October 12, 2009. This report was subsequently presented to the Government of Ethiopia and the EC at a tri-partite consultation meeting on the JAR/MTR in Addis Ababa on October 14, 2009.

- **BURKINA-FASO:** health CSOs formed a coalition in July and held a one-day workshop on the MTR in September, in which a representative of the EC delegations was represented as an observer. The outcome document, signed by more than 50 CSOs, requesting a stronger role for sexual and reproductive health and rights in the Burkina Faso CSP and pointing out the linkages between SRHR and the different focal areas of the CSP. It was subsequently handed to the EC delegation. As a result, SRHR was put on the agenda of a wider consultation meeting, including representatives from 80 organisations, held on November 11, 2009, and the EC delegation gave a presentation on the EC's support to the health sector in the country.
- **RWANDA:** On August 25, 2009, health CSOs held a one-day workshop on the MTR and possible entry points for CSO involvement. The 16 participating organizations endorsed a letter to the EC Head of Delegation in Kigali, expressing their interest in participating in the consultations and asking for the inclusion of pressing health issues in the review. As a result, representatives of this newly-formed coalition of health CSOs were subsequently invited to a bilateral meeting to discuss the paper and to an EC-MTR workshop later in September.

Main criticism made by some CSOs on the content of the strategies

During these workshops, CSOs questioned the priorities defined in the CSPs.

Questioning the priorities

Most of them underlined that there were not enough attention paid to social sectors- health and education- and agriculture while governance, infrastructures and overall budget support are often priority sectors. They criticized the fact that the priorities are often set according to the European economic and geostrategic interests.

Various country strategy papers contain major similarities. For instance, upon completion of the programming exercise, 30% of the funds were allocated to overall budget support, 30% to infrastructure and 15% to governance. Education and healthcare received barely more than 6% of the national budgets. CSOs in Benin highly criticized the fact that health is not anymore a priority in the 10th EDF programming whereas it was in the 7th, 8th and 9th EDF. In Burkina Faso and Rwanda some CSOs called on for the inclusion of pressing health issues. In Mali, Senegal, Cameroun, Benin, Burkina Faso, they underlined the fact that agriculture should be one of the main priorities and should receive more funds.

Questioning the conditionality of aid

In West African countries, like Mali, Niger and Benin, CSOs harshly criticized the new framework for dialogue in the field of governance. As part, of the programming process for the 10th EDF, the EC established a new framework for dialogue in the field of governance. Under this framework the EC draws up a governance profile of each ACP state, which then adopts an action plan. Depending on the EC's appraisal of the measures contained in the action plan, a government incentive tranche is released. It can amount up to 35% of the budget initially granted to the country under the 10th EDF. This new framework is largely one-sided and based on a unilateral diagnosis of the ACP states' governance mechanisms, which furthermore stand out for their significant opacity. Governance profiles remain confidential for certain countries. This profile covers nine series of criteria from respect for human rights and the rule of law to

issues in economic, safety-related or migratory policy. Third –party access to the national budget, through the governance incentive tranche mechanism, is thus conditional upon compliance with European demands, in particular economic, migratory or anti-terrorism policies.

Questioning the lack of participation and consultation

In general, CSOs want to be involved more effectively in the processes which define the priorities. They believe this is required for Cotonou's fundamental principles to be actually implemented on the ground. They also underlined the lack of transparency in the programming and implementation of the EDF. They consider that national parliaments and local authorities should be more informed and consulted.

Recommendations

Although, in certain countries, there has been recognition of progress towards a periodic consultation and dialogue with CSOs, important steps need to be made so as to ensure an effective engagement with civil society in programming and reviewing EU aid strategies in a systematic, transparent, ongoing and inclusive way. Therefore, the conclusions of the EC report 'Non State Actors and Local Authorities consultation of the elaboration of the 10th EDF Country Strategy Papers in ACP Countries' (See Annex 4) are still very relevant today.

CSOs strongly expect that the MTR results in changes to identified priorities and that some CSPs will be modified to ensure that the priorities defined really aim at reducing poverty and inequalities, rather than promoting European interests. They also expect the framework for dialogue in the field of governance should be revised.

We urge the European Commission, the Council of the European Union, the ACP Council of Ministers and the ACP secretariat to take the following actions:

- To increase the transparency and ownership of EU aid programming in accordance with the principles of the Cotonou Agreement.
- To ensure that the EU's aid is targeted towards focal areas in which it will be the most effective.

Towards real ownership:

- ACP governments should, together with their national parliaments and their civil society, decide freely on EC aid focal sectors to their country. No priority should be imposed on any of the ACP states.
- Ensure that country and regional strategy papers are adopted by the ACP parliaments and the European parliament. The Joint Parliamentary Assembly should also have a formal role in scrutinizing this process.

Allowing meaningful civil society participation:

- The EC's proposed Road Map for involving NSAs and LCs should be put in place for all ACP countries. This should not wait until the next programming phase envisaged for the 11th EDF, but be established by each delegation of the EU during 2010. These can be updated on a regular basis, and would need to be elaborated as the next programming exercise approaches. The country road maps should be made available to CSOs and other NSAs/LAs including by being prominently posted in delegation websites.
- Discussions on the programming and review of aid strategies should clearly provide for adequate time to engage civil society, and this should be sustained throughout the whole process, including mid- and end-of-term reviews.

- Documentation necessary for discussion should be provided in a timely way so that civil society actors can properly prepare themselves.
- A concerted effort should be made to involve a wide range of civil society actors, including those from outside an ACP country's capital city. The inclusion of all relevant CSOs requires reaching out beyond the ACP capitals and stakeholders well known by the EC delegation staff. Next to mapping the national CSO landscape on an ongoing basis, this also requires more local trainings and capacity building programmes to make CSOs aware of and take up their important role in processes such as the MTR of the EDF.
- ACP and EU governmental actors should establish mechanisms that allow for a stable and defined schedule of exchange and dialogue with civil society over a period of time.
- The system of engagement with civil society should allow for reporting back to civil society on the results of engagement, and the provision of all relevant draft documents that have been prepared as a result of the engagement. When proposals made by CSOs are not taken into account, a written explanation of the reasons why should be provided.

Increased transparency throughout the whole process:

- Any document used within the programming and review process should be made available to the citizens for them to use in order to participate in the decision making process. This should, for instance, apply to Joint Annual Reports, programming guidelines, Issues Papers, reports of consultations, draft Country Environment Profiles, draft CSPs with financial tables. The delegation websites should be used as one means of making these publically available.
- The establishment of transparent and regular dialogue frameworks with all ACP countries in order to assure the ongoing participation of parliamentarians and civil society actors on a permanent basis.

For a better quality of aid

- Ensure that aid helps reduce gender inequalities and promote female autonomy
- Revise, in detail, the governance incentive tranche so that it does not create new economic or geopolitical conditions relating to migration or anti-terrorism.
- Accept that European aid should be focused on healthcare, education or agriculture, rather than on major infrastructure, trade support and migration, especially when this is what citizens expect and when these areas have been identified as a national priority.
- Gradually reduce the macroeconomic conditions connected to aid and use different funding instruments depending on the context of the recipient countries without automatically resorting to budget support.

For more precise recommendations for the case of Mali and Benin:

- Malian CSOs' recommendations:
http://www.coordinationsud.org/IMG/pdf/Recommandations_atelier_FED_-_14-11-09.pdf
- Beninese CSOs' recommendations:
http://www.coordinationsud.org/IMG/pdf/Recommandations_finales_de_la_Societe_civile_au_Benin.pdf

Looking at the future

With the enforcement of the Lisbon Treaty, the management of the programming of EU aid to ACP countries will undergo some changes which are yet to be defined. The responsibility for the programming of EU aid to ACP countries may move from DG DEV to the European External Action Service (EEAS).

By putting forward the Road Map for involving civil society – although it hasn't been adequately implemented – DG DEV has made some commitment to ensure systematic, transparent, ongoing and inclusive engagement with civil society during the programming and review of ACP programmes. We expect that the principles and content of the road map to be put in place whoever is responsible for the programming process.

The Lisbon Treaty reinforces an orientation towards promoting democratic ownership in which engaging with civil society is an important element.

For further information, please contact:

Gipsy Beley (Coordination Sud – French Platform) at: beley@coordinationsud.org Tel: +33 1 44 72 87 11

Johanna Stratmann (DSW) at: johanna.stratmann@dsw-brussels.org Tel: +32 2 5049069

Louisa Vogiazides (Eurostep) at: lvogiazides@eurostep.org Tel: +32 2 234 32 20

Annexes

Annex 1: Non State Actors and Local Authorities Consultation in the elaboration of 10th EDF Country Strategy Papers in ACP countries

(20 December 2007)

(Extract of the paper)

Recommendations

The main obstacles encountered during the consultation process as expressed by both Northern and Southern NSA/LA and EC delegations are summarised in this section. Recommendations are based on best practices are put forward with a view to moving away from ad hoc, informative processes to a more systematic, consultative dialogue with stakeholders covering all aspects of cooperation. While these recommendations are not ready-made remedies, they should be considered as a tool or source of inspiration for delegations which can be adapted to the different realities of each ACP state.

In view of EU commitments on aid effectiveness, creation of parallel dialogue structures should be avoided. The recommendations below should be systematically linked into existing processes including the regular meetings which take place in country between government, donors, NSA and LA for joint reviews of budget support and monitoring missions of PRSP results.

1. Reinvigorate dialogue and interaction

First and foremost, in some countries, there is a need to revitalise the motivation to participate in consultation processes and policy dialogue. Although stakeholders have been actively involved in many countries, in some cases Northern and Southern NSA seem to be disillusioned and consider that the commitment to a consultative process is only formal as priorities are pre-defined and there is no real room for manoeuvre to take comments into account. On the other hand, NSAs also appear at times apolitical and only interested in participatory processes where there is a perspective for capacity building support.

In countries where participation has not worked as it should, EC delegations should immediately take the initiative to engage in confidence building between state and non state actors in order to build relationships and discuss respective expectations from the consultation process.

Emphasis should be placed on the mutual benefit of ensuring constructive and effective interaction between actors. In this respect, coordination between donors is clearly essential with a view to avoiding consultation "overload".

Action: EC delegation to organise meeting with NSA/LA before the end of the first quarter 2008 with threefold objective:

1. Present final CSP and review process (next step being Annual Operational Review 2008)
2. Inform of any policy developments (e.g. new thematic programme "NSA and LA in Development")
3. Announce date for presentation of roadmap for future consultation process with stakeholders (see point 3). Other in-country donors should be associated to this exercise;

2. Ensure involvement of broad typology actors

Building on good practice already established during the 9th EDF programming process, a wide range of different types of NSA were consulted in this process. Moreover, the majority of ACP countries now dispose of a mapping study providing a clear picture of NSAs at country level.

Nevertheless, there is always room for improvement. It seems that organisations consulted by delegations are not always the most relevant ones and indeed may lack the required expertise to participate efficiently in the policy dialogue. There are also concerns regarding representativity of actors which are too closely linked to the government and regarding inclusion of grassroots groups and marginalised populations.

Actions: EC delegation to dispose of mapping to ensure systematic inclusion of a broad range of independent NSA and LA in policy dialogue. Consultation is to be extended beyond capitals to ensure inclusion of marginalised out-of-reach groups (decentralised consultation). Delegations to consider following example of Eastern Caribbean where regular dialogue is ensured through establishment of NSA advisory panels (see box no. 9).

3. Move from ad hoc information to institutionalised dialogue

Efforts to re-invigorate dialogue covering a broad range of actors are to be followed up by presentation of a concrete plan of action. In many countries, NSA/Las were not given the opportunity to fully participate in dialogue because of time constraints which, in turn, often led to weak input to the process and low levels of feedback from the government and EC delegation.

In order to allow stakeholders to fully play their role, it is essential that the consultation process is carefully planned in advance and includes mechanisms which allow for stable and continuous dialogue.

Action: EC delegation to establish a roadmap for the consultation for the period leading up to the Mid Term Review of 10th EDF programming (2008-2010). The roadmap shall be presented to stakeholders before the end of the second quarter 2008 and integrated into the Annual Operational Review 2008. It shall outline the following:

- WHY? Objective of consultation process – role and expectations of each actor;
- WHEN? Schedule – times and dates for consultations for the period 2008-2010, with particular focus on lead up to the High Level Forum in Accra in September 2008 (to be updated regularly);
- WHERE? Extension of consultation beyond the capital in order to include rural, out of reach areas (decentralisation);
- WHAT? Form of consultation – general meetings, sectoral/thematic meetings, regional events, media (press, web) and/or other mechanisms to be specified;
- HOW? Working methods – basic standards for interaction:
 - a. EC delegation to send relevant documentation at least 6-8 weeks in advance;
 - b. Take holders to provide written contributions in advance;
 - c. Further exchanges at consultation session (general meeting, sector-specific or thematic meetings, panels, web based consultation...);
 - d. EC delegation to provide report and feedback on consultation within 4 weeks;

4. Improve Communication and Transparency

In order to deliver on the targets set out in recommendations 1, 2 and 3, it is essential to apply open and “user-friendly” methods of communication. Transparency is key to building confidence and ensuring effective consultation of a broad constituency of stakeholders. In this respect, the nomination of NSA focal points in EC delegations has received very positively across the board.

Concerns have been expressed, however, regarding differing levels of access to information in ACP countries. Where available, there is a need to make more systematic use of affordable ICT solutions such as the web, national press, TV, radio, pamphlets etc in order to ensure awareness raising and efficient circulation of information.

Action: EC delegation to publish on website all relevant documentation relating to general and programme-specific planning (joint annual reviews, evaluations, reports on consultation, programming guidelines etc). The “roadmap” (see recommendation 3) setting out the timetable and rules of engagement for consultation should be published as a live document and updated regularly. EC Headquarters to explore mechanisms of support to network of civil society focal points at country level.

Annex 2: Exchange of letters with the European Commission

A letter sent by Concord to DG DEV in July raised the issue of the tight timetable of the MTR process, followed by a meeting between representatives of the Concord Cotonou Working Group and DG DEV (Klaus Rudischhauser - Director of Directorate C – ACP General Affairs) in September. On 20 October, Stefano Manservigi, DGDEV Director, sent a letter to EC delegations extending the deadline for submitting the MTR assessment documents. However, this extension did not apply to the entire document but only to the Annex A. I. 2 commenting on civil society involvement.

Brussels, 20 July 2009

Mr. S Manservigi
Director General
Director General for
Development
European Commission

Mid Term Reviews of ACP programmes

Dear Mr. Manservigi,

At the meeting of the Stakeholders Advisory Group on 29 May, you suggested that we might consider working together in a number of identified countries to make the involvement of civil society actors in the MTR more effective. We were very interested in this idea and have considered how best we might approach such collaboration.

Following the meeting of the SAG we took a number of steps to broaden the potential engagement of our colleagues in Europe and in ACP countries. This included informing and starting discussions in Europe about the process of the MTR, as well as the consulting with partners and colleagues in a number of ACP countries.

At the same time we have had some contact with Commission officials from DG Development about the potential for a constructive collaboration.

We have felt at the outset that our ability to take forward any planning was contingent on a full understanding of the way in which the MTR would be pursued within ACP countries. Given the central role of the Guidelines for the MTR we indicated to your colleagues that we could only develop effective proposals once we had seen the content of the Guidelines. Initially we were informed that we would have sight of these on 15 June, and were proposing that we schedule a meeting with DG development soon afterwards to consider how to undertake a collaborative approach. Ultimately, however, we only received copies of the guidelines on 7 July. We understood that at that stage the delegations had already been in possession of the Guidelines, at least in their nearly final form, for at least two weeks to enable them to start their planning.

There was also a discussion with Mr. Van Damme on 30 June where he presented the guidelines to Concord's Cotonou Working Group. He indicated that the process would be very much in the hands of each individual delegation, and cast doubt on the use of any efforts we might make in Brussels - except to alert our counterparts in ACP countries.

We had hoped that any collaborative activity between ourselves and DG Development could be established before the delegations started their detailed planning. Given the delay in our having access to the Guidelines, and the short period for the in-country phase that is still scheduled to be concluded by 15 October we have concluded that we need to put our efforts into working with our colleagues in ACP countries to promote the opportunity for their engagement in the MTRs. We believe that this will be the best use of our capacities given the constraints we face.

We want to emphasise, however, that we do expect that the in-country processes will be conducted in accordance with the procedures that were presented to the meeting of the SAG in November 2007.

At that time your service set out a *Road Map* defining the approach that the Commission and its delegations should take to ensure an effective engagement with civil society in developing country strategies and the reviews of these strategies. As you will recognise the key aspects of the *Road Map* are that they are systematic, transparent, ongoing and inclusive. The *Road Map* draws on experiences, assessments and evaluations on the involvement of civil society in the original programming process for EDF 10 and prior to that time. We expect that this *Road Map* provides the standard approach that each delegation takes towards engaging civil society in the MTR, and we are advising our counterparts in ACP countries that they should expect the *Road Map* to be implemented in their country. I attach a copy of the relevant part of the document.

We will, with our colleagues in the ACP, be making assessments of the process and the outcomes in the months ahead.

Yours sincerely,



Olivier CONSOLO, Director of CONCORD



EUROPEAN COMMISSION

Directorate-General Development and Relations with African, Caribbean and Pacific States

Director-General

Brussels, **31 07 2009**
Director General/SM D(2009)

RE: Your letter: Mid Term Reviews of ACP Programmes, dated 20 July 2009

Dear Mr Consolo,

I take note of your letter mentioned above and the events summarised and issues raised in it. I would like to propose hereby several opportunities to strengthen our alliances with CSOs, in the context of the mid-term review of the 10th EDF Strategy Papers.

Indeed, the agreement was that the CSO community, coordinated by CONCORD, would propose an initial list of 10 pilot countries for more in-depth cooperation during this MTR. I note that follow-up actions planned with DG DEV during the month of June have been cancelled, upon the request of CONCORD, because of a lack of agreement among CSOs on the selection criteria and initial composition of the country list.

As you rightly point out, there has also been unfortunately a two-week delay in sending out the final MTR guidelines to CONCORD. However, CONCORD had been informed by DG DEV of upcoming delays in finalising the guidelines. Apart from having been kept informed on the MTR process since 5th May, it also benefitted from a presentation of the content of the guidelines at the 30th June meeting, with the final guidelines issued on 7th July and sent out simultaneously to all the actors concerned.

There is indeed a large potential left for building up an effective cooperation during the in-county stakeholder consultation phase of the MTR (going on till October 2009). I suggest that we prepare jointly true concrete initiatives. To that effect, I have asked Mr Klaus Rudischhauser, Director Directorate C: ACP I - General Affairs, to meet you to provide guidance and operational follow-up information and to identify with you concrete courses of action on the objective of holding dialogue and consultations with CSOs in effective and concrete terms. I am convinced that the opportunity offered by the MTR should not be missed.

Trusting that we can further this constructive collaboration, I remain sincerely yours.

Stefano Manservigi

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11
Office: 06/146. Telephone: direct line (32-2) 295 71 69. Fax: (32-2) 292 13 77

E-mail: stefano.manservigi@ec.europa.eu

Annex 3: Letter from Stefano Manservisi to the EC delegations in ACP countries

Ref. Ares(2009)285681 – 20/10/2009



EUROPEAN COMMISSION
Directorate-General Development and Relations with African, Caribbean and Pacific States
Director-General

Brussels, 20 OCT. 2009
dev.dga.c.1(2009)297267

NOTE TO THE ATTENTION OF ALL HEADS OF DELEGATIONS IN ACP COUNTRIES

Subject: Involvement of CSOs and other NSAs in the MTR of the 10th EDF

At a meeting with the Stakeholders Advisory Group (SAG) in May I agreed with SAG on the modalities for the involvement of civil society in the MTR, as laid out in the guidelines for the MTR. On 29 September Directorates A and C had a follow-up meeting with CONCORD on the involvement of NSAs in the MTR of the 10th EDF. It was brought to our attention that in several countries the consultation with NSAs in the MTR process is a matter of concern. Allow me to remind you that, according to Article 4 of the Cotonou Agreement, "Non State Actors and local decentralised actors shall, where appropriate be informed and involved in consultation on cooperation policies and strategies, on priorities for cooperation especially in areas that concern or directly affect them, and on the political dialogue". At the meeting the Commission re-iterated its commitment to engagement with civil society, also in the MTR process. Requirements to this effect were translated in the programming guidelines that were communicated to you earlier this year. Allow me to refer also to my letter to Delegations of 21st January 2008, accompanying the note of December 2007 on engaging with NSAs.

I have noted the reluctance of NSAs in some countries to get involved in the MTR, given a lack of understanding of the MTR process. May I request you to ensure that they be informed on the ways to get involved in the process. On this issue, I would like to remind you about recommendations that were formulated after the assessment of the involvement of NSAs within the 10th EDF programming process, and underline the importance of implementing these recommendations in the framework of the MTR¹. To that effect the guidelines for the MTR have –since July- been published on the EC site, and can be consulted by NSAs as well:

http://ec.europa.eu/development/how/methodologies/programming_en.cfm

In order to allow for a bit more time to consult with NSAs in countries where this has not happened yet, Annex A-I.2, together with relevant remarks related to the JAR, could be sent in before the CTM will take place, and at the latest by the 15th of November 2009, i.e. after the draft versions of the JAR, MTR conclusions and assessments have been sent to HQ by the deadline of October 15th, 2009.

I am aware that we are at an advanced stage, however we should ensure that all necessary efforts have been made to reach out to NSAs and that their inputs will be reflected in the MTR.


Stefano MANSERVISI

¹ See http://ec.europa.eu/development/icenter/repository/Consultation-non-state-Actor-and-local-Authorities-Public%20report_en.pdf and the note of 21 January 2008 DEV (2008) 221

Annex 4: Links on the 10th EDF programming and Mid-Term reviews

Information on the 10th EDF programming in Mali, Niger and Benin:

- Coordination SUD, REPAOC, *La programmation du 10^{ème} fonds européen de développement en Afrique de l'ouest: vers une démocratisation des relations ACP-UE?*, rapport, avril 2009 :
http://www.coordinationsud.org/IMG/pdf/CSUD-rapport_FED_francais-2.pdf
- Summary of the report in English, "10th European development fund programming for West Africa: towards a democratisation of ACP-UE relations?" :
http://www.coordinationsud.org/IMG/pdf/Synthese_FED_anglais_BasseDef.pdf
- Malian CSOs' memorandum:
http://www.coordinationsud.org/IMG/pdf/Rapport_de_synthese_atelier_10e_FED_Forum_des_OSC_au_Mali.pdf

DSW Fast Fact: Civil Society Participation in the Mid-Term Review of the 10th European Development Fund, December 2009:

http://www.euroresources.org/fileadmin/user_upload/Fast_Facts/MTR_Fast_Fact.pdf

WWF orientation paper on the 10th European Development Fund Mid-term review:

http://www.acp-programming.eu/wcm/dmdocuments/edf10_midterm_review_wwf.doc

Concord Cotonou Working Group toolkit: Influencing the discussions on Country Strategy Papers during the Mid-Term Review of the 10th European Development Fund, July 2009:

<http://www.acp-programming.eu/wcm/dmdocuments/Toolkit-english-reviewed.doc>