

The new EU-Africa Strategy: a Civil Society perspective on “political dialogue” aspects

Discussion paper for the preparation of the “Seminar: The Europe-Africa Strategy: between vision and reality”

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The new EU-Africa Strategy puts African ownership, achievement of the Millennium Development Goals (MDGs) and the promotion of sustainable development, security and good governance in Africa at its centre. From a Civil Society perspective the aim to sustain and support local African initiatives is both welcome and familiar. Civil Society has been actively involved in developing and working through such channels (e.g. the African Commission on Human and Peoples Rights). That the EU subscribes to such a vision at the highest level is therefore laudable.

However when considering the Strategy from a “political dialogue” point of view there are problematic aspects arising from a Civil Society perspective at, at least three levels.

- 1. The fundamental principles underpinning the strategy and mechanisms to ensure their safeguard**
 - **Human rights should be the basis for any strategy aiming at putting people at the centre of development. The strategy should take a stronger rights based approach such as e.g. stipulated under Article 9 on the essential and fundamental elements of the Cotonou Agreement.**
 - **Clearer mechanisms to insure the upholding of the fundamental principles stipulated in the strategy should be put into place. This is essential to prevent any arbitrariness in the respect of these principles. Support for APRM’s and the launching of a Governance initiative are welcomed but with the voluntary aspect of the current APRM’s it can be feared that countries most in need of sound democratic reforms do not submit themselves to such an evaluation mechanism. Mechanisms such as the revised article 8 and 96 and Annex VII of the Cotonou Agreement provide such avenues should be included in the strategy’s mechanisms.**
- 2. Formalities of the political dialogue between the EU and Africa and guarantees that none of the aspects of the new EU strategy are contradicting or undermining existing agreements their achievements**

- **The EU-Africa strategy needs to build on the positive human rights, governance, dialogue and ownership aspects stipulated and implemented in existing agreements.**
- **The strategy’s “subsidiarity” principle (which instrument is the most adequate to deal with which problem) should have human rights, good governance, democratic principles and the rule of law. The relation between the various agreements and the strategy need to be spelled out clearly and the strategy must guarantee and build upon the achievements of the existing agreements.**
- **The strategy should be clearly grounded in African priorities such as for example stipulated in NEPAD.**

3. Participation of non-state actors

- **The EU-Africa strategy needs to include much more explicit avenues for input, duty to inform, provision of financial resources and provision of capacity building schemes for non-state actors (as e.g. stipulated in the Cotonou Agreement).**
- **When discussing the strategy and translating it into a action plan in collaboration with the AU, the EU and the AU should recognise that civil society has a key role to play as a partner in policy building and transformation of Africa at local, national, regional and continental level.**

The Strategy

Main issues in the EU-Africa Strategy

The new EU-Africa Strategy is designed as a framework that should clean up the current “mess” and contradictions of European Development Aid for Africa. It should tidy up the EU DA that

- Has 4 different agreements with various parts of Africa
- Has various Institutions both at Commission and Council level dealing with DA
- Has therefore troubles getting on one line within the EU as well as within the Member States (MS) and between the European Commission and the MS.

The outcome this new strategy, in which the EU aims at

- a) *Externally* – a “holistic” package and a common view on priorities and ways to tackle them for the whole of Africa (recognising the intra-African differences and various institutional levels) while putting achievement of Millennium Development Goals (MDGs) at its centre. It’s of course also about EU’s international role in respect to Africa.
- b) *Internally* – achieving (more) coherence between the various EU policies and institutions and between the MS while keeping EU security and trade issues as core concern.

This EU-Africa Strategy is based on three pillars all of which should sustain the ultimate aim of achieving the MDGs. The three pillars consist of

- areas considered **prerequisites** for achieving MDGs and sustainable development (peace & security and good governance)
- areas that **create the economic environment** for reaching the MDGs (economic growth, trade and interconnection – e.g. transport, communication and an African Market)
- areas **directly targeting** the MDGs (social cohesion, health, education, environment, etc)

Next to these explicit objectives and the internal EU agenda mentioned above there are two other elements in the strategy:

- The strategy aims at increasing EU financing for Africa through existing and new EU Member States by increasing aid targets (an additional €23 billion per year by 2015), more ambitious EC financial frameworks, increasing EC funds substantially and use regional, inter-regional and pan-African cooperation in disbursing them
- A more effective EU approach through coordination and complementarity, simplification of procedures at EC level, the *European Consensus* and the Paris Declaration, an Action Plan on Aid Effectiveness (including a donor atlas, national roadmaps, joint programming and common procedures), use of Budget Support and the possibility of Debt Relief (not a central aspect).

The strategy is a blend of existing agreements with Africa but does not reflect a strong attention to African wants and needs despite consultation with the AU and REC’s. It is

very EU centered and is really about getting the EU's vision on Africa "together" and about having more coherence within the EU's institutions, members and the various EU development "tools". It could be best seen as the EU's bargaining position in coming EU-Africa discussions. At the EU-Africa Ministerial meeting in Bamako in December the ministers indeed agreed to transform this EU strategy into a joint Africa-EU strategy and develop an action plan for its implementation. Senior officials were mandated to submit recommendations for this process to the next ministerial troika in Vienna on 27-28 April 2006. Part of the developments, which the ministers welcomed was also their commitment to find "creative ideas that will lead to the holding of an Africa-EU Summit as envisaged in the Cairo Plan of Actions" (see below for a discussion of the possible contradictions between holding such a summit and the commitment to the Cotonou Agreement).

Principles

In the strategy the principles are laid out as: equality, partnership, ownership, subsidiarity, solidarity and political dialogue as a way of engaging with Africa on a continuous basis. In principle this strategy is therefore set out as an equal partnership between the EU and Africa. This partnership should take form by engaging with the new African institutions on an equal basis and become a strategic partnership in international relations. The strategy expects to further expand the relationship at the various national, regional to continental levels on the basis of the principle of subsidiarity (only matters which would be dealt with less effectively at a lower level should be reserved for a higher level of governance). In the spirit of solidarity and the principle of 'non-indifference' promulgated by the AU the EU is expected to be both a donor *and* a political and commercial partner. On the issue of ownership the strategy underlines that good governance, respect for human rights and democracy (that are also at the heart of the Cotonou Agreement) are concepts embraced by the AU and NEPAD and that they deserve the EU's full support. The EU should therefore consistently and collectively support Africa and country-owned strategies and policies, amongst others through budget support. On the political level the strategy stipulates that an ongoing political dialogue based on amongst others the experience gained through the Cotonou Agreement should be taking place. How this dialogue should take place however is not stipulated explicitly. Implicitly it is suggested that the EU will continue to work through the four already established – or to be re-invigorated – avenues mentioned below. How the overarching strategy and the four separate processes will relate to each other is not expanded upon and could well be one of *the* problems: which one is to take the upper hand? In this light the Strategy could also be interpreted as a first step for *one* EU-Africa agreement. The four avenues available for political dialogue discussed in the strategy are:

- a) the (revised) Cotonou Agreement for Sub-Saharan Africa (On political dialogue see particularly Title II on political dialogue, especially Article 8 – 10 and Article 96 and Annexe VII)
- b) the Barcelona process and the Neighbouring Policy for North Africa
- c) the Trade, Development and Co-operation Agreement with South-Africa and
- d) the so called *Cairo process* of high level discussions between EU-AU, which, according to the EU-Africa Strategy, "will be formalised with the conclusion

of a Euro-African Pact at a second EU-Africa Summit in Lisbon” (p. 3 of the Strategy).

Problems:

From a Civil Society perspective and considering in particular provisions given and experiences gained from the Cotonou Agreement around political participation there are at least three problems in relation to the new EU-Africa Strategy:

1. The fundamental principles and safeguards for those principles
2. The formalities of the political dialogue between the EU and Africa and insuring that none of the aspects of the new EU strategy are contradicting or undermining existing agreements and their achievements.
3. The participation of non-state actors

1. The fundamental principles underpinning the strategy and mechanisms to ensure their safeguard

The EU Council and Commission refer to good governance as one of the basic principles underpinning EU development strategies and in this framework they emphasise the importance of Human rights (HR) (the Council e.g. states that it will “promote and protect human rights, including the rights of women, children and other vulnerable groups” *Council adoption of the Strategy, 19.12.2005*). Yet the actual strategy does not reflect this emphasis on HR. Indeed HR are not prominent within the EU strategy and the strategy as such does not follow a rights based approach. Human Rights are mainly discussed under the header of good governance (point 3.1.1.2 of the strategy). In this section the strategy underscores the strong linkage between promotion of development and democracy and that an external actor such as the EU should be supporting and encouraging legitimate and effective governance as this is a central prerequisite for development. It then moves to specific actions that it should support. One initiative relates directly to Human Rights: the launching of a EU-Africa Forum on human rights that should work towards the implementation of shared HR commitments. Yet it is unclear what the remit of this Forum is and how that will enhance the promotion, protection and fulfilment of human rights and fundamental freedoms. The strategy provides no really new or concrete proposal on human rights and it seems that HR are only considered as a means to its primary goal: good governance and not as an approach for broader development processes. In this sense the lack of any allusion to the people with disabilities and the limited inclusion of women’s rights as highlighted in BOND’s submission to the House of Lords is revealing.

I would further subscribe BOND’s earlier response on the strategy, namely that

“The EU should recognise the fundamental importance of the respect, protection and promotion of human rights, in particular children’s rights, the rights of people with disabilities, women’s rights and sexual and reproductive rights in all areas of the EU response Strategy (not only in the support of legitimate and effective governance; rights should be the basis for any strategy, particularly any strategy aiming at “putting people at the centre of development”). (...)

We would like to see a much more comprehensive interpretation of governance linking it inextricably to sustainable democracy and respect for human rights. Good governance is about accountability to citizens, responsiveness to citizens' needs e.g. for essential services, including responsiveness to gender and other social differences, it is about transparency, the right to information, and establishing democratic processes for decision-making at all levels of government structures, and about promoting and protecting human rights for all citizens - women, men and children - and fulfilling human rights obligations, such as CEDAW (The Convention on the Elimination of All Form of Discrimination Against Women (CEDAW) and the 1993 Declaration on the Elimination of Violence Against Women, etc. Thus, good governance is not simply a prerequisite for economic development or a means to peace and security. Good governance is also about EU accountability as donor, trading partner and political partner to governments and citizens in the South, and the EU fulfilling the international obligations it signed up to at the UN conferences during the 1990s." (p. 5 and 4 of BOND's Response to the Commission's 9 November 2005)

In the strategy HR is confined to a means to an end: good governance. This approach is a step backwards from the more principle approach of the Cotonou Agreement as set out in its Article 9 on the fundamental and essential elements of the agreement. Article 9 puts that: "Cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of all human rights. Respect for all human rights and fundamental freedoms (..)are an integral part of sustainable development."

Human rights should be the basis for any strategy aiming at putting people at the centre of development The strategy should take a stronger rights based approach such as e.g. stipulated under Article 9 on the essential and fundamental elements of the Cotonou Agreement.

Breaching of these essential and fundamentals elements should be directly linked to the introduction of more concerted discussions between the parties involved in order to find solutions for these. To address these issues the strategy puts significant weight on those APRM and proposes the launching of a Governance Initiative that should encourage participation in the APRM process and provide support for APRM driven reforms. Although this is a welcome and important step in supporting local initiatives and mechanism for upholding good governance there are a number of problematic aspects linked to the APRMs. As BOND put it in their initial response to the strategy:

While the APRM is welcome addition to pan African institutional structure and has the potential of being a very effective mechanism, there may be need to improve its design. The review is intended to cover four areas: democracy and political governance, economic governance and management, corporate governance, and socio economic development. For each of these areas, objectives, standards, criteria and indicators are being developed but some of the already developed indicators are broad and need to be streamlined. The EU should also support the AU in ensuring that the APRM secretariat is technically competent.

Equally important is the role of civil society in the APRM process. Civil society engagement in the process is vital and this requires each country to submit itself for assessment, and a civil society that is competent to understand and respond to the

APRM assessment. As part of the APRM process, EU should be working with NEPAD (New Partnership for Africa's Development) to provide significant resources that will allow civil society in the reviewed countries to do assessments of its own and to critique the APRM assessment. The Strategy fails to recognise the role of civil society in holding governments accountable and how the Strategy can support these groups. As there are other governance actors apart from states, notably civil society, the Strategy should support civil society in holding governments accountable, including issues pertaining to political space, human rights, transparency and accountability (p. 4 of the response)

There is therefore a need to streamline the APRM indicators, to support the technical capacity of the APRM secretary and to support civil society in holding governments accountable, including on issues such as political space, human rights, transparency and accountability in order to make APRMs more salient. Next to this, one of the strengths *and* limitations of the APRMs is the voluntary basis for undergoing such a review. Governments signing on to the APRM must therefore be committed to the process, which gives APRMs greater chance of achieving their goals. There must however also be mechanisms that insure respect for the basic principles of the strategy for governments that do not subscribe to the APRM. As it stands the strategy does not include strong enough mechanisms that would allow for these to be discussed with governments most in need of sound democratic reforms that would not submit themselves to voluntary evaluation mechanism such as the APRM. The strategy itself mentions the revised Articles 8 and 96 of the Cotonou Agreement as possible avenues for more structured, more permanent and potentially more effective political dialogue. These avenues should expressly be included in the strategy so as to encourage political dialogue in order to prevent violation of the fundamental principles of the strategy.

Clearer mechanisms to insure the upholding of the fundamental principles stipulated in the strategy should be put into place. This is essential to prevent any arbitrariness in the respect of these principles. Support for APRM's and the launching of a Governance initiative are welcomed but with the voluntary aspect of the current APRM's it can be feared that countries most in need of sound democratic reforms do not submit themselves to such an evaluation mechanism. Mechanisms such as the revised article 8 and 96 and Annex VII of the Cotonou Agreement provide such avenues should be included in the strategy's mechanisms.

2. Formalities of the political dialogue between the EU and Africa

Flowing from the discussion above it clearly appears that the **EU-Africa strategy needs to build on the positive human rights, governance, dialogue and ownership aspects stipulated and implemented in existing agreements.**

The need for such a positive approach needs to be highlighted as there are a number of possible inconsistencies that arise from and within the new EU strategy, which might contradict or undermining existing agreements and achievements flowing from these agreements.

Indeed a case in point is the aim of holding a EU-Africa Summit in Lisbon as set out under the Cairo Process, one of the EU-Africa avenues for discussions. Such a summit would – in the light of previous attempts at holding such a meeting – mean the participation of *all* African heads of state even if they are on a Visa under Article 96 of

the Cotonou agreement (not agreeing with this criteria from the AU was the reason for the breakdown of the last planned EU-AU Summit). In the light of the current sanctions imposed under the Cotonou agreements this would either mean that

- a) a dialogue between Zimbabwe and the EU would be reopened. This could officially only happen after Zimbabwe has acceded to the benchmarks as set out under the provision of Article 96 of the agreement such as: improvements in the field of governance, human rights and economic development (which in the light of current developments is unlikely) *or*
- b) that the Zimbabwean heads of state, Robert Mugabe, would be allowed to participate at the meeting even though he is on a visa ban (this had happened before at a France-Afrique Summit in Paris, this is in total contradiction with the fundamental elements of the Cotonou Agreement and undermined the credibility of both the agreement and the EU)
- c) or that a “creative solution” as put forward at the EU-Africa Ministerial meeting will be found in which Zimbabwe and the AU would agree on having someone else than the heads of states representing Zimbabwe (which might be an “elegant” way out but one the Zimbabwean government is unlikely to accede to

There would therefore be a potential conflict between the “everyday” processes taking place under Cotonou and the high-level meetings scheduled under the Cairo Process. The EU-Africa strategy does set out how such a conflict of interests between agreements/processes is to be dealt with. And, in this case which process (Cotonou or Cairo) would take the upper hand. But under the strategy’s principle of subsidiarity, which states, “only matters which would be dealt with less effectively at a lower level should be reserved for a higher level of governance. Issues such as peace and security (..) require primarily regional or continental responses” (p. 19 of the Strategy) could be interpreted as giving the upper hand to the Cairo process as a continental wide high-level process. As mentioned, this would be in total contradiction with the fundamental elements of the Cotonou Agreement and undermine the credibility the agreement, the strategy and the EU as a principled actor. In this sense, if, as stated, the strategy is to provide a common framework for EU development for Africa there is no guarantee that it will insure the achievements of the previous agreements. There are no specific provisions that those would flow into that framework once/if it is made into “hard policies”.

The strategy’s “subsidiarity” principle (which instrument is the most adequate to deal with which problem) should have human rights, good governance, democratic principles and the rule of law. The relation between the various agreements and the strategy need to be spelled out clearly and the strategy must guarantee and build upon the achievements of the existing agreements.

The strategy furthermore stipulates that

“development policies and strategies cannot be imposed from the outside and that ownership of vision of good governance, respect for human rights and democracy embraced by the AU and NEPAD deserves the EU’s full support and will add a new dimension to the concept of ownership as the basis for dialogue and cooperation with each country” (p.19 of the strategy)

In the evidence BOND submitted to the House of Lords on the EU-Africa Strategy (*Bond's submission to the House of Lords Call for evidence: The EU and Africa: Towards a strategic partnership. February 2006*) responds that

“As it stands, the Strategy contains general objectives and outcomes, without concrete explanations of the various strategies, processes and implementation that the EU intends to apply in achieving these objectives. (...) The Strategy refers to the African Union and NEPAD, **but makes limited reference to the priorities AU-NEPAD has set.** The Strategy should be grounded in these priorities. This seems to contradict statements about a quantum leap in the EU Africa relationship as it is not clear how the ownership and partnership principles will be put into practice.” (p.2 of the submission – my emphasis)

It appears that partnership between Europe and Africa as envisaged in the strategy would rather be a transfer of expertise from the first to the latter. The strategy only mentions the lessons to be shared by the EU from its own experience in integration, regional and social cohesion, institution-building and policy development and the need of being strategic partners in the international community. The priorities and input from African side are limited, although a future dialogue between African states and the EU to discuss this strategy and come up with an EU-African pact (the Lisbon Summit) the setting for such a dialogue have not been stipulated. In order to ensure that such a dialogue is of relevance and provide positive outcomes for African countries the dialogue be conducted in a truly equitable manner and be grounded in African priorities. This has not always been the case in the past as BOND highlights in its submission tot the House of Lords, the EPA component of the Cotonou Agreement was characterised by an evident lack of consultation with African states. Such consultations - that also need to be broadened to non-state actors - would be required to ensure ownerships of the initiative.

The strategy should be clearly grounded in African priorities such as for example stipulated in NEPAD.

3. The participation of non-state actors

EU and African Ministers have stated that the Strategy will be further discussed with African states. A joint Strategy on Africa, which would then be given form in a common action plan (see the Communiqué from the EU-Africa Ministerial meeting in Bamako December 2005). How such a process will be taken forward and how it will be insured that African institutions *and* non-state actors at national and regional (for non-state actors also at continental) level will be able to participate is not set out in this strategy. On non-state actors participation the Strategy only stipulates that

“Full participation of non-state actors should be ensured in all these areas [areas tackling MDGs directly] to strengthen ownership and improve service delivery for the poor”(p. 5 of the strategy).

Non-state actors are, in effect, considered as implementing bodies for actions and not as prime interlocutors in the analysis, setting up of targets *and* implementation of programmes. The role and the need to sustain Civil Society in upholding one the fundamental principle of the strategy – good governance is not underscored sufficiently. The strategy only mentions the role of Civil Society in its appeal to governments and

other public institutions to increase dialogue with civil society. The paragraph ends with “they (the governments) have to deliver what they have pledged”. On the question who will “make” them deliver? The strategy insists on the APRM process (see above for a discussion on this). But there is no mention of any non-state checks and balances, which are essential especially in situations where the state is unable or unwilling (such as with the voluntary APRM’s) to implement those checks and balances itself.

Non-state actors such as civil society, as a prime interlocutors, partners and implementers for development aid strategies as recognised in the Cotonou Agreement (see particularly Article 2 on Fundamental Principles and Article 4 on General Approach) is therefore not enshrined in the EU Strategy.

In response to this BOND, in its submission to the House of Lords, also stresses the importance of the role of Civil Society and therefore emphasise that (rec. 1)

“The EU and the African Union (AU) should recognise that civil society has a key role to play and requires support. The Strategy must include capacity building for civil [society]. AU governments, supported by the EU, should act to increase opportunities for citizens to articulate their needs and interests” (p. 2 of the submission)

BOND further notes that

“the Cotonou Agreement provides a valuable framework for policy and political dialogue which should be adopted more broadly, and in particular, the commitment within the Cotonou Agreement that EU Delegations will establish mechanisms for engagement with non-state actors, including civil society.” (p.16 of the submission)

The EU-Africa strategy needs to include much more explicit avenues for input, duty to inform, provision of financial resources and provision of capacity building schemes for non-state actors (as e.g. stipulated in the Cotonou Agreement).

When discussing the strategy and translating it into a action plan in collaboration with the AU, the EU and the AU should recognise that civil society has a key role to play as a partner in policy building and transformation of Africa at local, national, regional and continental level.