

CONCORD recommendations for a more effective and meaningful participation of Civil Society in the future EU-ACP relations

In the current context of growing criticism and restriction of civil society action in all parts of the world it is essential for the future EU-ACP agreement to defend the space and role of civil society and to put human rights, fundamental freedoms, including freedom of expression and opinion, association and peaceful assembly at its core.

The parties should recognize the positive contribution of an independent and diverse Civil Society (CS) that is democratically and transparently organised, in promoting democracy, peace, and wellbeing and in implementing the Agenda 2030 for sustainable development. The parties should acknowledge the role of civil society organizations as development actors in their own right and respect their ability to seek, receive and use resources both domestically and foreign as inherent to the right to freedom of association. The experience with the current ACP-EU Cotonou Partnership Agreement (CPA) has shown that it is not enough to recognise CS as an actor of the partnership to ensure a meaningful participation in all its dimensions. The CPA gaps on CSOs effective participation cannot be addressed by best practices from other regional partnerships such as the JAES which isn't exemplary with regard CSOs participation.

Concrete mechanisms have to be established and financially supported to make this happen. The purpose of this paper is to make a proposal on the form these mechanisms could take and how they could be structured and supported. Key for the success of a renewed impetus for civil society participation will be to build the participation and dialogue mechanisms on existing structures and initiatives of civil society; to make sure that there is political will and interest to take account of civil society contributions; to allocate the necessary administrative and financial resources to ensure effective and on-going processes; and to facilitate the participation of a diverse group of CS actors and a balanced representation of CS from all regions involved, EU included.

The 4 elements of civil society participation

Based on our past and current experience on models of CS participation in different EU partnerships and association agreements with developing countries, we identified 4 main elements that are critical and complementary for an effective CS participation in the future EU-ACP partnership.

I. On-going dialogue with CS at the national, sub-regional and regional levels

- Build the dialogue on the mapping and assessment at national and regional levels, on both ACP and EU side, of existing structures and mechanisms of CSOs engagement including dialogues, capacity building, support programs and CS structures.
- Support the creation and work of CS national and regional platforms, coalitions, and working groups on thematic issues and their interaction with the relevant authorities at national, sub-regional and regional levels through thematic or national and regional workshops and dialogues
- Increase and reinforce the engagement between EU Delegations and civil society, thereby ensuring that they engage with a diverse group of civil society actors including grass roots organisations:
 - Joint implementation of country roadmaps and HR strategies
 - Include CSOs in joint analysis, programming and Monitoring & Evaluation processes taking place at country level



- Facilitate dialogues between CS and governments at country level by involving CSOs in the policy dialogue through tripartite discussion (EUD/partner government/CS)
- Maintain and increase EU support to capacity and institutional building of ACP CS

II. Standing CS bodies at regional levels

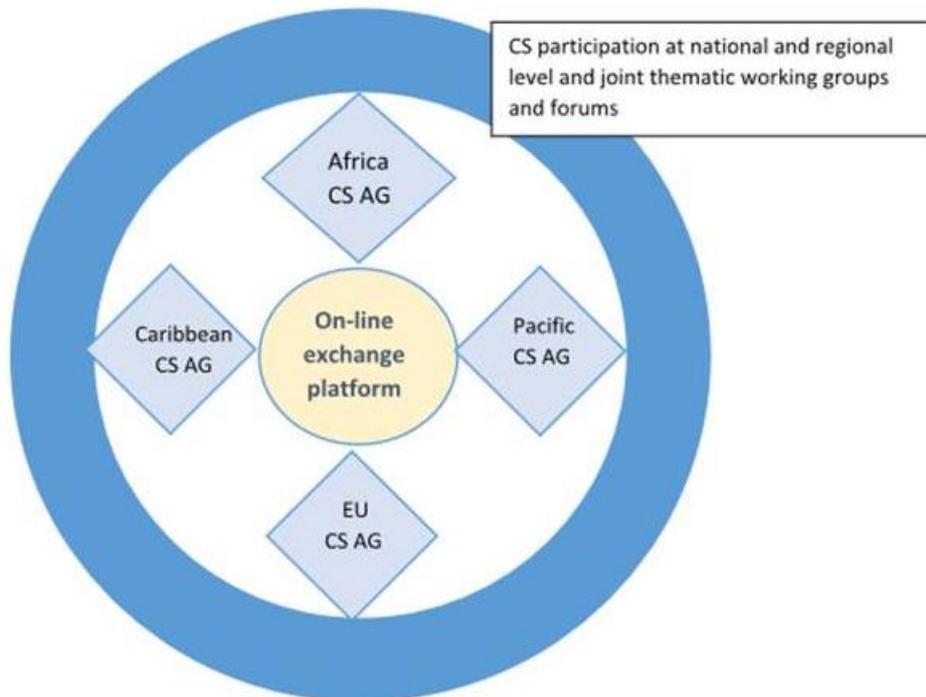
- For each region (A, C, P and EU) an independent standing CS Body acting as an advisory group should be established through a specific provision in the foundation of the agreement. The advisory groups would be composed of accredited CS representatives from the region, nominated by their peers through a transparent and open procedure, and would be the main interlocutors of their respective regional institutions for issues relating to the EU-A/C/P partnership. The advisory groups would meet in bi-regional settings (EU-A/C/P) twice a year or more if required. Other formats of meetings could also be envisaged (EU-ACP or the 3 ACP regional groups meeting together) when relevant. Appropriate financial and administrative support should be provided to each advisory group and for the organisation of their joint meetings.
- Regular briefings and debriefings before and after official meetings at ambassadorial, thematic experts, senior officials as well as ministerial level should be organised for CS standing bodies and/or it should be envisaged to give an observer status to a few of their representatives in these official meetings.
- The standing CS bodies will themselves be nourished and reinforced by CS acting at national and regional level including working groups on thematic issues
- The standing CS bodies will also take the lead in regularly organising open and self-organised CS forums at bi-regional or EU-ACP level with the support from the respective institutions. For example, once a year, alternatively in the region or in Europe, an open CS Forum would be organised before a joint meeting of the advisory groups.

III. EU-ACP CSOs collaboration and forums

- Based on the work at national and regional levels, bi-regional CS thematic working groups could be established around the joint priorities of the EU-A/C/P partnerships that would be financially supported in order to meet amongst them but also feed in the policy making and policy dialogue
- Thematic workshops and seminars as well as broader forum meetings between CSOs from the 4 regions should be organised to encourage sharing and learning and cooperation at civil society level.

IV. Ongoing stimulation, coordination and facilitation of CS participation

- The discussions around the partnership should continuously be energised and stimulated. A facilitator/moderator role could be shaped as an online platform managed by an independent secretariat (based on the idea of upr-info.org) which would gather the latest information, updates on all the meetings, upload reports from CSOs, share calendar of meetings, collect individual suggestions or complaints on specific issues and facilitate on-line debates.



How to translate these 4 elements in the future EU-ACP agreement

A. Putting in place the conditions for an open civil society space in the foundation

- a) Refer to human rights conventions and fundamental freedoms as essential elements of the partnership with an explicit mention of the freedoms of expression and opinion, association and peaceful assembly.
- b) Moreover, refer to the ability for CSOs to seek, receive and use resources especially provided through the national indicative programmes or thematic programmes as inherent to the right to freedom of association.
- c) Recognise CSOs as independent actors or stakeholders in their own right by referring to existing UN definition of civil society
- d) Refer to the specific mandates and formats of the Economic and Social Committees and distinguish them from the broad terminology of Non State Actors. Civil Society includes and goes beyond the actors involved in the ESCs, however; they should remain separated from the private sector.
- e) Recognise the multiple roles and contributions of civil society organisations (advocates and watch-dogs, human rights defenders, service providers, implementers and partners of development programmes as well as experts, actors of change, civic education and awareness raising) and therefore the necessity to involve them at all levels of political and policy dialogue and when implementation plans are prepared, monitored and evaluated.
- f) Establish transparent and accessible information, monitoring and accountability mechanisms on the implementation of the partnership that are sufficiently transparent and user friendly to allow citizens' access and CS to play its watchdog role.
- g) Put in place a central complain and grievance mechanism giving the possibility for citizens, CSOs and other stakeholders to enter complaints in cases of serious and evidenced breach of human rights and rule of law obligations or other essential elements by one of the parties or by a third implementing party.

- B. Putting in place stable and formal mechanisms of dialogue between CS and the joint institutions in the foundation**
- a) In the foundation, make reference to the establishment of standing civil society advisory bodies at regional levels with the following features: CS representatives nominated by their peers according to criteria agreed upon between CS and the joint institutions; financial and administrative support allowing for meaningful and on-going activities of the advisory bodies, including regular meetings between them and with the joint institutions (at parliament, senior official, ministerial and HoS levels) in the bi-regional context (EU-A/EU-C/EU-P) and whenever relevant at all ACP and EU-ACP level.
 - b) Make also reference to the organisation of CS consultative meetings before, joint parliamentary and ministerial meetings and Heads of States Summits.
 - c) Make reference to the fact that financial resources will be allocated to mechanisms for the participation of CS and other stakeholders.
- C. Putting in place the conditions for mainstreaming CS participation in the whole agreement**
- a) Refer to CSOs and other non-state stakeholders in all aspects of the agreement such as in the foundation and in the 3 regional 'protocols' as implementer of the strategic priorities and especially where their participation would bring value and would contribute to a people centred partnership. The role of CS needs to be particularly highlighted as key actor especially in the political dialogue but also as watchdogs, projects implementers, political, human rights and societal experts.
 - b) Whenever relevant, refer to CSOs as actors of dialogue, partners or implementers in the description of the priority areas for cooperation. CS role is relevant for all areas of cooperation and should not be confined to human development or human rights.
 - c) In particular, recognise the importance of the social dialogue and the necessity to involve trade unions, small farmers and entrepreneurs (including women entrepreneurs) and professional associations in any process of dialogue and reform regarding labour rights, business climate or investment and trade agreements.
 - d) In the area relating to human rights, rule of law and governance make reference to the protection of human rights defenders and of civil society space and to the necessity for involving these actors in the HRs dialogue. Further, it is essential to also include in this area the support to capacity building and core costs of HR organisations and other civil society organisations as essential parts of stable and functional democracies.

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