

**Consultation of Non-State Actors  
Under the New  
ACP-EU Partnership Agreement**

Empirical Survey of 17 Countries  
in Sub-Saharan Africa

By  
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## Foreword

ACP-EU cooperation has been the main subject of many activities of the Friedrich-Ebert-Stiftung (FES) over the last decades. There is hardly any branch office of the FES's African network which has not focused in one way or the other on development issues under various Lomé agreements. The transition from Lomé to Cotonou became a rather dynamic period for the FES, as we made it a particular concern to raise public awareness on the rather difficult negotiations for a new partnership agreement and to open the debate to new stakeholders.

The Cotonou agreement, signed in June 2000, is in some ways a radical break with the past. It opens development cooperation to a political dialogue on democracy and security and calls on non-State actors to share as consultants in the formulation of policies and programmes. This new dispensation comes with new challenges for FES. In May 2002, FES held a combined in-house training and planning session with the heads of all branch offices in sub-Saharan Africa to adjust its strategy towards the Cotonou process. The meeting showed that

there is a need to concentrate on the emergent consultation of non-State actors. Which actors should be involved? Who should do the selection? Should there be a standing procedure? How should participants prepare themselves? Lots of more questions came up which could not be answered through a mere reading of the Cotonou treaty.

The FES's African department took charge of organising an empirical survey on the actual implementation of consultation of non-State actors during the first phase of the new EU-ACP-cooperation scheme. The survey, which is presented here, is possibly the first of its kind. Its findings show some remarkable results. We are convinced that a careful review of the study may be relevant to any future 'fine-tuning' of the process of consultation under the Cotonou cooperation.

*Dr. Werner Puschra*  
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# I. The Cotonou Agreement

The ACP-EU partnership agreement, in short the Cotonou agreement, is a comprehensive trade and aid agreement concluded between the EU and 77 African, Caribbean and Pacific countries. It was concluded for a twenty-year period (2000-2020) and signed in June 2000 in Cotonou, Benin. At the same time the agreement is a financial protocol which is divided into 5 year periods. The financial means are provided under the corresponding European Development Fund (EDF). EDF9 for the period 2002-2007 contains 13,5 billion Euro to which about 10 billion Euro unused funds from previous EDFs may be added.

## 1. ACP-EU Relations in a Historical Perspective

The Cotonou agreement may be treated as the fourth phase of development cooperation between ACP-countries and the EU. At the beginning European development policy was shaped to a large extent by the European community' member countries' colonial history with France pressing for special relations with their former colonies. The first two agreements focussed on French speaking Africa (Yaounde I 1963-69 and Yaounde II 1969-75). The second phase started when the United Kingdom (UK) joined the EU in 1973 and requested similar privileges for Commonwealth countries. The community reacted with a more balanced geographical spread. Lomé I (1975-80) included 47 ACP countries, a figure which rose to 77 under the latest agreement. While the development

strategy was reformulated every five years and new elements, like Stabex and Sysmin, were introduced Lomé I-II remained primarily a programme on economic cooperation.

Lomé III and IV may be seen as the third phase of ACP-EU relations, as they gained momentum in a radically changing economic and political environment. The 'neo-liberal age' of the 1980ies and the end of the bipolar world of the east-west-confrontation changed the frame-work of EU-ACP-relations in several ways:

- Trade preferences to ACP countries eroded irreversibly due to progressive lowering of EU-tariffs under GATT/WTO as well as to EU preferential agreements to other regions;
- Political pressure increased to make Lomé agreements compatible with WTO-rules;
- The focus of EU aid shifted from ACP countries to Central & Eastern Europe (CEE). While it was still increasing slightly in absolute figures ACP share in EU aid fell in relative terms from 61% in 1990 to 30% in 1998;
- For the first time Lomé IV introduced 'political conditionalities' and it linked some aid to structural adjustment and the observance of human rights.

When Lomé IV expired the environment for the European development aid had changed dramatically. A new treaty had to be reformulated against the background of:

- the future EU enlargement to Eastern Europe;
- the decreased geo-strategic importance of ACP states in comparison to the Mediterranean and Latin American states;

- the WTO trade regime which contradicts the Lomé rules of trade privileges by demanding reciprocity and most favoured nation treatment (occasionally experienced in the banana dispute between USA and the European Union);
- the worsening of economic and social conditions in many parts of Africa. Despite preferential access the ACP-share in EU markets had fallen from 6,7% (1976) to 3% (1998).

Within the EU demands emerged to completely abandon any cooperation regime while most statements of ACP Governments expressed the need to continue with the Lomé regime. In the end, a compromise was found which, in some ways, re-invents principles of Lomé while, in others, it is a radical turning away from it.

## 2. The Cotonou Agreement: Some Principles and Objectives

The EU-ACP relations, as outlined in the Cotonou agreement<sup>1</sup>, can – for the purpose of this study – be subdivided into three major areas: a political dialogue between ACP-countries and the EU; the development of a new trade regime, called Economic Partnership Agreements (EPAs), and the development aid cooperation. All three areas are open to the participation of non-State actors.

### (a) Political Dialogue Between ACP and EU

The Cotonou agreement establishes three joint ACP-EU institutions that engage themselves in political dialogue and management of cooperation. The ACP-EU Council of Ministers includes one representative of each ACP member country, the Council of the EU and delegates from the European Commission.

The ACP-EU Committee of Ambassadors mo-

nitors the implementation of the Cotonou agreement and plays the role of an advisor of the Council of Ministers. The Joint Parliamentary Assembly has plenary sessions twice a year. It can break into regional and sub-regional meetings and it gives recommendations to the Council of Ministers on any duties with which it feels competent.

The joint ACP-EU institutions shall engage themselves in dialogues on human rights, democracy, rule of law, migration, arms trade, peace and security and so on. Thus it is established that issues concerning political democracy and peace & security become an integral part of development cooperation.

A distinction is made between fundamental and essential elements. Essential elements, the violation of which may lead to aid suspension, include human rights, democracy and the rule of law while fundamental elements, which constitute no ground for aid suspension, focus on good governance, including the participation of new actors.

There is no doubt that the political dialogue is embedded into the conflicting principles of sovereignty vs. externally set conditionalities. Furthermore it is obvious that the differentiation between ‘essential elements’ and ‘fundamental elements’ leaves much space for interpretation.

So far, the mechanism of aid suspension has been used in the case of Zimbabwe where the formulation of the Country Strategy Paper (CSP) and the National Indicative Programme (NIP) was blocked by the EU due to its political development.

### (b) Towards Regional Integration and a New Trade Regime Compatible with WTO-Rules

The Cotonou agreement contains a time-table towards establishing a new trade regime:

1 The European Centre for Development Policy Management (ECDPM) has put together a dossier which provides good introductions and overviews on the various sections of the agreement. The Cotonou Infokit is available in English, French and Portuguese and can be downloaded from [www.ecdpm.org](http://www.ecdpm.org)



- Until Dec. 31<sup>st</sup> 2007, all current ACP tariff preferences shall be maintained;
- From 2008 onwards, the least developed countries (LDCs) of the ACP group may still receive non-reciprocal trade preferences, while other developing countries (non-LDCs) should have concluded Economic Partnership Agreements (EPA) with the EU which install reciprocal preferences (EU-ACP free trade agreements) and which are compatible with WTO rules;
- The EPAs shall promote regional integration and thus they shall be concluded with regions instead of national economies;
- EU-ACP negotiations started effectively in 2002. It was agreed that the first year will be used to formulate the basic principles for EPAs while, by the end of 2003, negotiations on regional EPAs should take off and be concluded latest until 2007.

### **(c) Development Aid Cooperation – National and Regional**

While Lomé IV had 10 different instruments cooperation is rationalised under Cotonou and based on only 2 instruments: A country support strategy (CSS) covers all grants and runs for a period of five years. Investments are treated differently and they are operated under a special investment facility.

Programming of development aid takes place for regional or national projects. In both cases the sequence of programming consists of three steps:

*Country or Regional Support Strategy (CSS, RSS):* Based on a situation analysis of a country or a region development strategies are outlined. The EU responds to these by identifying its sector focus and by reflecting development activities of other donors like World bank or bilateral EU member countries' programmes in a coherent plan.

*National or Regional Indicative Programme (NIP, RIP):* Following a country or regional support strategy, a national or regional indicative programme is drawn up for five years. It is listing individual concrete proposals for funding.

*Review:* The indicative programme will have an annual review, to check on operation and implementation, and a mid-term review as well as an end-term review for giving a performance test.

## **3. Participation of Non-State Actors**

One of the most radical innovations of the Cotonou agreement is the introduction of a new participatory approach. For the first time, the ACP and the EU legally have committed themselves to involve new actors. Article 2 of the agreement defines participation as a fundamental principle of the cooperation between the EU and the ACP countries. The principle of participative development has been promoted to involve a wide range of actors.

*“Article 2: Fundamental Principles  
[...] Participation: apart from central government as the main partner, the partnership shall be open to different kinds of other actors in order to encourage the integration of all sections of society, including the private sector and civil society organisations, into the mainstream of political, economic and social life; [...]”*

Article 6 defines the actors of cooperation. On the State's side, local, regional and national government bodies are listed. On the non-State's side the agreement mentions again three categories of participants, that is 'private sector', 'economic and social partners, including

trade union organisations’ and ‘civil society in all its forms according to national characteristics’. From hereon, the latter group is often referred to as non-State actors.

There are additional selection criteria to cut down non-State actors ‘in all its forms’ to a more manageable size. The Cotonou agreement mentions three such qualifying criteria:

*“Article 6.2*

*Recognition by the parties of non-governmental actors shall depend on the extent to which they address the needs of the population, on their specific competencies and whether they are organized and managed democratically and transparently”*

We are discussing the strength and weaknesses of such qualifying criteria later on in this study (see chapter II.2.1.). It is sufficient to note here, that the way of defining doesn’t make the selection of actors to a simple and unchallenging affair.

There is not one chapter, in the Cotonou agreement, containing all ‘participatory rights’ of the new actors in a comprehensive manner. Article 4 outlines the general approach, but the information is spread through many parts of the document and, due to the changing context, the meaning sometimes changes as well. Three areas seem to be existing, where central governments should allow participation of new actors:

- (a) Policy formulation and drawing-up programmes: The rights are limited to information and consultation while voting and final decision-making is left to State actors. The areas of information and consultation include political dialogue, Economic Partnership Agreements (EPAs) and the aid programme under CSS/NIP and RSS/RIP;
- (b) Project implementation: Two issues are of major importance. The private sector should be involved strongly in terms of consulting

as well as with regards to taking contracts; in addition NGOs, and groups organizing socio-economic interests, may receive financial resources for capacity building to improve their participation;

- (c) Programme review and evaluation: Monitoring the programme’s implementation and reviewing the outcome will become a major point in quality management. While there appears to be an implicit understanding that non-State actors should get involved, the treaty contains no provision about any kind of procedure.

For the purpose of our study two more aspects should be mentioned here:

- The participation of new actors is not treated as an essential element, but as a fundamental element whose violation constitutes no ground for aid suspension. If a national government, however, does exclude non-State actors from participation, the EU has the possibility to sanction bad governance by reducing its funding in the aftermath through the review process. Whether the EU will sanction a country or not is, however, not made clear in the treaty and seems to depend on the merit of the individual case. It can even be argued that the agreement is very ‘soft’ and that it is already caring for the defence line of an ‘erring State’. Article 4, which introduces participation, continues by stating that non-State actors shall just be involved “where appropriate”. Consequently this passage can be interpreted as a legal argument for limiting participation.
- The agreement keeps silent on any institutional procedure how the involvement of non-State actors should look like. A formalized process like the establishment of consultation committees or minimum requirements for procedures are not mentioned at all. It is completely left to State actors to set up a mechanism for consulting non-State actors.

## II. Empirical Study

### Introduction

The participation of non-State actors in government business is always a difficult and delicate matter. Governments usually do not see themselves sitting at an eye-level with organisations, which represent sectional and particularistic interests within a society, while they claim for themselves to represent the whole electorate. Even where State actors are willing to call on cooperation from non-State actors, high barriers have to be surmounted. There are no universal consulting models available from where a variant could be picked out for national use. The Cotonou treaty is again not very helpful in outlining the path to be taken. Nevertheless the agreement does open space for involvement by non-State actors in various sections, but remains vague or altogether silent as to what procedure should be applied to make it relevant. While consultation of non-State actors in EU-ACP-business is thus a big departure from the past its relevance depends to a large extent on the very procedures which are only invented during its application.

In June 2002, FES decided to carry out an empirical study to assess how consultation of non-State actors had been put to practise under the first phase of Cotonou. In contrast to a country study, which could dive into the particularities of an individual case in all length,

we opted for a comparative analysis of the most possible number of countries. This had clear implications for the study design since terms of references and the questionnaire had to focus on issues which could be made comparable. The sample of countries for the survey was pre-determined by the existing FES-network of offices. With the exception of South Africa – the country is not part of the Cotonou agreement – all 19 FES branch offices in sub-Saharan Africa were charged with the duty of data collection. In most cases local experts with knowledge of the Cotonou agreement were commissioned to do the country study (see Appendix C).

The country studies differed substantially in quality. These discrepancies were due to the qualification of the authors, to their access to the main players in their respective country as well as to the frankness of those players during interviews. In some country reports we found questions left unanswered while in others data was not usable for further processing. It took a lot of energy and many email exchanges to fill gaps and to raise the quality of the data<sup>2</sup>.

The deadline for returning the reports was originally fixed for September 15<sup>th</sup>, but the analysis could not be started until the end of November. Two of the original 19 countries could not be included into the study. These two countries were Zimbabwe, where the EU stopped

2 Preliminary results of this survey were presented to a workshop in Brussels, on July 1<sup>st</sup> 2003, which was attended by EU officials and representatives of NGOs. Because of differing views on consultation in Cameroon, caused by workshop participants, we re-validated our country report and consequently we made some amendments.)

the programming of a national indicative programme half-way through for political purposes (election rigging), and Nigeria whose data report could not be elevated to a standard as to allow its inclusion.

The data processing was done between November 2002 and February 2003. The writing of the final report was delayed due to the fact that FES is first and foremost a political educational foundation so that research capacities are only available in addition to its regular business.

## 1. The Design of the Study

### 1.1. Studying the Quality of Consultation: Result or Process?

For an empirical survey, on the relevance of consultation under the Cotonou agreement, we first had to decide which approach, of two different ones, would be more appropriate: Either we could focus on the outcome of a political process, finding out whether a document or policy recommendation did change over time and whether these amendments were due to the impact of consultation?. Or we could direct the study towards the method of consultation and establish if the process was institutionalised properly, if procedures were fair and if the whole framework provided a base for meaningful consultation?.

While both roads are complementary and should be used together to establish a comprehensive empirical picture on the relevance of consultation, it immediately turned out that a study to measure the results was impossible. An input-output-analysis of the different stages in the making of a document and a comparison of the various drafts with the demands and re-

commendations, coming from non-State actors, would have been only feasible if the whole undertaking had been documented properly, if all proposals had been 'fixed on paper' and if these papers would have been accessible for a content analysis. A documentation of various stages and the adjustments of drafts, however, was not available. This is not very surprising, considering the environment of a political culture which still depends, to a large extent, on oral dialogues. Gearing only towards the analysis of a final adopted policy paper may not have been very useful either and may not have allowed us any conclusions about the relevance of the input from non-State actors. It was therefore immediately clear that the only approach, our survey could take, was to focus on processes and procedures of consultation.

There is, however, few information available as to the impact of consultation on the final document. The EU commission is circulating a report<sup>3</sup> on the implementation of the Cotonou agreement. The preliminary analysis considers 63 draft Country Strategy Papers which were approved or signed by March 2003 and which concludes:

*"In 36 countries out of 63 modifications resulting from the consultation process were integrated in the country strategy document. In the other 27 countries it appears that: In some of these countries no consultation has taken place. In other countries consultation of NSAs started at an advanced stage of the CSP and consequently no possibility for changes to the CSP was available. In other countries total co-incidence of the strategy views of the Government and NSAs was identified. Finally in a number of countries lack of capacity of NSAs to put forward concrete and coherent proposals was noted" (p.10).*

<sup>3</sup> European Commission, DG Development, Implementation of the Cotonou Agreement: Involvement of non-State actors in the programming process. A preliminary assessment, 12.III.2003).

While this analysis indicates that consultation does indeed have an impact on the final outcome, the study does not inform about how modifications in the Country Strategy Papers were identified. As long as we do not know what kind of modifications took place, whether they were of strategical, sectional or monetary significance or of relevance concerning the sectors, whether amendments within such classes were minor, major or fundamental, in short, as long as we do not know how modifications are classified, operationalised and measured, the question concerning the relevance of consultation is not really answered yet.

The same can be said about the group of countries where no modification has taken place. The absence of any amendments in the Country Strategy Papers can indeed be result of (a) a consensus approach with an early involvement of non-State actors, (b) an unwilling government blocking all changes, or (c) the lack of requests from non-State actors for amendments due to their being unprepared for consultation or due to any other reason. Whatever is the case, it can not be established through an analysis of policy recommendations alone, but it must be accompanied by a study of the consultation process itself.

## 1.2. Focus on CSS / NIP

The ACP-EU partnership agreement establishes the right to consult in three major areas: (a) the planning and programming of EU development aid at regional and national level, (b) the political dialogue between ACP and EU countries including a dialogue within the national context and (c) negotiations of a new trade regime under the so-called Economic Partnership Agreements (EPA). Consequently, our questionnaire was directed towards all these fronts.

From 2000 to 2002, during the first phase of the Cotonou agreement, the planning and programming of development aid overshadowed

all other ACP-EU activities and it was more prominent in public debate. At the national level, the formulation of Country Support Strategies (CSS) resulted in Country Strategy Papers (CSP) followed by National Indicative Programmes (NIP) which contain the implementation of individual projects. What was originally believed to be two separate steps (documents) was merged into one effort in most cases. At regional level, the planning stages were called Regional Support Strategies (RSS) which were summarized in Regional Strategy Papers (RSP) followed by Regional Indicative Programmes (RIPS). The two other arenas for consultation did not yet fully go on stage. The debate on Economic Partnership Agreements (EPA) was still owned by bureaucracies; and the instrument of political dialogue was used erratically and it was not institutionalised yet in a manner to allow easy lobbying and consultation for non-State actors.

Our survey confirmed this picture. Only the programming of development aid showed an amount of NSA-participation sufficient enough for an empirical evaluation. To some extent, this result may have been produced by the very way our questionnaire was administered. By using the FES branch offices in the various countries as the entry point for collecting data, we had easier access to national structures of consultation than to regional set-ups. This, for example, was proved to be the case with the collection of data on the RSS / RIP-process which was very time-consuming and which partly did not provide substantive information. In addition, we did not focus on events in Brussels or on countries where FES does not maintain an office. Due to this leaning towards national structures in countries with FES presence, we may have prevented the study from showing the full intensity of consultation in other fields.

The study, presented here, only deals with consultation under the CSS/NIP-process. Table 1 shows that, by the end of our data collection, all countries in our sample had signed a NIP-

Table 1: **Status of Country Strategy Papers (CSP) / National Indicative Programmes (NIP)**  
**According to Countries**

Countries	CSP / NIP Signed	CSP/NIP Unsigned as of 19.05.03	Consultation of Non-State actors
Cameroon	16.07.2001		yes
Mozambique	18.02.2002		yes
Mauritius	21.02.2002		yes
Ethiopia	27.02.2002		yes
Tanzania	08.03.2002		yes
Botswana	12.04.2002		yes
Uganda	30.05.2002		yes
Namibia	07.06.2002		yes
Cote d'Ivoire	02.07.2002		yes
Zambia	11.07.2002		yes
Nigeria	16.07.2002		yes
Madagascar	18.07.2002		yes
Benin	09.10.2002		yes
Ghana	22.10.2002		yes
Angola	28.01.2003		yes
Mali	Date unclear		yes
Kenya		Status unclear	yes
Senegal		Status unclear	yes
Zimbabwe		Blocked by EU	yes

Source: EU-website <http://europa.eu.int/comm/development/index> 19.5.2003; FES Country Survey 2002.

programme with the EU or were close to doing so. The only exemptions were Kenya and Senegal. The table also lists all countries which allowed consultation to take place before the CSP/NIP-draft returned to the EU for adoption.

Somehow, surprisingly, not a single country refused civil society involvement. All governments, it appears, seem to have accepted the new dispensation. By focussing on CSP/NIP our study could reflect upon a process which had been nearly completed and where participation of new actors had indeed been put into practice. This practice will now be scrutinized.

### 1.3. Consultation:

#### Which Dimensions Have to be Assessed?

Consultation is a form of participation which means very different things to different people. Some may insist that consultation is a form of co-determination in decision-making and a special way of negotiating and compromising. Those, who share this argument, find themselves opposed by those, who insist on the fact that final decision-making is a legitimate business only for governments and parliaments. Therefore, the right to consultation is only a right



to speak and to be heard and for that reason it does not come along with any obligations for governments to consider proposals. From an other angle it could be argued that consultation can only be a legitimate process if participation is open in the widest possible sense, while others would see no harm in limiting consultation to a narrow group. Consultation and lobbying are often used inter-changeable, the argument switches from raising quality in management to building a political support base. Intensity and form of consultation are further points of departure. Some may consider consultation as an informal one-off affair, while others will point to the need, that it should be institutionalised and rights, like access to funds and independent expertise, should be granted.

The FES-study did not intend to open a discussion on how to define consultation appropriately and on its ideal model. We wanted to be guided, as much as possible, by the empirical manifestation of the process but, at the same time, we wanted to avoid to be drawn into the peculiarities of each and every aspect in a country. We selected some features of consultation, considering them to be of major relevance, which allowed us to compare countries and to show similarities as well as differences in their individual approaches. Following these selected features, we then arranged countries within a ranking order which, in the end, allowed us to distinguish between good performers and bad performers.

To prepare our 'research object' for the empirical comparison the study took the following approach: Three formal dimensions are relevant to any model of consultation. The data collection was primarily directed towards these factors. These three dimensions are:

- *Representation*: Which non-State actors were consulted in the programming of the CSS / NIP?
- *Time-factor*: At what stage of formulating the CSS/NIP did consultation set in? How long did it last? And when did it end?

- *Format*: In which form did consultation take place?

It goes without saying that other dimensions could have been included. Issues which could have been included are: "Who selected the non-State actors?" or "How did participants prepare for consultation?" or "How was consultation financed?". By selecting our three dimensions, we kept in mind that consultation, under the Cotonou agreement, was at its infant stage. In the early phase, any procedure was likely to come along with serious deficits to be improved later on. We had to focus on such dimensions which were elementary from the beginning. And we had to direct our questions to such issues where 'the establishing of facts' did not bring up too many methodological problems. Adequate information, as e.g. who controls the selecting procedure, is difficult to get by a questionnaire since those, who actually sent out the invitations, may not have been those, who decided about attendance and composition.

#### **1.4. How Did We Get to an Overall-Ranking of Countries? Building a Three-Dimensional Consultation Index**

One of the most challenging things, of or quantitative study, was to operationalize the three dimensions of our survey and to make them measurable in such a way that we were able to compare the countries for ranking purposes. This was done in four steps:

- (a) Each of the three dimensions of consultation was broken into major components. We would have preferred to reach much deeper then the way we did and to differentiate these components into smaller and more detailed aspects. But we stayed with our, rather broad, components to avoid problems with data collection.
- (b) Up to this point, the study was still qualitative and it did not allow a ranking of the countries. In order 'to transform quality into quantity', and to put countries into a hierarch-

ical order, we had to develop indices. Each component was given a quantitative expression of relevance. By doing so, we could add up the individual values to get a total figure value for each of the three dimensions. Then we could finally bring these marks into a ranking order.

- (c) To reach an overall ranking of the countries we repeated the same procedure by building a three-dimensional overall index of consultation. An individual value of importance was added to each dimension and the three dimensions were then connected by a mathematical operation. At the end, we received an overall mark for each country which was used to compare the quality of consultation directly.
- (d) The final step was then 'purely political'. While a unified index allows the ranking of countries into a continuous gradation of better and worse, it does not determine the borderlines between different quality classes. To overcome this 'transfer problem' from a mere gradation into a differentiation of 'quality standards', we had to look at each components of the index and then we had to determine what we considered as 'minimum standard', as 'good standard' or as 'below standard'. This exercise is nothing else than 'transforming quantity back into quality'.

What should have become clear to the reader is the fact that, at each junction of building an index, we had to make decisions about how important single aspects were. Giving a quantitative mark to a certain aspect is not an objective undertaking, but it is derived from our own valuation. Each reader may come to a different assessment, and thus attribute different marks which, in the end, will lead to a different ranking of the countries. Therefore we thought it was our moral and political duty to make the whole procedure, of how we arrived at our results, completely transparent and to provide, by our tables in the appendix, the reader with all the raw data which would be needed to re-

built the indices with different marks and assumptions.

## 2. The Findings of the Survey

### 2.1. Representation: Who Participated in CSS/NIP-Consultation?

The Cotonou agreement mentions three groups of non-State actors to whom partnership, in form of consultation shall be opened: (a) 'Private sector'; (b) 'Economic and social partners, including trade union organisations'; (c) 'Civil society in all its form according to national characteristics' (Article 6.1). In a further subsection the same article adds three criteria for groups to qualify for consultation:

*"Recognition... of non-governmental actors shall depend on the extent to which they address the needs of the population, on their specific competencies and whether they are organized and managed democratically and transparently" (Article 6).*

There is no doubt that the text remains fairly general and does not provide full guidance how the recognition clause should be applied. First of all, it remain open if all three criteria apply simultaneously or if ownership of a single competence is already an entry ticket for participation. Secondly, none of the three criteria are operationalised in a manner to be able to put its interpretation beyond doubts. 'Addressing the needs of the population' may have a substantive or a formal meaning: it may refer to an organisation with a manifesto for poverty alleviation or it may just imply, that an organisation has membership from socially marginalized groups.

The same is valid for "specific competencies". Competence could mean management capacities for the implementation of a project, like



the existence of a secretariat, or it could mean the availability of expertise. Expertise and legitimacy do not always go hand in hand with each other, and that they may even sometimes contradict each other is common knowledge for those working with weak civil societies. There is the common case of NGOs led by highly qualified experts which function close to consultancy firms and do not have any further linkage to wider parts of society. And there is the grass-root organisation claiming for legitimacy from its broad-based membership while its leadership falls short of relevant skills in most policy fields.

Similar concerns can be raised about the third recognition criteria. Membership organisations may have statutes on elections of their leadership, the power of the chair or rules on proper financial accounting. But whether they are ‘managed democratically and transparently’ cannot be established that easily from outside. Deficits in democracy might not show on the macro-organisational level in all its facilities, but they may be virulent on lower-tier affairs. If we insist on the EU recognition criteria being cumulative and on the applicants having to pass all three tests, we may indeed erect hurdles of a magnitude which could stop the majority of organisations, if not even all, from ‘passing the exams’.

The third objection may be raised in regard to the selection process. The text remains silent on who is in charge with selecting participants and what procedure should be used therefore. If governments are put into the driving seat, they may just prefer the easy route of inviting only friendly organisations. Consultation, leaving out opposition forces, is likely to lead to different results than a procedure which tries to embrace all relevant groups of society.

Shortcomings in selecting participants will create confusion when put to practice. But, at the same time, it has to be noted that a treaty of the Cotonou agreement’s calibre, covering

77 ACP and 15 EU countries, cannot dare to venture into the specification of each and every definition. Leaving statements at a rather general level is sometimes the prize one has to pay to get all parties together to sign a contract. Furthermore, any framework agreement must turn away from becoming an operation manual for all cases. While we agree, that the guiding principles must remain general enough and flexible to be adjustable to the needs of national circumstances, we would have nevertheless preferred, to get more directions from the treaty concerning how to solve our research problem to identify appropriate representation.

How did we operationalize ‘representation’? Out of the three groups of non-State actors, listed in the Cotonou agreement, we considered only two (‘Economic and social partners’, ‘Civil Society’) as relevant components for ‘representation’. The private sector, which usually means individual companies, was excluded as their ‘collective interest’ has already been taken care of through employers organisations and business chambers. We added two structures which, in a narrow sense, are not fully non-State; the ‘Research Institutes’ and ‘Local Governments’. We included them since they usually have a good degree of autonomy from the Central Government, and because they are likely to raise concerns and forward opinions that differ from the main agent of the State’s interest. The Cotonou agreement is outspoken particularly on the need to involve the lower tier of administration, as in most States elected local authorities have emerged as distinct level of government with their own specific identity.

Representation is thus split into the following components:

- Employers Organisation/Business Chambers
- Trade Unions
- Civil Society Organisations/Non Governmental Organisations
- Research Institutes
- Local Governments (associations)

If organisations of all these categories were involved in consultation, we would call it ‘maximum representation’ for the purpose of this study. This view of representation refers to sector covering. Our sectors are defined rather broadly. The group ‘Employers Organisation/ Business Chambers’ could be further broken up into employers’ interests, concentrating on industrial relations and employment issues in many countries, and into business interests which deals more with investment, production and taxes. Further sub-divisions into manufacturing sector, small scale industries and import and export trade, would give us an even more detailed picture on the representation structure. However, we did not venture into these sub-divisions as there is no uniform culture of organizing business interests in our survey countries.

Furthermore, in a plural society, diversified structures are likely to exist within a sector. Trade unions and employers groups are usually built into two- or three-tiers hierarchies with national centres on their top and branch or company structures at their bottom. But while these socio-economic interest groups may have established an unified system of representation in some countries, in others there may exist competitive representation with rival organisations. How did we treat a situation where, for example, a certain trade union was consulted while others, being larger in membership and belonging to a rival national centre, did not participate? The solution for such a case is simple in principle. The plurality of interest representation within the same sector can be captured by a comprehensive list of all organisations, from where a participation index could be built reflecting the size of the various groups. Conceptually this looks easy, but however, it turned out to be impractical since such an actors mapping is not available for most of the countries.

Similar problems arise with the category ‘civil society’. The majority of organisations which we grouped as ‘Civil Society/NGOs’, come from the following structures:

- professional associations like economic societies and lawyer associations;
- women groups;
- confession-bound organisations;
- humanitarian relief societies;
- consumer protection councils;
- human rights groups;
- environmental groups;
- NGO-networks.

The variety of actors in this sector, including the different roles they play under different circumstances, produces even greater problems in measuring an adequate presence in consultation. Certain groups, like confession-bound organisations, may be major actors in some countries while they may be irrelevant or even non-existing in other countries. It is therefore impossible to propose an ideal composition of civil society’s representation which cuts across countries and it is impossible to measure national profiles as deviations from this ideal.

In order to get a more complete picture on adequate sector representation we tried a different approach. We asked our local experts, who were in charge of collecting data to give us their personal point of views and to list up all those organisations which they deemed to be significant but which were left out from consultation. Surprisingly, this procedure did not produce much information. Either governments did indeed invite all major actors from the respective sectors, or our country report authors did not venture deep enough into this question. In those few cases, where the exclusion of relevant actors has been reported, such non-inclusive representation is reflected in the ‘scoring’ with a deduction. Nevertheless, we have to be frank: As long as we do not have a comprehensive actors’ mapping for each sector, from where an index can be built about the most relevant groups, no further differentiation on a fair sub-sectional composition is possible.

By building a quantity profile for representation we marked the importance of the various sectors as follows:

- Employers Organisations / Business Chambers: 20%
- Trade Unions 20%
- Civil Society Organisations 40%
- Research Institutes 10%
- Local Governments (associations) 10%

This ‘weighing’ of the various actors is based on practical considerations and it roughly represents our understanding of the various groups’ relative importance for the political dialogue. Since the reader may not share this point of view he or she is invited to do his or her own personal modelling.

Table 2 shows the range of actors involved in consultation:

Table 2: **Representation in Consultation According to Groups and Countries<sup>1</sup>**

	Trade Unions (weight 0,2)	Employers Org. / Business Chambers (weight 0,2)	Civil Society Org. / NGOs (weight 0,4)	Research Institutes (weight 0,1)	Local Govern- ment Assoc. (weight 0,1)	Total Points
Namibia	X	X	X	X	X	1,0
Ghana	X	X	X	X		0,9
Mauritius	X	X	X	X		0,9
Mozambique	X	X	X	X		0,9
Benin	X	X	X			0,8
Mali	X	X	X			0,8
Angola		X	X	X		0,7
Cameroon		X	X	X		0,7
Tanzania		X	X	X		0,7
Botswana		X	X			0,6
Cote d'Ivoire		X	X			0,6
Ethiopia <sup>3</sup>	X	X (50%)	X <sup>2</sup> (50%)	X		0,6
Senegal		X	X			0,6
Uganda		X	X			0,6
Zambia		X	X			0,6
Madagascar		X (50%)	X (50%)	X (50%)		0,35
Kenya		X		X		0,3
Average	41%	94%	88%	47%	15%	(0,69)

1 Data does not include Zimbabwe and Nigeria. Consultation in Zimbabwe was blocked half-way through by EU. Data on Nigeria was of unsatisfactory quality;

2 including NGOs set up by Government (GONGOS);

3 Ethiopia got deductions for leaving out Addis Ababa Chambers of Commerce and the Centre for Local Capacity Building – Madagascar got deductions for consulting only rural structures and only in the south.

The major findings of the survey can be summarized as follows:

- There was not a single country which did not invite one sort of non-State actor or the other for consultation. This was actually a surprise as there has been no clear declaration in the Cotonou-agreement what would have happened if a country had refused involvement of non-State structures. While the threat or mere the possibility of being sidelined by the EU may have been an ‘incentive’ to broaden participation, Central Governments seem to have accepted that the future of ACP-EU-relations will not remain an exclusive resort for State players;
- Those, in charge of inviting participants, did not observe representation in terms of broad sector covering. There was only one country (Namibia) where consultation did take place with a full set of representation. For 16 out of 17 countries, neglecting one or the other structure was the normal practice;
- There were remarkable differences between the groups which were left out. ‘Civil Society Organisations’ and ‘Employers Organisations/Business Chambers’ were the most prominent participants in the CSS/NIP-process. Their attendance came close to full coverage. On the other side, trade unions and research institutes were ‘forgotten’ or excluded on purpose in more than every second case.
- The intention of the ACP-EU agreement, to give Local Governments a strong voice in consultation, failed in most countries during the NIP programming. Only in Namibia and Cameroon ‘association of local authorities’ were called in. Angola invited some provincial governors and Benin brought in the ‘mission of decentralisation’, but since these do not reflect genuine local structures they were not accepted under this category. Madagascar reduced their Local Government participation to the attendance of some elected mayors (see below).
- *Special case Ethiopia:* Consultation, as a concept of participation, makes only sense if those who call for advise and those who should be consulted are autonomous from each others. Ethiopia may be a doubtful case since the NGO-sector included organisations which are set-up by Government, so-called GONGOs (Government organized NGOs). At the same time, some autonomous organisations which may have been relevant actors, like the ‘Addis Ababa Chamber of Commerce’ or the ‘Centre for Local Capacity Building’, were excluded. For leaving-out relevant actors deductions were applied from the score board. But even in the case of Ethiopia we find several organisations, for example those with links to churches, which are autonomous from the State. Even though they may not articulate views radically opposed to those of the Central Government, they can not be considered as mere extension of the State.
- *Special case Madagascar:* Madagascar had an invitation policy which followed logically the route of project implementation. The government seems to have taken the view that, due to the rural focus of the NIP as proposed by the EU, there is no need to invite groups caring for urban constituencies. Consultation was limited to groups relevant for rural development. For the business sector it was the ‘Congrès Malgache de la Route’ (CMR), which associates companies concerning the transport sector and road construction. In addition, the State-organized ‘Groupes de Travail sur le Développement Rural’ (GTDR) were invited. They assemble representatives from local administration, private sectors, NGOs and peasant associations as well as Local Government officials. Furthermore there was a geographical restriction since only GTDRs from the South were consulted.

- *Special case Cote d'Ivoire:* During the constituent meeting for consultation the EU informed the trade unions that their participation was not wanted anymore. Thereafter government sat down with the remaining groups in several working sessions to produce the first draft. Cote d'Ivoire is the only case reported where a group, that was involved in the beginning, was kicked-out by the EU from further participation.

## 2.2. The Time-Factor: In Which Phase Did Consultation Take Place?

The timing of information, the flow and its material content are essential factors in consultation. Putting all stakeholders into a proper picture at an early stage may give them additional space for preparing their debate, in accessing expertise or in consulting their constituencies. Releasing information lately, or keeping 'the other side' unaware up to the last moment, are tempting strategies for governments if they want to head towards low-impact consultation. For most cases, it may be correct to state that the quality of consultation correlates positively with the amount of time made available before a final decision is taken.

It is not only the amount of time, but as well the phasing of decision-making, which matters. There is usually a path dependency in that each new round of debate tries to take off where earlier stages have stopped. Those, in charge of directing the process, are never keen to go in circles, starting everything again, just because somebody has not been around from the beginning. Decision-making moves forward throughout coalition building processes and 'in-between-agreements' which cannot be set aside easily because of new actors entering the game lately. Consultation may likely be of more importance if it sets in at an early stage.

This hypothesis has to be modified in that continuity is another crucial factor. Being involved only in the initial phase and left out on later stages, when new compromises are found and the fine-tuning takes place, may pre-empt the chance of having one's position adequately reflected in the final outcome. Therefore we can assume that the impact of consultation will increase if it starts at an early stage, but thereafter it continues through all stages of decision-making.

Consultation must always take place before a final decision has been made. Beyond this principle the quality of consultation is affected by factors such as: How early does it start, how long does it last, when and where does it end. For the purpose of this study we constructed four categories to identify differences in the time factor of consultation:

- *Initial Phase:* Consultation is limited to the start of the CSP/NIP-process and ends immediately after the initial phase;
- *First Draft:* Consultation sets in after the first draft has been prepared and it is limited to a debate and to proposals on the first draft;
- *End-of-Process:* Consultation sets in on a draft which the government considers to be a final draft;
- *All-through:* Consultation takes place throughout all drafts.

The length of consultation and the early phase were used for ranking the four categories. The highest score of 2 was given to the category 'all-through'. Here, non-State actors were involved from the first policy draft all through to the end. They were, however, excluded from setting the parameters which directed the first draft. A lower mark (score 1) was reserved, if consultation was limited to the 'initial phase' or for the 'first draft only'. The 'End-of-process' received the lowest mark (score 0,5) since central government had already gone through various drafts,

was less open to further amendments and may view consultation only as a formal affair.

The categories are not fully exclusive and a national procedures may combine different phases of consultation. Our ‘ideal practice’ was

reserved for a situation where consultation set in before the presentation of the first draft (‘initial phase’) and from thereon it became a permanent feature at all stages (‘all-through’).

Table 3 shows the findings of our survey.

Table 3: **The Time-Factor in Consultation According to Countries**

	Initial Phase (weight: 1,0)	After first Draft (weight: 1,0)	End-of-Process (weight: 0,5)	All-through/1 <sup>st</sup> draft till end (weight: 2,0)	Total Points (max: 3,0)
<b>Botswana</b>	X	(X)	(X)	X	3
<b>Ghana</b>	X	(X)	(X)	X	3
<b>Senegal</b>	X	(X)	(X)	X	3
<b>Kenya</b>		(X)	(X)	X	2
<b>Mauritius</b>		(X)	(X)	X	2
<b>Cote d’Ivoire</b>	X	X			2
<b>Cameroon</b>		X	X		1,5
<b>Namibia</b>		X	X		1,5
<b>Angola</b>		X			1
<b>Madagascar</b>		X			1
<b>Mali</b>		X			1
<b>Mozambique</b>		X			1
<b>Tanzania</b>		X			1
<b>Uganda</b>		X			1
<b>Zambia</b>		X			1
<b>Ethiopia</b>			X		0,5
<b>Benin</b>			X		0,5
<b>Average</b>	<b>24%</b>	<b>88%</b>	<b>41%</b>	<b>29%</b>	<b>51% (1,53)</b>
Notes: ‘All-through’ includes ‘first draft’ and ‘end-of-process’. (x) means: the phase is implicit in ‘all-through’ and put in brackets to avoid double-counting.					

The major findings can be summarized as follows:

- Only three countries (Botswana, Ghana, Senegal) set up a procedure where non-State actors were fully involved from the beginning to the end. Just in these cases our study talks of ‘maximum participation’. There were five more cases (Kenya, Mauritius, Cameroon,

Cote d’Ivoire and Namibia) where consultation covered more than just one segment of the whole programming process. All other countries limited consultation to a single phase and amended policy drafts and programmes during stages in which no private actor was involved;



- One dominant practice (8 of 17) was calling non-State actors for discussions, after a first document had already been drafted, whereby participation was limited to this phase. This, in fact, meant that consultation was not used in the initial formulation of the objectives, and it was not considered to be important in later phases when drafts were further amended and made ready for adoption;
- *Special case Benin*: Benin is one of the two countries which called on non-State actors just at the end. This country is a particular case because the EU and the Central Government considered the earlier consultation of civil society, within the framework of the PRSP (Poverty Reduction Strategy Paper), as sufficient and therefore they stopped consultation on NIP and CSP. The trade ministry organized two seminars, in cooperation with FES, to inform about the final NIP and to debate about the future role of non-State actors under Cotonou. While the country seems to belong to those, having a positive approach towards non-State actors in general, the NIP-case was a relapse into old habits. Two government players decided that there is no need for further consultation. Consequently they stopped the process without consent from non-State players.
- *Special case Ethiopia*: Ethiopia organized a big conference where the 'final draft' was presented to a large crowd of NGOs and GONGOs (Government organised NGOs). Relevant debates were difficult due to the number of participants which was further blown-up by the presence of diplomatic staff from eight embassies and representatives of 16 international and multilateral organisations. We do not know whether, in such a crowd and at such a late phase, the meeting still led to any modifications in the policy document. But from a fundamental point of view the question may be allowed if the country's government did not confuse a ceremonial

gathering with consultation (see as well remarks on 'representation').

- *Special case Cote d'Ivoire*: In addition to excluding trade unions from further consultation (see 'representation') the country had a second unique feature. When government forwarded the first draft to the EU, the delegation modified the quantitative (monetary) terms of the CSP/NIP without further consultation and 'made it final'. The civil society groups protested against the procedure of changing the document without further consultation. Cote d'Ivoire is the only case reported where groups, which were involved in an early stage, publicly criticised the procedure of amending the CSP/NIP-document at a later stage without entering again into a new consultation round.

### 2.3. Which Form of Consultation: More Informal or More Institutionalised?

The form of consultation is the third dimension in our simple model. By looking at the form we can assess the degree to which consultation is institutionalised. There are different institutional aspects which may be relevant. Access to consultation could be ruled by registration procedures, quota or other limiting factors; membership, in a consultative forum, could include some control on handling the discussion agenda, a right to call for additional meetings or it could include some autonomy in fixing the calendar of events; debate may be supported by secretarial assistance and by the possibility to invite independent experts; members may be provided with funds to care for their transport and accommodation expenses and they may get means and opportunity to call for breaks in order to consult with their constituency back home.

Many of these 'rights' do not get much attention at an early experimental stage of consultation. Therefore we did not make it to an object of our studies. We only considered more

basic components and their differential use by the countries. These components were:

*Committee of Consultation:* The existence of a committee is an indicator for some control on procedures being not vested in government anymore, but being handed over to the committee and thus being brought under the influence of its membership. While not each and every member will be able to use such an autonomy for his or her own end, non-State actors collectively are likely to insert more influence compared to a procedure where control is still fully owned by Central Government.

*Consultation in Written Form:* Strength and weakness of written proposals have to be assessed in relation to advantages and disadvantages of its alternative, the oral form. Written proposals allow wider consultation and can be circulated easily beyond a consultation forum. It carries more weight since authors will give more prudence to their statement and may be more willing to consult additional opinion makers of their constituency. And it may produce statements of higher expertise because more time can be invested to prepare for consultation;

*Consultation in Oral Form/Dialog Only:* An oral consultation is likely to speed up decision making. More members will attend without a pre-fixed position, will be prepared less and they will feel less ashamed of agreeing to others' point of views. The smaller audience makes winners and losers less obvious and the discussion may be less antagonistic and directed more towards a compromise;

*Passive/Information Only:* In the narrow sense, 'being briefed' is not a component of consultation as it implies 'the right of information', but not 'the right to be heard'. However, even a mere 'briefing' on the CSS/NIP-process, if it comes early enough, may produce an additional momentum. Groups may still be challenged to develop own ideas, go into public and finally to exert pressure on government.

In assessing the relative significance we gave the highest score of 2 to a consultation proced-

ure vested in a committee. Consultation in 'Written Form' and in 'Oral Form' were given the same mark of 1, while 'Passive Only' was treated as least relevant with 0,5. Combinations of different components were possible. The 'highest score 3' was reserved for a committee in which non-State actors used the instruments of written proposals in addition to oral debates. Table 4 summarizes the findings.

The major findings can be summarized as follows:

- Only five countries (Ghana, Kenya, Mauritius, Namibia, Senegal) forwarded the consultation exercise to a committee. These committees were usually not created for the NIP-exercise, but since they already existed they were just given the new or additional task to deal with Cotonou issues. However, in this group of countries consultation was not always confined to the committee alone. Ghana and Namibia organized additional hearings with non-State actors without membership in the committee;
- The large majority (11 of 17) did not see the need to assign powers on procedures to a committee, but they opted for a conference-type of consultation which left government staff, as organizers and agenda-setters, in the driving seat;
- There was only one country which did not grant any opportunity to articulate criticism and present amendments (Benin, see comment under 'Time Factor').
- Statements in writing were an exception instead of the rule. Only three cases (Cameroon, Mauritius, Tanzania) were reported where non-State actors put down their views in writing. For all other countries consultation took the form of 'talking only'. Ministries or other state institutions invited to conferences or workshops, presented draft proposals and without loosing much time for 'digesting' they requested comments and recommendations for changes.



Table 4: **Forms of Consultation According to Countries**

	<b>Passive/Info. only</b> (weight: 0,5)	<b>Written Input</b> (weight: 1,0)	<b>Oral Dialogue</b> (weight: 1,0)	<b>Comittee<sup>1</sup>/ institution</b> (weight: 2,0)	<b>Total Points</b>
<b>Ghana<sup>1</sup></b>			X	X <sup>2</sup>	3
<b>Mauritius</b>		X	(X)	X	3
<b>Namibia</b>			X	X <sup>3</sup>	3
<b>Cameroon<sup>5</sup></b>	X	X	X		2,5
<b>Kenya</b>			(X)	X <sup>4</sup>	2
<b>Senegal</b>			(X)	X	2
<b>Tanzania</b>		X	X		2
<b>Botswana</b>	X		X		1,5
<b>Angola</b>			X		1
<b>Cote d'Ivoire</b>			X		1
<b>Ethiopia</b>			X		1
<b>Madagascar</b>			X		1
<b>Mali</b>			X		1
<b>Mozambique</b>			X		1
<b>Uganda</b>			X		1
<b>Zambia</b>			X		1
<b>Benin</b>	X				0,5
<b>Average</b>	<b>18%</b>	<b>18%</b>	<b>94%</b>	<b>29%</b>	<b>54% (1,62)</b>

1 Committee includes oral dialogue but excludes written input. (x) means: the phase is implicit in 'Committee' and put into brackets to avoid double-counting. Ghana and Namibia have double-track consultation with committee plus additional conference with other participants;

2 Ghana: inter-institutional committee on multilateral trade negotiations-subcommittee on ACP-EU negotiations with membership for TWN-Africa and Integrated Social Development Centre (ISODEC);

3 Namibia: Task Team on EPA in Ministry of Trade & Industry;

4 Kenya: National Committee on Cotonou agreement;

5 Cameroon invited NGOs for a briefing and written proposals and only GICAM for dialogue;

All-through' includes 'first draft' and 'end-of-process'. (x) means: the phase is implicit in 'all-through' and put in brackets to avoid double-counting.

- *Special case Ghana:* It may be worthwhile to look at the consultation process of the winning country more detailed. Long before the signing of the Cotonou agreement, Ghana had already established an inter-institutional committee on multilateral trade negotiations. A specialised sub-committee, with a mandate for debates on ACP-EU trade relations, had non-State actors being represented by 'Third World Network' (TWN-Africa) and the 'Integrated Social Development Centre' (ISODEC). When the CSP/NIP-consultation exercise set in the institutional process was already available and there was no need to first think about a consultation format. In addition to the routine procedure within the standing sub-committee, an one-off event in form of a conference was organized to include organisations, like trade unions, which had no committee membership.
- *Special Case Mauritius:* The country report on Mauritius noted, that civil society involvement was rather weak and passive while the private sector participated strongly. This unbalanced participation is related to different learning curves. The business sector has substantial experience from earlier lobby activities like those on the sugar protocol and on the multifibre agreement. When business was called for consultation under Cotonou it could activate its own internal machinery for consultation, and it could come up with written statements and concrete proposals, while those groups, having less experience with former lobby activities, were unprepared and remained passive during consultation.
- *Special Case Cameroon:* Cameroon received 'more investment' than others from the EU to make consultation a success<sup>4</sup>. A pre-fea-

sibility study in Feb. 2001 tried to identify consensus areas for development aims and relevant non-State actors. Four information workshops on the principles of the Cotonou agreement were organized by a consultant. With several workshops the HIPC-Initiative (highly indebted poor countries) was integrated into the CSP/NIP-approach to avoid duplication in the focus on poverty alleviation. In July 2001 the CSP/NIP-draft was presented to about 40 NGOs in a briefing session. Thereafter, non-State actors were invited to send in (writings of) their point of views. Sending-in written proposals was not left as an option, but was made to the only channel of communicating demands. Only very few proposals were actually sent to the EU and even less were incorporated into the draft. Thereafter no debate was organized, but non-State actors attended a second (ceremonial) conference when EU commissioner Poul Nielson signed the NIP while visiting Cameroon. In addition to this mainstream process there was a second form of consultation when business interest, represented through GICAM, got a separate hearing on the draft.

The whole process deserves applause on two phases (Phase I: preparation of a road map, information and training; Phase II: Briefing on draft, invitation for written proposals) but criticism on the third one. The selection of proposals during Phase III was done secretly. There was no feed-back on the selection criteria that had been applied and those, whose demands were rejected, were not allowed to 'upgrade' their proposals. Such non-transparent procedures are likely to create feelings of being fooled for some participants. The same can be said about separating consultation into business and non-business interest. While such an approach is

4 Footnote 4: European Commission, Implementation ... op.cit., p. 11; Commission of the European Communities, Participation of non-State Actors in EC Development Policy, Brussels 7.11. 2002, COM (2002) 598 final, Annex 1, p.23. Source: Europa.eu.int/eur-lex/encom/cnc/2002/com\_2002\_0598en01.pdf.

often the advisable road to more efficiency, a final joint assembly is important where procedures and results are presented and explained.

## 2.4. The Over-All Ranking of Countries

To come to an overall index on the quality of consultation and to put the countries into a ranking order we linked the three dimensions through a mathematical equation:

$$\text{Quality} = \text{Representativeness} \times (\text{Time} + \text{Form})$$

This equation is based on the assumption that 'Representation' carries more weight than the other two factors. We wanted to care specifically for a situation in which consultation is set up within a framework that provides an ideal set of procedures and in which intensive debates can take place on all stages of the process, but the selection of participants remains 'very inappropriate' and relevant non-State actors are still excluded. The stronger weight on deficiencies in 'representation' is a 'political statement'. The equation assures that weaknesses

in the participation structure have a stronger impact on the final result and will therefore lead to a lower overall score than similar deficits in the other two dimensions.

The same purpose could be served by other equations, such as e.g.  $\text{Quality} = \text{Representation}^2 (\text{Time} \times \text{Form})$ . This version would even be more appropriate since consultation can not exist outside of 'Time' or 'Form', but our equation accepts a zero-score for any of the two factors and the overall-result is still positive. In view of the fact, that empirically a zero-case cannot exist, we nevertheless opted for the mathematically 'lighter' version hoping that it makes it easier to follow the indexing procedure.

Our index allows a simple linear ranking of countries in terms of more over-all points or less. It does not disclose the separation line between 'good quality' or 'bad quality' consultation. Such quality categories are not inherent to the ranking procedure and must be 'brought in from outside'. In order to get such classes we had to turn quantity back into quality by valuing the statements on all three dimensions of our model. Our approach is documented in Table 5.

Table 5: **Construction of Quality Standards**

Class / Standard	Overall Points	Representation	Time	Form
High	4,8 - 6,0	0,8 - 1,0	3,0	3,0
Satisfactory	2,8 - 4,7	0,7	2,0 - 2,5	2,0 - 2,5
Minimum	1,2 - 2,7	0,6	1,0 - 1,5	1,0 - 1,5
Disqualified	<1,2 or single factor disqualification	< 0,6	0,5	0,5

Trade Unions:	0,2	Initial Phase:	1,0	Info. Only:	0,5
Employers:	0,2	After 1 <sup>st</sup> . Draft:	1,0	Written Form:	1,0
Civil Society:	0,4	End-of-Process:	0,5	Oral Dialogue:	1,0
Research Institutes:	0,1	All through:	2,0	Committee based:	2,0
Loc.Governments:	0,1				

Each dimension of our model was looked at in terms of four classes: 'High Standard', 'Satisfactory', 'Minimum Standard' and 'Below Minimum Standard/Disqualified'. 'Representation' belonged to the category 'high standard' if it reached at least 0.8 points. This would be the case if any two groups combined participated in consultation: (1) trade unions, employers/business chambers and civil society organisations; or (2) all groups with the only exception of either trade unions or employer organisations (but not both). 'Representation' received a lower standard with the number of absent groups increasing. We finally grouped 'representation' into the category 'disqualified' if the score fell below 0.6. This was the case when either the whole block of civil society or both, trade unions and employer organisations, were absent. Such a consultation should be called 'Below Minimum Standard'.

With table 5 the reader can easily find out the ratings for the other two dimensions, the 'Time-factor' and the 'Form' of consultation. While calculating the overall-points for the four classes, it should be kept in mind that countries usually did not receive same quality marks for all three dimensions. Different quality levels were often combined and some were good performers in one aspect and at the same time bad performers in another one. However, if they reached the lowest mark of 0,5 in any dimension, this led to their over-all 'disqualification'. In the end, a 'good practice' in selecting participants is as meaningless, if no adequate procedure is provided, as a committee, where critical voices do not have any access.

Table 6 shows the ranking of countries according to this over-all index. The major findings can be summarized as follows:

- On average the survey's countries received 2,21 points out of a maximum of 6. This represents an achievement rate of just 37%, or to put it otherwise, a failure rate of 63%.

- There is only one single country (Ghana) which performed a 'High Standard'. Only four cases were 'Satisfactory', a level where we would have liked to see the 'average case' positioned;
- About half of the countries (8 out of 17) find themselves in the low end category 'Minimum Standard'. This result may still be seen as a success if it is taken into consideration that the CSP/NIP was just the first round of consultation under the Cotonou agreement and therefore it may demonstrate that most Central Governments are ready to accept the novelty of involving non-State actors; if however, looked at it from a point of organisational and procedural weaknesses, consultation appears not to have had any significant impact on NIP-programming and it may be treated as a disappointing exercise;
- There were four countries where consultation proofed to be a complete failure. While Benin, Madagascar and Ethiopia were poor performers in all aspects, Kenya did partly well and it just failed on a single aspect that led to its downgrading.

If we look at consultation from a wider angle of the political regime, we can assume that autocratic or authoritarian styles of Governance are less compatible, with the participation of non-State actors in policy decision, than democracies based on pluralism and free elections. It has already been noted that not a single country refused consultation entirely. Therefore we expect to find substantial discrepancies between different political regimes concerning how consultation was applied. A Government, based on free elections and challenged by civil society to improve on democratic practices, is likely to have 'encountered' consultation events in many other fields. It may feel less threatened with calls for consultation from critical or oppositional groups, and it may use former positive experiments to come up with a more substantial approach to consultation. An autocratic

Table 6: **The Over-All Index: Quality of Consultation According to Countries**  
**(Quality = Representation (Time + Form)**

	Representation (max: 1,0)	Time (max: 3,0)	Form (max: 3,0)	Index Quality (max: 6,0)	Quality in Consultation	Freedom House democracy index <sup>1</sup>
<b>Ghana</b>	0,0	3	3	5,4	High	2,3 (free)
<b>Mauritius</b>	0,9	2	3	4,5	Satisfactory	1,2 (free)
<b>Namibia</b>	1,0	1,5	3	4,5	Satisfactory	2,3 (free)
<b>Senegal</b>	0,6	3	2	3	Satisfactory	3,4 (partly free)
<b>Cameroon</b>	0,7	1,5	2,5	2,8	Satisfactory	6,6 (not free)
<b>Botswana</b>	0,6	3	1,5	2,7	Minimum	2,2 (free)
<b>Tanzania</b>	0,7	1	2	2,1	Minimum	4,4 (partly free)
<b>Cote d'Ivoire</b>	0,6	2	1	1,8	Minimum	5,4 (partly free)
<b>Mozambique</b>	0,9	1	1	1,8	Minimum	3,4 (partly free)
<b>Mali</b>	0,8	1	1	1,6	Minimum	2,3 (free)
<b>Angola</b>	0,7	1	1	1,4	Minimum	6,6 (not free)
<b>Uganda</b>	0,6	1	1	1,2	Minimum	6,5 (not free)
<b>Zambia</b>	0,6	1	1	1,2	Minimum	5,4 (partly free)
<b>Kenya</b>	0,3	2	2	1,2	Disqualified	5,4 (not free)
<b>Ethiopia</b>	0,6	0,5	1	0,9	Disqualified	5,5 (partly free)
<b>Benin</b>	0,8	0,5	0,5	0,8	Disqualified	2,3 (free)
<b>Madagascar</b>	0,35	1	1	0,7	Disqualified	2,4 (free)
<b>All Average</b>	<b>69% (0,69)</b>	<b>51% (1,53)</b>	<b>54% (1,62)</b>	<b>37% (2,21)</b>	<b>Minimum</b>	<b>4,04</b>

1 The Freedom House index uses the following 'borderlines': Free 1,0-2,5; partly free 3,0-5,5; not free 6-7.

regime, on the other hand, which is used to govern by decrees, may give in to external pressure from the EU, but it is more likely to arrange consultation in a manner that does not matter.

If we take the Freedom House index on democracy, which looks at political rights and civil liberties and which groups countries as 'free', 'partly free' and 'not free', the results are mostly consistent with our survey. A majority of countries, classified by Freedom House as 'political free', are on the high end of our ranking list for consultation while at the same time many countries, grouped as 'not free', are also bad performers under Cotonou. However, there are

some notable exceptions which don't fit into this picture. Cameroon e.g. is an autocratic country, but it opened its doors for consultation under Cotonou; on the other hand Benin and Madagascar are examples where freedom rights have been established, but they are bad performers in our survey.

Nevertheless there is still no need to work with a hypothesis, that autocratic regimes are consultation-friendly while pluralistic regimes close doors towards participation from non-State actors. In the cases mentioned not the government but the EU seems to have been the dominant force in laying out the pattern of con-

sultation. In Benin, the EU-delegation ‘blocked’ NIP-consultation; in Madagascar, the EU agreed to, or even proposed, the one-sided selection of participants; and in Cameroon, where an autocratic regime keeps civil society under surveillance, the EU invested heavily to make consultation a success.

A warning should be expressed here. Cameroon should not be taken as an example that consultation will be successful if only the EU applies sufficient pressure and/or invests sufficient money into the process. The current country’s HIPC-programme (heavily indebted poor countries) shows clearly the flexible adaptation of an autocratic government to external pressure for involving civil society. Instead of blocking consultation in programming for HIPC the regime seems to stop unwanted programmes at the latest moment, when they are already approved and only the release of money is needed for their implementation.

## 2.5. Regional Disparities in Consultation

Up to this point, differences in consultation have been treated as differences between countries. At the same time sub-Saharan Africa is grouped into regions which, to some extent, stem from the different modes of colonisation and decolonisation or which are due to its own endeavours towards regional integration. Today, the whole continent is grouped into a variety of regional cooperation models reaching from monetary unions to common trade zones on the economic side. On the political side, unionism with regional parliaments or peace and security treaties become ever more important dimensions of inter-state relations. The EU with its approach to ‘Regional Economic Partnership Agreements’ is in particular keen to foster regional integration.

The negotiation of regional EPAs is open for the participation of non-State actors. It would have been interesting to group our survey coun-

tries according to these regional negotiating blocks. While writing this report, however, the regional set-ups for the ACP-EU negotiations were not clear yet. With only seven out of the 48 sub-Saharan African countries belonging to only one regional agreement and all the others belonging to two (26 countries) or three (15 countries) or in one case (Democratic Republic of Congo) even to four regional economic groupings, overlapping membership is a severe tumbling block to which structure should finally get the mandate for negotiations. Instead of using ECOWAS, UEMOA, IGAD, COMESA, EAC and SADC, we have simply grouped our survey countries into geographical regions. Table 7 shows the findings for ‘West Africa’, ‘East Africa’ and ‘Southern Africa’.

The major findings of the table can be summarized as follows:

- The overall-shortcomings in consultation are substantial for all three regions as none of the regions qualified for an over-all ‘Satisfactory’ (2,8 points) and all received the ‘Minimum Standard’;
- Nevertheless there are considerable regional differences. West Africa and Southern Africa just missed the ‘satisfactory class’ by an edge while East Africa is way behind and could just barely avoid the ‘disqualification stamp’;
- West Africa and Southern Africa had large inner-regional differences. We may speak of an inner ‘dichotomy’ in both regions. In Southern Africa Namibia, Mauritius and Botswana were the better performers while Madagascar, Zambia and Angola were at the lower end of our ranking. At the same time Ghana and Senegal were the ‘shining’ examples in West Africa while Cote d’Ivoire, Benin and Mali had to be labelled as very weak cases;
- East Africa, while trading behind, was the most homogeneous region of the three in terms of both, inner-regional differences and

Table 7: Differences in Consultation According to Regions

	Representation (max: 1,0)	Time (max: 3,0)	Form (max: 3,0)	Index Quality (max: 6,0)	Quality in Consultation	Freedom House democracy index <sup>1</sup> 2001-02
<b>West Africa</b>	<b>73% (0,73)</b>	<b>61% (1,83)</b>	<b>56% (1,67)</b>	<b>43% (2,57)</b>	<b>Minimum</b>	<b>3,7 (partly free)</b>
Ghana	0,9	3	3	5,4	High	2,3 (free)
Senegal	0,6	2	2	3	Satisfactory	3,4 (partly free)
Cameroon	0,7	1,5	2,5	2,8	Satisfactory	6,6 (not free)
Cote d'Ivoire	0,6	2	1	1,8	Minimum	5,4 (partly free)
Mali	0,8	1	1	1,6	Minimum	2,3 (free)
Benin	0,8	0,5	0,5	0,8	Disqualified	2,3 (free)
<b>East Africa</b>	<b>55% (0,55)</b>	<b>38% (1,13)</b>	<b>50% (1,50)</b>	<b>23% (1,35)</b>	<b>Minimum</b>	<b>5,7 (not free)</b>
Tanzania	0,7	1	2	2,1	Minimum	4,4 (partly free)
Uganda	0,6	1	1	1,2	Minimum	6,5 (not free)
Kenya	0,3	2	2	1,2	Disqualified	6,5 (not free)
Ethiopia	0,6	0,5	1	0,9	Disqualified	5,5 (partly free)
<b>Southern Africa</b>	<b>72% (0,72)</b>	<b>50% (1,50)</b>	<b>55% (1,64)</b>	<b>40% (2,40)</b>	<b>Minimum</b>	<b>3,4 (partly free)</b>
Mauritius	0,9	2	3	4,5	Satisfactory	1,2 (free)
Namibia	1,0	1,5	3	4,5	Satisfactory	2,3 (free)
Botswana	0,6	3	1,5	2,7	Minimum	2,2 (free)
Mozambique	0,9	1	1	1,8	Minimum	3,4 (partly free)
Angola	0,7	1	1	1,4	Minimum	6,6 (free)
Zambia	0,6	1	1	1,2	Minimum	5,4 (partly free)
Madagascar	0,35	1	1	0,7	Disqualified	2,4 (free)
<b>All Average</b>	<b>69% (0,69)</b>	<b>51% (1,53)</b>	<b>54% (1,62)</b>	<b>37% (2,21)</b>	<b>Minimum</b>	<b>4,04</b>

1 The Freedom House index uses the following 'borderlines': Free 1,0-2,5; partly free 3,0-5,5; not free 6-7.

differences between the various dimensions of consultation. With Ethiopia and Kenya getting 'disqualified' and Uganda just missing out on that the region earned the label 'uniformity in bad performance'.

While the regions showed substantial disparities in all aspects of consultation, the biggest differences were recorded for 'representation'. Table 8 discloses details of regional differences in representation.

The major findings can be summarized as follows:

- There is no regional difference in the way governments look at the business sector and at NGOs. These two groups are the dominant players on the side of non-State actors;
- The regions again have a uniform policy towards Local Government, but in a negative sense. All regions vastly refused the consultation of the lowest tier of state administration. The intention of the ACP-EU agreement, to give this sector a strong voice, did not materialise in any region;



Table 8: **Differences in Representation According to Regions and Countries**

	Trade Unions (weight 0,2)	Employers Org. / Business Chamber (weight 0,2)	Civil Society Org./NGOs (weight 0,4)	Research Institutes (weight 0,1)	Local Govern- ment Assoc. (weight 0,1)	Total Points
<b>West Africa</b>	<b>50%</b>	<b>100%</b>	<b>100%</b>	<b>17%</b>	<b>17%</b>	<b>(0,73)</b>
Ghana	X	X	X	X		0,9
Benin	X	X	X			0,8
Mali	X	X	X			0,8
Cameroon		X	X		X	0,7
Cote d'Ivoire		X	X			0,6
Senegal		X	X			0,6
<b>East Africa</b>	<b>25%</b>	<b>87,5%</b>	<b>62,5%</b>	<b>75%</b>	<b>0%</b>	<b>(0,55)</b>
Tanzania		X	X	X		0,7
Ethiopia	X	X (50%)	X <sup>1</sup> (50%)	X		0,6
Uganda		X	X			0,6
Kenya		X		X		0,3
<b>Southern Africa</b>	<b>43%</b>	<b>93%</b>	<b>93%</b>	<b>57%</b>	<b>21%</b>	<b>(0,72)</b>
Namibia	X	X	X	X	X	1
Mauritius	X	X	X	X		0,9
Mozambique	X	X	X	X		0,9
Angola		X	X	X		0,7
Botswana		X	X			0,6
Zambia		X	X			0,6
Madagascar		X (50%)	X (50%)		X (50%)	0,35
<b>All Africa</b>	<b>41%</b>	<b>94%</b>	<b>88%</b>	<b>47%</b>	<b>15%</b>	<b>(0,69)</b>
1 including NGOs set up by Government (GONGOs)						

- The dominant disparities between the regions are towards trade unions and research institutes. West Africa ignores research institutes, but gives some considerations to trade unions; East Africa ignores trade unions but allows, to some extent, research institutes to come forward with proposals for development policies;
- Southern Africa is more balanced and shows a significant participation of both, trade unions and research institutes. But it shows internally a clear dichotomy: those countries which call on trade unions are inviting as well experts from research institutes while those which ignore workers' representatives are not keen either to look for scientific advice.



### III. Summary and Recommendations

- Between June and November 2002, the FES did an empirical survey of 17 countries in sub-Saharan Africa to throw more light on one of the novelties of the newly signed ACP-EU-partnership agreement (Cotonou agreement), the consultation of non-State actors in the policy-making process. While ‘the right to consultation’ has been granted at several ‘policy fronts’, only the planning and programming of EU development aid featured prominently during the phase of our data collection. Thus the study focussed on the participation of non-State actors during the process of drafting the so-called ‘national indicative programmes’ (NIPs).
- To be able to compare 17 disparate national cases, a simple ‘model’ was constructed which defined “Quality of consultation = Representation x (Time + Format)”. The three constituent dimensions were operationalised and quantified in such a way that an overall assessment for consultation became possible which allowed the ranking of countries according to quality groups.
- There was not a single country which did not invite one sort of non-State actor or the other for consultation. This came as a positive surprise as there is no clear declaration in the Cotonou agreement what might happen, if a country refuses any involvement of non-State structures entirely. While the threat or mere the possibility of being sidelined by the EU may have been an ‘incentive’ to broaden participation, central governments at least seem to have accepted that the future of ACP-EU relations will not remain an exclusive resort for State players.
- ‘Representation’ was tested along participation of five sectors, the ‘trade unions’, ‘employer associations/business chambers’, ‘civil society groups/NGOs’, ‘research institutes’ and ‘local government associations’. Those in charge of inviting non-State actors for consultation usually accepted the attendance of the business sector (94%) and of the civil society/NGOs (88%) while trade unions (41%) and experts of research institutes (47%) were excluded in more than half of the countries. The intention of the ACP-EU agreement, to give Local Governments a strong voice in consultation, failed completely insofar as only two cases (Namibia, Cameroon) existed where an ‘association of local authorities’ was invited to share their views on the policy document.
- The ‘time factor’ was operationalised along the length of consultation and its phasing. Only three countries were classified as ‘High Standard’ by having consultation right from the initial phase, when parameters were set, through the next phases, when drafts were discussed and amended, up to the final stage, from where on the NIP-draft was forwarded to the EU for adoption. The majority group consisted of those countries which ignored non-State actors in the

initial phase, called on their reactions to the first draft and, thereafter, continued programming behind closed doors. Thus consultation was a single-phase-event, and policy drafts as well as programmes were changed and amended during the stages in which no private actor was involved.

Extreme negative cases were two countries (Benin, Ethiopia) which called on non-State actors, at a time when the policy document was already finalized. Such a late participation derails consultation and led to the disqualification of these countries.

- The 'form of consultation' was operationalised by indicators which reflect on the participants' procedural rights and on their intensity to prepare for meetings and to consult with one's own constituency. Only five countries institutionalised consultation in form of a committee. These committees usually had existed even before the NIP-process started so that they were given an additional mandate to care for Cotonou. However, representation in these standing committees was quite narrow. In addition to the routine procedure in the existing sub-committee, some countries organized an one-off event to include organisations which were not part of any regular meetings. This, in fact, led to a 'double track approach', with a narrow representation in a firmly institutionalised committee, and to a wider participation for a shorter and more unstructured consultation outside the committee.

In most cases consultation took the form of an 'oral dialogue'. Indeed there were only three countries which reported on the existence of written proposals and comments. This neglect of writing indicates low responsiveness and a low level of expertise. Written proposals allow wider circulation – a special aspect when it comes to embrace opinions from one's own constituency – and

they are likely to improve the quality of proposals since authors will give more prudence to their statements and since they will try to include external expertises. Oral consultation, on the other side, may speed up decision-making as positions are less cemented and since winners and losers are less obvious. Therefore an 'oral dialogue only' may be less antagonistic and more open towards compromises. The fact, however, that the overwhelming practice was 'talking only' points out to a general low level of preparation on the side of the non-State actors.

- The over-all quality of consultation, which was received by linking the individual components through a mathematical equation into an index, shows the following results: In our survey only one country (Ghana) received a well-done-compliment for 'High Standard' consultation and only four additional cases (Mauritius, Namibia, Senegal, Cameroon) could be grouped under 'Satisfactory', a level we would have liked to reserve for the average country. Eight ACP-members, however, had to be classified at 'Minimum Standard' while four countries (Benin, Ethiopia, Kenya, Madagascar) were even 'Disqualified' due to deficits of such a magnitude that the whole consultation exercise was rendered meaningless.
- There were remarkable regional similarities and differences. West Africa and Southern Africa were amazingly equal on the overall performance as well as on their score for individual components. Both also show an inner-regional difference which allows us to speak of an inner 'dichotomy'. In Southern Africa Namibia, Mauritius and Botswana were the better performers while Madagascar, Zambia and Angola were on the lower end of ranking; Ghana and Senegal were

the ‘shining’ examples in West Africa while Cote d’Ivoire, Benin and Mali had to be labelled as weak cases for consultation.

East Africa, on the other side, was a case of its own on nearly all aspects. It traded solidly behind the other two regions in terms of the over-all score as well as in terms of the performance on the various components. East Africa was also a case of its own insofar, as it turned out to be a homogenous region. However, with Ethiopia and Kenya getting ‘disqualified’ and Uganda just missing out on that, the region earned the label ‘uniformity in bad performance’.

Regional similarities and differences can also be seen on the ‘participation index’. All three regions gave preferential treatment to the business sector and to NGOs and they all ignored ‘Local Government’ structures. The dominant disparities between the regions are towards trade unions and research Institutes. West Africa ignores research institutes, but considers trade unions to some extent; East Africa ignores trade unions, but allows some research institutes to participate in consultation. Southern Africa is more balanced and shows a significant participation of trade unions as well as of research institutes.

## Recommendations

- The direction of improving consultation, to make it more meaningful, is quite clear: It has to take place at all levels. There is a need for a more comprehensive representation of participants by adding more sectors and caring for the plurality of organisations and institutions within each sector; there is a need to strengthen responsive representation, and not just formal or ‘window’ representation, by allowing leaders to consult with their constituencies; further on there is a need to include consultation in the initial phases of programming and not only at the end when most decisions are already pre-fixed and when consultation becomes more a commentary on project implementation; there is a need to invest more time in preparing meetings and in looking for external advice; and there is a need to encourage the writing of proposals and to move beyond ‘talking-only’.
- There are substantial problems concerning the selection of participants. There may be a need for an actors’ mapping which outlines structures, size and relevance of non-State society, which explains selection criteria for participation and which comes up with a suggestion who should be invited. Such lists should be debated in public for their accurateness and fairness. Deviation in the actual invitation policy from such lists should be explained publicly.
- Devolution of consultation to standing committees may improve quality of contributions and it may increase the impact of committee members on the final policy outcome. However, ‘specialisation’ may lead to an inner circle of ‘isolated consultants’. A double-track approach, with a strong involvement of non-State actors in permanent committees and occasional public hearings, may allow to take advantage of both: efficiency through specialisation and transparency through public access.
- In many countries consultation processes may be more efficient if they are not organized in full assembly mode, but when they are departmentalised. Debating separately with different groups is likely to have a positive impact on the quality of individual contributions, but creates ‘worries’ as to what will happen when the different views are ‘pulled together’. It is important that, in the

beginning, the terms of consultation are laid out and brought to everybody's attention. The same is valid for 'the end'. While consultation does not imply a right, to have one's point of views and proposals considered, there is a need, for the sake of accountability and transparency, to explain what has happened with all the suggestions and proposals. Segmented consultation should be re-assembled at the end by a 'report-back' phase.

- Organisations with a large membership should be decisive players in consultation and they need capacity building especially at three fronts: Training programmes for leadership, internal communication between officials and membership; research capacity for data collection and processing and for preparation of project and policy proposals. The Cotonou agreement provides a funding platform and there is an indication that close to 5% or 170 Million Euros of the development envelope (altogether about 3,5 Billion Euros), may be used for such purposes<sup>5</sup>. There should be no doubt that capacity building and support programmes from the international development aid community have already led to a mushrooming of NGOs which have contributed to the externalisation of expertise from State and universities. It would be naive to believe that such support programmes, despite all its well-meaning, would not pose a danger when it comes to socio-economic interest groups like trade unions. Competent leadership in such organisations is a scarce commodity and a focus on Cotonou affairs is likely to lead to less leadership attention to other, maybe more important, business. If this 'crowding-out' is driven through generous incentives, like travel allowance, per diems, honoraria or other perks provided by donors, the organisational cost of participating in consultation

may go beyond the pure neglect of other business. In addition cracks in the leadership may arise about who is qualified for attendance of programmes. Splinter organisations may be a 'market reaction' to strong finance for capacity-building. Avoiding fragmentation and 'splinter effects', should be conditions of any externally funded support programmes and guidelines should ensure that capacity building is promoting organisational unity.

- The same argument applies when capacity building programmes are geared towards building representative structures where there have been none before. This may be the case when donor funds are provided to regionally dispersed grass root structures to built national groups and alliances. The establishment of central bodies, while being an important element in effective representation and in many cases welcomed by donors to ease their own communication and administration problems, should not be on the agenda of capacity building projects. Additional organisational layers in a vertical sense should spring up from an internal resource base. The motto always applies: Funding provides the means of control and, where there is no financial dependency on its membership, the top layer of an organisation is not likely to listen to the calls from below.
- There is a need to establish a monitoring system for consultation which evaluates the progress and which gives recommendation as to how participation of non-State actors can be strengthened. It is obvious, that such monitoring cannot be done by the EU, the national Central Government or the non-State actors involved in consultation, but it should be independent from any of the 'interested parties'.

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5 European Commission, Implementation of the Cotonou Agreement .... op.cit., p.15.

## Appendix



## Appendix A

### The Cotonou Treaty: Extracts on the Participation of Non-State Actors

#### 1. Participation in Negotiations on Economic Partnership Agreements

##### ARTICLE 37

##### Procedures

“1. Economic partnership agreements shall be negotiated during the preparatory period which shall end by 31 December 2007 at the latest. Formal negotiations of the new trading arrangements shall start in September 2002 and the new trading arrangements shall enter into force by 1 January 2008, unless earlier dates are agreed between the Parties.

2. All the necessary measures shall be taken so as to ensure that the negotiations are successfully concluded within the preparatory period. To this end, the period up to the start of the formal negotiations of the new trading arrangements shall be actively used to make initial preparations for these negotiations.

3. The preparatory period shall also be used for capacity-building in the public and private sectors of ACP countries, including measures to enhance competitiveness, for strengthening of regional organisations and for support to regional trade integration initiatives, where appropriate with assistance to budgetary adjustment and fiscal reform, as well as for infrastructure upgrading and development, and for investment promotion.

4. The Parties will regularly review the progress of the preparations and negotiations and, will in 2006 carry out a formal and comprehensive review of the arrangements planned for all countries to ensure that no further time is needed for preparations or negotiations.

5. Negotiations of the economic partnership agreements will be undertaken with ACP countries which consider themselves in a position

to do so, at the level they consider appropriate and in accordance with the procedures agreed by the ACP Group, taking into account regional integration process within the ACP.

6. In 2004, the Community will assess the situation of the non-LDC which, after consultations with the Community decide that they are not in a position to enter into economic partnership agreements and will examine all alternative possibilities, in order to provide these countries with a new framework for trade which is equivalent to their existing situation and in conformity with WTO rules”.

#### 2. Participation in Political Dialogue

##### ARTICLE 8

##### Political dialogue

“1. The Parties shall regularly engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides.

2. The objective of this dialogue shall be to exchange information, to foster mutual understanding, and to facilitate the establishment of agreed priorities and shared agendas, in particular by recognising existing links between the different aspects of the relations between the Parties and the various areas of cooperation as laid down in this Agreement. The dialogue shall facilitate consultations between the Parties within international fora. The objectives of the dialogue shall also include preventing situations arising in which one Party might deem it necessary to have recourse to the non-execution clause.

3. The dialogue shall cover all the aims and objectives laid down in this Agreement as well as all questions of common, general, regional or sub-regional interest. Through dialogue, the Parties shall contribute to peace, security and

stability and promote a stable and democratic political environment. It shall encompass co-operation strategies as well as global and sectoral policies, including environment, gender, migration and questions related to the cultural heritage.

4. The dialogue shall focus, inter alia, on specific political issues of mutual concern or of general significance for the attainment of the objectives of this Agreement, such as the arms trade, excessive military expenditure, drugs and organised crime, or ethnic, religious or racial discrimination. The dialogue shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance.

5. Broadly based policies to promote peace and to prevent, manage and resolve violent conflicts shall play a prominent role in this dialogue, as shall the need to take full account of the objective of peace and democratic stability in the definition of priority areas of cooperation.

6. The dialogue shall be conducted in a flexible manner. Dialogue shall be formal or informal according to the need, and conducted within and outside the institutional framework, in the appropriate format, and at the appropriate level including regional, sub-regional or national level”

### **3. Participation in the Programming of EU-Development Aid on National Level**

(Country Support Strategy – Country Strategy Paper – National Indicative Programme)

#### **ARTICLE 19**

##### **Principles and objectives**

“[...] 3. Governments and non-State actors in each ACP country shall initiate consultations on country development strategies and community support thereto.”

#### **ARTICLE 33**

##### **Institutional development and capacity building**

“[...] 5. Cooperation shall span all areas and sectors of cooperation to foster the emergence

of non-State actors and the development of their capacities; and to strengthen structures for information, dialogue and consultation between them and the national authorities, including at regional level.”

#### **ARTICLE 57**

##### **Guidelines**

“[...] 3. Without prejudice to the provisions above, eligible non-State actors may also be responsible for proposing and implementing programmes and projects in areas concerning them.”

#### **ARTICLE 81**

##### **Procedures**

“Management procedures shall be transparent, easy to apply and shall enable the decentralisation of tasks and responsibilities to the field. The implementation of ACP-EU development co-operation shall be open to non-State actors in areas that concern them. The detailed procedural provisions for programming, preparation, implementation and the management of financial and technical cooperation are laid down in Annex IV on Implementation and Management Procedures. The Council of Ministers may review, revise and amend these provisions on the basis of a recommendation from the ACP-EC Development Finance Cooperation Committee”.

### **4. Participation in the Programming of EU-Development Aid on Regional Level**

(Regional Strategy Paper – Regional Indicative Programme)

#### **ARTICLE 8 (Annex IV)**

##### **Regional programming**

“Programming shall take place at the level of each region. The programming shall be a result of an exchange of views between the Commission and the duly mandated regional organisation(s) concerned, and in the absence of such a mandate, the National Authorising Officers of the countries in that region. Where appropriate, programming may include a consultation with eligible non-State actors.”



## Appendix B

### Country Survey: The FES-Questionnaire

***Country surveys on the capacities of political and social actors to shape and implement the provisions of the Cotonou Agreement between the European Union and the ACP-Group of States: Terms of Reference (ToR)***

#### **1. Scope of Survey**

##### **1.1. Background**

The Friedrich-Ebert-Stiftung has decided to elaborate a project strategy with the aim to support its African partners to enhance their capacity to make a significant contribution to the implementation of the provisions of the Cotonou Agreement between the EU and the ACP. In order to develop such a strategy the FES embarks on a country as well as a project specific problem analysis. Part of such an analysis is the assessment of the present capacities of political and social actors to articulate their interests with respect to and bring them to bare in the on-folding relation between Europe and Africa under the Cotonou agreement.

According to the ACP General Secretariat there are in this respect four areas in which the ACP countries are facing challenges: the new provisions on political dialogue, the involvement of non-state actors in application of the Cotonou-Treaty, the establishment of a new trade regime and the reviewed mechanisms and new provisions for financial co-operation and development assistance.

During a recent conference of the Africa department of the FES there was a general consensus that the Foundation should particularly seek to develop a strategy towards the three first areas mentioned by the ACP-General Se-

cretariat i.e.: Political dialogue, Involvement of non state actors, Development of a new trade regime.

##### **1.2. Who is to Be Assessed?**

The country surveys should identify existing capacities of the relevant social and political actors in this respect. Given the fact that what constitutes relevant social and political actors varies from country to country it is left to each country office of the FES to provide more specific guidance on this matter. However in every country the assessment should include the following general categories of social and political actors:

###### *Categories of non-State actors*

- a) National trade union organisations
- b) National Employers organisations/ business associations
- c) Civil society networks (if there are none than the major groupings in civil society)
- d) Women organisations
- e) Universities and research institutions
- f) Local government authorities
- g) Other specific partner organisations of the FES where relevant

###### *Categories of State actors*

- a) Presidency, Ministries and other organs of central government administration
- b) The Parliament and in particular relevant committees
- c) Regional organisations (where present)

##### **1.3. What is to Be Assessed?**

For each of the three identified focus areas there are specific issues linked to articles of the Cotonou agreement that should be assessed.

They have been chosen because they constitute the legal basis for certain rights and benefits ACP actors can derive from the agreement. In other words these articles provide concrete opportunities for African political and social actors to articulate their interests in the relationship with the European Union. In order

to ensure comparability between the many country surveys it is imperative that a common structure be followed. The structure for the survey and the questions to be answered are as follows. Please provide an answer to all questions even if it is in the negative.

## **2. Questionnaire – Structure of Country Report**

### **2.1: General Data (0,5 Page)**

Name of your country:	
Geographical size of your country:	
Size of population:	
Membership in Regional Organizations, such as UEMOA, ECOWAS, SADC, COMESA, EAC etc:	
Political system of your country:	
Devolution of powers, i.e. existence of decentralized regional and/or local government authorities:	
Calendar for the next coming elections up to 2008, i.e. presidential, parliamentary, regional, local:	
Classification of your country according to World Freedom House:	
Ranking No. according to World Bank	
Ranking No according to Human Development Index:	
Ranking No according to Transparency International:	
Status of your country as a LDC or a non-LDC:	

### **2.2: Current State of Ratification of the Cotonou Treaty (0,5 Page)**

Has the Parliament of your country already ratified the Cotonou-Treaty?

If yes: date of ratification, date of publication in the official law gazette

If no: when is the ratification to be expected?

Please quote briefly the reasons for the delay:

### **2.3: Current State of Consultation and Negotiations**

Give an overview of the current situation in your country with regard to the issues listed.

Introductory remarks (if need be):

#### **2.3.1. Country Strategy Paper (2-5 Pages)**

In which stage is the CSP? Is it ready?

Who prepared it?

How long did the process take?

What publicity existed in the country?

Who were the national actors, that participated:

- State actors?
- Non-State Actors?

How did the non-State-Actors participate?

- invited / selected by whom?
- Presented position paper / attended which meetings?
- Consulted in early stage or only to comment on final draft?

Timetable of events (Summary of the previous)!)

List of relevant Documents (Docs to be attached)!

Other issues, not mentioned above, but important for understanding the state of affairs !

#### 2.3.2. *National Indicative Programme (1-2 Pages)*

Same questions as under 2.3.1.

#### 2.3.3. *Regional Strategy Paper (1-2 Pages)*

Same questions as under 2.3.1.

#### 2.3.4. *Regional Indicative Programme (1-2 Pages)*

Same questions as under 2.3.1.

#### 2.3.5. *Economic Partnership Agreements (EPA) (1-2 Pages)*

Same questions as under 2.3.1.

### 2.4. Social and Political Actors:

#### Identification and Characterisation

Please refer to the general categories of social and political actors as listed under 1.2.!

Introductory remarks (if need be)

#### 2.4.1. *Non-State Actors: (2-3 Pages)*

The Cotonou agreement lists three criteria for selecting Non-State Actors: Must represent needs of population; must have competencies; must be organized democratically.

2.4.1.1. Which among the non state actors are the relevant organisations and should participate in the Cotonou process? Pls. list them individually according to the sectoral listing above. Briefly characterise their organisational profile.

- Trade Unions
- National Employers organisations/business associations
- Etc (follow classification under 1.2.)

2.4.1.2. Which among the Non-State actors *have already participated but their relevancy may be doubted? Which organisations should participate but their participation is doubtful? Which would like to participate but are faced with barriers?*

- Do/Did participate but are not important:
- Should participate but are reluctant to do so:
- Want to participate but are faced with barriers:

#### 2.4.2. *State Actors (1 Page)*

Under the general categories of social and political actors stated above which among the state actors are the *relevant departments, institutions and governmental agencies* in respect of the relation between the European Union and the ACP States? Briefly characterise their organisational profile.

- Departments, Agencies etc.
- Parliament

### 2.5. Participation of Non-State Actors:

#### Type of Involvement (1-3 Pages)

Of those Non-State Actors, involved in the Cotonou process since the signing of the Cotonou agreement: What was their contribution? Introductory remarks (if need be)

##### a) *Trade Unions*

a1): What is/was their involvement in formulating the country support strategy (CSS)

a2): What is/was their involvement in the implementation of co-operation programmes? Did they introduce own proposals?

a3): Briefly assess the willingness and capacity of them to fulfil the provisions of art. 4 of the agreement?

##### b) *Employers Organisations/Business associations*

b1): What is/was their involvement in formulating the country support strategy (CSS)

b2): What is/was their involvement in the implementation of co-operation programmes? Did they introduce own proposals?

b3) Briefly assess the willingness and capacity of them to fulfil the provisions of art. 4 of the agreement?

##### c) *etc (follow classification under 1.2.)*

(Under Section 1 you listed the presence of social and political actors in the process. Here, you should assess the quality and relevancy of their participation). Pls. use the same classification

cation as above. If whole sector does/did not participate, just state: 'no participation'. If assessment of participation is not possible, just state: 'no assessment possible'.

## **2.6. Definition and Selection of Non-State Actors (0,5 Page)**

Art 6 provides a *definition of non state actors* and lays the basis for a criteria of selection. How does this appear in comparison to the situation in your country? How are the criteria operationalized (if at all)? Who selects? How fair is the selection?

## **2.7. Arrangements for Participation of Non-State Actors (0,5 Page)**

Art. 7 stresses the particular importance of community organisations as well as non-profit non-governmental organisations and stipulates the establishment of specific arrangements to allow them to effectively take part in the design, implementation and evaluation of development strategies of ACP States. Is such an arrangement in place in your country/region? If so, how does it work (pls. describe in detail)?

## **2.8. Political Dialogue (1-2 Page)**

Art 8.7 stipulates that representatives of civil society organizations shall be involved in the political dialogue between the EU and ACP States.

2.8.1. What kind of political dialogue did so far take place between national State actors and the EU according to Art. 8.2., 8.3., 8.4., 8.5. and which issues have been discussed ?

2.8.2. Which Non State actor in your country have so far been associated to the political dialogue?

2.8.3. How were they involved?

2.8.4. What was their contribution?

2.8.5. Briefly assess the capacity of the social and political actors to fulfil this clause!

2.8.6. Have the Art. 96 and 97 been evoked in your country since ratification of the Cotonou treaty?

If yes, please describe under which circumstances?

## **2.9. New Trade Relationship (2-3 Pages)**

Art. 37 constitutes the legal basis for the establishment of a new trading arrangement between the EU and the ACP States. This relation is to be defined in the process of negotiations. Negotiations are to commence by 2002.

2.9.1. Which of the social and political actors have made a contribution to defining a negotiation stance?

2.9.2. What are the issues being raised?

2.9.3. What is the impact on the official negotiation position of your country/region?

Art. 37.6 leaves it to the individual ACP States of non-LDC Status to decide by 2004 whether they want or not to enter into a economic partnership agreement.

2.9.4. Which social and political actors in your country/region are debating this matter?

2.9.5. What are the issues raised?

2.9.6. What is the general tendency?

Art. 37.5 gives ACP States the right to decide whether they want to engage in a new trade arrangement on an *individual basis or in the context of a regional grouping*.

2.9.7. Which social and political actors in your country/region are debating this matter?

2.9.8. What are the issues raised?

2.9.9. What is the general tendency (majority position)?

## **3. Concluding Remarks (0,5 Page)**

What is the summary of your findings in terms of the awareness of the Cotonou-Treaty and its implication among state and non-state actors;

the existing capacity of social and political actors to play an active and effective role in the shaping and implementation of the Cotonou agreement;

the established mechanisms for dialogue, consultation and participation of the various actors?

Which are the major problems/challenges you see for the forthcoming negotiations?

*Notes*

Reference made in the questions to ‘country/region’ is intended for those country that are host to regional organisations or networks of non-state actors. They should be mentioned separately from national institutions or organisations.

Any information which has not been directly obtained by the survey has to be quoted by the source and the date of its validity.

The survey shall not exceed 25 pages. Please stick to the number of pages as indicated for

each section. The concluding remarks should not exceed half a page.

The text of the survey shall be produced with Word for Windows Version 7 or later; with Type: Times Roman 12; space of 1.5 lines; borders of 3 cm above, below, left and right.

*Timing and datelines*

The survey shall be concluded and delivered to FES-Bonn via the FES country-offices as hardcopy and text-file not later than 15 September 2002 !

## Appendix C

### Country Survey: List of Authors of Country Reports

Region / Country	Author	Organisation
<b>West Africa</b>		
<b>Benin</b>	Antoine S. Agbadome	Ministère de l'Industrie, du Commerce et de la Promotion l'Emploi de Benin
<b>Cameroon</b>	Emmanuel Noubissié Ngankam	Association des Journalistes économique du Cameroun (AJEC)
<b>Cote d'Ivoire</b>	Gabin Kponhassia	Consultant
<b>Ghana</b>	Dr. Kwasi Anyemedu	Third World Network (TWN)
<b>Mali</b>	Diarra, Fadio	Consultant
<b>Nigeria</b>	7 Consultants	Nigeria Institute for International Affairs (NIIA)
<b>Senegal</b>	Amath Ba	REZO Communication
<b>East Africa</b>		
<b>Ethiopia</b>	Abebe Teferi, Admit Zerihun	Consultant Consultant
<b>Kenya</b>	Oduor Ongwen; Dr. Odek-Otieno; Morara Ongwenyi.	Director ECONIEWS; Consultant Consultant
<b>Madagascar</b>	Dominique Rakotomala Dr. K.-P. Treydte	FES-Madagascar FES-Madagascar
<b>Mauritius</b>	Pynee Chellapermal Dr. K.-P. Treydte	CEDREFI FES-Madagascar
<b>Tanzania</b>	Peter Häussler, Dr. Francis Matambalya Sylvia Hangen-Riad	FES Tanzania University of Dar es Salaam Private Consultant
<b>Uganda</b>	Robert Ekongot	Development Alternatives (DEALS U), Kampala Uganda
<b>Southern Africa</b>		
<b>Angola</b>	Dr. Mário Alberto Adata de Sousa	Angola—Pesquisa Económica e Social, Director
<b>Botswana</b>	Tiro Kayawe	Bistwana Institute for Development Policy Analysis (BIDPA)
<b>Namibia</b>	Cristoph Stork	NEPRU
<b>Zambia</b>	Michael Schultheiss	FES –Sambia
<b>South Africa</b>	No Report	No Report
<b>Zimbabwe</b>	Dr. Dan Ndlela	ZIMCONSULT

## Appendix D

Country Survey: List of Non-State Actors Consulted for Programming of Country Strategy Papers / National Indicative Programmes

Countries	Trade Unions	Employers Associations/ Business Associations & Chambers	Organisations of Civil Society	Research Institutes	Regional / Local Government Administrations: Associations / Representatives	Others and Remarks
<b>West Africa</b>						
<b>Benin</b>	CSA-Bénin – Confédération des Syndicats autonomes du Bénin; CGTB – Confédération générale des travailleurs du Bénin; CSPB – Centrale des syndicats des secteur privé et informel du Bénin; CSTB – Confédération des syndicats des travailleurs du Bénin; UNSTB – Union nationale des syndicats des travailleurs du Bénin; COSI – Confédération des organisations syndicales indépendantes.	Chambre du Commerce et d'Industrie du Bénin; Conseil National pour l'Exportation; Association de Développement des Exportations.	FOSAC; Consortium Alafia ; ROBBS ; REDAD ; RACB ; G/PIFED ; GNTENF; Institut Kilimanjaro; GNT/P2CD; Réseau JEB; WILDAF/BENIN.		(Mission de Décentralisation)	Because the EU and the Government of Benin considered the consultation of civil society within the framework of the PRSP (Poverty Reduction Strategy Paper) as sufficient, no further consultation took place on NIP and CSP . The groups listed here participated in two seminars organised by the trade ministry (in cooperation with FES) on information about the Cotonou compact and the future involvement of non-State actors. No debate on the CSP/NIP draft took place.
<b>Cote d'Ivoire</b>	Union Générale des Travailleurs de Côte d'Ivoire (UGTCL); Fédération des Syndicats Autonomes de Côte d'Ivoire (FESACI).  Trade Unions participated only in the first constituent meeting. Thereafter, EU refused participation from trade Unions.	Fédération Nationale du Patronat Ivoirien ; Fédération Nationale Industriels et Services de Côte d'Ivoire; Associations des Professionnels de l'Exportation de Côte d'Ivoire; Fédération Nationale des Coopératives d'Épargne et de Crédit; le PROMEXA; Association Ivoirienne des Services de Financement Décentralisé; Fédération Ivoirienne des Petites et Moyennes Entreprises; Fédération des Femmes Entrepreneurs pour le Développement Économique et Social.	ASAPSU (health); RIOF Réseau Ivoirien d'Organisations non gouvernementales féminines; Forum/FNSEN; CFRAR; Collectif des Organisations Non-Gouvernementales actives en Côte d'Ivoire; LIDHO Ligue Ivoirienne des Droits de l'Homme; ONEF (promotion de l'éducation de la petite fille); GERDEDES (promotion de la démocratie).			Constituent meeting for consultation on 7 Jan. 2002. EU told Trade Unions that from this point, their participation is no more possible. Other groups participated in the making of the first CWSP/ NIP-draft. First draft was forwarded by Government to EU which amended draft. Changes by EU did not affect sector or project focus but the budget side. The new CSP/NIP was not presented for further debate but as final document. Groups, who participated in consultation protested this procedure.



<b>Ghana</b>	TUC – Trades Union Congress; GNAT – Ghana National Association of Teachers; GRNA – Ghana Registered Nurses Association.	AGI – Association of Ghana Industries; PEF – Private Enterprise Foundation; Chamber of Commerce.	ISODEC; TWN-Third World Network; Aid to Artisans (Ghana); Action Aid; World Vision.	University of Ghana – ISSER; Institute of Economic Affairs; Centre for Policy Analysis.		Ghana has established the ACP-EU committee as a sub-committee to the inter-institutional committee on multilateral trade negotiations. The committee meets regularly (latest: 29 March 2003). Civil society holds membership in the committee through TWN-Africa and Integrated Social Development Center (ISODEC).
<b>Cameroon</b>		GICAM-Groupe Inter Patronal du Cameroun.	ADAF; ADEBA; African Forest Action Network; Archidiocèse de Douala; APDHAC – Association pour la promotion de Droits de l'Homme en Afrique Centrale; APICA-Association pour la promotion des Initiatives Communautaires Africaines; ASSEJA; Association Camerounaise de femmes juristes; ASSODEMAK; CAFOR; CAFRAD; CAMINAFW; CANADEL; CAPEROD CIPCRE – Cercle International pour la création de la promotion; Centre pour le Développement autcentre; COIC – Cameroun Opportunities Industrialization Centre; CONGAC – Confédération ONG Afrique Centrale; CRADIF; CRDPH – ASSOAL centre de Ressources pour le Développement; Doual'Art; FAFCAM – Fédération des Associations de Femmes au Cameroun; FONGEC – Fédération des Organisations Non Gouvernementales de l'Environnement au Cameroun; IDF; INADES Formation; JADE Cameroon – SYFIA-International; JEDY; JUNACEM; Observatoire International de Prisons; ODECOLD; OFSAD; Pan African Institute for Development – West Africa; PRITÉGÉ OY; Réseau International Agriculture Paysanne et Modernisation en Afrique; SAILD – Service d'appui aux initiatives locales de développement; SERCAADS; Service Oecuménique pour la paix et la promotion humaine.		UCVC – Union de Communes et de Villes du Cameroun; AMAC – Association de maires en Afrique Centrale.	It is not fully clear, whether list of NGOs contains those invited and/or those in attendance at the CSP/NIP-briefing session in July 2001.
<b>Mali</b>	Confederation Syndicale des Travailleurs.	Federation National des Employeurs; Chambre de Commerce et d'Industrie du Mali.	Names of Organisations were not available.			

Nigeria	n.a.	n.a.	n.a.	n.a.	n.a.	Country Report rejected due to poor quality of data.
Senegal				Forum civil; Enda Tiers Monde; RADDHO – Rencontre africaine pour la Defense des Droits de L'Homme; ASBEF.		
East Africa						
Ethiopia	Confederation of Ethiopian Trade Unions (CETU).	<p>Ethiopian Consultants Association; Ethiopian Contractors Association; Association of Private Industries; Ethiopian Chamber of Commerce; Ethiopian Women Entrepreneurs' Association (on paper only); Association of Private Banks.</p> <p>Not invited/no participant: Addis Ababa Chambers of Commerce.</p>	<p>Ethiopian Economic Association (EEA); Forum for Social Sciences (FSS); (close to government); Women Lawyers Association; Inter Africa Group (not independent); Ethiopian Human Rights Council (EHRCO); Churches: Ethiopian Orthodox Church; Islamic Church of Ethiopia; Catholic Church; Protestant Church;</p> <p>Regional GONGOS: Relief Society of Tigray; Amhara Relief Organisation; Oromo Self Help Organisation; Tigray Development Organisation; Oromiya Development; SINPR Development Association Awasa.</p> <p>Not invited/no participant Centre for Local Capacity Building.</p>	Ethiopian Institute of Peace and Development; Ethiopian Economic Policy Research Institute.		<p>Embassies: Italy, Netherlands, Spain, UK, Norway, Canada, Japan, Switzerland;</p> <p>International/Multilateral Organisations: Agence Francaise de Development; USAID; FES; ADP; IMF; The World Bank; UNDP; ILO; IOM; FAO; UNICEF; UNHCR; WFP; WHO; IFC; EU-Delegation.</p>
Kenya		Kenya Association of Manufacturers; Kenya Flower Council.			Kenya Institute of Policy Research and Analysis.	
Madagascar		CMR-Congrès Malagache de la Route (association of companies in the transport sector and road construction)	GTDR-Groupes de Travail sur le Développement Rural. GTDR-membership: Representatives of local administration, local elected government, private sector, farmers' peasant organizations, NGOs.		Via GTDR	Madagascar ist divided into 20 state-organized GTDRs for rural development. Only GTDRs from the South were consulted. No invitation for groups with urban constituencies.
Mauritius	Mauritius Labour Congress (MLC); General Service Association (GSA).	Chamber of Commerce; Chamber of Agriculture; Joint Economic Council (tripartite)	MACOSS -Mauritius Council of Social Services.		CEDREFI	Big enterprises;

Tanzania	Tanzania Private Sector Foundation; TCCIA-Tanzania Chamber of Commerce; Confederation of Tanzanian Industry.	TACOSODE – Tanzania Council of Social Development; TANGO – Tanzania Association of NGOs; Tanzania Association of Consultants; TAHEA – Tanzania Home Economics Association; TEDG – Tanzania Ecumenical Dialogue Group; WRDP – Women Research and Development Programme; EOTF – Equal Opportunities for All; Vibiindo Society; Poverty Africa.	University of Dar Es Salam, Faculty of Commerce and Management; ESRF – Economic and Social Research Foundation.	Press: Majira; Daily News; Guardian.  SNV – Netherlands Development Organisation; TATEDO – Tanzania Traditional Energy Development and Environmental Organisation, President’s Office.
Uganda	Sector Working Groups set up under the so called PEAP-Process.	Uganda Debt Network; Uganda Gender Resource Centre; Development Network of Indigenous Voluntary Associations.		
Southern Africa				
Angola	UNTA – União Nacional dos Trabalhadores Angolanos; CGSILA – Confederação Geral dos Sindicatos Livres Angolanos; SINPROF – Sindicato Nacional dos Professores; AIA – Associação Industrial de Angola; CCIA – Câmara de Comércio e Indústrias de Angola; INAPEM – Instituto Nacional de Apoio as Pequenas e Médias Empresas; UNACA – União Nacional das Associações de Camponeses; OAA – Ordem dos Advogados de Angola; OEA – Ordem dos Engenheiros de Angola; OMA – Ordem dos Médicos de Angola; UEA – União dos Escritores Angolanos; UNAC – União dos Artistas Plásticos; FACE – Fórum de Auscultação e Concertação Empresarial; Epungo.	AEA – Associação dos Economistas Angolanos; FONGA – Fórum das Organizações Não Governamentais Angolanas; ADRA – Acção para o Desenvolvimento Rural e Ambiente; ADRA – Acção Angolana para o Desenvolvimento; AAAI– Associação Angolana de Amizade para Infância; AAMI-Associavao Angolana das Mulheres Juristas; AAPJ – Associação de Apoio à População Idosa; ADA-Associação dos Desempregados de Angola; ADAC – Associação para o Desenvolvimento e Ajuda às Comunidades; ADAM – Associação para o Desenvolvimento e Ajuda Mútua; ADAS – Associação para o Desenvolvimento e Assistência Social; ADEMA – Associação Ajuda e Desenvolvimento da Mulher e Crianças; ADESMA – Associação dos Desmobilizados de Angola; ADMERA – Acção Angolana Desenvolvimento do Meio Rural e Ambiente, CEGIA – Centro para Educação, Gestão e Investimento em Angola; OADEC – Organização para Ajuda ao desenvolvimento Comunitário; OMA – Organização das Mulheres Angolanas; PPP-Pão para o Próximo; CVA – Cruz vermelha de Angola; DACCO – Organização Angolana de Apoio à Criança Desamparada; FISH – Fraternidade para Infância, Solidariedade e Humanismo; GAASIDA – Fundação Ajuda e Desenvolvimento Grupo de Activistas Anti-	UAN – Universidade Agostinho Neto; ULA – Universidade Lusitana de Angola; UCAN – Universidade Católica de Angola; UNANGOLA – Universidade Nova de Angola; Universidade Piaget de Angola; ISPRA – Instituto Superior de Ciências Médicas.	(Provincial Governors: Not grouped as Local Government)  Press: Jornal de Angola (state owned); Jornal Agora; Jornal Angolense; Jornal Folha 8; Jornal Actual; Jornal Independente; Rádio Nacional de Angola (state owned); Luanda Antena Comercial, LAC; Rádio Eclésia; Rádio Luanda; Televisão Pública de Angola (state owned); Imprensa Nacional.  Foundations: Fundação Eduardo dos Santos; Fundação Sagrada Esperança; Fundo Lwini para o Desenvolvimento; Friedrich Ebert Stiftung.  Donors and agencies of the UN System: Fundo de Apoio Social; Noruega; Estados Unidos da América; Canadá; USAID; Banco Mundial; FMI; PNUD; UNICEF; PAM; FAO; UNESCO; FNUAP  Ambassadors of the EU State members:

			<p>Sida e DoenVas Transmissíveis; INIDES – Instituto de Investigação e Desenvolvimento Social; LAASP – Liga Angolana de Amizade e Solidariedade com os Povos; LARDEF – Liga de Apoio à Reinserção dos deficientes; AJAMAC – Associação Angolaana de Apoio à Juventude Camponesa; ANEM – Associação Nacional Apoio no Ensino e Instrução de Menores; APS – Associação para a Promoção Social; ANDA – Associação Nacional dos Deficientes Angolanos; AP – Aurora d o Progresso; ASSC – Acção de Solidariedade e Saúde Comunitária; COFDES – Conjunto Fratemo para o Desenvolvimento da Sociedade; AIP; Rede Maiombi; Rede Mulher; Jubileu 2000.</p> <p>Churches and associations of religious faith: Conselho das Igrejas Cristãs de Angola; CEAST; CICA – Conselho de Igrejas Cristãs de Angola; Igreja Católica; ICEA – Igreja Cristã Evangélica de Angola; ACI – Associação Cristã para Infância; ACJ – Associação Cristã de Jovens de Angola; ACRS – Associação Cristã de Reinserção Social; AEDS – Associação Evangélica para o desenvolvimento Social; MIFRO – Missão Sem Fronteiras Acção Rural Cristã em Angola; OFRACRISTÃ – Organização Fraterna Cristã e Beneficência; SCAM – Solidariedade Cristã e Ajud Mútua; USODEC- União Social Cristã ppara o Desenvolvimento comunitário; IMUB – Igreja Metodista Unida de João Baptista; AIUDE – Associação Cristã de Ajuda à Juventude Desfavorecida; AMA – Aliança MulVumana de Angola.</p>				Head of the EU Delegation; Sweden; France; Germany; Italy; Portugal; Belgium; United Kindom; Holland; Spain; Denmark
Botswana	BOCCIM-Botswana Confederation of commerce Industry and manpower.	OCONGO-Botswana Council of NGOs.					

<b>Mozambique</b>	OTM – Central Sindical (Central Trade Union Organisation); UGC; Trade Union Confederação dos Sindicatos livres e independentes – CONSILMO	Coligação Justiça Económica – (Business Association) ATAP (Business Association)	ORAM (Civil network); Fundação Natureza em Perigo (Environmental Organization); KULIMA (Membership Organisation); MONASO (Civil society network/research organisation); AMODER (Civil Society network); CVM (Humanitarian Organization); ADHD (Human Rights Organisation); Ordem dos Advogados (Law association); PROGRESSO; ADEMO (Civil society net work); APOSEMO (Civil society net work); Grupo da Divida (Civil Society net work).  Church representatives: Conferência Episcopal; Caritas Mocimicabana; CCIM; Fundacao Aga Khan	ISRI; Centro de Estudos Africanos (UEM); Política de Estudos Sociais Agência Lusa; Metical; OIKOS; Campanha de Terra.		
<b>Namibia</b>	Namibian Farm Workers Union; Namibia National Teachers Union; Namibia National Teachers Union Rundu; Namibia Food and Allied Workers Union; Namibia Agricultural Union; Teachers Union of Namibia.	Joint Consultative Committee; Namibian Employers Federation; Namibia Chamber of Commerce and Industry; Namibia National Association of Women in Business 'Oshakati'; Kavango Small business Association; Pahuka Training Programme.	Journalist association of Namibia; Urban trust of Namibia; National Society for Human Rights;  Gender: Women's Action for Development; Sister Namibia; Namibia National Women's Organisation; Women's Association of Keetmanshoop; Erongo Women Voice Community Action Group; Good Hope Women's Development Forum.	NEPRU – Namibia Institute for Democracy; Namibia Institute for Democracy.	Association of Local Authorities in Namibia;	400 NSA were interviewed by NEPRU on behalf of the government; data bank available with NEPRU.
<b>Zambia</b>		ZACCI-Zambia Association of Chambers of Trade and Industry; ZAM-Zambia Association of Manufacturers; Zambia Export Growers Association.	JCTR – Jesuit Centre for Theological Reflection; FODEP – Foundation for Democratic Process; NGOC – NGO Co-ordination Committee for Gender Issues.			
<b>(Zimbabwe)</b> Blocked by EU half-way.	ZCTU-Zimbabwe Congress of Trade Unions.	CZI – Confederation of Zimbabwe Industries; ZNCC – Zimbabwe National Chamber of Commerce; ZFU – Zimbabwe Farmers Union.	NSAF (Non State Actors Forum)-Mitglieder: Zimbabwe Women Lawyers Association; National Association of Non-Governmental Organisation; Insiza District Development Association; CCZ – Confederation of Consumer Councils of Zimbabwe; ZCC – Zimbabwe Congress of Churches.	CASS-Centre for Applied Social Sciences; Research and Teaching Associations, Dept. of Economics – University of Zimbabwe.	ARDC-Association of Rural District Councils; UCAZ-Urban Councils Association of Zimbabwe; Urban councils City of Masvingo	

## Appendix E

### List of FES Country Offices in Sub-Saharan Africa

Country	Representative (as of Dec. 31 <sup>st</sup> , 2002)
<b>West Africa</b>	
Senegal	Mirko Hempel
Cote d'Ivoire	Jens Hettmann
Ghana	Jörg Bergstermann
Benin	Annette Schlicht
Nigeria	Dr. Harald Bammel
Mali	Schubert Regine
Cameroon	Dr. Reinhold Plate
<b>East Africa</b>	
Madagascar	Dr. Klaus-Peter Treydtte
Mauritius	Dr. Klaus-Peter Treydtte
Tanzania	Peter Häußler
Kenya	Dr. Roland Schwarz
Ethiopia	Dr. Peter Österdieckhoff
Uganda	Fritz Koppsieker
<b>Southern Africa</b>	
Angola	Dr. Sabine Fandrych
Namibia	Jürgen Peters
Mocambique	Astrid Becker
South Africa	Dr. Ulrich Golaszinsky
Zimbabwe	Sven Schwersensky
Botswana	Michael Meier
Sambia	Michael Schultheiss
Note: FES groups its offices in Madagascar and Mauritius for internal administrative reason with East Africa	





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