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# **The joint Africa-EU partnership on democratic governance and human rights**

*Proceedings of a conference organised by the European office  
of the Konrad-Adenauer-Stiftung and the Brussels office  
of the Hanns-Seidel-Stiftung*

Brussels, 28-29 October 2008

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## About the Konrad-Adenauer-Stiftung

Since its creation in 1956 the Konrad-Adenauer-Stiftung (KAS) has been cooperating with partners worldwide in order to address challenges as indicated below:

The international activities of the Konrad-Adenauer-Stiftung aim at implementing the principle of non-violent conflict resolution, supporting democracy and the rule of law, respecting human rights, furthering mutual understanding, respect, appreciation and cooperation between different nations, cultures, ethnicities and religions. KAS also promotes the unique German social market economy concept: a holistic concept of a sustainable market economy encompassing well-balanced economic, social, ecological and ethical development, providing help towards self-help in development, fighting the causes of poverty and encouraging environmental protection (*Soziale Marktwirtschaft*).

In fact, KAS's international work constitutes an active peace policy on a global scale.

The Konrad-Adenauer-Stiftung is named after the first Chancellor of the Federal Republic of Germany and is guided by the principles of Konrad Adenauer (1876-1967) who was one of the founding fathers of a modern, peaceful and truly democratic Germany and of a united Europe.

In addition, KAS's values are derived from both Catholic Christian Social Teachings and Protestant Christian Ethics. However, KAS is open to all faiths and belief systems as well as to atheists and non-believers, as long as they subscribe in words and in deeds to the universal values of peace, freedom, justice, human rights, democracy and the rule of law.

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Legally speaking, KAS is a non-governmental organisation registered in the German Register of Societies. It has strong ties to the Christian Democratic Union (CDU) Party for which KAS serves as a think-tank and a training institution. However, all KAS training programmes are also open to the general public.

In Germany, KAS – in addition to its Berlin headquarters – operates one academy, two centres and 21 institutes of political education. Dialogue, education and development programmes are run by 68 overseas representative offices, in partnership with more than 200 foreign organisations in more than 120 countries.

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## About the Hanns-Seidel-Stiftung

“In the service of democracy, peace and development” is the principle guiding the work of the Hanns-Seidel-Stiftung (HSS), headquartered in Munich. Established in 1967, it is an independent German political institution, yet espouses ideals close to those of the Christian Social Union (CSU) and its sister party Christian Democratic Union (CDU). The foundation (Stiftung) is named after Hanns Seidel (1901-1961), one of the co-founders of Germany’s right-wing conservative party Christian Social Union (CSU) founded in 1945. Hanns Seidel was elected member to the Bavarian State Parliament in 1946, later he became Party Chairman of the CSU, Minister of State for Economic Affairs in Bavaria and finally Minister-President of Bavaria from 1957 to 1960.

The Hanns-Seidel-Stiftung works at the interface of politics and science. Its task is to analyse political inter-relations, to create a scientific basis for political action and to bring experts, multipliers and decision-makers together. Through our Scholarship Organisation, we also foster highly talented students both from Germany and abroad. Our graduates retain their connection to us for many years through membership of an alumni network for former scholarship holders.

The Hanns-Seidel-Stiftung operates two educational centres in Germany, in Wildbad Kreuth (Upper Bavaria) and at Banz Monastery (Franconia). We also have a modern conference centre in Munich. The Hanns Seidel Stiftung’s **Institute for International Contact and Cooperation** (ICC) has been active abroad for more than 30 years. The HSS works throughout the world towards “good governance”, democracy, peace, the rule of law and sustainable development. What started sporadically in 1976 developed in the course of the years into a global task, so that today over 90 projects are being carried out in over 50 countries. Through its many different development cooperation projects, the Hanns Seidel Stiftung assumes global responsibility.

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In accordance with our Christian-Social ideals, the role of development policy is to promote humane living conditions all over the world. Ultimately this means making a contribution to eradicating poverty. Through our projects we aim to achieve sustainable development on the basis of democracy, peace and a social market economy. “Help to self-help” is the guiding principle of our involvement.

The current form of German political foundations is unique: no other country has similar foundations engaged in development policy worldwide. The coexistence of the German foundations is proof of the plurality of a liberal-democratic system. The approach to development policy is also pluralistic.

Through political consultancy, vocational and professional education, rural development, management training and the promotion of constitutional structures in administrations and institutions, the ICC offers methods of resolution for improving political frameworks and conditions in the project countries.

The experience of HSS as a German development aid partner also manifests itself in the variety of conferences and events staged by our project office in Brussels. The goal is to promote development policy dialogue at a European level. Over almost 30 years of international involvement, the Hanns-Seidel-Stiftung has built up a network of partners worldwide.

In **sub-Saharan Africa** the Hanns-Seidel-Stiftung currently maintains 10 project offices. Its project activities stretch from Western Africa to Central Africa, Eastern Africa and the Southern part of the continent. The first project of development cooperation activities was carried out in Togo from 1977.

Europe’s current interest in the region is explained by the continent’s foreign and security policy relevance for Europeans. It is therefore important to support civil society, so that democracy and constitutional principles can be firmly established as a guarantor of peace on this continent. Our projects involve measures to promote state and civil society structures in urban and rural areas. Additionally, our work is aimed at fighting poverty and supporting the NEPAD initiative (New Partnership for Africa’s Development). In Africa, South of the Sahara, we work in the following countries: Benin, Burkina Faso, Ivory Coast, Ghana, Kenya, DR Congo, Namibia, Tanzania, Togo, South Africa and Uganda.

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## Abbreviations

ACDEG	African Charter on Democracy, Elections and Governance
ACP	Africa, Caribbean, and Pacific countries
APRM	African Peer Review Mechanism
AU	African Union
DRC	Democratic Republic of the Congo
EDF	European Development Fund
EIDHR	European Instrument for Democracy and Human Rights
EPA	Economic Partnership Agreement
EUIT	EU Implementation Team
EUR	Euro (currency)
HSS	Hanns-Seidel-Stiftung
KAS	Konrad-Adenauer-Stiftung
NEPAD	New Partnership for Africa's Development
NGO	Non-governmental organisation
OAU	Organisation of African Unity
ODA	Official Development Assistance
OPPD	Office for Promotion of Parliamentary Democracy
SADC	Southern African Development Community
UNDP	United Nations Development Programme
USD	United States Dollar
WTO	World Trade Organisation

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## Contributors

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Anna Caprile has been Administrator in the Secretariat General of the European Parliament since 2002, first in the Committee on Development, and since 2007 in the Policy Department. She works on development policies, relations with ACP countries and humanitarian aid. Previously she served for seven years in the External Relations Directorate of the European Commission, first in Moscow and later in Brussels.

### **Ivan Crouzel**

Ivan Crouzel is Chargé de mission within the Democratic Governance Division of the French Ministry of Foreign and European Affairs. His Doctorate in Political Sciences which he received at the *Centre d'études d'Afrique noire* (CEAN) of the *Institut d'Etudes Politiques de Bordeaux* was followed by a research fellowship at the same institute on governance issues in Africa. He coordinated the European project *Renforcement des capacités des organisations de la société civile dans le domaine des droits de l'homme en Sierra Leone* – an initiative of the European Commission for Democracy and Human Rights – as well as evaluations in South Africa.

### **Philippe Darmuzey**

Philippe Darmuzey has worked for the European Commission since 1978. He is Head of the Unit for Pan-African issues and institutions, governance and migration at the Directorate General for Development. He is chief negotiator of the European Commission in the EU Troika working on the joint Africa-EU strategy and the corresponding action plans.

### **Shada Islam**

Shada Islam is Senior Programme Executive at the European Policy Centre. She is an experienced journalist, columnist, policy analyst and communication specialist with a strong background in geopolitical, foreign, economic and trade policy issues

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involving Europe, Asia, Middle East, Africa and the United States. Her experience includes 15 years as EU and WTO correspondent for the Far Eastern Economic Review and eight years as EU correspondent for the German News Agency (dpa). She has also worked for the BBC, Radio France Internationale and Radio Netherlands.

### **Yusuf Kiranda**

Yusuf Kiranda is working on a masters degree in Development Studies at Uganda Martyr's University, Kampala. From 2004 until 2006 he was Programme Assistant of the Uganda Youth Network, before working for the country office of the Global Forum on International Cooperation. He has been KAS Programme Officer in Uganda since January 2008.

### **Dr Peter Köppinger**

Project Director for the Dialogue on Development Policy of the European Office of the Konrad-Adenauer-Stiftung in Brussels, since May 2005. Prior to this he was Director of the KAS Asia Department in Berlin. He had further assignments within the foundation as Director of the KAS Country Representation Offices in Vietnam and Cambodia.

### **Klaus Liepert**

Klaus Liepert has worked for the Hanns-Seidel-Stiftung since 1988. Since 2005 he has been head of the Department for sub-Saharan Africa. He is also Managing Director of the Bavarian-Togoish Society e.V. as well as Head of the Local Branch of the Christian Social Union (CSU) in Welden/Germany.

### **Jean Jacques Mbelle Abega**

Jean Jacques Mbelle Abega is President of the *Fondation Conseil Jeune* in Cameroon.

### **Jeremy Nagoda**

Jeremy Nagoda works for the European Commission in the Directorate for Thematic Operations of EuropeAid.

### **Phil ya Nangoloh**

A journalist specialised in human rights and democracy. He wrote various newspaper and magazine articles on human rights and politics in the 1980s. He previously worked for the Parents' Committee of Namibia as Public Relations Officer, and since 1989 has been Executive Director of the National Society for Human Rights (NSHR) in Namibia.

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**Noé do Nascimento Nhantumbo**

Noé do Nascimento Nhantumbo is an agrarian technical engineer and has worked for the Mozambique Ministry of Agriculture, on brewing and banking. He has also been a consultant and translator for international NGOs in Mozambique. He was previously liaison officer volunteer in USA during the World Trade Organisation conference in 1999.

**Anke Marei Oppermann**

Anke Oppermann is Desk Officer for Gender Equality, Human Rights, Culture and Development in the German Federal Ministry for Economic Cooperation and Development.

**Alfonso Pascual**

Alfonso Pascual started working for the European Commission in 1988 in the Secretariat General. In 1994 he became Desk Officer for Togo, then Rwanda and Burundi. Since 2002 he has worked in policy units concerning civil society and governance issues in the Directorate General for Development and Relations with ACP States. Currently he is Principal Administrator of DG Development as well as Head of the Governance Team in the Pan-African Issues and Institutions, Governance and Migration unit.

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**The joint Africa-EU partnership on  
democratic governance and human rights:  
introductory session**

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## **The joint Africa-EU partnership on democratic governance and human rights: implementation and appraisal**

*Klaus Liepert*

The aim of this conference is to discuss the Africa-EU partnership on democratic governance and human rights: its priorities, actors involved and expected results. We will touch on African governance initiatives and how to best integrate these into the partnership. We will consider the active role of African and European non-state actors in carrying out effective partnerships for democratic governance and respect for human rights.

The Africa-EU strategy and its first action plan, as adopted in Lisbon in December 2007, underline a crucial principle underpinning development cooperation activities in various African countries. This is the principle of an equal partnership between recipient and donor countries.

The work of the Hanns-Seidel-Stiftung (HSS) in Africa is marked by long-term partnerships, flexibility in responding to the problems of partner countries, prioritised support for African initiatives, the involvement of African partner organisations, support for societal forces on a pluralistic basis, and the strengthening of civil society, which is the main target of HSS's work.

### **The ownership principle**

HSS also tries to build on development initiatives stemming from our partner countries. Ownership is thus another core principle. Donor dominance would inhibit sustainable locally-owned development. Apart from the principles of a fair partnership and ownership, clarity and openness must also be mentioned as crucial conditions for a successful European partnership. Support for the New Partnership



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for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM) is the backbone of the cross-country work of HSS, in particular currently in West Africa.

The APRM balances African ownership with an opportunity for civil society to express its will. In the view of HSS, civil society is the main target of the APRM, and the main acting arm of the APRM. HSS's efforts to strengthen civil society's exercise of its democratic rights concern all partner countries in the NEPAD initiative and the APRM. The APRM and the African chapter on democracy, elections and governance are African-owned governance reform and democracy-building programmes.

Now that the Africa-EU partnership on democratic governance and human rights has been established, enhanced support will be given to African national human rights commissions, national parliaments and independent electoral commissions, as well as civil society organisations.

As a framework for this the African Union (AU) institutions will be strengthened. Capacity building of the pan-African governance architecture is a core target in this respect.

### **Taking practical steps**

However, strategic thinking must now lead to concrete practical measures. In order to achieve sustainable development, consideration of the intentions and interests of the African receiving countries, as well as the European donor countries, is crucial. It is strongly in the interests of both Africans and Europeans that governance adheres to principles of democratic standards and human rights. It is our societies in Africa and in Europe who are the final beneficiaries of the eight partnerships currently being implemented.

The EU-Africa joint action plan sets out the common strategy, which will be implemented by short-term action plans and enhanced political dialogue at all levels. This will result in concrete and measurable outcomes in all areas of the EU-Africa partnership. It is concrete outcomes that we are looking for. Implementing the eight partnerships is a much bigger challenge than formulating them.

Democratic governance and human rights is one of the strategic priority areas of the EU-Africa partnership. The AU and the EU are undertaking common efforts, and both will consult civil society. Civil society plays an important role in ensuring transparency and accountability.

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Funding is another key question. Alongside specific financial instruments and the European Development Fund, consisting of member state contributions, additional bilateral efforts and contributions from financial institutions in the private sector must be taken into account. Only coordination and concerted action will lead to effective outcomes. Coordination is one of the greatest problems we face.

The role of the European Parliament and its joint efforts with the Pan-African Parliament must also be underlined. Parliaments, as civil society's representatives, must play a stronger role. In carrying out democracy promotion activities, we try to support the functioning of parliaments and to enhance their ability to take up their role as guardians of democracy. Cooperation on election observation and mutual consultations are foreseen activities of the partnership.

### **The importance of Africa**

If Europe is serious about reinforcing its role as a global development partner, it has to start in Africa. Africa remains high on the EU's foreign policy agenda. This holds true for German bilateral relationships as well.

The new character of the joint political partnership is promising. It is people-centred, and will bring in each actor's specific added value. However, many challenges remain. We await the joint progress reports on the implementation of the EU action plan (foreseen for November 2008). In the meantime, we aim in our discussions to explore how best to implement the joint partnership, and how to further the cause of democratic governance and human rights with sustainable development. Where do we stand in the implementation and what needs to be done in detail?

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## **EU initiatives on democratic governance and human rights**

*Phillippe Darmuzey*

The Africa-EU partnership framework agreed in Lisbon means that Africa and the EU now have firm commitments and opportunities to work together, and not just as distant partners, on the questions of governance and human rights.

### **A year of toil**

The European Commission has published a review of the Lisbon Africa-EU Strategy, entitled 'One year of toil is born'. This relates to all eight of the partnerships under the Africa-EU Strategy, not just democratic governance and human rights, and it is the Commission's contribution to a progress review one year into the Strategy. The document comes from the Commission, and represents the Commission's view, not the view of the entire EU. It is also important to stress that the Strategy goes beyond institutions. It is also a partnership of people. Thus civil society, the private sector, researchers, policymakers and external institutions also have to be part of it. But the objective of the Commission's communication was to capture already the bulk of progress and work in each of the eight partnerships. There is a central partnership on peace and security, but this is backed up by the partnership on democratic governance and human rights.

The other six partnerships concern medium-term development goals; trade integration and infrastructure; climate change; energy; migration, mobility and employment; and science, information society and space. Thus the Strategy's agenda is very ambitious and broad. On the EU side, the Commission, member states and other institutions and partners are working on implementation of the different partnerships.

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There will soon be an Africa-EU ministerial troika in Addis Ababa (20-21 November). This will take stock and issue a joint progress report. This will show that many things have happened since the beginning of 2008, when work on the partnerships began.

The publication of the joint progress report will be also the occasion of the launch of formal joint expert groups for each of the eight partnerships. Much more work must be done to prepare, organise and take stock of our capacity, resources and available instruments in order to work on the Action Plan. On democratic governance and human rights, an first joint expert meeting will shortly take place. The Commission has had constant and permanent contacts informally with the African side, and more formally with the Commission of the AU.

In fact, on 1 October, there was a meeting of the two colleges of the two Commissions. This was the most important meeting since Lisbon in terms of taking stock of progress. The Commission's communication takes into account that encounter. The draft communication was also shared with the AU Commission.

As well as evaluation of progress, the communication has two further objectives. The first of these is identification of the main challenges and obstacles to the priorities that were agreed in Lisbon. This is a complex and fascinating area when one considers that the aim is to build on the establishment of joint expert groups and go beyond the EU and AU Commissions, beyond the representations of the member states of the two sides, beyond the participation of the original economic communities in Africa, to involve civil society, parliaments and partners, particularly on the issue of governance and human rights.

The final objective of the communication was to contribute to the joint AU/EU progress report, and that will be the case. The Commission is discussing presently with the Council some possibilities of agreeing with EU member states on where to go in the next phase after the ministerial troika.

### **Moving forward from Lisbon**

On democratic governance and human rights, we believe that many things have happened since Lisbon, even though they are not always big events, or big deliverables, that attract the attention of the media or of the international community. However, there has been dialogue on concepts, on new approaches, on issues that were the subject of misunderstandings in the past and on which now a frank and open discussion is possible, in order to progress to concrete action.

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On democratic governance and human rights, the main objective is to develop an understanding on governance -- a shared human rights agenda -- and to strengthen cooperation in complementary areas, such as culture, which is part also of the broad partnership on democratic governance and human rights.

The partnership also aims to support African countries in building their own democratic systems, and to implement their national plans for reform including, in particular, governance reform.

One very important outcome of the partnership is the establishment of a platform, previously called a forum for discussions. This is not an international formal conference, but a place where views can be expressed and exchanged without constraints. Establishing such a platform – a dialogue – on all the issues relating to governance and human rights will be a key step.

In concrete terms, several themes can be mentioned, which the Commission is working on with its African partners:

### **Political fragility and fragile situations**

Responding to situations of fragility is an area where the EU needed to clarify its approach, and at the same time to exchange views with partners on how to act in situations that are extremely critical, and in which democracy, institutions and governance at large are undermined or threatened.

Initially, discussions concerned fragile states. However, we no longer want to use that term because partners considered that naming a state a fragile state was a stigma that results in a kind of blacklisting. So the Commission has changed its approach on this and is moving towards a new EU strategy on fragile situations which involves, for instance, staying engaged in those situations where previously we would not. Previously, we would have withdrawn because there were too many risks and conditions were not met for sound use of development aid. But the population was still there, and there is a need for the affected countries to gradually return to a process of putting in place the proper reforms. For the EU to simply withdraw, or go to the international community, is the wrong approach.

We are trying to make the existing instruments more adaptable for these situations, even though sometimes procedures are a bit cumbersome. It is a very ambitious process for the Commission to change its procedures, but there is the willingness to do it. We are also working on improving the political dialogue on fragile situations.

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### **Support to governance initiatives**

The Commission has been making progress on innovative tools that provide an incentive for reforms in different countries, and which can be integrated into African initiatives – the famous APRM. The Commission, the European Community and the EU member states attempted a first proposal in the programming process of the tenth European Community Development Fund to develop the so called Governance Incentive Tranche.

There has been some criticism of this. There are many problems of lack of information about it, and also there are a number of questions that were not as simple as they appeared at the outset. The Commission is drawing lessons from this and conducting an overall review of this process. We will make recommendations that will take stock of any weaknesses.

The Commission has also discussed at both AU and EU level the possibilities of working more closely on a more acceptable dialogue and support for the APRM. There have been different phases in development of this. Initially, progress was relatively slow, but now there is a new phase, which is going to be done under a broader review. We will share our findings regarding the review of the Incentive Tranche with the AU and other APRM partners in Africa.

### **Local governance**

The Commission has been working at least since 2003 on developing a real policy on governance, in particular democratic governance. This led to a governance initiative that included a number of innovative instruments. But the Commission also worked with EU member states on going beyond the broad concept to different levels of governance.

This year, the Commission has been working on a number of communications. We are not a 'communications machine', but communications allow the Commission to interact with member states in developing operational conclusions, and to integrate them into our corporation.

On local governance we started with a broad concept and finished, in the communication, with something that is much more operational and that deals with the place of local authorities in the context of development cooperation in partner countries. The forthcoming European Development Days will include local governance and local authorities as a major theme.

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In that context there will be a presentation of the instrument that is a code of conduct for local authorities, and which is aligned with and integrated into the framework of the Paris Declaration on Aid Effectiveness. This will permit local authorities both the north and the south to commit themselves to play a more coherent, coordinated and effective role in one specific country with existing partners. At the European Development Days, there will be a formal addition to the European Development Cooperation Charter in Support of Local Governance, whereby local authorities, institutions and international partners can agree on the way to work together in developing countries.

### **The media**

We are also working on the media, which is a very important entry point for developing open-minded approaches and transparency, as a means of addressing governance in the different countries and regions of the Africa-EU Partnership.

### **Human rights**

Africa and the EU have now to go beyond a very broad idea of mutual understanding on human rights. There is a more-or-less agreed approach to the universal and indivisible nature of human rights. But the partners need to work more closely on how to go about practical implementation. How do we avoid imposing European preconceived ideas on Africa, or being too defensive on the African side and too dogmatic on the European side? It is a big challenge. We have a duty and a commitment to protect and promote human rights in Africa and in Europe. But there are many practical steps that must be taken to go much beyond that, in particular on dialogue and cooperation in the area of human rights, with a number of priorities which are under discussion.

### **Concluding remarks**

The major progress that has been made on the partnership on democratic governance and human rights has been to establish the two-sides concept, to share practical solutions for discussing concepts, and the idea of a platform with a initial series of priorities to start the first year. For the second year, there are a number of points on the agenda, which should allow the partners to go beyond theoretical general dialogue towards practical actions regarding a number of the conclusions from the dialogue. This will be done in the area of human rights, and on different practical reforms and dimensions of governance in general.

On implementation, we have made very good progress in establishing an EU team in Brussels, which has met at least three times since Lisbon, and which has conducted considerable research, collection of information and mapping of existing

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instruments, initiatives and activities, not just those of the Commission, but also of member states. There has been an informal first meeting with civil society partners and representatives of the European Parliament and other partners. We are looking forward to establishing the connection with the African side, because there is plenty on the table that is already the subject of consensus, and which was validated and checked when the AU and EU Commissions met. The November meeting in Addis Ababa should be a much more formal discussion on the priorities for the two remaining years of democratic governance and human rights action plan. We expect concrete progress in the next year.



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## **African and EU initiatives on democratic governance and human rights**

### *Discussion*

#### **Question from Jan Vanheukelom, Coordinator of the Governance Programme, European Centre for Development Policy Management**

Has there been evidence since the agreement of the Lisbon strategy that there is added value in a joint Africa-EU approach?

#### **Question from the floor**

Although many civil society organisations have been put in place in Africa by governments to promote elections and accountability, African citizens still need to see concrete benefits arising from their rights. How on the ground can the Africa-EU partnership effect citizens?

#### **Contribution from Yusuf Kiranda**

The joint strategy is to be welcomed, especially when it focuses on democracy and human rights. European development cooperation has for example been present in Uganda for several years, but the focus on the critical issues of governance and human rights have been minimal, and the perception that some of us in civil society have had is that Europe is not significantly concerned, at least at regional level, about governance and human rights in Africa. In the past, the debate has focused on addressing human rights in Africa in line with addressing poverty and security. This is a correct approach, but poverty and conflicts also develop out of political systems and processes. So if there is not a strong structure to facilitate democracy then we shall continue to face a challenge on human rights and other related issues.

There is talk of a joint commitment in the Africa-EU partnership, but in practical terms, is the EU commitment in this partnership a commitment to support Africa

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to undertake programmes that facilitate democracy and programmes that promote human rights?

Does the European Commission believe that African governments should also promote democracy and human rights? Have you expressed in concrete terms what you would like to see them doing? If they do not act, what happens to the partnership? In a number of African countries, there is commitment on paper but what actually happens falls short of what would be a positive commitment to human rights and democracy.

There is also the issue of the people's partnership. This is a fantastic idea, but even after signing the joint partnership and after coming up with this idea, the EU has hardly changed the way it undertakes negotiations and relationships with Africa. The EU is still not going beyond the partner governments in the negotiations. In Uganda, for example, the assumption seems to be that governance is not a significant enough problem to be one of the main focus areas for EU-Uganda cooperation, but indeed I would not expect the Ugandan government to admit to a significant shortfall in the area of democracy.

What has been done since adopting the Africa-EU Strategy and the people's partnership to ensure that issues that are salient to the needs of the people in terms of democracy and human rights are brought to the fore, if and when a given African government does not think that it is a priority for them to address?

### **Response from Phillippe Darmuzey**

On the question of the added value of the Africa-EU partnership, if we are serious about what the 18 head of states or government signed up to in Lisbon, the added value of this partnership would be that is not a traditional development partnership. It goes beyond that. Of course development assistance is still there as an instrument but this Africa-EU partnership is supposed to be a partnership of equals, in which the two sides have responsibilities. The Commission would very much like to see progress coming from African countries in developing the participation of the civil society in the partnership. Institutions must facilitate this process.

To be more specific on added value, there are aspects in the partnership that go beyond development. Africa's development will continue to be addressed but the intention of the partnership was more than that. It set out to discuss all issues including political ones, not just in Africa, but globally, meaning discussion even of world governance. The partnership can be a forum, for example, for discussing the current financial crisis and evaluating the consequences for world governance, and

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for two continents, Europe and Africa. Other global issues to be addressed through the partnership include climate change, energy and terrorism. The idea is to go beyond the traditional donor-recipient partnership of the past.

Another added value aspect is that the partnership goes beyond institutions to engage with the people. Much has been done to make sure that civil society in Africa at regional, national and continental level, and civil society in Europe have started to interact in the context of this partnership. Much more remains to be done because this area is very complex. We also expect input from civil society itself. We want to establish a sort of minimum mapping of the different networks that can really interact and participate in the context of the eight partnerships, so we can have active participation of civil society, of competent experts, and of interested partners on the two sides. However, that will take time.

The partnership also adds value in that it does not replace traditional development cooperation between the EU and African countries: that is still there. The Lisbon partnership is about developing the architecture of this relationship at regional and continental level. We are no longer just looking at the programming of the tenth CDF in Uganda, for example, we are also looking at the broader political dialogue between the African and European continents, and at regional economic activity.

On the question of concrete benefits arising for Africans from the exercise of their human rights, although much remains to be done, civil society partners in countries such as Cameroon and Uganda no longer come to the EU saying they are not sufficiently involved in the programming process. Of course, the EU has a duty to help, but there is also a need for African national parliaments, governments and the different actors in African countries to put pressure on the EU during the preparation of a particular country's development strategy paper, or a five or six year programme, so that those actors are consulted and involved. On paper the Cotonou Agreement provides for this, but in practice it may not be done enough. This is one issue that is open for discussion, with other leaders at the EU level possibly helping influence African countries to develop civil society participation much more.

Finally, the link between poverty and conflict means that we must go beyond traditional development assistance and talk about political reforms and democratic processes. The Commission has become much more involved than in the past in political dialogue with different governments, even sometimes at regional level, such as when we deal with the issue of Zimbabwe in dialogue with the SADC countries. But at the same time the Commission and EU member states together are focusing

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in contacts with partner governments on the essential elements such as democracy, governance, human rights and the rule of law. These are key issues for discussion beyond the traditional development approach. There is more to be done of course, but internationally the EU is one of the most advanced partners in terms of conducting this kind of political dialogue. Should we go further and put more pressure on African governments? That is not an easy question to answer, because the EU can be strongly criticised if crisis situations and attempts to open political dialogue lead to strong pressure on a particular country. However, political dialogue is an essential instrument and it has been developed much more than before.

**Contribution from Noé do Nascimento Nhantumbo, independent journalist, Mozambique**

Although there has been a development in terms of a new concept of cooperation between Africa and Europe, unfortunately when we thought the Lisbon Strategy was a step forward, in several parts of Africa there have been two steps back: in Zimbabwe, Kenya, the Democratic Republic of Congo, Sudan and Angola, even though their leaders signed the Lisbon agreement. For the Africa-EU partnership to work it must be based on open talk from both sides. The old concept of donor-recipient relationships is something that must be examined seriously, because with the Governance Incentive Tranche process, and EUR seven billion available, we will see some African governments presenting plans just to get access to those funds. They may do some cosmetic work but will essentially take the money and run.

**Contribution from Girma Asmerom Tesfay, Ambassador of Eritrea**

It is good that the donor-recipient concept has been challenged, and adapted to partnership. There is no conceptual problem with the Africa-EU joint strategy and partnership: the joint strategy is fantastic. The problem lies in its implementation and on this, we are moving through a learning curve.

The question of ownership is still not finalised, and this is holding up implementation. Do we deal with civil society or governments, representing the nation? This is very regrettable because implementation is very important.

Then comes the question of funding, which has not so far been dealt with properly. That is where the bottleneck is. Civil society organisations may receive funding, but this raises the ownership issue. The grassroots must challenge their own government, and the government has to be accountable foremost to its people, not to the donor-recipient concept. Any fund that comes to the developing country creates an interest in partnership, and this has benefits for the development of that nation.

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We should start thinking deeply when we sit down about who is reviewing who. Are the 12 countries that have signed the peer review really serious about what they are doing? Are they even capable of reviewing the whole process, let alone the whole of Africa by themselves?

These are the issues. Yes, there is a lot of funding, sometimes there are even bankable projects. From the Lisbon agreement one of the main streams of funding is for the peace and security commission. There is a lot of funding for the peer review, and for NEPAD. When President Mbeki in South Africa launched NEPAD, he invited all the African ambassadors and said this it was a renaissance. Africans thought it was owned by Africans, but eventually when the whole project had been set up, we checked the amount of money being made available for implementation, and we still had to come and lobby our western partners. It is still not implemented. So implementation and ownership are areas we need seriously to discuss if Africa is to move out of the predicament it is in.

### **Question from the floor**

The European Commission is trying to engage the AU to see where they can work together on the APRM. How involved is the Commission prepared to get? Engaging with the APRM will require engagement not only with governments, which is what some EU member states have been doing, but also with civil society, which so far has been to a great extent left out. Civil society needs capacity so it can engage on an equal footing.

Secondly, at what stage of the APRM is the Commission looking at engaging? Only when the country prepares its Programme of Action or before that?

### **Response from Phillippe Darmuzey**

On the Governance Incentive Tranche, this marks the first time the EU is not just spending or committing money in one sector, but is engaging more comprehensively on a dialogue regarding reforms, and is at the same time working in depth on the substance of those reforms. This shows we are serious about the linkage between political reforms and conflicts and poverty eradication.

Some people look at this instrument as a tool designed by the EU as a vehicle for its own interests. But it includes the governance profile. This is a tool that helps the different partners in a country understand the situation regarding governance at large and the trends in terms of the evolution, positive or negative, in governance reforms. There are two reasons for using this tool. First, it helps in assessing the different levels of governance, going beyond subjective judgements. The governance

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profile is an attempt to objectively describe the different levels of governance in a country, whether they are political, economic, financial, environmental or social. Second, the governance profile permits the analysis to be related to the efforts proposed by a country to undertake reforms in the area of governance. The Commission's intention is to use this instrument to better understand the causes and effects of the situation in the area of governance for the conduct of political dialogue. The Commission wants to continue to share and improve the tool in liaison with the partner countries.

Using a tool such as this to understand in great depth the situation in a country is also central to steering governments towards reform and democratisation, rather than coming as a donor to the country and deciding superficially if the governance situation is weak or good.

On the question of how far the EU or the Commission will go to support the APRM process, this is a constant and recurring question. When that initiative was launched by the Africans themselves, the EU immediately and naturally took an interest, but there was some sensitivity initially about not interfering, or the donor side taking over the APRM as their pet project. The Commission wants to support the APRM, and has allocated some resources to it, but we do not want to insist. We would like to share an agreement of a vision with the African side on the way the Commission could help the process, which is currently under review. But we do not want to interfere. One possibility might be to discuss the relevant issues with institutions and also with civil society in the platform we have established in the context of the governance and human rights partnership.

On implementation of the Lisbon framework, clearly this is a problem, partly because of the size of the ambition. Time is needed for implementation. Both sides must take this very seriously, because the responsibility is shared, though capacities are different. But political responsibility clearly falls on both sides. Money is important, but any financing must be underpinned by commitment to reforms at regional, national and continental level.

The Commission is working on collecting commitments and resources from EU member states. Both the EU and AU member states need to be more involved. We of course cannot expect African member states to put money on the table like we would EU member states. But AU states can commit to participate, or to show leadership in the areas of partnership. On the EU side we have now identified in each partnership between two and four member states who have accepted to take the lead and commit themselves not just in terms of statements but through practical

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work, involvement and even funding of operations. Now we need to match that commitment on the African side.

We will have from the African side a list of countries who will take leading roles in the different partnerships. This is very important. If the AU Commission is not able to attract the interest and commitment of its member states, partnerships will not be able to evolve. I am confident that it will happen, though it may happen later rather than earlier in the process. This is the learning curve.

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**Session one:**  
**Africa-EU partnership on democratic governance**  
**and human rights: priorities, actors involved and**  
**the expected results**



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## Structuring the partnership

*Alfonso Pascual*

### **Setting the scene**

It is worth recalling the rather sophisticated institutional setting of the Africa-EU Joint Strategy and Action Plan. At the political level, the political masters for the implementation of the strategy are the joint troikas: the AU and the EU troikas. The AU troika is composed of the current presidency, the previous presidency, and the AU Commission. The EU side is composed of the current presidency (France in the second half of 2008), the previous presidency (Slovenia – first half of 2008), the succeeding presidency (the Czech Republic – first half of 2009), and the European Commission.

Then, for each of the eight partnerships covered by the Africa-EU Joint Strategy, there is an implementation team, composed of the member states of each side, along with both the AU and EU Commissions and, for the EU, the Secretary-General of the Council. In addition, for each partnership there will be in place an informal joint expert group, which implies the participation of other stakeholders from outside the governmental institutions.

The joint strategy and action plan provide the reference framework for the implementation of the partnership on democratic governance and human rights. These documents outline priority sectors involved and expected results. The joint strategy refers to a range of priority actions in this partnership, and sets out three strategic objectives, which are enhanced dialogue at global level and in international forums; promotion of the APRM and support for the African Charter on Democracy, Elections and Governance (ACDEG); and strengthening cooperation on cultural goods. The partnership will involve a large number of institutional and non-institutional actors in Africa and the EU, at the continental, national, regional and local levels. A large number of elements will thus make up this partnership.

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Democratic governance and human rights are central features of the joint strategy. From the Commission's point of view – and also from the African perspective – this partnership should enhance the promotion and protection of democracy, the rule of law, human rights and governance principles, both in the multilateral system but also at national, regional and local levels.

Now that the strategic framework is in place our duty is to develop it so that it is implementable and results-oriented, especially as governance issues are very often a source of misunderstanding between partners working on development. It is important that both sides feel they are talking about the same thing. That has not always been the case unfortunately, and this basic aspect of the need for a common understanding, is what the AU Commission and the EU agreed on in April 2008 at a technical meeting in Addis Ababa. The two sides need to develop jointly a concept for the implementation of this partnership.

This is what the two parties have agreed, and have submitted to their respective troikas for consideration and endorsement. As we develop the concept, it is important to recall that the joint strategy and action plan are our main references. Meetings at the technical level must not rewrite or renegotiate the joint strategy that was agreed at the highest political level in Lisbon. But the partners have a duty to contribute to the sound and results-oriented implementation of the strategy. Even if the joint strategy offers a good framework for implementation, there are certain issues that require clarification, which is why the joint approach that has been described is useful.

### **Examples of points to be developed**

To give an example of a point that needs developing: human rights and governance are different issues, even if one considers that human rights are part of the broader democratic governance agenda. Human rights are universal and indivisible. This is not the case for governance. So a common Africa-EU understanding is required for governance, but on human rights the parties need to go further and develop a common agenda to meet their international obligations. In the context of the partnership on governance and human rights, it is important to acknowledge the respective efforts made by the African and EU partners. A mutually supportive approach is needed, along with dialogue and cooperation in both of the areas of governance and human rights.

Another example of an issue needing clarification is the pan-African governance architecture, covering the APRM and ACDEG. Those two elements are crucial for the pan-African governance architecture, but work must also involve the range of

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pan-African institutions within the AU, and the existing pan-African instruments, mechanisms, conventions and norms. The Commission's view is that a fully operational pan-African governance architecture including all of these elements will contribute to consolidating African integration, and will also facilitate results in the context of the Africa-EU partnership.

A further example of an issue for clarification is the composition of the platform for dialogue. The platform is mentioned in the joint strategy but it does not go into the details, though it does refer in different places to the need to involve civil society, along with the AU and EU institutions, in the implementation of the eight partnerships. For the platform, different implementing options can be considered. The African and EU partners need jointly to select the best way of facilitating the constructive and effective involvement of the different stakeholders in the dialogue on governance and human rights.

What matters is results and deliverables. These may seem a bit abstract sometimes, and we need to identify the areas and the issues where a continental dimension can add value, and then to compare this to traditional cooperation at country level. It is important to draw out the results.

When it comes to identifying results, activities, and actors involved, it is necessary to find synergies and constructive interaction between this partnership and other processes in the area of governance and human rights. One needs to take into consideration not only AU processes, the APRM, and EU processes such as the Governance Incentive Tranche, but also the interaction with other ongoing very important joint processes between the AU and EU, such as the regular dialogue on human rights between the continents. We need to find good synergies and interaction.

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## **EU member states in the Africa-EU partnership**

*Anke Oppermann*

For the EU member states it has been a challenge to understand fully the opportunities and the potential obstacles of the new Africa-EU mechanism, as expressed in the action plan. There is a new approach to participation, not only by civil society, but by new institutions and other stakeholders. For the member states, it has been very important to talk about ownership in order to meet the challenges that the partners face together. So it has taken time to establish operational patterns within the implementation team, and to establish a basis for regular exchange with civil society. The EU side has held a first meeting with civil society, to share and exchange expectations of the process. Such exchanges will take place on a regular basis in the future.

An additional challenge has arisen because of the many different existing member state initiatives on human rights and democratic governance. Our aim is to gather information about these so that the new work can contribute in a coherent way, and can be more linked to the grassroots.

The next step to be taken from the EU side is to set up the first official contact with the AU side. We are convinced that the need now is to establish close contact, and to work on the expectations and priorities of both sides. It is time to move ahead quickly towards concrete deliverables and concrete measures. This is what must come out of this process.

### **Priority aims**

The EUIT has informally set out its key messages and aims. The first is to achieve enhanced dialogue on democratic governance and human rights at global level and in international forums. The second is to strengthen coordination between Africa and the EU within the United Nations and other international forums, in order to

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coordinate positions and undertake joint initiatives on democratic governance and human rights issues. This may not be easy but from the EU side it is a very high priority. Part of this is taking concrete steps to facilitate ratification and full implementation of relevant legally-binding international instruments in the areas of democratic governance and human rights. For Germany in particular, it is very important that the partnership on democratic governance and human rights becomes a coherent mechanism working across different levels. It is also very important to strengthen human rights mechanisms on a regional basis.

Another key aim is to strengthen the participation of parliaments and civil society in democratic governance and human rights. We want to ensure participation of civil society, including human rights defenders, at all levels, and in all relevant debates and initiatives. We also want to build a common African-EU understanding of democratic governance in all its dimensions, and support the evolving pan-African governance and human rights architecture, particularly the APRM and ACDEG.

Furthermore, the promotion of African human rights mechanisms and instruments on the regional, national and local levels, such as the African Charter on Human and People's Rights, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, and the Protocol on the Establishment of the African Human Rights Court, are very important tasks in this context.

A further high priority is support for decentralisation processes. Local governance should be strengthened in order to improve efficiency and transparency, and to be more responsive to citizens' needs. We also want to prioritise the strengthening of transparency, accountability, and efficiency in public financial management, in order to achieve good financial governance.

The EU member states further want to encourage increased efforts in situations of fragility, and to jointly undertake initiatives to overcome fragile statehood and poor governance performance.

Concerning the institutional setting, it is a challenge to get so many different stakeholders around one table. This is the case for both the African and the European side. One of the main tasks is ownership on the AU as well as the EU side, in order to really move ahead within the processes we want to develop, and to work quickly on common issues with a clear understanding of the deliverables. Many challenges lie ahead in this process.

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## **Ensuring that different voices are heard in the partnership**

*Yusuf Kiranda*

It is to be welcomed that the Africa-EU joint strategy is now going to focus on human rights and democracy as part of EU-Africa cooperation. For those who have been engaged in promoting democracy and human rights, this is a fundamental step in the right direction because, whereas the EU has been one of the biggest development partners in Uganda for example, it has so far not given adequate attention to democracy issues. The EU is pouring in significant amounts of resources, of finance, in Uganda and Africa in general, without necessarily looking at whether the regimes in power are democratic enough and respectful of human rights.

Indeed, the development assistance that comes in can help to strengthen bad regimes. So it is fundamentally important that since there is development assistance, it should be related to politics, and should have questions about democracy and human rights tied to it. So the new partnership is welcome.

But it is still uncertain how statements on paper will translate into reality, especially on the African continent. Europe and Africa are quite different in a number of areas, especially in the extent to which leaders are willing to put into practice what they have agreed to by signing a piece of paper. The commitment to democracy and human rights needs to be more than statements on paper. It should become indicators of the minimum standards all partners are expected to adhere to, especially in the case of Africa. There must therefore be agreement on what the minimum standards are.

### **Ugandan example**

Taking the example of Uganda, a basic point is the expectation of regular free and

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fair elections as a cornerstone of democracy. In Uganda, there are regular elections, but they cannot be called free and fair. Within a development pattern that been significantly supportive of the electoral processes, the EU should have a deeper interest in working with the Ugandan people – and I use the words ‘Ugandan people’ rather than ‘Ugandan government’ – to ensure that elections are free and fair, and meet minimum standards.

This means ensuring that constitutionalism becomes an integral component, so that the African governments that receive significant funds under these partnerships also respect their own constitutions. This does not amount to external influence. One is not saying that Africans should respect EU constitutions, but should respect their own constitutions. To give an example, Uganda had a constitutional provision under which presidents were limited to two five year terms. This provision helped sort out an historical problem in Uganda, which was that changes of government had always been effected by force, because those who took power did not want to leave it. At the beginning of a government, those in power are respectful of human rights and sound democratic values. But as they stay longer in power, and fail to meet the expectations of the people, they become oppressive and dictatorial. The constitutional provision on term limits was intended to ensure that governments no longer go to the extent of using force to remain in power.

But this provision was quickly changed almost overnight, through means that were not very democratic, such as payments made to members of parliament at around the time of the constitutional amendment in exchange for their support for changing the constitutional provision. The EU as a partner did not consider this a significant issue in evaluating Uganda’s progress towards democracy. Some EU member states were critical, and some ended up cutting development assistance to Uganda. This was welcome. It is not an issue of western interference in the way Uganda runs its political processes, but a question of how western money can also be used to strengthen certain governments in power – that is interference, and if it is, it should be realigned to ensure that there are standards to be achieved.

Realistically EU processes towards African countries in one way or another influence the turn of events. The EU should thus start engaging actively with the governments in Africa about democracy and human rights issues. The EU may have a partnership commitment to assist Africa in terms of resources, but Africa has a commitment in terms of delivering on its obligations. Why should these commitments be honoured on one side and not the other?

The setting of priorities in the partnership on democratic governance and human

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rights is related to the above. The partnership should develop a working mechanism that is universal to all EU and African countries, on how priorities can be identified.

However, on what I can call the new cooperation, although discussions have been about a 'people-centred' partnership, the negotiations are still done by governments, and are still done by the AU. There is a lack of significant input from other key actors such as parliaments, civil society and political parties. Uganda has serious issues in terms of democracy promotion and human rights. But the EU may not be able to see or realise what is actually happening on the ground especially if it is discussing with the government alone. One might say that it is a responsibility for Ugandans to promote the participation of other stakeholders, but in practice, the government holds the power in this situation. Negotiations take place mostly in Brussels, a little bit in Kampala, and finally the Ugandan people see that a country strategy paper has been signed. But they have little opportunity for providing input.

We need to have a defined process, in which parliament will be able to scrutinise what is being done and civil society will have an input. African countries have transitioned from monarchies or one-party states to multi-party democracy, but the EU speaks to African countries sometimes as if they were still one-party states. It is important that, instead, the partnership promotes the involvement of multiple stakeholders, such as parliaments and civil society.

However, this can create its own problems. In Uganda, for example, the parliament is controlled to a large extent by one party. But at least if it were involved there would be more confidence than there would be if negotiations only involved the president and his finance minister. The finance minister in Uganda is an economist who might not consider issues of democracy and human rights to be very significant. That may explain why these issues are considered non-core areas in the Uganda country strategy paper.

### **Civil society**

On civil society, in Europe citizens are to a great extent quite informed about political processes and structures. In Africa, this is not the case. This will however change as education improves, but today there is a significant percentage of Africans that do not know what the political process is all about. This means the chance to have popular participation in this partnership could be lost. We therefore have to focus on programmes that enlighten the African people about democracy and human rights, in particular civic education. EU and AU observer missions to Ugandan elections all report that low levels of civic education is a problem. But nothing is done about it beyond reporting on it.



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The EU continues to extend support to the Ugandan government and the electoral commission to support civic education, but it can be a vicious circle. Funds for civic education are given during election times to the electoral officials who are also organising the elections. They sometimes enlist civil servants to conduct the civic education. Civic education should not be pegged to elections. It is not just about teaching people how elections work. It is about making sure that people understand the political process and also understand their rights and responsibilities in that process. Thus civic education has to be continuous.

In conclusion, if this Africa-EU partnership is going to make a significant impact on democracy promotion and human rights, especially on the African continent, it has to look beyond just engaging in negotiations with governments. We must understand, in Uganda, what the true aspirations of the Ugandan people in this are. Work must be done with parliaments, with political parties and with civil society, otherwise governments can claim to have been successful in implementation without this necessarily being the case. We have to ensure that the truth on the ground is known. This is not to say that it is the responsibility of the EU to promote these measures in Africa. But the EU is engaged, and it has to ensure that this engagement is carried through, with positive results.

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## **The approach taken by the EU Council**

*Ivan Crouzel*

### **The EU Council's African working group**

The African working group of the EU Council is discussing three main issues at present. First, the organisation of the first AU-EU joint expert group is under discussion. The EU will approach the African Commission to organise such a meeting.

The second issue is the mobilisation of African member states, because up to now on the African side it has mainly been the AU Commission that has taken the lead. There is consensus within the African working group that more involvement of member states in Africa is necessary for more effective implementation of the action plan. There cannot be a real ownership of the partnership without this involvement.

That ownership would also be fostered by the involvement of civil society, and that is the third issue under discussion. The participation of civil society in the implementation of the action plan is a clear objective of the Africa-EU Lisbon strategy. This objective has been reaffirmed by the African working group, which has agreed that civil society representatives should participate in joint expert groups. However, the concrete modalities of this participation still have to be defined.

France, meanwhile, has three thematic priorities during its presidency of the EU for the partnership. The first is local governance, which is one of the French presidency's priorities in for development cooperation. There should be concrete conclusions on this issue in November [2008], specifically in relation to the European Commission's communication on the role of local authorities as actors for development. Together with the Commission, France has also initiated a process to draft a European charter on development cooperation to support local governance.

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This charter is aimed at improving complementarity of covenants between development actors that are involved at local level in partner countries. The charter will be launched officially during the European Development Days [15-17 November 2008]. While drafting the charter, we had contact with some African local governance stakeholders, and they consider the European charter will help them promote the idea of an African charter on local governance. The partnership in that regard could provide a good opportunity for European and African actors to develop a common understanding of local governance, and to strengthen the local governance agenda of the AU. On local governance, we really think it is necessary to have a multi-actor dialogue that goes beyond the AU and EU Commissions and the member states. This dialogue should also involve, in a way to be defined, civil society organisations and representatives of local authorities.

The second priority is the APRM. Stressing the need to respect an African initiative but without interfering, we could discuss the integration of this mechanism into the AU architecture. The EU would also like to find ways to support the APRM as a political process and not only as a technical exercise. It is, for instance, very important to maintain the multi-actor dialogue during the review process, especially to ensure the involvement of civil society. The partnership could also provide an opportunity for discussing the practical modalities to align as far as possible all development cooperation strategies on the action plans that are drawn up after each review.

Third, human rights are a strong priority for France for this partnership. Cooperation activities in this area cover issues such as children's rights, supporting human rights defenders and capacity building for judicial institutions. It is very important to strengthen cooperation between regional courts dealing with human rights. There is room for such a dialogue within the partnership. However, we want to stress that respect for human rights is at the core of democratic governance; there cannot be respect for human rights without democratic governance, and there cannot be democratic governance without respect for human rights. It might therefore be useful to separate the two issues in the framework of the partnership. There is a strong justification for developing synergies with the already existing dialogue on human rights between Africa and the EU.

In summary, one must be realistic about this partnership. The current reality is the starting point and, from the present situation, expectations should not be too high. For instance, the first important result from this partnership would be to agree with the African side the definition of concrete modalities of all dialogues, such as who will be involved and how. The structure of the dialogue is essential for the quality and the effectiveness of the partnership.

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## **The Africa-EU partnership on democratic governance and human rights: priorities, actors involved and expected results**

### *Discussion*

#### **Contribution from Alfonso Pascual**

Regarding country strategy papers and the issues of focal and non-focal sectors for governance, the fact that a sector is considered focal or non-focal depends on the amount of money that is directed to the sector and to governance. In particular, governance can be supported in many different ways, not just through a specific project in the area of governance, but also through budgets, reports and other instruments. In general, governance reforms need political will rather than money. The identification of a specific area of cooperation in a country's strategy paper as focal or non-focal is also linked to interventions supported by other donors. In the context of division of labour, other donors may support governance with other financial means.

In the case of Uganda, the key issue for the European Commission is finding ways for the partnership on democratic governance and human rights to make a specific contribution in addition to bilateral cooperation with Uganda, meaning European Commission plus bilateral cooperation between EU member states and Uganda. There is a political dialogue with Uganda, though perhaps it could be better. But from the perspective of the partnership, the aim is to find out what the partnership on democratic governance can do in addition to existing bilateral cooperation. If the partnership could support the implementation of ACDEG, for instance, it would be great progress. This was approved by many African countries but ratification is lacking. Only one country has ratified, and lack of progress on ratification of this very key instrument may give the wrong signal to partners, in terms of political commitment to reform.

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The partnership could also work to reinforce the role of the AU Commission as a political coordinator within the AU, to coordinate policies in the same fashion as the European Commission does. The partnership could add value in that respect. Support for political parties, meanwhile, is a really promising issue for dialogue between Africa and the EU. It is challenging and difficult, but very relevant. Finally, the Commission wants to see very active involvement of civil society organisations, not only in monitoring the process, but also in actual implementation.

### **Contribution from Dikgakgamatso Moremi, Minister Counsellor, Botswana Embassy**

On working with multiple stakeholders, it is sometimes necessary to work through a certain authority in a given location, which can indirectly strengthen unpopular regimes, because they are in effect propped up by EU resources. But some countries in Africa feel that when they try to meet the EU's expectations, once they start making progress, attention soon switches away from them. The EU focuses on the 'bad boys', and countries where money is not used as it should be continue to receive resources. It is only when countries are really on their knees that they are given attention. What can be done about that?

In the Africa-EU partnership there is some confusion about the overlap with the ACP-EU relationship. Where is the dividing line between the two? Country strategy papers were negotiated under the ACP-EU partnership, but then were signed in Lisbon in the full glare of the EU publicity machine. This breeds a lot of confusion. Then there are the Economic Partnership Agreements (EPAs), which work against the principles of integration. Where are these overlapping approaches heading to?

### **Response from Alfonso Pascual**

There is still a perception that the Africa-EU joint strategy and action plan are EU initiatives. They are not. There is a joint strategy and action plan, not a new kind of EU initiative to impose something on partner countries. It is a joint process between Africa and the EU, that tries to go beyond the classical relationship. It might take time to get this into perspective. The events that took place in Lisbon might have contributed to confusion between this partnership and cooperation with specific countries, because of the signature at Lisbon of a number of country strategy papers with African countries. These, by the way, do not just relate to ACP countries, because country strategy papers are signed with all partner countries. It is important to avoid this understanding of the joint strategy and action plan as an EU initiative.

Linked to this is the question of how the joint strategy will change things. Answering this is a collective responsibility, but some points that can be raised are perhaps

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changing the approach to the cooperation instruments, having lighter procedures and more flexible mechanisms. But the main change will be in the overall approach to the instruments, to adapt them to our objective of treating Africa as one. Regarding EPAs, within the Africa-EU joint strategy there is a partnership on trade and regional integration, and EPAs could be discussed more in detail in these contexts.

The European Commission is notoriously bad at communicating what it does. The AU institutions also need to be much more proactive in their communication efforts. They are doing many things, with regional seminars and discussions with civil society, but the task ahead is very challenging in terms of communication.

### **Response from Ivan Crouzel**

The coherence of different European initiatives can have an impact on governance. A specific initiative in one sector can hamper efforts to promote democratic governance in general. There is a need to develop a discussion among the eight partnerships covered by the Africa-EU joint strategy, because governance is a cross-cutting issue and there is a need for the other partnerships to be informed about what is happening in the governance partnership.

### **Question from the floor**

The EU and the AU are very different. They may look similar on paper, but compared to the EU, the AU seems like an organisation without minimum admission criteria. Does this make it difficult to achieve practical results?

### **Contribution from Anke Oppermann**

The point about the different concepts of the AU and the EU, and if the strategy can actually be implemented, is particularly interesting. Of course, implementation is a difficult task and the AU and EU frameworks and organisational circumstances are very different. But, on the other hand, that is the challenge, because if the objective is to talk about common values and common topics, and to develop contacts and cooperation, we should seize the opportunity to do this in many different ways. The opportunity of shared contact via the AU and EU institutions should be seized. It would be unrealistic to expect the same bureaucracy and approaches to particular methods of communicating on both sides. But such an expectation in any case is not the point, because the aim is to cooperate and to develop common entry points and a common path of understanding, because there is such an important agenda.

There are many fields in which we should cooperate much more intensively than in earlier years. That is the challenge and also the duty of the implementation of the

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strategy. Also it is important to develop and work very intensively on establishing close connections between AU and EU member states as a way of adding value to the implementation of the strategy, and to get more feedback from the grassroots.

### **Contribution from the floor**

There are differences between the African side and the European side, but a specific aim of this partnership is to develop an understanding on governance issues. The partnership should be seen as an initiation of a process. If a democratic approach is adopted, it might in the end result in a fruitful and innovative and probably more sustainable partnership, on issues that would emerge naturally from the process.

### **Question from Yusuf Kiranda**

Participants in conferences of this nature need to recommend concrete steps that we think both the AU and EU should think about.

There is a different understanding of democracy in different African and European countries. But if the Africa-EU joint strategy is a partnership, it should aim at common standards. There is an EU consensus on what constitutes democracy. Would an EU/AU consensus on what democracy is also be possible? It might be a bureaucratic process to reach the consensus, but could this process be established within the partnership on democratic governance and human rights, with a clear mandate and a deadline for finishing the work?

### **Question from the floor**

From the EU view, what is the status of the African Charter on Democracy, Elections and Governance (ACDEG)? It has not been properly ratified, but nevertheless it does spell out what African heads of state and government understand by democracy. Is that definition shared by the EU?

### **Response from Yusuf Kiranda**

It could be specified that the partnership on democratic governance and human rights should follow the principles specified in ACDEG. There should be commitments in the partnership with conditions, such as a requirement to ratify ACDEG by a certain date. And countries should not stop there, but should also practice what is laid out in ACDEG.

### **Question from Jean Jacques Mbelle Adeg**

How do European governments work with civil society? Is it mainly a question of exchanging information? Or do ministries consult civil society and allow their input into strategies for governance and human rights?

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### **Response from Anke Opperman**

The German government cooperates very intensively with civil society. In Germany, there are very strong civil society actors and NGOs, which are active in development cooperation in different countries. Germany also has the political foundations, which work intensively, and strong church organisations, which are also active in development cooperation. The German Ministry for Economic Cooperation and Development conducts a very robust exchange of information, views and ideas with civil society actors. Most of them are connected to networks in different partner countries.

Démarches as diplomatic exchanges between governments are important for addressing human rights problems or particular human rights issues. This helps in establishing a dialogue about particular problems that must be faced in concrete circumstances.

### **Response from EuropeAid representative**

If the EU has a strong opinion about something in a country, it will send a démarche, usually to the Ministry of Foreign Affairs, in order to express its opinion. This does not necessarily have to be on a human rights issue. It could also express the view that the EU would like the country in question to ratify a protocol, or to vote for our candidate for a specific UN post. The use of démarches is not linked to the partnership as such. It is something used in diplomacy in general.



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**Session two:  
how to improve orchestration/coordination  
between European and African  
governance initiatives**

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## **How to improve orchestration/coordination between European and African governance initiatives: introduction**

*Shada Islam*

Coordination between European and African governance initiatives is important to avoid duplication and wastage, and also to ensure better results, in both the short and the medium term. Democratic governance is now not only at the forefront of African-EU relations, its definition is also now broader, much broader in fact, than previously. Governance now refers to the efficient and transparent management of public finances, alongside human rights, deepening democracy, the rule of law and effective state/civil society dynamics. The governance agenda is thus very ambitious, and requires greater cooperation between different actors in Europe and in Africa.

The challenge facing these two partners is to forge a common understanding of democratic governance while promoting and consolidating a shared human rights agenda. There has been great progress in recent years. The launch of the APRM, which has just completed its first country reports on Ghana, Rwanda and Kenya, has been of course a very important step forward. It is a signal of Africa's commitment to good governance.

We will focus on the APRM and other existing homegrown African initiatives in the field of governance. We will look at how the EU and the AU are cooperating to improve African governance, and at the idea of an AU-EU human rights dialogue in the coming year.

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## **Governance tools: the APRM, strengths and weaknesses**

*Yusuf Kiranda*

### **Enhancing African governance initiatives**

The opportunity to encourage indigenous innovation with the aim of deepening democracy and human rights is a welcome one. It is a significant step away from thinking that Africa has no place in the international debate on building democracy and human rights. But we must keep a critical eye open, and ensure that what comes from Africa meets appropriate standards of what should be achieved in the promotion of democracy and good governance. Because such initiatives are African-grown, we should not just acknowledge the shortfalls and then not work to correct those shortfalls, leading to promotion of half-baked governance, which may not necessarily be good for promoting democracy in Africa.

The APRM is the best-known African initiative on governance. But it still has challenges to face, even on paper. One of these is that whereas the APRM is seen as a commitment from the African side to review one another in the areas of good governance, it remains voluntary. Governments that know they will fall short of the standards of good governance will not participate. And nothing can be done about this.

So the APRM does not enable us to undertake a holistic assessment of governance developments on the entire African continent. If the EU/AU partnership is serious about using APRM to promote governance on the continent, then the framework has to be mandatory for all AU member countries. This is a fundamental difference between Europe and Africa. In the EU, all member countries commit to mandatory standards; in Africa, in the AU, it is always the choice of governments to participate or not. One challenge for the AU is that leaders such as Colonel Gaddafi of Libya

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have been fundamental promoters of the AU. With his record on democracy, it is hardly likely he will be in support of mandatory assessments leading to recommendations for changes that he has to adopt.

The EU can play a critical partnership role in this respect by engaging in further dialogue. Of course this is a process; it cannot just happen by issuing a directive to the AU. But as a process, we need to see further dialogue with African governments, and demonstrate to them that in politics it is not always effective to have voluntary undertakings in a situation where dictators can emerge and choose not to participate. African leaders should also understand that the outcomes of APRM should be taken extremely seriously. Instead, what happens is that African governments may accept APRM when it praises them, but in instances where the result is that the government is falling short, there may be a negative reception from the government in question.

### **The case of Uganda**

Uganda has been assessed under the APRM, with the report saying that Uganda has achieved some significant progress. But it also points out some shortfalls, like the removal of presidential office term limits. When that report came to Uganda the opinion from the politicians on that particular aspect was quite negative. Why should they have a choice to say this outcome of APRM is good while another is bad?

Regarding the Governance Incentive Tranche, it is quite unfortunate that we again have to provide financial incentives to Africa in order to encourage them in the direction of good governance. If there are minimum standards that should be observed with regard to democracy and good governance, then cooperation should also be pegged to these. If EU support to Uganda, for example, is withdrawn for non-adherence to standards, it provides an incentive to Uganda to undertake necessary improvements. However, if one appreciates the challenges faced by African leaders, and that moving towards democracy is a process, the Governance Incentive Tranche can be one of the tools, but not the only tool, to encourage and persuade African leaders to practice democracy and good governance.

The challenge though is that the Governance Incentive Tranche is negotiated between African governments and the EU. In developing governance profiles for the Governance Incentive Tranche, there should be a significant input from all the key players in governance within a particular African state. If Uganda, for example, is developing its profile with the EU, the inputs should come not only from the government, but also from the parliament, the political parties and civil society.

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## **Political parties**

In Africa, the leadership of credible political oppositions, and the capacity of the opposition to participate in the political process, has become extremely important. But there is an assumption that political parties in Africa are represented in the parliaments, as is the case in Europe. In reality, this is not the case. In Uganda, for example, the ruling party controls over 75 percent of parliament. This is also true of other governance institutions to which elections take place. So we need to ensure that the views of the opposition, although the opposition may be small, can also be heard when the national governance profiles are developed. That can only happen if there is an effective platform during the negotiations.

## **Civil society**

Civil society should also be represented in the process, to which it can bring significant value. Civil society is rich with ideas and issues that are important in this process, and the civil society contribution should also be part of the process. The participation of civil society could start at the level of development of governance profiles. The EU could also look to the opinion of civil society when assessing African governments that are trying to win the Governance Incentive Tranche.

Critically, the funds that come out of the Governance Incentive Tranche should not add to the problem in Africa that donor resources can in the end promote corruption in many African countries. An example from Uganda will serve to illustrate this. Uganda received considerable funds for HIV, AIDS, tuberculosis and malaria, and for immunisation. This was too much money for Uganda to manage. According to an audit, significant percentages of the funds were misused, including by ministers.

A lot was put into the system when there was no capacity to absorb it, and when no clear checks and balances had been put in place to ensure that these funds were appropriately managed, and spent to achieve the objectives for which they were given. This should be avoided when it comes to the Governance Incentive Tranche. Money should not be given just because significant success has been achieved in line with the national governance profiles, but also to ensure that there is appropriate capacity, so that the governments can ensure that the funds trickle down to the people. Otherwise there will be no benefit for the average African

If these imbalances can be sorted out and if the APRM becomes a mandatory commitment for all African governments, and if input into the APRM is balanced so that the value of the assessment is enhanced, the situation will improve. In Uganda, the assessments conducted by APRM have not so far had significant credibility. This is caused in part because of who is involved, and who is doing the

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evaluations. In Uganda, the National Planning Authority formed the APRM secretariat. The leadership of the National Planning Authority is appointed directly by the president, and therefore there are agents of the president in the National Planning Authority, and agents of the president forming the APRM secretariat. The government is thus actually assessing itself.

Of course, other African countries come to participate in the assessment. But it is the secretariat that organises who should be visited during the assessment. They tend to choose workshops of permanent secretaries, of ruling party members and a few representatives of 'soft' civil society organisations. This undermines the outcomes, which, most importantly, do not reflect the views and aspirations of most Ugandans. If the APRM could be significantly transformed to address its shortfalls, the outcomes of the APRM could become a significant aspect when considering if a country qualifies for the Governance Incentive Tranche. But this can only happen if the APRM does not just become a club of African leaders talking about themselves.

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## **The European Parliament, African parliaments and democracy promotion**

*Anna Caprile*

### **The role of parliaments**

Are parliaments, and in this case national parliaments, an essential element in our concept of democratic governance promotion? According to policy documents, the answer would seem to be yes. But there is enormous room for improvement in putting the policy theory into practice. It is only in 2003 that the European Commission turned to a more political concept of governance. Until then, governance was mainly concerned with economic governance and sound financial management. Only in the Commission communication of 2003 was there a shift in this concept to democratic governance, encompassing justice, democracy and participation.

This was consolidated in the European Consensus on Development, adopted in 2005 by the three institutions, the Commission, the Council and the Parliament. This had political impact, much more so than the initial communication. The consensus acknowledged explicitly 'the essential oversight role of democratically-elected citizen representatives', and therefore encourages increased involvement of national assemblies, parliaments and local authorities. This concept was confirmed in a later communication, which encouraged strongly measures to reinforce the role of parliaments and national democratic institutions in relevant decision-making procedures in their countries. This was specifically targeted at countries where budget support is a big part of the EU's development assistance.

This political approach has been encouraged and applauded by the European Parliament in various resolutions, and in the ACP-EU Joint Parliamentary Assembly. The Parliament fully supports the Commission in this approach. But how can this

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political statement be translated into practice? In other words, how can the EU reinforce national parliaments in African countries?

### **Implementation**

There are two ways. The first is very direct: simply to devote financial resources to specific capacity- and institutional-building of parliaments, national, regional and pan-African.

The second way is more indirect and more difficult. It is to fully acknowledge the specific role of national parliaments in national decision-making processes, as actors in their own right. The view of the European Parliament, as has been expressed in many resolutions, is that there is enormous room for improvement in both the direct and indirect approaches.

In terms of the direct approach, the EU policy change mentioned above has been translated into concrete modifications in terms development cooperation instruments. These instruments -- the European Development Fund, the Instrument for Stability, the European Instrument for Democracy and Human Rights (EIDHR) -- can all provide direct assistance to national parliaments in African countries. However, this has not been fully done; in fact it has been done minimally. If we analyse the assistance provided to national parliaments from 2000 to date, we will see that it amounts to only one percent, not of total European Community assistance, but of the assistance provided to democracy promotion.

Will this emphasis change in the future? If we analyse the country strategy papers available for the 55 African countries, 30 do not even consider the promotion of democracy and parliamentary institutions as part of the possible range of actions. This illustrates a very big contrast with the substantial investment of financial and human resources that the EU has devoted to election observation. One study recently presented in the European Parliament showed evidence that there is enormous assistance to parliaments when elections are organised. But afterwards, parliaments receive very little assistance for the next five or six years.

This contrast is something that must be taken into account. From the analysis that the European Parliament has done, the best results in assisting national parliaments are achieved when the system is very targeted, very focused on the scrutiny powers of the parliament, in particular on budgetary oversight, and when this assistance is medium- to long-term. Clearly assistance is needed for more than two years, and clearly a substantial amount should be committed. But what has been done so far provision of assistance, on average, for two years, and for many parliaments the



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assistance provided is well below EUR 1 million. The first lesson is to go beyond elections, and to move towards specific targets and strategic assistance to African national parliaments.

### **Facilitating the involvement of African parliaments**

The second approach is to work for the involvement of national, regional and Pan-African parliaments in their decision-making processes. This is a very complex area. For example, the negotiation of country study papers is mainly an executive-to-executive task. The Cotonou Agreement has very clear provisions on how this should be done. For example, the figure of the national authorising officer is very clearly defined. Of course, the European Parliament will not advocate starting again from scratch. But, there are a number of entry points that would give national parliaments a much-enhanced role in this process. The European Parliament has been pushing for an increased information flow to national parliaments from the European Commission. This could be very well articulated through the ACP-EU Joint Parliamentary Assembly established under the Cotonou Agreement.

The EU could also establish an enhancement of parliamentary budgetary oversight capacity. This could be a condition of budgetary support, which should be much better targeted. African parliaments should have the power to oversee the financial resources arising from budgetary support. The EU has fixed an objective that up to 60 percent of the tenth EDF will be given as budgetary support. So there is enormous room for political manoeuvre. The idea of involving national parliaments in, if not the negotiation, at least the consideration, of the Governance Tranche of the EDF could be a second avenue.

Last but not least, there is the question of the involvement of parliamentarians who are in political opposition in the political dialogue that is now mandated under Article 8 of the Cotonou Agreement. The revision of the Cotonou Agreement introduced enhanced powers for parliaments in general, and for the ACP-EU Joint Parliamentary Assembly in particular. The political dialogue has a very flexible format, and could be used to bring in, from time to time, or on a regular basis, parliamentarians, political opposition parties and other actors. This is a very substantial opportunity that should not be missed.

The joint Africa-EU Strategy agreed at Lisbon is also a window of opportunity for involving national parliaments. This is the case with the Pan-African Parliament, which is the parliamentary dimension of the AU. The Pan-African Parliament is one of the players in implementing the democratic governance and human rights partnership, but its integration should be articulated in a more concrete manner.

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### **The role of the European Parliament**

How can the European Parliament contribute to this? The answer is modestly, because the European Parliament's resources are modest. There is no dedicated budget, but the European Parliament has created a small but ambitious office called the Office for Promotion of Parliamentary Democracy (OPPD). It is a team of four, so it is modest, but the objective is to support parliamentary development in new and emerging democracies. In concrete terms, it has given, and it will continue to give, technical assistance to parliaments. This has been very clear in the case of the Pan-African Parliament, which is presently receiving continuous assistance from the OPPD. But there is also a plan to enlarge democracy fellowship programmes, meaning that members and staff from African national parliaments will come to the European Parliament for a number of weeks, to contribute to the transfer of know-how, and to contribute to the development of closer relationships. The European Parliament believes it has something to offer, especially to regional parliaments and to the Pan-African Parliament. The OPPD also conducts research.

Furthermore, the OPPD has been very important in coordinating efforts with the European Commission, which has been very cooperative. Much remains to be done, but many hurdles are not due to lack of political will, but to the complexity of the issue. Dealing with African national parliaments is not an easy task. There are complex realities. The joint efforts of the European Parliament and the European Commission are important to make this work.

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## **The way ahead for the Africa-EU partnership**

*Alfonso Pascual*

It is important – even necessary – to ensure synergies and constructive interaction between the Africa-EU democratic governance and human rights partnership and other processes in the area of governance and human rights, in order for the partnership to achieve results, plan the relevant activities and involve the key stakeholders. This applies to joint AU/EU processes such as the regular dialogue on human rights, and to unilateral processes such as the APRM, or the Governance Incentive Tranche.

But how can coordination between different initiatives be ensured? What should coordination mean? It should mean finding synergies and best-case scenarios, leading to mutual reinforcement, or at least not mutual undermining. Some initial lessons can already be drawn from experience in the last few years, for instance, the coexistence of the APRM and the Governance Incentive Tranche, input from EU policy work on situation of fragility, and the rather intensive EU work on local governance, the fruit of which will soon be seen.

Based on this experience we can also look forwards and perhaps anticipate what will happen and what we would like to happen in the context of policy debates in 2009. One of the EU's key priorities will be a very challenging debate on democracy. Another opportunity for coordination is offered by this process, the AU dialogue on human rights and the Africa-EU partnership. When considering coordination, we must also take into account the need for interaction between the different institutions in the AU and the EU. The difference and similarities between the AU and EU institutional settings must be carefully taken into consideration, so that to some extent, challenges are turned into opportunities for further coordination and more constructive interaction. And of course the AU and the EU are not alone in Africa. In speaking about coordination, one must also consider initiatives undertaken by

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other partners that may not be focused on governance, but may have an important input to governance process. I refer, for instance, to China in Africa.

### **The coexistence of the APRM and the Governance Incentive Tranche**

The EU supports the APRM, so to some extent it is natural, that the APRM and the Governance Incentive Tranche coexist. The Governance Incentive Tranche supports political will for reform in the EU's cooperation with the African, Caribbean and Pacific (ACP) countries that signed the Cotonou Agreement. The Governance Incentive Tranche translates into practice the EU's approach to governance, which is based on dialogue and incentives rather than unconditionality and sanctions. The focus of the Governance Incentive Tranche is the quality of the governance action plans. The Governance Incentive Tranche is allocated according to commitments to reform, rather than according to results.

The Governance Incentive Tranche has three tools: the profile, the dialogue and the governance action plan. The profile is simply an analytical tool. It is not taken into consideration when allocating the tranche. It is simply an analysis of the governance situation that points out what the main challenges or the main shortcomings are. It also helps in assessing the relevance of the governance action plan, which is the only aspect taken into consideration for the allocation and the calculation of the size of the Governance Incentive Tranche.

Within the framework of the programming of the tenth EDF (2008-2013), more than 60 ACP countries submitted a governance action plan. They thus had access to a different amount of Governance Incentive Tranche, according to the quality of each plan. Thus there was a positive response from partner countries. Only one country, the Bahamas, decided not to put forward a governance action plan.

The Incentive Tranche allocation process took place over 18 months, between the end of 2006 and mid-2008. Very intensive work was done, with discussions and dialogue with EU member states and partner countries, on the methodological aspects of the decisions. During this process we observed the evolution in the APRM process, and adapted the Incentive Tranche methodology accordingly. Our expectations in terms of the number of countries effectively engaging in the APRM was incorrect. The number of countries that have completed their APRM review is six, which is not very significant relative to the 29 countries that have subscribed to the initiative since it launched in 2002. This needs to be borne in mind when considering the more than 60 ACP countries that decided to put forward a governance action plan.

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In the European Commission services, we expected the APRM process would go much faster. If it had, it would have made the interaction between the APRM and the Governance Incentive Tranche much more fluid and visible. At the beginning, our best-case scenario would have been that the governance analysis, the governance action plan and the national reform plans resulting from the APRM in each African country would have been used for the purposes of the Governance Incentive Tranche. But it was simply not the case. There was not sufficient analytical material or plans for reform.

The Commission thus had two options: either to freeze EUR 2.7 billion while waiting for developments in the APRM system, or to distribute the tranche in a way that reflected the state of play of the APRM, and provided balanced support to this very important initiative. A political choice was made to proceed with the distribution of the EUR 2.7 billion among ACP countries that had decided to put forward a plan of reforms, while trying in a balanced manner to support the APRM.

### **The APRM and the Governance Incentive Tranche: differences and similarities**

The relationship between the APRM and the Governance Incentive Tranche must take into consideration some differences and similarities. In terms of differences, first, the geographical scope of the APRM is pan-African. The Incentive Tranche's geographical scope is different; in Africa, it refers only to sub-Saharan Africa. It also refers to some countries in the Caribbean and to some countries in the Pacific. So geographical scope is different. This is often forgotten.

Then, the APRM is a voluntary process. Countries may decide to adhere or not to adhere to it. European Community support to governance however is implemented in all countries, even in the most difficult situations, and in countries that do not want to adhere to the APRM.

One similarity between the Governance Incentive Tranche and the APRM is that the Incentive Tranche methodology needs to be completed. The Commission has distributed the EUR 2.7 billion based on commitments for reform. Now the Commission needs to put in place monetary mechanisms for those reform commitments, and to decide what could be, if any, the financial consequences of the implementation, or the lack of implementation, of the governance action plans. The APRM is in more or less in the same situation. There are six countries that have finalized their APRM review and they have national reform plans to be implemented.

Another similarity between the two instruments is that both are undergoing review

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to assess how their processes were undertaken, in order to draw lessons for the future. Crucial for credibility will be the monitoring of reform plans, both through the Cotonou mechanisms, the annual, mid-term and end-of-term reviews, and through regular political dialogue between partners.

It should be emphasised that the Tranche is not negotiated, but decided by the EU. Nor are governance action plans negotiated; they are a decision of the partner government to put forward a list of reforms. Thus the Commission receives the partner government's decision, and evaluates and assesses that decision according to a methodology.

What the Commission could have expected from partner governments is that they involve their own stakeholders in the preparation of the governance action plan. These stakeholders are civil society, national parliaments and local authorities. Each has something to say in the identification of key governance reforms for the partner country. There are at least opportunities to involve those other stakeholders in the monitoring of the governance action plans. The Cotonou Agreement has participatory approaches that are clearly established. These involve at least participation of civil society and other stakeholders in the preparation of country strategy papers, and also in the periodic review of those papers. The governance action plans are an integral part of the country strategy papers. They should be submitted to monitoring mechanisms in which civil society and other stakeholders have a role to play.

On the Governance Incentive Tranche, we must ask how incentive is in the tranche? The incentive is not that great: EUR 100 million over five years. The financial incentive could have been greater, and it may be greater in the future if EU member states adopt an approach more similar to what the Commission suggested in its 2006 communication.

The financial aspect of the Governance Incentive Tranche is the most visible, but it also offers a new opportunity for dialogue between partners on governance reforms. The Commission gives money for commitments to reform. But this has opened the door to a much-restructured dialogue on governance issues through the whole programming cycle, and to political dialogue. This is the key element of the whole mechanism.

### **Fragility and local governance**

The Commission prepared communications on fragility, and on local governance, in 2007 and 2008. These followed a public consultation, based on stakeholders' inputs

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to discussion papers, which were distributed quite broadly. The AU Commission received the discussion papers, but decided not to provide input. AU Commission officials expressed, informally in meetings, a concern on the way in which the Commission consulted with them. The AU Commission view is that they felt like they were consulted as if they were an NGO. They were unhappy because as strategic partners they deserve particular treatment. The Commission accepts this point and acknowledges that it may need to adapt the way in which it involves partners in providing inputs to policy-making processes.

On the substance, however, the policy work on fragility has had a positive input in terms of paving the way for dialogue on how to address situations of fragility. The Commission's partners initially had a defensive attitude, believing that the Commission had not sufficiently prepared its approach to fragility. The Commission referred to fragile states, which is a notion perceived as a hidden source of conditionality. The Commission took this point into consideration and adapted its approach and explained that what the EU is trying to do in situations of fragility is to be more efficient, more effective, and more strategic. It is not about categorising countries or preparing new conditions. It is much more about being effective.

On local governance, similar problems have arisen in terms of process. So far, the AU Commission has not provided input to the Commission's work on this. However, the Commission will try to find ways of ensuring at least a joint follow-up to the European Development Days' conclusions and recommendations. Work on local governance could build on this.

### **Human rights dialogue**

Regarding the AU-EU dialogue on human rights, the Commission is trying to find effective means of interaction. We need to avoid duplication and follow parallel tracks. The best option may be that the partnership on democratic governance and human rights contributes to implementing conclusions that have been agreed between partners in the human rights dialogue.

Finally, the Commission is interested in looking at the differences between the AU's and the EU's respective institutional settings. The partnership on democratic governance and human rights could facilitate the interaction between institutions, such as the European Parliament and the Pan-African Parliament, which already have a good level of cooperation. Other EU bodies, such as the European Economic and Social Committee, and the Committee of the Regions, could also find ways to stimulate the participation of African local authorities, which are not really represented in the AU institutional setting.

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## **How to improve orchestration/coordination between European and African governance initiatives**

*Discussion*

### **Question from the Chair, Shada Islam**

Has the Commission ever rejected a governance action plan as not being good enough? Has a decision been taken to set up the monitoring mechanism? The APRM and the Governance Incentive Tranche are both soft tools that shy away from the real issues of conditionality and possible sanctions for countries that do not comply. In this context, is the Governance Incentive Tranche really a useful mechanism for African countries? Are they really enthusiastic about it?

### **Response from Alfonso Pascual**

On the first two questions: no and no! The Commission has not rejected any action plan, but has carried out severe evaluations of governance action plans. The idea behind the Governance Incentive Tranche is that at least, even if the quality of the governance action plan is not good enough to have significant support, it provides an opportunity and demonstrates the political will of the partner to engage. The Incentive Tranche has four different levels. It can represent 10, 20, 25 or 35 percent of funds directed at any one country. The presentation of a governance action plan is a kind of entry ticket to the process. Even a very poor quality governance action plan is considered a positive move from the partner country, leading to the initial level of the Incentive Tranche. This has happened in very few cases, and one country (the Bahamas) decided not to put forward a plan.

The amount of Incentive Tranche – 10 percent, say – is calculated on the basis of the initial country allocation. For example, the country strategy paper for the Bahamas involves EUR 5 million over five years. So if the Bahamas had presented



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a magnificent governance action plan it would have had perhaps 25 percent more. Perhaps the government took into consideration other aspects linked to the real financial incentive for the reforms we could expect, and decided simply not to put a plan forward. Decisions on governance action plans do not involve sanctions, but determine the degree of access to an incentive mechanism.

On monitoring, no decision has been taken for the moment. The Commission is considering different options, including possibly the integration of the monitoring of the governance action plan in the political dialogue. This is quite a technical debate, and different discussions with civil society and member states are ongoing.

### **Response from Yusuf Kiranda**

The Incentive Tranche at the moment appears to be a tool for secret dealing between the Commission and partner governments. Civil society so far does not know if it will prove useful. It is a question of waiting to see how the monitoring proceeds. Other players can provide significant input to the monitoring process. Governance action plans involve promises and their usefulness depends on how committed African leaders are in fulfilling these promises.

### **Response from Anna Caprile**

There is enormous room for opportunities to integrate stakeholders. It is true that the process provides an entry point for talking to some governments about their governance, and this opportunity should be taken. It should be exploited to the maximum, and the maximum participatory approach should be the rule and not the exception.

### **Question from the floor**

What can be done to support, for example a civil forum of Africa-EU NGOs, and to facilitate their representation at review meetings?

### **Question from Dr Mariella Franz, EU Programme Manager, Hanns-Seidel-Stiftung**

What is the best entry point for parliaments in the joint Africa-EU partnership? Do African parliaments adequately represent civil society, or how can they do this better? How can parliaments be consulted when country strategy papers are drawn up?

### **Response from Anna Caprile**

Involvement of parliaments is a complex issue. The question of if national parliaments in Africa are fully representative or not is part of the problem. But those parliaments cannot be ignored or left unsupported. For example, the EU applauded,

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and supported financially with a substantial contribution, the elections in the Democratic Republic of Congo. It was concluded that elections were correctly carried out. But DRC parliamentarians tell us that the national budget is discussed without agenda, and parliamentarians do not even know when budget will be discussed or voted on. As they do not know when the vote will be called, they have to be ready in the capital, even if they do not have a permanent office there or come from very remote parts of the country. They are often called to meetings by SMS, with just one or two hours notice.

Imagine there is a fully representative parliament that then is left on its own for five years, without any power. This parliament is unlikely to be representative after these five years, because the political questions will have moved outside the parliament. Weakening of parliaments implies that they will be less representative, even if at the beginning they did represent the will of the population. Broadly this is what we see in many African countries.

So parliaments, along with political parties and other stakeholders, need entry points when issues such as country strategy papers or the Governance Incentive Tranche are being discussed. The political dialogue, which is now almost obligatory under Article 8 of the Cotonou Agreement, is one such entry point. As a rule the EU should undertake a political dialogue with all ACP countries. Fortunately, there is no strict or rigid format for the dialogue. There is room for making it participatory at different levels. This is one entry point that has not so far been exploited.

A second entry point is the policy dialogue that is undertaken before, during and after the concession of budget support to African countries. Under the tenth EDF, budget support will be a substantial part of EU assistance. So the EU should impose – why not? – a political conditionality. It is not the same as economy conditionality, which has been criticised sometimes. Political conditionality is about democratic scrutiny and accountability. The EU could impose much stricter conditions on democratic scrutiny of budget support, because it is an integral part, and a substantial part, of budget resources in African countries.

In parallel we could see enhancement of the oversight capacities of African parliaments regarding budget support. This is not the case at the moment, mainly because of the time needed to design these mechanisms. But it is not too late to integrate them.

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### **Response from Alfonso Pascual**

The Governance Incentive Tranche process is about making commitments to reform. Those commitments also cover parliamentary capacities and the roles of parliament. The Commission will follow up and monitor very closely the commitments in this particular area. When it comes to involving parliaments, the Commission has faced a dilemma. Consulting parliaments on country strategy papers is a different issue from consulting civil society or local authorities. With civil society, the best-case scenario is that the government takes the initiative to consult civil society during the preparatory process. In case the government simply does not want to consult civil society, the European Commission Delegation can do it.

It is different when it comes to parliament. Parliament is a state institution, so there is an issue of national sovereignty. We cannot substitute the government if the government does not consult properly its national parliament in the preparation of the country strategy paper. On the budget, the Commission cannot substitute the government. All the Commission can do is raise the issue with the government and try to encourage proper consultation.

In the context of the tenth EDF country strategy papers, the Commission has tried to pursue a more proactive approach, and has even sent, with the permission of the government, the country strategy papers to the national parliaments. This is possibly a positive evolution, but we must be careful about institutional balances and different competences.

### **Response from Yusuf Kiranda**

Parliaments, for example in Uganda, may not be very representative, but they are significantly more representative of the people than the executives. Therefore, engaging the parliaments means that it is possible to get closer to the people. The Africa-EU partnership process is one way in which the capacity of parliaments can be boosted. It is also a way in which we can appreciate that even in their current situation, the parliaments are quite relevant, and closer to the people than the executives.

On the question of parliaments being government institutions, and the European Commission being unable to make an outright demand that parliament has to participate in review processes, we should consider other examples. If Uganda wants to borrow some money from the World Bank, or from IMF, there are clear processes. When the government, for example, initiates a paper about an intended loan, it must be taken to the relevant parliamentary committee, and parliament debates and decides on the allocation of the funds before government can go ahead and borrow

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the money. That does not mean the World Bank is directing government. It is a process that even takes place in small institutions. If you make a requisition and want to spend some money, there are procedures that have to be followed. Africa-EU processes should also be put through the already-established national systems of governance and public management. It is a matter of acknowledging existing procedures. It should be the case with EU operations with African countries.

### **Contribution from Jean-Jacques Mbelle Abega, Director, Fondation Conseil Jeune**

Level of knowledge of members of parliament in Africa can be a real problem. In Cameroon for example, when discussing the budget, MPs sometimes do not know about the content of the documents they are voting on. What can be done to improve this, perhaps through informal mechanisms? Is it a responsibility of the EU, vis-a-vis involving parliaments, not just to respect to the procedure, but to provide more long-term support?

### **Contribution from the floor**

Civil society should participate in decision-making processes, but it is also important to understand that governments take decisions with other governments. In Uganda, for example, the constitution probably identifies who can negotiate on behalf of the government. How the government consults its stakeholders inside the country is an internal question. But it is important to recognise that the government has a mandate for negotiations with outside partners. Participation is very important, but what is promised has to be carried out. If too many organisations are involved, it can be difficult to take decisions.

### **Response from Yusuf Kiranda**

Of course national management procedures indicate who negotiates on behalf of the people of Uganda. But on the Africa-EU partnership, the question for Africa is how and why is the EU interested in a partnership with Africa? If programmes are signed with a government such as that of Uganda, significant amounts of money could be channelled from the EU to the country. This means there is an objective.

These objectives, of course, are to improve the lives of the people, but also, within the context of the partnership on democratic governance and human rights, to recognise that promoting democracy involves the participation of a number of players. Governments can be bad, or even really bad, as was the case in Uganda with Idi Amin. A leader like that does not represent the interests of the people of the country. In Zimbabwe today, Mugabe is not representative of the will of the people, be it during elections, or after elections. In this case, what can the partners do? It thus

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becomes critical that other stakeholders have a way of being actively engaged in discussing the processes.

In the Ugandan constitution there is a provision that there will be a platform between government and civil society, to facilitate dialogue on important processes of development and governance. But because government does not consider this a priority, it has not established or committed resources to this platform. The EU can ask African governments to respect provisions such as this.

This is not a question of taking the mandate away from the government, but of ensuring that the government is fully part of the complex process of managing a country. It is often not clear that African governments are sincere in these consultations, and ways have to be found to provide evidence that they are. For example, a government should know that it is their obligation to involve parliament in scrutiny of a country strategy paper, and to consult civil society. This may appear complex, but is the only way we have of ensuring that we do not promote unhealthy governance on the continent.

#### **Question from Shada Islam**

What is the panel's impression of pragmatic power-sharing deals that are being done increasingly in Africa, after stalemates in elections? Do they promote good governance, or do they set a very bad example of deal making?

#### **Response from Yusuf Kiranda**

What has happened in Kenya and Zimbabwe is extremely unfortunate for Africa. Is it an African initiative for democracy and governance? In fact it is a situation, such as in Kenya and Zimbabwe, in which the election is rigged, the opposition is attacked, and then the incumbent offers to share power. In Kenya the power-sharing deal was facilitated by the international community, because their intention was to end the post-election violence. But they did not look into the underlying causes of the post-election violence, which are significant. But fundamentally, the elections were not free and fair. The way the international community supported power-sharing opened the eyes of all the other African dictators, who now know that the western interest is to ensure stability, not to ensure that the real principles and values of democracy are being respected.

This happened in Zimbabwe. President Robert Mugabe refused to declare electoral results, and refused to accept that he has been defeated in the election, because he had predicted how Africa and the West would react: that they would tell him: 'Okay, if you can't go, please can you share power?' The power-sharing deals concluded by

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Kofi Annan or Thabo Mbeki are not models for promoting democracy. Uganda is on the brink of experiencing a similar situation. It has had the same regime for 22 years, and the government has been successful in removing presidential term limits. The president has already indicated that he will run for another term. He has also said that he and the ruling party cannot lose an election in Uganda. The army has said that they cannot hand over power to 'bad elements'. What is the president saying? He is saying that the election will take place, but if he cannot win by fair or unfair means, he will concede power-sharing. This is a very unfortunate scenario for Africa, because it gives the impression of solving a problem, unfortunately, the wrong way.

### **Response from Alfonso Pascual**

On the involvement of civil society and parliaments, the participatory approach is part of the provisions of the Cotonou Agreement, and the Commission believes partner governments are respecting these provisions. Involvement of parliaments is very much a governance issue and an issue of political will for reform in many cases. If laws are perceived to be pieces of paper, that is only the very beginning of a rule of law process! Laws should be the expression of popular sovereignty, and they need to be implemented. The key for advancing governance processes is political will for reform. There are no magic recipes, not even the APRM. Kenya had finalised their APRM process, but then events took over.

The difficult question is are donors too soft in these cases? There are technical conditions under which a country is eligible for budget support, and for disbursements of the programme. When it comes to political conditionality, however, the situation is different. Experience shows that conditionality at political level often does not work. There are countries with unsolved, blocked situations, and the Commission needs to apply conditionality because it cannot do anything else. In the case of Zimbabwe, for instance, we are still waiting for results on the impact of conditionality. Conditionality and suspension of cooperation, or adoption of sanctions, must be seen as a measure of last resort, when dialogue is no longer useful.

In Kenya, there were no proper sanctions applied in the context of the Cotonou Agreement. The post-election agreement was a pragmatic way out and we all hope that it will be a solution, and that Kenyans will learn and draw lessons from the situation.

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## **Response from Anna Caprile**

Alliances between civil society and national parliaments are crucial. In some countries, we do not see this alliance. We see on the contrary some degree of rivalry. Both think that they are representatives, but in fact they are distinct actors, each with a legitimacy to be defended. Each should have specific roles in the decision-making process.

But the alliance is crucial, in terms of training, in terms of debate and in terms of representation. National parliaments should be a platform for civil society to put forward its requests. Parliaments should be considered an integral part of a state structure. Civil society should legitimately represent different parts of society. The ACP-Joint Parliamentary Assembly defends and implements this in its meetings. More and more, the meetings bring together not only parliamentarians from both sides, but also civil society representatives.

This has been formalised over the years and now it is really a fundamental part of the meetings. This alliance and collaboration must be encouraged in the institutional set-up of the joint Africa-EU Strategy. The Commission said the institutional mechanism of this strategy is still under design, and the concept of governance is still being debated between the two parties. So there is an enormous window for opportunity to introduce this alliance.

On Kenya and Zimbabwe, there were problems before the elections. All the problems and dilemmas faced after the elections, were already there before.

This raises an important point. If external partners concentrate all their attention on the one month of the electoral process, it is a recipe for problems in the future. Processes should be monitored well before and well after the elections. We should also reflect on the AU's reaction in both cases. In Kenya, it is clear the AU played an active part in the mediation process. They supported the deal-making process, though I should add the Pan-African Parliament criticised this.

In the case of Zimbabwe, the AU has systematically delegated the mediation to their regional African organisation, SADC (South African Development Community), which has an economic-focused profile. SADC then delegated mediation to Thabo Mbeki. So in talking about the role of the international community, it is also crucial to look at the role the AU has played.

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**Session three:  
effective partnerships for democratic governance  
and human rights: the role of non-state actors**



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## **The European Commission's approach to civil society**

*Jeremy Nagoda*

### **Focusing on civil society**

I would like to focus on the role of civil society in the Africa-EU partnership on democratic governance and human rights. The involvement of civil society may not necessarily have the consent of the local governmental partner. However, creating social capital is important for reinforcing emerging states.

The EU's aim is to help, and not undermine, change processes in this respect, so that states become strong and independent. But this has to be looked at over the long term, which is why issues such as climate change, and governance and food security are extremely critical. The EU is partnering with Africa in the name of a common future. Since 2003, the Commission has taken a more political approach, whereby the whole governance agenda is based on justice, democratic values and participation – with participation underlined. We are examining whether or not we are accompanying this process with the right tools, the right institutions and the right models.

Thus the issue is to put into practice what we preach. The theory is organised, the documents are in place and there is agreement on the values and ideas that have been promoted so far. But what concrete steps should be taken? Essentially there are two small mechanisms. The first is financial support for civil society in general, whether European or African. The second is the magic concept of capacity building. What does capacity building mean, in particular capacity building for governance, which must be done without intervention in the affairs of a sovereign state? Who is the EU to dictate certain mechanisms or certain values or certain ideas when proceeding with capacity building?

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The Commission has found a smart approach to this. It does not do it itself; it allows others to do it. This means the Commission has the ability to deny. This is where civil society fits in as a partner. The danger is that the Commission could start to instrumentalise civil society. So the approach only works if, in the name of transparency, equity and good governance, we accept that civil society proposes what it intends to do.

There is a further weakness in the Commission's approach, which is that it supports projects and processes. The Commission is not able to risk a partnership in the long term with a given political, ideological, philosophical or action-motivated grouping. Increasingly, it is clear the Commission is most at ease with civil society taking on an oversight role. Processes require oversight, for example, Governance Incentive Tranche payments. They need monitoring and civil society organisations are best placed to conduct that monitoring.

The Commission does not look at civil society in terms of the sociological definition, which means from family to state, but rather concentrates on specific elements in civil society. The political foundations, for example, are civil society players as far as the Commission is concerned. The EU wants civil society to reflect its values, and follows a simple approach: the actor's approach, meaning that the logic of intervention in any given activity is based on the availability of an actor who is ready and willing to intervene, such as a foundation, an NGO, a trade union.

This approach is far wider than simple oversight. The Commission has discovered that the sustainability of actions is greater when multiple actors are involved. Ideally, different actors work together, of course always locally. But this creates a limitation because we are still looking for entry points and for particular activities as projects. We are not looking at this as a process.

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## **Civil society in Africa: obstacles and opportunities**

*Phil ya Nangoloh*

### **Crisis management**

This Africa-EU partnership on democratic governance and human rights is a partnership in crisis management. The crisis is mainly located in Africa. What are the indicators of the crisis? Africa has the highest poverty rate, for example. The United Nations Human Development Index uses indicators such as life expectancy, income and education. These indicators show Africa is in crisis.

Africa has the highest incidence of both inter- and intra-state conflict. Consequently Africa has the highest populations of refugees and internally displaced persons. The Democratic Republic of Congo is a current example of this.

Africa has the highest incidence of HIV AIDS, tuberculosis and malaria. It is said that 33 million Africans in sub-Saharan Africa are HIV-positive. Namibia has one of the highest HIV rates of, depending on whose statistics one refers to, between 19 and 22 percent. Africa also exhibits great inequality. Namibia has within it two worlds: the first world and the third world, not even the second world. Africa also has the lowest ratings in terms of democracy, human rights and good governance.

### **Continuing crisis**

This crisis continues notwithstanding a history of African-EU partnership, which started in 1957. Since then, what has been achieved? Africa-EU human rights and democracy issues have been under discussion for a long time, most recently during the Lisbon summit. If the Africa-EU partnership were an animal, would it be two animals with one head each? Or one animal with two bodies? Or is one body with two heads?

These questions have to be considered when looking at the entry points for African

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and European civil society organisations in the implementation of monitoring processes related to the joint Africa-EU strategy, in particular the partnership on democratic governance and human rights. These entry points should have been defined from the start, but this has not happened. But civil society needs to be consulted and to be involved in this process – better late than never. How can African and European civil society organisations strengthen their cooperation in joint monitoring, while addressing failures and learning from good practice?

Both EU and African NGOs should be involved in the partnership. EU political foundations, for example, are geographically closer to Europe, where the power is, where the decisions are made, and where the projects are identified. African partners, meanwhile, are more technically equipped to understand the situation on the ground, and can monitor the implementation on the ground and then exchange opinion through networking. This role of African organisations should be reinforced so that they can apply pressure for change.

This raises the question of how African civil society can be better reached and involved in democratic governance. The first step is to identify those NGOs that have a civil society track record and experience, though not necessarily resources. They should be consulted or get involved in this process, and their capacity should be increased so that they can play a significant role.

### **The role of African parliaments: a case study from Namibia**

What role can African parliaments as representatives of Africa play? The first problem with this notion is that it is hard to make a blanket statement that African parliaments are really representative of the people. The Namibian experience can serve as an example. To be a member of parliament, one must be on a party list. Often the political leadership of the party imposes the candidates from the top down, rather than allowing bottom-up decisions. This leads to a problem of separation of powers, because of pressure from political leaders.

The Namibian parliament has two houses, the Regional Assembly and the National Council, in which 47 members out of 72 are government ministers. However, the Namibian constitution, Article 32(2), says that the executive is answerable to the legislature. But if 67 percent of one house of parliament is made up of cabinet ministers, who is answerable to whom? How can the parliament exercise oversight if cabinet ministers are the members of parliament? These are serious structural problems. The judiciary has similar problems. Its independence is compromised.

In the light of this, clearly the independence of civil society should be promoted,

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meaning institutional as well as operational independence, and capacity should be reinforced – there must be political will as well as political courage. Civil society needs more resources, and there should be networking between northern civil society and southern civil society in Namibia. The people who are working in institutions, especially governmental institutions, in terms of promotion of human rights and democracy, should be people of high moral character and who have expertise in the field, but not necessarily government representatives.

As well as being involved in vigorous monitoring of the implementation of the Africa-EU partnership, civil society should and must be able to conduct civic education, giving information to people on the ground. Civic education is an important area to concentrate on, so that people can make decisions based upon correct information.

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## **The reality of African civil society organisations**

*Noé do Nascimento Nhantumbo*

I want to address the question of the better involvement of African civil society in democratic structures. Reaching the African people is, and should always be, the goal of the civil society organisations. But to do this, they have to fight to empower themselves because in countries like Mozambique, civil society organisations usually seem to be very politically correct organisations that are invited to meetings, but they are not really considered in political decision-making in the country.

In terms of reaching out to African civil society, this is a question of implementing democracy itself. Politicians, political parties and governments must realise that work is better done when every actor in the society is involved. But in countries like Mozambique, those in power sometimes feel threatened and are not confident in establishing relationships with the civil society organisations. Mozambique has very weak civil society organisations, not weak just in terms of membership or resources, but weak because they lack a clear concept of what they are and what they should be doing. Most of the civil society organisations in Mozambique act as branches of very influential political parties. The heads of important civil society organisation are often also central committee party members. This undermines the credibility of the civil society organisation. Mozambique has the same actors doing all of the jobs. They just change shirts.

A legal framework has to be developed in many African countries to ensure that civil society organisations are taken seriously, and so that they are given the responsibility to carry out the duties they decide and agree on. Currently, there is a lack of debate in African countries, and civil society is not truly involved, though in theory there are civil society organisations, political parties and parliaments. Something must be wrong.

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## **Effective partnerships for democratic governance and human rights: the role of non-state actors**

### *Discussion*

#### **Contribution from Jean Jacques Mbelle Abega, Director, Fondation, Conseil Jeune**

There is confusion in Africa about the role of civil society. The political context makes it very difficult for independent organisations to play a role under the national umbrella of civil society. Government support is lacking, meaning civil society organisations find it very difficult to sustain themselves.

It is also not possible for people who are very poor to come to Brussels and give their views about the Africa-EU strategy or other political issues concerning their countries. Some African NGOs have a problem of resources. Ambiguity in the law does not help. In Cameroon, for example, the law does not authorise the government to give resources to NGOs. In practice, the government gives money to those NGOs that have been created by members of the party that is in power.

In terms of capacity building and organising the structure of civil society, civil society in Africa has tools, but they need to be reinforced and improved.

Political foundations in Europe, in particular in Germany, have extensive experience in education and knowledge about the political situation in partner countries. In Africa, these intervene at a regional level, and are concerned with training parliamentarians, training administrators and training civil society leaders. This has been the case for 40 years, since independence in Africa, but big changes have not happened. We need now more change. How can implementation in Africa be improved, and who will work on the implementation of the Africa-EU partnership?

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### **Contribution from Yusuf Kiranda**

The instrumentalisation of civil society organisations and their engagement in this partnership was raised. What progress has so far been achieved in this area, especially on the EU side? We have European civil society organisations actively engaged in the Africa-EU partnership. How has their participation been validated? It would be useful to understand the value of this forthcoming improvement in the participation of African civil society organisations.

In Uganda, KAS has been actively engaged with a couple of indigenous NGOs, not just assisting these organisations but in programmes where the citizens are the end beneficiaries. For example, there has been training for journalists, training for political leaders, training for women and training for local council representatives. These interventions have been useful for empowering the population with appropriate information so that they can understand and meaningfully engage in the political process.

There is a possibility that with the current Africa-EU partnership, a synergy will be created with what is taking place already in terms of networking between European and African civil society organisations. A new chapter should not be opened simply for the sake of the Africa-EU partnership, but we should rather build on and reinforce existing intervention.

### **Response from Jeremy Nagoda**

Civil society is instrumentalised by policymakers. There is a debate about the legitimacy of civil society, but civil society does not need to prove its legitimacy in the way parliament should or political parties should. A more relevant question is how does European civil society relate to African civil society, and how do they help each other or cross-pollinate their experiences, and what is the added value of each?

The EU has ideals about its partnership with Africa, but the major problem that the EU as an institution is discovering is that it must now add a layer of monitoring to activities in Africa, especially with regard to the process that has now been put in place. The danger is that the traditional roles of civil society are being slowly squeezed into one role only: monitoring.

But the first role of civil society has always been service delivery. The bulk of funding for civil society still relates to this. It allows civil society to get stronger.

A second role for EU civil society is advocacy, because it made sense to be vocal about what you are doing. The third role is capacity building. Naturally one want to



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reinforce one's partners. We should not forget that European civil society, like every other civil society, has its own specific small partnerships at any given time, whereby they normally support a given situation, a given partner, in the long term, with their own resources. They only ask for the financial leverage of institutions – whether it is the World Bank, other donors or the European Commission – because they need it and it frees additional resources. Monitoring is a valid role, but it should not be the only role – quite the contrary. The European Commission, Parliament, Council and member states should be able to jointly or singly monitor the processes that they are putting in place.

On progress made so far, EU and African civil society organisations have been extremely helpful in organising and making sure that consultation processes took place, and they have been extremely vocal when those processes did not happen. They come back to the Commission or the European Parliament saying 'this is not right'. European civil society was in favour of, and has been promoting, the Africa-EU strategy. There is a false understanding that they were against it to protect a vested interest. However, there were different interests, there were different factions of civil society in the game, and it was a very tricky negotiation. But they were supportive. Who better than these organisations can de facto transfer the knowledge of how to keep a government on its toes, or how to make sure that funds are raised. As a rule, they are not only legitimate, but they work well for the general interest.

### **Question from Jean Jacques Mbelle Abega**

Is it useful if civil society looks at the EU's monitoring actions in Africa, not only process and consultation, but also monitoring action and execution processes in the field?

### **Response from Jeremy Nagoda**

One point of view on this was expressed by Senegal delegates at a recent conference. Their view was that observation of the actions of donors in general should be carried out on a regional basis by civil society organisations, consultants and representatives of the donors together, in order to make sure that, whatever is being said is being done, and when it is not done, it is reported. This information should be agreed by everybody and available to everybody. Thus rather than being the watchdog for the whole process, civil society could share the burden of being the watchdog.

The subliminal question being asked is: who is civil society? It is not for the European Commission to reply. The Commission has a definition of civil society that allows it to finance given portions of civil society, depending on the aims that

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it has. But civil society is a much wider concept encompassing not only NGOs or political foundations, but also trade unions, academia, the church and so on. We should not look at the peculiarities, but at the generalities, which are all encompassing.

For the implementation of the Africa-EU strategy, civil society organisations that are located in Europe should be able to monitor the conceptualisation and results of projects, while civil society on the ground in Africa should actually be able to monitor what is happening on the ground. The two should exchange opinions as regularly as possible through networking and through other contacts. This is how the involvement of civil society can be made effective. Monitoring is extremely important, but so is advocacy, including early-warning of problems, and recommendation of measures so that problematic situations can be contained, if not prevented altogether.

### **Contribution from Anna Caprile**

What role can be foreseen for civil society organisations in the African Union structure? The AU is relatively new. It has given a new face to Africa and has contributed to the perception of Africa as one bloc in the rest of the world. It has also contributed to the perception that there are African solutions to African problems. The AU has been quite active in peacekeeping operations, though not always with extensive resources. Institutions have also been set up: the very embryonic African Court of Justice, the African Peace Council and the Pan-African Parliament. Civil society organisations do not yet reflect this African unity. Reality is complex but what is the pan-African plan for civil society? Perhaps this is something to be addressed in the future.

Also, what is the specific role of political foundations? Should they actively contribute to the participation of national parliaments and civil society in the future implementation of the joint strategy? Should political foundations have an active role in capacity building, in terms of parliaments, political parties and foundations?

### **Question from the floor**

What role would there be for women in African civil society?

### **Question from Egidius Hakwenye, Chargé d'affaires, Namibian Embassy, Brussels**

On the issue of monitoring, the first step is monitoring, then the second step is reporting. Then any mistake is rectified. Considering the EU and civil society organisations might both be involved in monitoring, who reports to whom, and

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who issues the mandate for monitoring?

### **Contribution from Phil ya Nangoloh**

Despite the existence of the EU, Europe is not one homogeneous bloc. The same applies to Africa. Are there indicators, shared visions, shared objectives and shared activities being implemented in Africa? Africa is a continent with a variety of countries with various constitutional and legal principles. It is very wrong to have a blanket attitude, seeing Africa as one country or as one unit.

Various differences between African countries should be taken into consideration. The stage of development of each country is different. But in this case how can African countries be judged? What are the yardsticks? Should African countries live according to their constitutions and institutions, or can we take into account supra-African institutions that in many respects do not exist?

Concerning the role of women, women are a silent majority in Africa. They are numerically greater, but in terms of economic impact and other rights, they are non-existent. It should be emphasised that gender mainstreaming of women in parliaments should really be considered a priority area.

### **Contribution from Jeremy Nagoda**

The word monitoring is misleading. If you look at it from a technical point of view, there is either monitoring that provides a snapshot at a given time in a given situation. Or there is evaluation, whether it is output evaluation or results-orientated evaluation, or impact evaluation. The main issue is, of course, who should decide that monitoring should take place, and in the name of what? The mandate can only be given by the authority, which in this case means the AU-EU. But evaluation will not be meaningful if it is not associated with indicators.

For the Commission, monitoring means examining something that is concrete. This could be looking at systemic processes, in parallel with those processes, and providing specific input for decision-makers – for example, saying that the process is not moving well, or needs correction. Or monitoring can be done of specific projects or indicators of good governance. The danger is that monitoring loses its focus, and becomes a general undefined role for civil society. This does not work. Monitoring should be tied to specifics.

### **Contribution from Jean Jacques Mbelle Abega**

On monitoring, an example can be given from Cameroon. A network has been put in place called Dynamique Citoyen, which is working on monitoring the public

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budget: how spending is planned and how the government implements the spending of public money. It is a citizens' organisation – the citizens have created the organisation, which has been legalised in Cameroon.

The network tries to carry out independent monitoring, and to report the results to the people. For example, in education, EUR 1 million has been spent to build classroom facilities. The money has been paid, but when on the site where there are supposed to be classroom buildings, there are none. The civil society organisation reports this to the partner, for example the World Bank, as well as to the parliament and the government. The organisation also proposes how things can be improved in the future. This is the mechanism that will contribute to the improvement of governance.

### **Contribution from Denis Schrey, Konrad-Adenauer-Stiftung, Brussels**

The question was raised about how the European Commission interacts with European civil society that is interested in the joint Africa-EU strategy. For each partnership, there is a contact person who has been identified by European civil society organisations. This contact person – for example for the partnership on democratic governance and human rights, it is someone from Amnesty International – will contact other interested civil society organisations and political foundations, to meet and to monitor certain processes. In addition, in the European Commission there is one person who is responsible for the relationship between the Commission and European civil society.

On the involvement of political foundations in general, a European network of political foundations was established in 2006 and is increasingly involved in consulting with the European Commission. However it is early days in terms of bringing the views of African partners into the network's meetings with the European Commission. It is an evolving process. The network presently counts more than 50 member foundations from more than 20 countries (within the EU and candidate countries), so it is not easy to consolidate the different political views. But this does represent an effort on the part of European political foundations to be more visible, more active and more involved in consultation processes, and also to bring in the views of partner organisations from different regions.

### **Contribution from Dr Mariella Franz, Hanns-Seidel-Stiftung**

The Hanns-Seidel-Stiftung and the Konrad-Adenauer-Stiftung do engage with civil society in capacity building. This conference, involving bringing our partners to Brussels, is a good example. Part of capacity building is to help our partners better understand the whole concept of the European Union's strategy, and work with

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them so that they can take up their role in the partnership. We also work on increasing the capacities of national parliaments, though the Hanns-Seidel-Stiftung focuses more on civil society. The Konrad-Adenauer-Stiftung has more project activities and examples of cooperation with national parliaments. In this respect, the role of political foundations is to target and reinforce political society. National parliaments are part of this society and it is crucial to strengthen their role.

### **Contribution from Jeremy Nagoda**

Civil society, whether African or European, offers two vast resources. The first is training and educational capacity of civil society. The second is a fantastic wealth of experience. This exists within African civil society, and Europeans should be able to tap into and use this in order to better explain what EU civil society really is about. This is not being done at present, not at a cultural level or even at the level of true real life experience, or of awareness raising on development issues.

The European Commission has representatives in its delegations who can work on these issues and act as focal points. They can act as information relays. This is also the case with the European Parliament, through its dialogues. These connections are already functioning and functioning well. The linkages that exist already should be put to work to create entry points for civil society in the Africa-EU partnership.

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## **Effective partnerships for democratic governance and human rights: the role of non-state actors**

### **Conclusions**

*Dr Peter Köppinger*

#### **The implementation gap**

The Africa-EU democratic governance and human rights mechanisms still have conceptual and contractual weaknesses. There are also huge implementation gaps. One example of conceptual and contractual weakness is of course the fact that participation in the APRM is voluntary. This shows that there is a long way to go politically. If the APRM had been proposed as an obligatory participation mechanism, it would never have got beyond being an idea on paper. But the fact remains that the majority of African countries are still very reluctant to really commit to such mechanisms.

As well as the APRM, this conference has emphasised the EU's Governance Incentive Tranche mechanism. These mechanisms have not so far been harmonised, but they are going in the same direction and have the same intentions. It is very clear that so far, only initial steps have been taken in harmonisation. This is not surprising considering in different African countries the reality of power structures, the situation of different democratic institutions so far as they exist and the problems experienced by civil society.

We should recognise that the roll-out of these mechanisms will only proceed very slowly. The roll-out has started, but there is a very long way to go in establishing the credibility of these instruments. This connects to questions raised about monitoring mechanisms. If the mechanisms involve only commitments to consider the results of assessments or the monitoring of, for example, the APRM, within three to five years, the mechanisms will come to be considered a failure. There has to be some

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follow-up work on how to set up credible monitoring mechanisms.

There is widespread agreement that other stakeholders – not just governments – are very important and, it is not satisfying the way they have so far been involved in these mechanisms. Of course, their involvement should not be only in the monitoring. Political parties, civil society organisations, local authorities and especially parliaments have to be involved in the drafting of governance action plans. Of course they have to be involved in monitoring, but they must also be involved in implementation. How does one implement decisions in the field of democratic governance and human rights that have been drafted at national level, if civil society organisations are not involved? It simply does not work. State structures and the intentions of many of the actors in state institutions would prevent any effective implementation.

Broadening involvement in implementation is a very crucial issue. Involvement focused on consultation and monitoring is not enough. Mechanisms for democratic governance and human rights only become serious when these different stakeholders are involved in the implementation of plans. This is KAS's experience in many countries.

On the question of involvement of other stakeholders, there are some unsatisfactory developments in the European Commission. There is a very ambitious goal of spending 60 percent of development assistance funds on budget support, while also spending on current monitoring and cooperation structures for implementation. The long term vision for budget support can be endorsed, but only if it really is accompanied by progress in the other fields, which is currently lacking. In discussions with Commission officials, KAS sometimes has the impression that the main motivation is to get the money out. This is really dangerous because giving funds to countries where the monitoring and the control and oversight mechanisms do not exist is brought to public attention in the EU, and can destroy the willingness of European taxpayers to spend money. It is necessary to be cautious. The long term vision can be supported, but only with transparent implementation. At present there are problems in nearly all the countries where KAS is working.

### **Looking beyond the label**

In involving different actors, we must look behind their labels. What does 'parliament' really mean? Is it really representative? Do political parties play their role as we suppose they should? They do not do so in many European democracies, so how can they be expected to in African countries? However, one cannot imagine a functioning democracy without such political parties or civil society. But are they

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really independent? Do they voice people's concerns?

Working on democratic governance and human rights in the Africa-EU partnership is extremely complex. One must continually ask the question, 'with whom are we working?' How can civil society be made robust against corrupting influences? How can political parties be helped to play their role as they must play it in a democracy? When discussing the big picture, and progress on agreements and commitments, it should be remembered that it counts for nothing unless the reality on the ground really changes. The true functioning of democratic governance in African countries is in the details.

### **What political foundations can do**

Political foundations such as KAS are ready, able and willing to be involved. More often than not, we are not connected to European mechanisms or programmes, which is a pity because being connected means that synergies are created. KAS has experience of 40-50 years working with African civil society partners, with African parliaments, with political parties, with governments and with democratic institutions. KAS does not want to work in a small niche, but to be integrated with broader activities. KAS is increasingly integrated in consultations in Brussels with the EU institutions, but not so far in the implementation of EU programmes.

The involvement with implementation is problematic because democratic governance discussions, programmes and funding seem to be on another level. Most work is done in geographic programmes, in which civil society organisations, including political foundations, are not involved or not sufficiently involved. This is a weak point in the strategy of the EU as a whole, that civil society organisations are not able to do what they want to do. Both African and EU civil society organisations need to be brought into these huge geographic programmes that promote governance. The thematic programmes play a smaller role in most cases.

KAS and other political foundations, many of which are active in African countries with partners there, are ready to play the role of facilitator in the dialogue, and are also willing to work on drafting and implementation of different aspects of governance action plans. We would like to bring our resources and our knowledge into European programmes, and to play a greater part in them.