European Economic and Social Committee

REX/349
Civil society involvement in the EU's development policies

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OPINION

of the
European Economic and Social Committee
on
Civil society involvement in the EU's development policies and in development cooperation (Exploratory opinion)

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In a letter dated 20 October 2011, the European Commission asked the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, to draw up an exploratory opinion on:

> *Civil society involvement in the EU's development policies and in development cooperation.*

The Section for External Relations, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 6 March 2012.

At its 479th plenary session, held on 28 and 29 March 2012 (meeting of 28 March), the European Economic and Social Committee adopted the following opinion by 167 votes to 15 with five abstentions.

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1. Conclusions and recommendations

1.1 In a situation in which the economic, environmental and social crises will determine the future of humanity, the EESC considers it a matter of priority to obtain agreement and a common approach between the various cooperation actors on the type of development to be promoted[1].

1.2 If cooperation is to be effective, it is essential to coordinate all EU policies with development policy. Civil Society Organisations (CSOs) should also be motivated towards more and better coordination and coherence with these policies.

1.3 The CSOs are leading players in development in their own right and should play the same part in cooperation policies. They need to be involved in the drafting, implementation and monitoring of cooperation policies and programmes and be among the strategic bodies through which finance is channelled.

1.4 The EESC advocates more strategic cooperation between the Community institutions and the CSOs, by way of political dialogue, framework agreements and more effective mechanisms for channelling funds.

[1] OJ C 376, 22.12.2011, p. 102, point 1.5, rapporteur: Mr H.J. Wilms.

1.5 The European Commission and all the governments should support the Istanbul Principles for CSO Development Effectiveness.

1.6 The CSOs should be given greater recognition in new cooperation arrangements like South-South cooperation and triangular cooperation.

1.7 Development and cooperation policies, especially European ones, must take account of the unique features and diversity of the CSOs, as well as their experience in relations with partner countries.

1.8 In a globalised world it is necessary to recognise the global character of some CSOs and exploit their potential as global actors.

1.9 Changes are needed in the system for granting European development funding through CSOs. It is necessary to introduce, as a matter of urgency, arrangements such as the "framework agreements", operational grants, cascading subsidies, multiannual agreements, emergency funding and implementation of the "toolbox" defined in the Structured Dialogue. CSO networks, federations and confederations should, in the EESC's view, be the main recipients of this type of funding.

1.10 CSOs should be guaranteed a favourable environment for carrying out their work in all countries. This requires respect of basic principles like freedom of association, freedom of speech, assembly and action. This objective should be incorporated into public cooperation policies.

1.11 The participation of civil society should be a real component of governance, and as such be adopted by the EU as a criterion for action in its relationship with partner countries.

1.12 The EESC, while welcoming the involvement of local authorities in EU development policy[2], believes that linking CSOs and local authorities in development and cooperation policies, despite their necessary complementarity and cooperation, is a source of conceptual confusion and operational difficulties.

1.13 Involving the private sector in development policies is essential for increasing its impact. However, it must be ensured that this is not used as a pretext for reducing the public contribution and that the participation of the private or any other sector does not entail the establishment of new "conditionalities" for cooperation projects. A framework should also be established, based on already defined international standards, for any sector's effective involvement, in accordance with development cooperation objectives.

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2 Increasing the impact of EU development policy: an agenda for change, CdR 364/2011, rapporteur: Mr Gamallo Aller.

1.14 Transparency mechanisms and the accountability of cooperation should be stepped up, including where they affect CSOs, as should the fight against corruption.

1.15 The CSOs should also involve the European Voluntary Humanitarian Aid Corps, envisaged in the Lisbon Treaty, in development policy.

1.16 The EESC's international activities over a long period of time have contributed, as in the case of the mandate given to the EESC in the framework of the Cotonou agreement, to the recognition of the institutional dimension of the CSOs. This was among the key attributes of the Cotonou Agreement. For the first time in an international treaty signed by the EU, the essential role of "non-state actors" as partners in development cooperation was explicitly recognised[3]. Crucially, the Agreement also states that non-state actors should receive financial resources for capacity-building in order for them to become effective partners in the Agreement. This mandate facilitated the creation of the ACP-EU Follow-up Committee, establishing for the first time a joint body of CSO representatives from ACP countries and EESC members, financed by the EDF. The Follow-up Committee's role is to follow up the implementation of the Cotonou Agreement and Economic Partnership Agreements. It has also played a key role in establishing the sustainable development clause. This modus operandi has served as a point of reference for the EESC's work in other geographical areas and has proved very productive, contributing for example to the reinforcement of CSOs' organisational capacities, and to the establishment of platforms and contact points with CSOs in EU delegations, as well as facilitating their access to Community finance and their participation in the negotiation of trade agreements.

1.17 The EESC considers that experiences of this kind should be consolidated and extended to support cooperation policies. And, above all, taking on board the views of many of the major CSOs, it calls on the European External Action Service to ensure that the EU delegations undertake to support them effectively, enter into contact with them and familiarise themselves with and promote their activities both in Europe and in partner countries. In the light of the strengthening of the EU External Action Service's delegations, it is more necessary than ever that they make this undertaking as a binding commitment and not a voluntary act dependent on goodwill.

1.18 In the context of the decentralisation of European development cooperation, the EESC believes that it can cooperate very effectively with the European External Action Service in the EU Delegations' dialogue with the CSOs. This is partly because the EESC is the European counterpart of the various consultative bodies that are being set up under the economic (Cariforum), trade (South Korea) and association (Central America, Chile) agreements. It is also because of the long-standing and stable relations that the EESC maintains with civil

3 Thus the second paragraph of Article 4 of the Cotonou Agreement stipulates that the EU and the authorities of the ACP countries must inform and involve non-state actors in consultations on cooperation policies and strategies and that these actors must be involved in implementing such strategies.

society organisations and their institutional representatives from all continents, but especially with the ACP, Latin American and Mediterranean countries[4].

1.19 The EESC reiterates the important role of the CSOs in promoting awareness-raising and education of the EU population in cooperation, at a time of crisis which threatens to cause development policy commitments to be forgotten. These activities should be sufficiently funded with a specific budget heading, subject to sufficient safeguards regarding transparency and accountability.

2. General principles and objectives

2.1 Over the last decade the European Union has paid increasing attention to the dialogue with the CSOs. The European Consensus on Development, the Development Cooperation Instrument and the report of the European Court of Auditors, as well as the Structured Dialogue, have broadened the scope of the dialogue so that it now includes, among others, the European Commission and the European Parliament, the Committee of the Regions and the EESC, the Member States and civil society organisations: among others, trade unions, cooperatives and social economy organisations, farmers' organisations, business organisations, NGO platforms and member organisations from the partner countries.

2.2 Nevertheless, despite these gains and international agreements[5], the general perception is that such progress is still very abstract and that practical progress has been much less. In many donor and developing countries, the CSOs are still encountering major difficulties and their work has lost impetus. This is true of trade union organisations for example that have more difficulties in accessing official development assistance (ODA) in the donor countries, whilst access in the partner countries is limited or non-existent as regards both funding and political dialogue. There are threats to support for CSOs, and for their role as actors in development (the measures recently adopted by the government of Zimbabwe are an example of this).

2.3 The EESC understands that greater and better recognition of the CSOs' role requires accepting a series of criteria, principles and values in development and cooperation policies.

2.4 The first and fundamental principle is the need to achieve convergence between CSOs themselves, and also between CSOs and the European institutions, as to **what is understood by development.** This is an extremely necessary and urgent goal in a context in which three crises are enmeshed: the environmental crisis (climate change, loss of biodiversity etc), the social crisis (increased inequalities) and the economic crisis (unemployment, growing job insecurity, the dominance of the financial sector over the real economy etc). The first three

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4 http://www.eesc.europa.eu/?i=portal.en.external-relations-other-continents

5 Paris Declaration on Aid Effectiveness, March 2005; Accra High Level Forum 2008; Istanbul Development Principles (http://www.cso-effectiveness.org/IMG/pdf/final_istanbul_cso_development_effectiveness_principles_footnote_december_2010-2.pdf); International Framework for CSO Development (http://www.cso-effectiveness.org/IMG/pdf/final_framework_for_cso_dev_eff_07_2011-3.pdf); Declaration of the Busan High Level Forum 2011.

crises have given rise to a fourth, the food crisis. The figures reflecting the depth of these three crises – which feed on each other – show that our future, indeed everybody's future, is in danger and that the only way of minimising the damage is a qualitative leap in the areas of equality, cooperation and care. Nevertheless, development cannot be understood as being synonymous with economic growth and prosperity and progress cannot be equated with GDP indicators.

2.5 The EESC still feels that, without prejudice to the need to overhaul the criteria for action, **development cooperation is one of the essential instruments for taking development forward**, and especially for the poorest countries.

2.5.1 In this respect, the EESC reiterates the need to meet the development funding commitments entered into at international level which must continue to be something that the donor countries and the European Union in particular cannot go back on. Development cooperation **is a public policy** in the donor countries, based on best practice, which must have the necessary funding to see it through.

2.5.2 As stipulated in the Lisbon Treaty, the EESC reiterates that care must be taken to ensure **consistency between cooperation and development policies and other policies – trade, investment, financial.** CSOs should also be motivated towards more and better coordination and coherence with these policies.

2.6 There have been fundamental changes over the past decade in terms of cooperation, including the relevant developments such as South-South cooperation, or triangular cooperation. The role of the CSOs **and their networks should be given greater recognition as regards these new forms of cooperation.**

2.7 Similarly, some of the ways of channelling funds aimed at improving ownership and budgetary support have resulted in the marginalisation of civil society in the partner countries. **The EESC stresses the need to sufficiently involve local CSOs in democratic ownership and in thematic programmes, also as regards the financial aspect.**

2.8 The involvement of the EESC in various EU Strategic Associations (with Brazil and China), the recognition of its role in international agreements like Cotonou and its participation in global programmes like Rio+20 suggests that it should be involved in the EU's thematic cooperation and development policy programmes.

2.9 The agreements reached at international level and set out in the Paris Declaration, the Accra Agenda for Action (AAA) and the Busan High Level Forum represent significant steps in establishing aid effectiveness. Nevertheless, **the CSOs think that some of the concepts and criteria set out in these documents should be broadened**. For example, what is to be understood by ownership, harmonisation, alignment, result-focused management, mutual

responsibility and aid effectiveness. A definition more in keeping with these criteria should take shape in a dialogue between the CSOs and the European institutions.

2.10 The aim is to address aid effectiveness using an approach based on the various components of the concept of human rights and to assess it in terms of its contribution to reducing poverty and inequality and ending aid dependency itself.

2.11 The approaches set out by various organisations and in international declarations show that **CSOs are development actors in their own right**[6]. The EESC calls on the European Commission and all the governments to support the Istanbul Principles for CSO Development Effectiveness.

2.12 **Development and cooperation policies must take account of the CSOs' specific characteristics and diversity.** Some examples of the wide range of forms that CSO contributions to development can take, backed with the appropriate cooperation policies, include the added value that an NGO focused on protecting the environment or human rights can bring to development; a trade union organisation that protects labour rights, the primary distribution of wealth through wage negotiations and social protection for workers; an agricultural cooperative that has a direct effect on food sufficiency and sovereignty; an association of immigrants with their contribution to co-development; or an organisation of employers or the self-employed, with their crucial contribution to creating the fabric of production and job-creation. The EESC deems it essential that the public institutions' development and cooperation policies take advantage of all the options that this diversity offers.

2.13 The EESC calls for a legislative and institutional climate that empowers and favours the existence, development and involvement of CSOs in all countries. The involvement of civil society organisations should become an essential part of democratic governance[7].

2.14 **Cooperation with the private sectors is crucial to ensuring that development cooperation policy has a broader impact.** The great diversity of the private sector (including social economy organisations and non-profit associations) together with the major gains which can arise from socially responsible (CSR) initiatives needs to be emphasised. The challenge is how to maximise their input to economic and social development and human security in a globalised world. Nevertheless, there is a certain debate about the public-private partnership, or the exclusively private support of major companies in development cooperation, as regards the degree to which these partnerships might affect development goals. Public-private partnerships may be instruments to bring together the development agendas of different partners and effective tools for sharing knowledge and resources from different partners. In

6 Article 20 of the AAA, Busan conclusions of 1 December 2011. Istanbul Principles.

7 Final declaration of the 10th Regional Seminar of ACP-EU Economic and Social Organisations, 28, 29 and 30 June 2009, http://www.eesc.europa.eu/?i=portal.fr.acp-eu-tenth-regional-seminar-reports.6271

this respect, it would be necessary to establish a framework for effective and responsible input from the private sector, based on already accepted international principles such as the ILO labour standards, the OECD Guidelines for Multinational Enterprises and the United Nations Guiding Principles on Business and Human Rights. Reference should also be made to international transparency initiatives like the Extractive Industries Transparency Initiative (EITI) and the Kimberley Process in the context of international business and investment.

2.14.1 The participation of the private sector should also not lead to a reduction in government financing of development cooperation, nor should aid, for example, be made conditional on the privatisation of strategic sectors or services which are essential to the community.

2.14.2 On the other hand, in line with point 1.13, encouraging the participation of CSOs in public-private partnerships is key, as is the role of the social partners and social dialogue.

2.15 **Mechanisms for transparency and accountability for all involved in cooperation must be further enhanced**. And the United Nations Convention against Corruption needs to be applied, as corruption damages popular support for cooperation policies. The CSOs are well placed to do this, from the dual aspect of accounting for their own actions, as well as acting as social monitoring mechanisms in terms of cooperation in general. The established development goals can be achieved only if a link and interaction with the general public are maintained.

2.16 In a globalised world, it is necessary to recognise the international nature of CSOs and take advantage of their potential as responsible global actors. At the same time, in a multipolar world there is less and less sense in maintaining the distinction between CSOs from the North and the South. Support for the CSO networks, coordination platforms, federative mechanisms and support for their members, *inter alia*, should therefore be included in the development activities funded by donors and more particularly by EU cooperation.

3. Strengthening the role of civil society organisations

3.1 The results of the **Structured Dialogue**, set out in the final document of the Budapest Conference[8], include ideas and proposals of great relevance for all the actors involved. The EESC considers that this dialogue should be consolidated and that some coordination mechanism or contact group should be set up which would meet periodically and represent the components of the EDF, to ensure that the recommendations are complied with and implemented[9]. A forum of this kind should be a **permanent political body** (debate on cooperation policies, with resources and instruments provided by the European Commission); it should also be **representative** (CSOs, Commission, EP, Member States etc.). The EESC

8 https://webgate.ec.europa.eu/fpfis/mwikis/aidco/images/f/fb/Joint_Final_Statement_May_2011.pdf.

9 As is the case in various European Commission directorates dealing with other topics.

considers that it should have a specific role in this forum for dialogue in the light of its institutional mandate and experience.

3.2 It must be ensured that the CSOs participate and can contribute to the design, implementation and monitoring of development policies. In order to help strengthen globally active CSOs and strengthen cooperation by European organisations, the EU should look at the possibility of establishing a legal status for European CSOs based on precise criteria and shared by the participants in the Structured Dialogue.

3.3 Since the entry into force of the Cotonou Agreement, the EESC has played a pivotal role in strengthening the participation of non-state actors, largely due to the mandate that it received[10]. In practice, this has taken the form of a permanent ACP-EU Follow-up Committee participating in regular regional seminars and all ACP conferences or similar events. Over the years, this has helped directly with implementing the principles of transparency, good governance and association enshrined in the Cotonou Agreement[11].

3.4 When establishing a permanent political dialogue in a beneficiary country, it is also important to take account of the specific features of each civil society actor and organisation.

3.5 The Structured Dialogue should lead to **more strategic cooperation between the EU institutions and the CSOs**. In this respect, the EESC feels that there is a need to establish frameworks for relationships and participation beyond project funding. Or how, for example, the tool-box referred to in the Structured Dialogue can be put to use, not only at local level (EU delegations), but also at central level. This would result in a more flexible and effective partnership between the EU and the CSOs at global level.

3.6 With the impetus they provide and their demands, the CSOs play a decisive part in promoting the coherence of development policies and the establishment of a new, post-2015 global pact including the development agenda issues such as reducing inequalities, universal social provision, fair wealth distribution and the safeguarding of natural resources.

3.7 **CSOs are very diverse and disparate entities**, which could make it necessary to define more precisely what is meant by CSOs. Moreover, this diversity, experience and relationship

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10 "Consultation meetings and meetings of ACP-EU economic and social operators shall be organised by the Economic and Social Committee of the European Union" (Protocol 1 of the Cotonou Agreement). This mandate was complemented by the request of the former EU Commissioner for Trade, Mr Pascal Lamy, for the EESC to monitor the negotiations on the Economic Partnership Agreements. Within this context, the EESC supported the inclusion of social and environmental chapters within the CARIFORUM-EC EPA and the creation of a civil society consultative committee to monitor the implementation of this EPA, all of which were incorporated in the final trade agreement with the region. Thus, it can be seen that the institutional provisions established in both the Cotonou Agreement and in the EPA with the Caribbean, in addition to the mandates given to the EESC have indeed strengthened the role of civil society organisations in development cooperation

11 For a full assessment of the role of non-state actors in implementing the Cotonou Agreement, see the Final Declaration of the 11th Regional Seminar of ACP-EU Economic and Social Interest Groups, Ethiopia 2010 at http://www.eesc.europa.eu/resources/docs/f_ces6152-2010_decl_en.doc

with partner countries should be reflected in EU cooperation, making use of the potential and specific characteristics that each actor can bring.

4. CSO involvement in the various EU instruments and programmes for external aid

4.1 The EESC has already made clear its position on the task of CSOs with regard to the Development Cooperation Instrument (DCI)[12]. Furthermore, **the EESC believes that civil society should be active in relation to all the cooperation instruments** in line with the positions adopted in the Structured Dialogue and the provisions set out in the recently approved Agenda for Change.

4.2 In accordance with the proposal set out in the Structured Dialogue, the EESC considers that there should be changes to the system of granting EU development funds through the CSOs. The instruments provided for in the 2014-2020 financial perspective should provide for new arrangements going beyond the traditional subsidy mechanisms for projects. Other arrangements such as "framework agreements", operational grants, cascading grants and multiannual agreements should be introduced as a matter of urgency; these are medium and long-term arrangements which would guarantee a greater development impact.

4.3 Similarly, special funds should be created for urgent cases, for example, for the democratic processes in the Mediterranean, which cannot wait for grant applications to be approved and which can only be effectively put to use by the networks of various CSOs, such as trade unions, NGOs, cooperatives, small businesses, women's organisations etc.

4.3.1 Following on from that, the CSO networks, federations and confederations should be the main recipients of these types of funding. In this respect, mechanisms such as operational grants and cascading grants would constitute an appropriate instrument that would boost the added value generated by networks of CSOs involved in development.

4.3.2 In the context of the Agenda for Change, EU cooperation should examine and rethink its planning and project cycle management mechanisms to focus on areas such as the more timely disbursement of funds and flexibility reflecting the circumstances. Similarly, greater emphasis should be placed on support for analyses and viability studies for development initiatives as a means of ensuring successful outcomes more effectively.

4.3.3 The financing models should include three kinds of incentives to promote: 1) accountability on development results; 2) integration and mergers of organisations and the establishment of global CSOs; 3) new types of networks and multi-actor alliances.

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12 OJ C 44, 11.2.2011, pp. 123-128. Rapporteur: Mr Iuliano, and REX/348 Increasing the impact of EU Development Policy: an Agenda for Change, COM(2011) 637 final, rapporteur: Ms Le Nouail.

4.3.4 The Lisbon Treaty includes the European Voluntary Humanitarian Aid Corps (EVHAC) which is currently in its pilot stage at DG ECHO and results of this pilot stage should be carefully evaluated before launching the EVHAC. The EESC is convinced of the **potential CSOs have for channelling voluntary activity in every sector and, more particularly, development**. The EESC feels that, on the basis of clearly defined criteria, volunteering should be understood as a contribution in kind to projects subject to co-financing[13].

5. Strengthening civil society and CSOs in partner countries

5.1 CSOs often have to deal with situations of extreme political, institutional or economic vulnerability and this makes their work difficult; in some cases they may be harassed, intimidated or criminalised in the course of their activities. This is often the result of restrictive government practices. The EESC reiterates the need for including an element of supervision over the legislative frameworks, fundamental freedoms and support measures for CSOs in development cooperation policies, as well as regulations governing development and cooperation.

5.2 The EESC is aware that the regulatory frameworks governing CSOs are very different both within the EU and in partner countries. This should not prevent progress from being made as regards compliance with international rules (such as the right of association, free speech, assembly, the freedom to act, communicate and cooperate, seek financing and receive state protection) in all cases and at all levels. The presence and involvement of civil society and CSOs does not compromise representative democracy but actually enhances it if the means exist to carry it forward[14]. **Civil society involvement must be a real component of governance and must consequently be adopted by the EU as a criterion in its relations with partner countries.**

5.3 **The institutional dimension and the strengthening of the organisational capacities** of partner organisations in non-EU countries in general deserve greater recognition in the context of EU cooperation. In addition to their project management skills, helping to strengthen CSOs contributes to the integrated development of the respective societies. Efforts should thus be made to **help establish and strengthen the capacities of CSOs in partner countries** in general terms and as regards procedures for accessing EU funding, including smaller local projects, and for taking part in trade agreement negotiations, for example.

5.4 At the same time, the EESC argues that EU development cooperation policy should exclude organisations which, although ostensibly belonging to civil society, are in reality undemocratic or directly dependent on the State.

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13 EESC opinion being drafted (SOC/431) on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Communication on EU policies and volunteering. Recognising and Promoting Crossborder Voluntary Activities in the EU COM(2011) 568 final. Rapporteur: Mr Trantina.

14 The AAA and the Busan Conclusions are binding on all the countries.

5.5 **There should be encouragement for CSOs in partner countries to join together in groups and for their legal recognition as participation bodies.** As has been suggested in the framework of the Cotonou Agreement or in Latin America, for example, they should continue to organise themselves to create platforms or representative networks at various levels to create synergies and improve their methods for dealing with public bodies.

5.6 The fact that EU Delegations have contact points or people specially dedicated to relations with civil society in the partner countries has proved useful in various contexts. The role of these contact points and their ability to analyse the situation in the respective countries and step up contacts with the CSOs should be developed. There should be greater coordination between these contact points and the EESC in order to take advantage of what has been learned and the good practices that have evolved.

5.7 Promoting the concept of democratic ownership should in turn mean better opportunities for access to Community cooperation funds for CSOs in the partner countries, especially for the most representative groups, networks and organisations.

5.8 At the same time, progress should be made with **new forms of cooperation between CSOs** opening up possibilities for triangular cooperation, South-South cooperation or through exchanges of know-how, technical assistance from European CSOs and management technology, for example. These new forms of cooperation could be crucial for CSOs in medium-income countries that will see traditional EU cooperation cut back. CSOs play a key role in this cooperation in consolidating democracy, promoting recognition of civic rights, reducing inequalities, promoting civic participation, gender equality, fiscal redistribution, transparency and protection of environmental rights.

6. Raising public awareness and development education

6.1 The EU has maintained its role of donor for development even during periods of economic crisis. Continuing to honour this undertaking is a challenge for all the EU states and institutions. This commitment will depend, to a large extent, on public support and providing information and raising public awareness as regards development and the global problems affecting all countries.

6.2 CSOs offer the perfect vehicle for raising public awareness and providing development education. The EESC reiterates the importance of focusing attention on this area, particularly at a time of crisis. Development education calls for innovative approaches that reflect its ability to change mindsets and to carry its message to broader audiences than just children and young people. Innovation in this area requires the establishment of alliances with multiple stakeholders. This is particularly important in countries that have recently joined the EU, where the development cooperation tradition is less well established and CSOs less developed.

6.3 The European CSOs and the EESC, because of its links with European civil society, are in a position to address this task of raising public awareness. Moreover, they can deliver the credibility that comes from working with the EU in the widest range of social sectors, including the most vulnerable. In this connection, it is essential that awareness-raising objectives include the profile of projects carried out by CSOs in partner countries and the EU Neighbourhood Policy countries.

6.4 Maintaining specific funding headings for awareness-raising and development education, and carrying out Europe-wide campaigns for publicising development and cooperation issues are fundamental in this respect.

Brussels, 28 March 2012.

The president
of the
European Economic and Social Committee

Staffan Nilsson