



EU-AU relations:

THE PARTNERSHIP ON DEMOCRATIC
GOVERNANCE AND HUMAN RIGHTS
OF THE JOINT AFRICA-EU STRATEGY



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SUMMARY

The adoption of the second three-year Action Plan of the Joint Africa-EU Strategy (JAES) in November 2010 represents a move towards maturity for the Africa-EU strategic partnership. This provides a good occasion to take stock of progress from the perspective of civil society. Whilst a lot has been written about the partnership, it is rarely presented in a coherent manner, save in academic literature. The reader must often navigate a multitude of documents to make sense of what is a very complicated process. Furthermore, the view from civil society is rarely present. This publication addresses these gaps by presenting an overview of developments in the policy area of democracy and human rights. Most of the findings are the result of the author's involvement in the process through participation in both official and unofficial meetings, both with EU and African decision-makers. It is also the result of participation in civil society fora, including at intercontinental level. The approach is more qualitative than quantitative; presenting the view of a practitioner and insider, supported by available documents, interviews and discussions. Two main conclusions can be drawn from the arguments presented. The first is that significant involvement of civil society in the process is still hampered by the overlap of several institutional cultures and structural limitations. The second: that this encounter of two distinct continental approaches to issues of democracy and human rights requires long-term commitment and adaptation on all sides if there is to be progress based on mutual trust, humility and a clear focus on people-centered deliverables.

INTRODUCTION

In 2007, the Heads of State and Government from 53 African countries and 27 EU member-states launched the Joint Africa-EU Strategic Partnership (JAES).¹ This is meant to develop relations and pursue common interests beyond traditional development policy and with initiatives at the global, continental or regional level that have a clear added value over cooperation at the national level.² Eight thematic partnerships were put in place to ensure the operational follow-up: Peace and security; Democratic governance and human rights; Trade, Regional integration and infrastructure; Millennium Development Goals; Energy; Climate change; Migration, mobility and employment; Science, information society and space. African and European leaders renewed their commitment to the Partnership at their 3rd Africa-EU Summit held in Libya in November 2010 and focused on the overarching theme of investment, economic growth and job creation. They also adopted a second Action Plan (AP) for all eight areas for the period 2011-2013. The AP provides the roadmap for implementation of the four main JAES objectives, namely:

- improving the Africa-EU political partnership
- promoting:
 - peace, security, democratic governance and human rights
 - basic freedoms, gender equality
 - sustainable economic development, including industrialisation
 - regional and continental integration
 - ensuring that all the Millennium Development Goals are met in all African countries by 2015
- engaging in effective multilateralism
- developing a people-centred partnership.³

This paper sets out some background for the JAES focusing in particular on progress achieved by the ‘Democratic Governance and Human Rights’ partnership (PDGHR). It will discuss the EU-AU human rights dialogue which is complementary to but separate from the thematic partnership, and review achievements in both areas of EU-Africa cooperation. As European and African leaders have committed to civil society participation in both processes, it will also discuss the level of participation by civil society and will conclude by making some recommendations for action.

NOTES:

- 1 See: Council of the European Union, *The Africa-EU Strategic Partnership. A Joint Africa-EU Strategy*, Lisbon, 9 December 2007 (16344/07). Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/97496.pdf.
- 2 In his address to the European Parliament prior to the Summit, EU Commissioner for Development Andris Piebalgs listed climate change, progress towards achieving the MDGs, the promotion of peace and security and of democratic governance and human rights as areas for intercontinental cooperation.
- 3 See: <http://staging.africa-eu-partnership.org/partnerships/africa-eu-strategic-partnership>.

1. THE JOINT AFRICA-EU STRATEGY: AN OVERVIEW

At the core of the JAES is the understanding that relations between the two continents must be premised on equal participation and representation.

The Joint Africa-EU Strategy provides a long-term framework for relations between the AU and the EU, based on equality and shared interests. It replaces the 2005 EU-Africa Strategy adopted to guide EU support for the Millennium Development Goals in Africa and essentially marked by an unbalanced donor-recipient relationship. At the core of the JAES is the understanding that relations between the two continents must be premised on equal participation and representation. For the first time it put both partners on an equal footing and raised expectations that Africans would not be just the ‘recipients’ of pre-packaged assistance from the EU but would be sitting at the negotiation and decision-making table together with the EU. The 2011-2013 Action Plan lists specific priorities and desired outcomes in all eight thematic partnerships which provide the parameters for such cooperation.⁴ Implementation projects are then defined in discussions within ‘Joint Expert Groups’ (JEGs) established for each of the partnerships. The groups bring together working level representatives from the institutions of both continents (members of the EU and AU Commissions, chaired by member states’ representatives) as well as experts and representatives from civil society. Progress on implementation is normally assessed 18-24 months after approval of the Action Plan at a ministerial summit gathering representatives from both continents.

Initiatives under each of the EU-Africa Partnerships are financed out of existing or new financial resources such as the 10th European Development Fund, the relevant EU budgetary instruments (such as the European Neighbourhood Policy Instrument and the Development Cooperation Instrument) and the geographic and thematic programmes derived from these. Both EU and AU member-states can also contribute bilaterally together with international financial institutions, international organisations, civil society groups and the private sector. Annual EU budgets are based on a multi-annual financial framework agreed between the European Parliament, the Council and the Commission in an inter-institutional agreement. This sets the maximum amount of commitment appropriations in the EU budget each year for broad policy areas (‘headings’) and fixes an overall annual ceiling on payment and commitment appropriations.⁵ Current multi-annual framework discussions at the EU level will conclude in September 2011 and will establish the annual budget allocated in support of the Strategy.

Informal accounts of progress since adoption of the first Action Plan indicate a general level of dissatisfaction with political cooperation between the two continents. The JAES was meant to deliver on: a) improved political dialogue and joint positions on shared inter-continental and global concerns; b) closer involvement of non-state actors; and c) stronger European support for continental integration in Africa. Publicly EU and African leaders claim progress in all these areas. In private they admit that if anything, the JAES has the merit of having illustrated the differences existing between the two regional groupings on fundamental issues such as civil society participation in political processes; the role of the media in promoting democratic accountability and contributing to regime change; and the deep cleavage over international justice (the International Criminal Court being one of the most contentious issues on the table).

Initial enthusiasm has been replaced by a widening gap between the discourse and the reality of the strategic partnership which in turn has led to criticism, particularly by civil society.⁶ EU member-states have become more sceptical and are thinking of pragmatically reverting to parallel relations with sub-regions. Meanwhile, EU officials are left to wonder where the misunderstanding comes from. On the AU side, African decision makers perceive a diminishing enthusiasm in their European partners. In their view the EU is quick to pledge support but does not always keep its commitments. They also question the concrete deliverables of the strategy and find that it is hard to sell at home. Civil society, for its part, criticizes it for being too state-centric and top-down and for failing to inform African citizens about its objectives. The result is civil society's marginal participation in their definition and implementation. In short, the JAES has failed to convince the wider public of its usefulness.

SECTION 1 NOTES:

- 4 The Plan is available at: http://www.africa-eu-partnership.org/sites/default/files/doc_jaes_action_plan_2011_13_en.pdf.
- 5 For information on EU Financial programming and budget, see: http://ec.europa.eu/budget/documents/multiannual_framework_en.htm.
- 6 For a critical review, see: Oladiran Bello, *The EU-Africa partnership: at a strategic crossroads*, FRIDE Policy Brief, n. 47, May 2010.

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2. DEMOCRATIC GOVERNANCE AND HUMAN RIGHTS

Both continents affirm that democratic governance and human rights are key for sustainable development and for their cooperation.

Both continents affirm that democratic governance and human rights are key for sustainable development and for their cooperation. They also claim that they are part of both the EU's and AU's core values. Hence a thematic partnership has been established to promote democracy, rule of law and human rights in both continents and beyond. Cultural cooperation is also part of the partnership which, in its first Action Plan included three objectives: 1) enhance dialogue at global level and international fora; 2) promote the African Peer Review Mechanism (APRM) and support the African Charter on Democracy, Elections and Governance; and 3) strengthen cooperation in the area of cultural goods.

These have remained largely the same in the second Action Plan which now lists:

- Support the implementation of the African Governance Architecture (AGA)
- Coordinated efforts with the aim of building a strategic dialogue and partnership on DGHR issues between the two continents
- Enhance cooperation between Africa and the EU in the area of cultural goods⁷
- Strengthen synergies with other thematic partnerships and in particular with the partnership on peace and security.

With the aim of promoting governance, democracy and human rights in Africa, the AU Commission was instrumental in promoting an overall political and institutional framework called the African Governance Architecture. The AGA comprises a set of normative and institutional instruments and bodies. The rationale for the AGA consists in establishing ways and means of strengthening existing governance mechanisms, improving their effective coordination and enhancing performance. The AGA is an evolving mechanism composed of three principal pillars: a normative vision/agenda; organs and institutions; mechanism/processes of interactions amongst AU organs/ institutions with a formal mandate in governance, democracy and human rights.

The AGA governance vision is developed through the norms, standards, principles and practices that engage AU member-states collectively and individually. Some of these policy pronouncements include, inter alia: the Constitutive Act of the African Union; the African Charter on Democracy, Elections and Governance; the African Charter on Human and Peoples' Rights; the Algiers Declaration on Unconstitutional Changes of Government; the Lomé Declaration for an OAU Response to Unconstitutional Changes of Government; the OAU/AU Declaration on Principles Governing Democratic Elections in Africa; the Protocol Relating to the Establishment of the Peace and Security Council of the African Union; the African Union Convention on Preventing and Combating Corruption; the African Union Post Conflict and Reconstruction Policy Framework; the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; and the African Charter on the Rights and Welfare of the Child.

Adoption of such documents points to the willingness to improve democratic governance, human rights and rule of law in the continent. Institutions have been set up at the level of the AU to ensure coordination and coherence of governance initiatives at the regional and continental levels. The main institutions that comprise the AGA are: the AU Commission; the African Court on Human and Peoples' Rights; the African Commission on Human and Peoples' Rights; the Pan-African Parliament; the Economic, Social and Cultural Council; the AU Advisory Board on Corruption; the NEPAD Planning and Coordinating Agency (NEPAD Agency) and Regional Economic Communities. In addition the African Peer Review Mechanism (APRM) is also an institution of the AGA and allows African states to engage in a self-evaluation process that monitors progress in several governance areas.⁸

At a meeting held in Banjul in March 2010, African institutional actors agreed to launch an African Governance Platform comprising both AU organs and regional economic communities (RECs) with the mandate to coordinate African initiatives and operationalise the wider AGA framework.⁹ The five specific objectives of the Platform are to organise a systematic exchange of information and good practices; to improve dialogue between governance actors with a view to promote synergies, joint action and greater impact; to elaborate joint agendas; to increase Africa's capacity to speak with one voice and to monitor effective implementation, progress achieved and compliance. It strengthens the AGA by enhancing coordination, harmonisation and implementation of the AU governance agenda by convening AU organs and institutions with a formal mandate in governance.

SECTION 2 NOTES:

- 7 The inclusion of 'cultural goods' in the partnership is the result of the former Egyptian government's interest in ensuring that African cultural goods do not continue to be held by museums and cultural institutions based in Europe without the possibility for African partners to enjoy them or have a say in the way they are managed. It is also a compromise reached between the EU and the AU as the latter did not want to include the issue of cultural rights (opening up a Pandora's box of religious, language, customary and minority rights). Egypt is a co-chair together with Portugal and Spain, of the thematic partnership.
- 8 The EU support has contributed 2 million euro to the UNDP-managed trust fund for the APRM secretariat and provides support to national APRM structures and for the implementation of APRM recommendations. It also contributes 1 million euro to the AU's Electoral Assistance Fund.
- 9 ECDPM, *Building the African Governance Architecture (AGA) Africa Stakeholders further define the way forward during a technical meeting in Banjul, Informal Report*, 15-17 March 2010 and ECDPM, *European Union Governance Instruments and African Governance Initiatives, Briefing Note*, August 2010.

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3. THE EU-AU PLATFORM FOR DIALOGUE

The “Platform for dialogue” responds to the overall aim of the PDGHR, which seeks to facilitate an open, intensive and comprehensive dialogue on all aspects and concepts of governance.

Amongst the chief deliverables of the first PDGHR Action Plan was the establishment of the Africa-EU “Platform for dialogue” on governance and human rights. Differences in interpretations, objectives and understanding between the AU and EU on what the Platform might be, its relation to the JAES structures, whether it was a one off or periodic meeting, a process or something between the two, have meant that it was only established in November 2010, just before the third summit. The Platform responds to the overall aim of the PDGHR, which seeks to facilitate an open, intensive and comprehensive dialogue on all aspects and concepts of governance.¹⁰ By creating an open space for key stakeholders, institutions, governments and civil society it is conceived as the main process for the continent-to-continent dialogue on governance. Human rights issues are also dealt with in the context of the existing “dedicated senior officials human rights dialogue, flanked by an Africa-EU civil society dialogue”.¹¹

Following the 2007 Lisbon Summit, each of the parties started its own reflection process with regard to the nature and modus operandi of the proposed Platform. The EU Implementation Team (EU-IT) considered this topic during its meetings and developed an EU concept note regarding key dimensions of the Platform such as the objectives, the various actors to be involved, the organisation of the dialogue process around a yearly event, the themes to be covered as well as financial aspects. The EU Concept note has been revised twice on the basis of exchanges with African partners.

On the African side, a similar process was started by the African Union Commission (AUC). This resulted in the elaboration of a draft African position (March 2009). For the AU the Platform was to be considered at the heart of the PDGHR and was viewed as a process of structured dialogue between the various institutional actors that have a formal mandate to work on governance in Africa and Europe. From the outset, the AUC also insisted on the need to first consolidate the “African Governance Architecture (AGA)” and establish an “African Governance Platform” before engaging in the JAES Platform with the EU.¹²

Important differences between the two positions concerned the institutional approaches by African partners as opposed to a more informal view by EU actors: this meant that a lot of the discussions focused around the position of the Platform in relation to existing JAES structures. Further to that, the EU understood the Platform as a venue for comprehensive dialogue involving a wide range of stakeholders, including civil society, parliaments, experts and EU and member-states institutional representatives. From the EU point of view the added value and legitimacy of the Platform resided in the ability to strengthen the political dialogue between the EU and Africa: its relation in the overall JAES framework remained unspecified. In the AU view, however, its contribution would lie in the participation of institutional actors with a clear mandate to deal with governance issues and its articulation with the AGA. The role of civil society in the Platform was also a

matter for discussion: both parties agreed in making the Platform an inclusive dialogue forum, however on the African side participation by civil society was, at least nominally, limited to the Economic, Social and Cultural Council (ECOSOCC), the official AU civil society organ.¹³ Some flexibility has been introduced in practice with the acceptance of participation by experts when required, hence going beyond the strict provisions limiting participation to ECOSOCC members.

A multi-stakeholder workshop held in Addis Ababa in September 2010 led to consensus on fundamental dimensions of the proposed Platform (*'acquis'* of Addis). Elements of the *acquis* include its potential added value in its capacity to function as an open, inclusive and informal space for dialogue; the mandate to formulate shared governance agendas and recommendations that can feed the political dialogue between the two continents; its role in assisting and informing decision-making through the appropriate existing JAES channels; its composition consisting of institutional actors with a formal mandate to promote governance as well as member states, civil society organisations, private sector and experts; organisational modalities to work as a “process” rather than being limited to an “event”; the integration in existing JAES structures with the capacity to ensure complementarity with political decision-making bodies as well as with the informal Joint Expert Group (iJEG) and the basic conditions for success dependent on autonomy and structured funding.¹⁴

Building on the *'acquis'* of Addis, a constitutive meeting of the Platform took place on 12 November 2010 in Brussels to further specify the operational modalities of the Platform as well as define an initial set of topics for the development of shared governance agendas. The approved Basic Document provided the reference framework for further operationalisation of the Platform according to the following:

- A set of organising principles
- Working groups to work as the operational building blocks of the Platform
- The critical role of the EU and AU Commissions as ‘guardians’ of the *acquis* of Addis
- The principle of putting in place a Support and Facilitation Unit
- A review meeting to be organised in 2011
- Structured funding as a key condition for an effective functioning of the Platform.

In terms of organising principles, the focus was placed on: a) *innovation*: the Platform should not duplicate what already exists in terms of formal structures under the JAES and should be instrumental in building consensus between the parties providing the space to discuss issues where the political agenda finds it hard to advance; b) *confidence-building and gradual development*: work of the Platform will be gradually developed and there will be focus on results. The review meeting will be instrumental in this sense; c) *phased approach in terms of institutional*

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development: the preference is for a light and functional institutional set-up. As the process evolves and experience accrues, additional measures could be discussed by the parties with the aim of consolidating the institutional architecture of the Platform. This would be preceded by an analysis of the risks and opportunities provided by the different options.¹⁵

It was also agreed that working groups (WGs) should be the operational foundations of the Platform. In the view of participants the WGs should facilitate a bottom-up approach, ensure an active participation of the various stakeholders and allow for the gradual elaboration of shared governance agendas. The AUC and the EC are to ensure coordination and coherence of the WGs and to facilitate the dissemination and transmission of outcomes within the Platform and to the political level. They are also meant to mobilise structured funding from various sources and ensure links with the AGA. Two topics were selected for initial consideration by the Platform: 1) economic governance and 2) regional integration, each leading to the establishment of a working group. Terms of Reference and delivery targets as well as financing must be further defined.

Notwithstanding the slow pace of progress, some developments are worth mentioning:

1. On the 7-8 of March 2011, the African Forum in Brussels¹⁶ and the Friedrich Neumann Stiftung organised a roundtable on business accountability, to also provide input for the WG on economic governance of the Platform. The hope is that Africa and the EU can engage in discussions on economic governance that question the Chinese model of doing business without considering the role of civil society, governments and parliaments in holding business accountable.
2. Throughout March the European Commission has carried out consultations with relevant European experts for input into the terms of reference for this working group, to be jointly drafted and discussed with the African side.
3. On 12 February, International Day against the use of child soldiers, the AU and the EU jointly called for the promotion of peace, security and stability in Africa and Europe and for the strengthening of efforts at all levels to prevent conflicts and protect children from the effects of war, including being forced to serve as combatants, sex slaves or servants.¹⁷
4. The itinerant exhibition celebrating the 50th anniversary of Africa independence through African art is now in Ouagadougou, Burkina Faso and will later be displayed in Addis Ababa, Ethiopia.
5. AU observers have been trained in EU Election Monitoring Missions and have monitored elections of the European Parliament and in Sweden.

Additional activities in 2011 include: the organisation of a joint task force meeting in April, where several cross-partnerships meetings were held and where each thematic partnership adopted a plan of action that was then presented at the final plenary to both Commissions; an ‘on the margins’ networking event with multiple stakeholders that allowed for discussions of several cross-cutting issues and areas of possible overlap: such as with the EU-AU dedicated human rights dialogue and civil society involvement; the organisation of the AU-EU Human Rights Dialogue in spring; a Joint Expert Group meeting and an event to discuss the Governance Incentive Tranche;¹⁸ political dialogue/EUC-AUC meeting in June; a seminar on rights of migrants, refugees and asylum seekers in July and one on Security Council Resolution 1325 in October; an election monitoring training for African partners and input of governance and human rights issues in the AU Peace and Security Council and EU Political and Security Council meetings in September; and the organisation of a civil society seminar and human rights dialogue in October focused on NGO laws and freedom of expression, as well as an event on the relations between the BRICs and the EU at which results from the work of the economic governance WG would be presented.¹⁹ Civil society is also planning to organise an intercontinental forum in conjunction with the annual EU Development Days conference.²⁰

SECTION 3 NOTES:

- 10 JAES, First Action Plan (2008_2010) for the Implementation of the Africa EU Strategic Partnership, p. 11.
- 11 Ibidem.
- 12 ECDPM, Preparatory note N. 2 for the Joint Workshop on the ‘Africa-EU Platform for Dialogue on Governance’, Addis Ababa, 13- 14 September 2010. Unpublished.
- 13 ECOSOCC is an advisory organ designed to represent Civil Society Organisations within the AU and its decision-making processes. Its representativeness of African civil society is contested both among African civil society groups and, more controversially, in the context of discussions around the JAES and the Platform for Dialogue, by European NGOs. In particular criticisms are leveled at the ECOSOCC membership procedure whereby candidates must show that resources of the organisation derive at least 50% from contributions of the members of the organisations (limiting ECOSOCC membership de facto to those organisations whose members are financially dependent for less than 50% from external donations). See: AfriMAP, *Strengthening Popular Participation in the African Union. A Guide to Structures and Processes*, pp. 27-28, 2009.
- 14 ECDPM, ‘Outcome of the follow-up meeting on the Africa-EU Platform for Dialogue on Governance and Human Rights’, Brussels, 12 November 2010. Unpublished.
- 15 Ibidem.
- 16 The Africa forum is an independent forum of organisations and a think tank based in Brussels and supported by businesses with an interest in the mutual partnership. It works on issues of globalisation, economic governance and economic structures.
- 17 See: <http://www.africa-eu-partnership.org/news/au-eu-joint-statement-international-day-against-use-child-soldiers>.
- 18 See pg 14 in the text.
- 19 Brussels, interview with EU official, 24 February 2011.
- 20 An annual European forum held to debate issues surrounding international development cooperation. It has been held since 2006 between November and December, and is usually hosted by the country holding the EU presidency.

4. ORGANISATIONAL AND STRUCTURAL CHALLENGES

As things stands the Platform seems to be an outcome of the partnership in itself rather than a body that can be put in a position to deliver.

The Brussels seminar highlighted two different visions concerning the relation between the WGs and the Platform. One perspective views the WGs as an instrument of the Platform which would determine their mandate, allocate funding, monitor the implementation of agreed work plans and validate their products before submission to the political level. In this vision, the Platform would have an authority and control role. In the second perspective WGs act as self-standing bodies with no specific relation to the broader Platform. The two commissions would monitor the functioning of the WGs and related delivery of targets (according to well-defined terms of reference). They would also ensure the submission of the outcomes of the WGs directly to the relevant political bodies. The Platform is not expected to intervene formally in this process though the planned review meeting would provide an opportunity to exchange on the outcome of the WGs. The articulation between WGs and Platform remains without consensus - adding yet another layer of confusion to the already complicated relationship between the Platform and the broader partnership on democratic governance and human rights.²¹

The meeting offered no clarity on how to programme future work priorities, including the establishment of new WGs. Disagreements were also registered in relation to the use of funding. Some actors argued that the overall Platform structure should be the recipient of all funding and be responsible for allocating it to the WGs it decides to establish, whilst others favoured the view that funding should be allocated directly to the WGs that emerge from the dynamics of Platform members, with the two commissions ensuring the necessary linkages with the overall Platform.

The lack of enthusiasm among NGOs was evidenced by the fact that there was not a single Brussels-based European NGO at the November meeting (apart from the Open Society Foundations), with European representation consisting of the European Commission, government representatives, a German political foundation (Konrad Adenauer Stiftung), Deutsche Welle foundation, a Portuguese academic and a business consultant. As things stands the Platform seems to be an outcome of the partnership in itself rather than a body that can be put in a position to deliver. This perception is strengthened by interviews with EU policy makers who consider that at the moment their African counterparts are preventing any discussion on how the Platform relates to the overall Africa Governance Architecture and one of its constitutive elements, the Africa Peer Review Mechanism.²²

The Joint Task Force meeting held in April in Brussels, significantly helped to clarify things with the adoption of working methods for the WG established under the Platform. The definition adopted states that: “Working Groups are ad hoc structures set up for a limited time to provide an informal space for multi-actor dialogue on specific governance issues and for the elaboration of concrete proposals and recommendations”; and of lead actors: “Each Working Group is expected to be driven forward by lead partners (at least one from Africa and one from Europe)

who shall *jointly* seek to facilitate an effective start-up of the Working Group, the coordination of activities and the timely production of planned outputs and outcomes”. Proposals for the establishment of a WG can be made by all members of the Platform participating on an equal basis, including civil society. They are reviewed by the Platform and formally adopted by the two Commissions. Four themes were selected for the WG of which the first two will begin to work in 2011 after proposal of terms of reference by the two commissions. These are:

1. Freedom of expression, including media, as a vehicle for promoting democratic change
2. Governance of natural resources, including in conflict and post-conflict situations
3. Combating corruption and ensuring accountability
4. Democratic Institution building and links with other governance initiatives

In terms of links between the JAES and a higher decision-making level from both continents, the working methods state that at the end of the term of a given Working Group, the co-chairs will submit the outputs of the group to the African Union Commission and the European Commission (as guardians of the platform process). Through them, the outputs of the Working Groups will be communicated to the co-chairs of the Joint Expert Group Meeting (iJEG) of the Governance Partnership and where appropriate to co-chairs of other JAES partnerships. After receiving comments, the two commissions will transmit the recommendations of the WG to their respective political bodies for consideration.

It remains unclear how the Platform and its Working Groups can influence significantly EU-AU governance debates given its lack of formal power and distance from decision making. Only time will tell if the methods identified deliver effective inclusion of the recommendations debated by the WG into policy-makers agendas for decision. As the process has just been launched (in April 2011), it will be interesting to see how the Platform will proceed to discuss the outcomes of Working Groups, including the effective use of the recommendations by the political bodies, during its annual review meeting.

At the time of writing the European Commission is engaged in an evaluation of its *Incentive Tranche* launched at the end of 2006 under the Cotonou agreement with ACP countries. This is a financial “envelope” within the Governance Initiative (the Governance Incentive Tranche) drawn from the European Development Fund. Under this Incentive Tranche a percentage of funds is allocated to countries that have completed the APRM review.

The EU Commission and member-states locally represented prepare a Governance Profile for each ACP country. The Profile is established on the basis of a questionnaire covering 9 areas of governance: political/democratic governance; political governance/rule of law; control of corruption; government effectiveness;

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economic governance; internal and external security; social governance; international and regional context; and quality of partnership.

The results of this exercise are shared with the government of the country concerned, which is supposed to prepare a Governance Action Plan to address the gaps identified in the Profile. The EU then assesses the Action Plan, on the basis of its relevance (does it address weaknesses identified in the Profile?), ambition (does it address all dimensions of the problems identified?) and credibility (are there objectively measurable, results-oriented indicators and a precise implementation timetable to monitor progress achieved?). On the basis of the evaluation of the Action Plan, the EU determines the allocation of additional money – the Incentive Tranche - which is integrated into and tops up the overall country allocation established in the Country Strategy Paper and the National Indicative Plan. Allocations of the Incentive Tranche are made at 4 different levels (10%, 20%, 25%, 30%), depending on the quality of the plans under each of the criteria. Under the Incentive Tranche there is a 5% extra allocation for countries which have completed the APRM review.

The EU Commission sees a clear link between the Governance Initiative (GI) and JAES and it considers that the Governance Initiative has laid the foundation for most ACP countries to commit themselves to implement governance reforms in different areas. In Africa it considers that this approach has led to an enhanced Africa/EU dialogue on governance issues. Currently, the EU has commissioned two organisations (the Brussels and Maastricht-based European Centre for Development Policy Management (ECDPM) and Dakar-based African Governance Institute (AGI)) to review the implementation of the TI and evaluate how it can be better linked to pan-African and regional initiatives. In this sense the review could be linked to the ongoing multi-annual framework discussions that will be concluded in September 2011 and will establish the new annual EU budget. Input from civil society on the APRM process and the link with the IT could point to ways in which EU budget earmarked for governance support, could benefit sectors such as education and the media beyond APRM-led findings. However, the refusal by African partners to put on the AU-EU Governance Platform agenda the developing Africa Governance Architecture and the role of the APRM, prevents constructive discussions on a flexible EU approach to governance promotion in Africa.

SECTION 4 NOTES:

- 21 ECDPM, 'Outcome of the follow-up meeting on the Africa-EU Platform for Dialogue on Governance and Human Rights', cit.
- 22 The African Peer Review Mechanism (APRM) is a mutually agreed instrument voluntarily acceded to by the member-states of the African Union (AU) as an African self-monitoring mechanism. The process entails periodic reviews of the policies and practices of participating countries to monitor progress towards achieving the mutually agreed goals and compliance in the four areas of democracy and political governance, economic governance and management, corporate governance, and socio-economic development; national ownership and leadership. The process is designed to be open and participatory. There is no conditionality attached to the Mechanism. See: <http://www.aprm-international.org/>.

5. THE ROLE OF CIVIL SOCIETY IN JAES

The JAES is designed as a ‘people-centred partnership’ that aims at providing a permanent platform for information, participation and mobilisation of a broad spectrum of civil society actors in the EU, Africa and beyond. Civil society in the European Union and Africa has progressively organised itself with the aim of allowing citizens’ participation in the dialogue between the two continents. The first Africa–EU Civil Society Intercontinental Dialogue Forum was held in Cairo on 8–10 November under the joint auspices of the African Union Commission and the European Union Commission. Attended by a cross-section of African and European civil society representatives and led by the civil society steering groups from the two continents, the forum reflected on enhancing the role of civil society in the partnership. The final communiqué presented to the heads of state during the EU–Africa Summit at the end of November called for better implementation of the JAES and the establishment of concrete measures to increase civil society involvement in all processes of the JAES. Participants also looked into future collaboration between European and African Civil Society Organisations (CSOs) and how to take the forum further.²³

Involvement of civil society actors in JAES has been slow and limited. There are no agreed procedures for civil society participation in the overall implementation of the JAES. Access to working level meetings is mostly ad hoc with each joint experts group establishing their own process for involving civil society organisations.²⁴

At an informal intercontinental workshop held in Brussels in September 2010, African civil society representatives noted that the context in which CSOs in Africa and in Europe operate is different. First, a democratic deficit in Africa makes it more difficult for African CSOs to work. Second, while European structures for CSO involvement are more flexible, they are institutionalised through ECOSOCC in Africa. Difficulties remain with the AU over the participation of African NGOs to joint events, both formal and civil society-to-civil society meetings and on the modalities for financing participation of CSO representatives. The AU has maintained that African civil society engagement in the JAES should be done only through the AU’s Economic, Social and Cultural Council (AU ECOSOCC). Civil society from both continents has set up steering groups to follow implementation of the strategy. On the African side the SG includes organisations that are not members of the AU ECOSOCC, but is chaired by an ECOSOCC member. The AU Commission (Directorate for Citizens and Diaspora-CIDO) is also a member of the Steering Group and the two components tend to clash. Through its member organisations, European civil society has learned that the information-sharing on AU related consultative events is rather scant amongst African civil society. However, at the end of 2010 the Center for Citizens Participation in the African Union (CCP-AU) was set up. It is chaired by the Pan African Lawyers’ Union (PALU), which also chairs ECOSOCC and engages in monitoring Economic Partnership Agreements and other governance issues.

Involvement of civil society actors in JAES has been slow and limited. There are no agreed procedures for civil society participation in the overall implementation of the JAES.

5. THE ROLE OF CIVIL SOCIETY IN JAES

CCP-AU organised two meetings in Addis in the run-up to the January AU Summit on shared values. CSOs have held consultations with the objective of drafting and briefing the AU on consolidated African Civil Society regional perspectives on shared values.

On the European side, participation in the Civil Society Steering Group (CSSG) is made up of the European organisations most interested or active in the implementation of the Strategy. This self-selected group came together in a fairly informal way, following a request by the European institutions for civil society organisations to structure their input. It meets three times a year. The EU SG does not have a secretariat or support structure; commitment in its member organisations varies and it has serious difficulties in providing continuity due to the high-level of turn-over in personnel. EU NGOs do not have a formal requirement to produce concrete outputs such as ECOSOCC, which is under pressure to organise events or produce reports. This can be frustrating for the African counterparts that have a more structured approach. However, civil society from both continents meet in one configuration or the other (i.e. in Steering Groups format or in larger forums) at least three times a year and gradually the difference in working methods and requirements is better appreciated on both sides.

SECTION 5 NOTES:

- 23 Report of the Consultation Workshop of the EU CSO Steering Group and its partners in Africa on the JAES. Unpublished.
- 24 Carmen Silvestre, *EU-AU relations: what role for civil society?*, Brussels, 9 April 2009, available at: <http://afrimap.org/english/images/paper/AfriMAP-Silvestre-EU-AU-fin.pdf>.

5a. SOME CONSIDERATIONS ON CIVIL SOCIETY PARTICIPATION

African and European civil society has become sceptical of the JAES process owing to lack of visible and concrete improvement in several key aspects dealt with at the partnership level. These include migration, infrastructure, health and human rights. There is also a general perception that consultation is rather superficial and allows EU officials to be seen as consulting with civil society without necessarily integrating civil society contributions into policy-making. Hence JAES is perceived as not worth the investment.

European NGOs, like their African counterparts, are not unified. They tend to operate very fluidly, both on their own and in partnerships, networks or platforms that interact with EU institutions in formal and informal ways.

Misperceptions exist on both sides. Confidence-building is a very slow and painstaking process. ECOSOCC is particularly wary of European CSOs using their money and their networks to influence debates over EU-AU issues in Africa by co-opting their partners. On the other hand, European CSOs are at a loss in understanding the rigidity of African structures and procedures. They also perceive ECOSOCC's attitude as limiting their freedom to participate in AU-EU debates by imposing too many constraints on the partners effectively involved in consultations. The process of confidence-building however, has registered some progress since Cairo. Both parties are currently conducting consultations on the way forward. Proposals on the table include organising a joint preparation meeting/task force of 2-3 members of the two respective Steering Groups at the forthcoming Joint Task Force meeting in Brussels in April 2011; planning for an extended African/European Steering Committee meeting in autumn/end of 2011 in Europe (possibly around the dates of the European Development Days Conference; improvements in communications through joint email facilities and addresses or use of social media such as Facebook. Both groups are reflecting on a joint work plan to strengthen civil society participation in JAES.

There is a perception that consultation is rather superficial and civil society's contributions are not necessarily integrated into policy-making.

6. THE HUMAN RIGHTS DIALOGUE

The process is relatively unbalanced as human rights issues within the EU are seldom, if at all, put on the agenda.

The EU and AU have established a regular human rights dialogue. This is a foreign policy instrument that the EU uses in its relations with several non-European countries.²⁵

EU *Guidelines on Human Rights Dialogues* adopted in 2001 envisage the involvement of civil society. In line with this, civil society seminars are organised in the margins of the dialogues. These seminars allow representatives of civil society from the EU and partner countries to discuss specific human rights issues and report back to the official human rights dialogue meeting. Participants include human rights defenders, academics, trade unionists and journalists. However they are not directly interacting with policy-makers and are not formally part of the dialogue. This is due to the fact that not all states have the same legislation on NGOs and some of them refuse certain civil society organisations (for instance during the EU-China HR dialogue in 2007 in Berlin, China walked out of the dialogue on the pretext that it did not want to engage in discussions in the presence of two European CSO representatives).

The process is relatively unbalanced as human rights issues within the EU are seldom, if at all, put on the agenda. It has also been repeatedly criticized by civil society, as a strategy by the EU to replace action with dialogue not backed by a comprehensive strategy for change.²⁶

Any decision to initiate a HR dialogue with the country concerned is normally made by the EU Council Working Group on HR (COHOM), together with the geographical working parties, the WG on development (CODEV) and the Committee on measures for the consolidation of democracy and the rule of law. In a bilateral situation, such as the EU-South Africa HR dialogue, the Union will hold exploratory talks with the country concerned before the official dialogue is initiated. The human rights experts representing EU member-states locally and the head of the EU Delegation in the field are normally involved in the process. In this regard it is likely that innovations introduced by the Lisbon Treaty and incorporated into the new EU External Action Service may alter these procedures. In the past, COHOM-Chairs were heads of member state human rights units and could draw on their staff for the implementation of the Presidency work programme. With the establishment of a Human Rights and Democracy Department within the EEAS's Directorate for Global and Multilateral Issues the permanent COHOM-Chair will rely on input from desk officers in the Department who will also take the lead when preparing initiatives and presenting progress on specific dossiers. The 'Human Rights – Policy Instruments' Division within the department will take the lead in the organisation of dialogues and consultations with third countries.²⁷

The EU-AU HR dialogues take place twice a year at the level of Troika on both sides. Normally, CSOs meet in a workshop ahead of the dialogue but only once a year. In 2010 efforts were made to align topics on the agenda of both meetings and two civil society representatives (from the AU and from the EU) were allowed to brief the Troika on concerns raised during the civil society meeting and respond to questions by institutional representatives ahead of the official dialogue. The next EU-AU HR dialogue is meant to take place in Addis in early June. Topics for the agenda will be proposed by the AU as partners alternate in drafting it and submitting it to their counterparts for comments. At the time of writing proposals have yet to be communicated to the EU. CSOs will follow up on their last recommendations and will organise a workshop on Security Council Resolution (SCR) 1325 in Autumn 2011.

The EU-AU HR dialogue and the thematic partnership DGHR are two completely different processes; the first being much more formal and high level than the second and excluding civil-society from direct AU-EU political discussions (civil society is allowed to report to the meeting, but cannot participate in the debate). Contrary to the partnership the EU-AU human rights dialogue can include reference to specific individual cases and countries, as such it is considered more sensitive. However, topics addressed in the two mechanisms may coincide and it is sometimes difficult to fully grasp the subtleties of the differences between them.

SECTION 6 NOTES:

- 25 The EU has established human rights dialogues with the African Union, Cambodia, Bangladesh, China, Cuba, Egypt, India, Israel, Jordan, Kazakhstan, Kyrgyz Republic, Laos, Lebanon, Morocco, Pakistan, the Palestinian Authority, Sri Lanka, Tajikistan, Tunisia, Turkmenistan, Uzbekistan and Vietnam. The human rights dialogue with Iran is currently suspended.
- 26 Leigh Philipps, 'EU-Human Rights dialogues exposed as 'soft talks'', Euobserver, Brussels, 24 January, 2011. Available at: <http://euobserver.com/?aid=31692>.
- 27 As per the Human Rights and Democracy Department organigram, Version 22.03.2011. The two other Divisions within the Human Rights and Democracy Department are 'Human Rights – Policy Guidelines', and 'Democratisation and Elections'.

7. CONCLUSIONS

The Joint Africa-EU Strategy is in hibernation. The intended paradigm shift, to fundamentally alter European and African relations, has not really taken place.

The Joint Africa-EU Strategy is in hibernation. Partners on both sides are at pains to disguise their disappointment. It was set up as a move from a donor-recipient relationship to one of equals. However the intended paradigm shift, to fundamentally alter European and African relations, has not really taken place and it is doubtful whether the partnership can help move it forward. Europe was meant to treat Africa as one but the existence of several partnership agreements including with the ACP and Cotonou, the Economic Partnerships, the bilateral agreements on migration and most recently, the approach to North Africa, indicate that the road to treating Africa as one is still very long. Furthermore, Africans themselves are contradictory at times on this point as they wish their cultural, geographical and social differences to be recognised and valued.

The 2008-2010 first Action Plan has been recognised by several observers as being too ambitious. Which begs the question “In relation to what?”. The inability to reconcile positions in the two continents and the unbalanced relationship existing between the two groupings has led to many unfulfilled promises. This has exacerbated the expectations-reality gap and undermined the credibility of the whole project. While participants recognised that the frequency of dialogue and meetings has increased, doubts remain about the quality of that dialogue and its ability to deliver. Many, both in the civil society and institutional/political realm, are led to question its utility.²⁸ As an observer in AU-EU processes, it is interesting to note that as African voices organise and structure, strengthening their emancipation, the EU finds it more difficult to engage on an equal footing. Although consultations have increased, inequality in the relationship (in terms of financial capacities, expertise, personnel etc) has meant that ownership has not.

The discussions surrounding the adoption of the second Action Plan have also pointed to the need to go beyond technocratic approaches in EU-AU relations. Much of the first 2007-2010 period has been spent in strengthening the capacities of AU institutions by funding their set-up, recruiting personnel and providing training. Capacity building has absorbed most of the initial activities. However the question was not asked “for what?”, or “in whose interest?” or “with what objectives?”. This means that important political questions in the relationship remain unaddressed. Member-states’ bilateral dealings with Africa can be contradictory to the whole concept of the partnership, as can the EU institutions themselves. In the 8 March joint European Commission/HR/VP Ashton Communication on a partnership with North Africa, the JAES is not mentioned once.²⁹

The JAES offers many untapped opportunities for the role of civil society, opportunities that CSOs need to consider how to better explore. For instance the private sector could become more engaged and African diasporas in Europe more involved. Effective implementation of commitments is important and civil society should provide sustainable participation in the informal joint expert groups. The EU-AU partnership should be a matter for all rather than being confined to experts and officials. However, it is a fairly complex process involving multiple layers of actors and stakeholders across geographical areas and with different cultural and political perspectives. Civil society is ill-equipped to monitor such a gigantic initiative and it is unwise to delegate all monitoring duties to it alone: a multi-layer notion of accountability that enables the private sector, civil society, the justice and legislative sector to promote transparency in the partnership should be promoted.

Compared to the other two big partnerships developed by the AU, the JAES is the only framework that provides for civil society participation. With China CSOs do not play a role in discussing the large amounts of foreign direct investment directed at building infrastructure; and with the US the primary concern is strategic security. The EU partnership is an ongoing learning process whose impact is still very limited and requires a huge amount of effort by understaffed and under-resourced CSOs; however the space is there. Entry points for civil society engagement in the JAES include the traditional role of watchdog, acting as a partner, or as an advocacy actor promoting incremental change. CSOs have a responsibility to identify their role and areas of engagement depending on their expertise. The regular interaction with EU and AU institutions certainly has allowed CSOs to learn and refine their approach to decision makers, it has also made their initiatives more visible and their concerns could be expressed more coherently.

Africa-based organisations need to be better informed about the APRM process and initiatives surrounding the AGA so they can contribute to increased mobilisation of civil society and enable more informed participation in the consultations surrounding them. Research institutes and think tanks could further investigate civil society participation and highlight shortcomings and ways forward. The crises in North Africa have pointed out the failure by local regimes to adequately reflect the voices of their citizens. In Africa the APRM process certainly provides for large consultations. Research could expand on pan-African and regional dimensions of governance and reflect on donor alignment with locally established priorities. Independent research, similar to the work carried out by AfriMAP on the APRM, is also needed with regard to the EU Incentive Tranche from its conception to its implementation. In the area of advocacy, civil society can argue for a more participatory and transparent approach in the definition of the Governance Profile and the monitoring of effective implementation of the Governance Action Plans. Monitoring and evaluation of the broader Governance Initiative requires improvement, for instance by communicating more widely the results from the monitoring currently carried out. Civil society can also ensure that recommendations derived from such evaluations impact on a redefinition of the implementation modalities of the Incentive Tranche.

Civil society is ill-equipped to monitor such a gigantic initiative: a multi-layer notion of accountability that enables the private sector, civil society, the justice and legislative sector to promote transparency in the partnership should be promoted.

7. CONCLUSIONS

The crises in North Africa have spurred some debate on the issue of conditionality which is explicitly mentioned in the EU Commission's 8 March Communication, "The Partnership for Democracy and Shared Prosperity with the Southern Mediterranean". This is an area worthy of investigation in itself or in relation to the specific Governance Initiative and APRM initiatives. In the area of development policy "conditionality" is a concept that raises some doubts. However the EU has applied it effectively in its enlargement policies. Learning from that, it is important to come to a better definition of what the EU means when it offers "more for more", to define where and how "less for less" would be applied, and to include in that discussion issues of budgetary support and donors' accountability in Africa.

SECTION 7 NOTES:

- 28 See also: S. Goertz and A. Sheriff, 'Is the Joint Africa-EU Strategy still the future? The Nordics and EU-Africa Relations', <http://www.nai.uu.se/forum/entries/2011/03/02/is-the-joint-africa-eu-st/index.xml>.
- 29 A partnership for democracy and shared prosperity with the Southern Mediterranean, COM(2011) 200 final, Brussels, 8 March 2011. Available at: http://eeas.europa.eu/euromed/docs/com2011_200_en.pdf.

ANNEX I: REPORT - AFRICA-EU JOINT TASK FORCE MEETING 4-5 APRIL 2011, BRUSSELS³⁰

1. The Twelfth meeting of the Joint Africa-EU Task Force (JTF) was held on 4-5 April 2011 in Brussels, Belgium. The opening plenary session was co-chaired on the EU side, by Mr. Nicholas Westcott, Managing Director of the Africa Department of the European External Action Service (EEAS), and Mr. Klaus Rudischhauser, Director, DG Development Cooperation in the European Commission. On the AU side, the meeting was co-chaired by Amb. John Kayode Shinkayé, Chief of Staff in the Bureau of the Chairperson of the AU Commission. The meeting was also attended by co-chairs of the Joint Expert Groups (JEGs), the Chair of the African Union, the European parliament, Civil Society from both continents, senior officials of the two Commissions and the EEAS.
2. The Co-chairs welcomed the participants and explained the changes introduced to the EU and AU institutional set up and their implications on the political dialogue between Africa and the EU. On the EU side, Mr. Westcott explained the responsibilities of the newly set up EEAS (1 January 2011) and how it had already facilitated the alignment of the EU and AU positions in concrete crisis situations since then. The EEAS will enable the EU to become a more effective partner. On the AU side, Ambassador Shinkayé explained the new African Union follow up mechanism and composition for the Political Dialogue Meetings at Expert, Senior Officials and ministerial levels, as decided at the AU Summit in January 2011.
3. As regards the Joint Africa-EU Strategy, in view of the next College to College meeting (Brussels, 31 May-1 June 2011) the Co-chairs emphasised that following the adoption of the second Action Plan, more focus should be put on implementation, a matter of shared responsibility, to which resources need to be made available. The co-Chairs called on the Joint Expert Groups to focus on prioritisation of activities and the delivery of concrete outcomes through developing clear roadmaps. The co-Chairs agreed on the need to explore all possible avenues, including existing and new instruments, to finance the implementation of the JAES. Mr. Rudischhauser informed that the European Commission is currently looking into possibilities to address the issue of a “Pan-African financing Instrument” in the Commission proposal for the new EU budget post 2013. Amb. Shinkayé underlined the need to uphold the spirit of an equal partnership and to treat Africa as one. He called on the EU to consider the African proposal for the establishment of the Pan-African Integration Facility. Both sides agreed to continue to engage on these proposals and to exchange views on the establishment of a mechanism to support and facilitate the effective functioning of the JEGs.

ANNEX I: REPORT - AFRICA EU JOINT TASK FORCE MEETING 4-5 APRIL 2011, BRUSSELS

4. The JTF noted with satisfaction that much progress had been achieved and looked forward to the successful outcome of the forthcoming tripartite (AUC-EC-UN) meeting in Nairobi, Kenya on administrative cooperation.
5. Civil society from both sides expressed their appreciation for their involvement in the meeting and stressed the continued need for a more inclusive and people-centered approach to the implementation of the JAES
6. A JAES Forum was organised to ensure an effective outreach by bringing together key stakeholders of the JAES to network and exchange information on the thematic partnerships.
7. A bilateral meeting between Amb. Shinkayé, Director Rudischhauser and EEAS colleagues discussed inter alia :
 - the division of labour between the EEAS and Commission services with regard to the Joint Africa-EU Strategy (JAES);
 - possible solutions to the JAES financing problems including a technical support facility, the African Integration Facility (AIF), and an EU Pan-African Instrument in the framework of the next multi-annual financial perspectives;
 - the preparation of the next EC-AUC College-to-College meeting on 31.05-01.06.2011 in Brussels,
 - challenges and possible solutions with regard to the financial management of the 55ME support programme and the African Peace Facility (APF), including recovery orders;
 - the need for Africa to be treated as One, as envisaged in the JAES;
 - specific financing shortfalls for the Energy- and Infrastructure Partnership;
 - various legal issues, including the H. Habré trial, Universal Jurisdiction, and the ICC, as well as opportunities and challenges;
 - the way ahead on the APF following the postponement of the JCC, including the planned video-conference with RECs and the AU's request for ERM-support for mediation in the Libyan crisis;
 - the pending appointment of the new AU Head of Mission to the EU in Brussels.
8. A specific meeting to discuss the financing of the JAES took place. At the Tripoli Summit, *“both sides agree to further engage, without delay, in the discussions on the African proposals to jointly establish an African Integration Facility to support the implementation of the Joint Strategy and its Action Plan”*. Agreement was reached on the urgent need to explore possibilities to set-up an instrument that would address the financing shortfalls of the JAES and its successive Action Plans. Some critical issues still need to be further clarified, notably the scope and management of the instrument, as well as the criteria to select the specific activities to be financed.

However, some guiding principles can already be retained, notably the clear added-value, the cross-regional, continental or inter-continental dimension and the principle of subsidiarity. The process and timelines will have to be carefully defined. They must take into account the necessary consultations on both sides to ensure the necessary ownership and political momentum, and should link in the calendar for the establishment of the EU's post-2013 financial perspectives.

9. In the meantime, the financing of the second Action Plan adopted at the Nov.2010 Summit for the period 2011-13 will have to continue through the mainstreaming of the JAES activities in existing instruments. The 2011 Mid-Term Review of the Intra-ACP and the Regional Indicative Programmes of the European Development Fund, and equivalent reviews of the ENPI programmes, will offer major opportunities in this prospect. No efforts should be spared on both sides to achieve significant results that would benefit the JAES.

10. To facilitate the implementation of the JAES, the last Summit agreed “*to examine the possibility of establishing a small, flexible and demand-driven assistance mechanism to address implementation difficulties and to provide the necessary technical, administrative and secretarial support for the implementation of the JAES Action Plan 2011-2013*”. Given the time and procedural constraints on both sides, the discussions between the two Commissions will be pursued urgently in order to allow setting-up such a mechanism before the end of the second Action Plan timeline.

ANNEX I NOTES:

- 30 The full report is available at : http://www.africa-eu-partnership.org/sites/default/files/doc_auue_jtf_meeting_201104_en.pdf

ANNEX II: PARTNERSHIP ON DEMOCRATIC GOVERNANCE AND HUMAN RIGHTS³¹

12th Africa-EU Joint Task Force Meeting
4-5 April 2011, Brussels

I. PARTICIPANTS

AFRICA: Amb. Emile OGNIMBA (AUC-DPA); Habiba MEJRI-CHEIKH (AUC/CID); Jimini ADDISA, (AUC/CIDO); Salah S. HAMMAD (AUC-DPA); Omar SHALABY (Egypt-MFA); Joseph CHILENGI (ECOSOCC)

EU: Philippe DARMUZEY (DG DEVCO); Melis ALGUADIS (DG DEVCO); Katariina LEINONEN (EEAS); Renéé ILLIS (EEAS); Alar OLLJUM (EEAS); Giorgio FICARELLI (DG DEVCO); Lasia BLOSS (Germany-MFA); Carolina QUINA (Portugal-MFA); Joaquim NEVES (Portugal- MFA); Ama ANNAN (EU DEL to AU); Anne GUION (EU DEL to AU); Armelle DOUAUD (EP); Friederike GAENSSLEN (ENoP); Marta MARTINELLI (OSI); Thomas HUYGHEBAERT (DEVCO)

II. OUTCOMES

1. **PLATFORM FOR DIALOGUE:** The meeting discussed, amended and agreed upon the Working Methods for an effective functioning of the Platform for dialogue and its working groups. These working methods are the operational translation of the principles agreed upon at the Constitutive meeting of the Platform, which took place on 12 November in Brussels. All documents related to the Platform process will be posted on the joint website (www.africa-eu-partnership.org) to ensure that all stakeholders are informed promptly.

The **thematic focus** of the Working Groups will be the following:

1. Freedom of expression, including media, as a vehicle for promoting democratic change
2. Governance of natural resources, including in conflict and post-conflict situations
3. Combating corruption and ensuring accountability
4. Democratic Institution building

Initially two Working Groups, focusing on the abovementioned first two themes, will be established. The African and European Union Commissions will ensure that the Terms of Reference for these two Working Groups will be developed in the coming weeks by the lead actors. The objective is to organise at least the first meeting of one of the two Working Groups before the end of May 2011. The two Commissions will follow up on necessary arrangements and logistics.

II. OUTCOMES

2. **AU-EU HUMAN RIGHTS DIALOGUE:** Participants welcomed the outcome of the 7th AU-EU Human Rights Dialogue, which was preceded by the 2nd Africa-EU Civil Society Dialogue on Governance and Human Rights. It was noted that the Dialogue was held in a constructive atmosphere, allowing an exchange of views on a number of human rights issues of concern to both sides such as the death penalty, freedom of expression and association, right to development, fight against discrimination, as well as rights of migrants, asylum seekers and refugees. The two sides agreed on the importance to enhance the exchanges of information between the mechanisms of the African and the European human rights systems. Pending issues include proposals made by the CSOs Seminar to hold two workshops on the implementation of UNSC 1325, and migration and migrants' rights. Preparations for the 8th AU-EU Human Rights Dialogue are underway.
3. The EEAS presented the recent Communication on a new **partnership for democracy and shared prosperity in the Southern Mediterranean**, which captures the EU's response to the recent happenings in North Africa. The meeting stressed the importance of treating Africa as one and ensuring synergies and complementarities with existing frameworks and ongoing initiatives under the Joint Africa-EU Strategy and its partnership on Democratic Governance and Human Rights when implementing the Action Plan for the Strategy elaborated by this recent Communication.
4. The African Union Commission will present the outcomes of the **AU Summit on Shared Values** (Jan 2011) and brief the meeting on the progress made in the consolidation of the African Governance Architecture, which is the overall political and institutional framework for the promotion of governance in Africa. The AGA constitutes a reflection on the part of the continent on how it can build on and protect the gains in democracy and governance processes that it has achieved. Participants welcomed the AU Assembly Decision to establish a Platform for Governance as a tool to implement of the AGA.
5. After a presentation by the African Union Commission on Media Development, the meeting took note of the **Media development** activities that have been carried out so far by the Communication services of the two Commissions and agreed to look into ways of integrating this strand of work in the implementation of the DGHR partnership Action Plan. The possibility of establishing a working group under the Platform for dialogue with a thematic focus on Media and DGHR will be considered by the Platform at its review meeting planned for end of 2011.

ANNEX II: PARTNERSHIP ON DEMOCRATIC GOVERNANCE AND HUMAN RIGHTS

RECOMMENDATIONS/ CONCLUSIONS:

6. Cooperation in the area of **cultural goods and other areas of cultural cooperation**
 - Following the selection of contractors in September 2010, the African Union Commission will inform the iJEG on the progress made with respect to the inventory of cooperation in the area of cultural goods
 - Participants were informed of the development in the area of the itinerant exhibition, which has been successful.
 - The European Commission suggested organising a High Level Group of cultural experts in May to ensure that the third pillar of the partnership can deliver on the priorities of the 2nd Action Plan

1. The two Commissions were mandated to develop a road map for the implementation of the 2nd Action Plan and presented for approval at the next iJEG meeting.
2. The two Commissions were also mandated to submit a proposal for better coordination in the international fora between the African and European Groups, particularly in Geneva.
3. The next iJEG meeting will be held before the end of May in Europe.

ANNEX II NOTES:

- 31 The full Joint Task Force Meeting Report is available at: http://www.africa-eu-partnership.org/sites/default/files/doc_auee_jtf_meeting_201104_en.pdf

ANNEX III: WORKING METHODS FOR THE “WORKING GROUPS” ESTABLISHED UNDER THE PLATFORM FOR DIALOGUE ON GOVERNANCE OF THE JOINT AFRICA-EU STRATEGY (JAES)³²

April 2011

BACKGROUND

The Joint Africa-EU Strategy (JAES) agreed upon during the Lisbon Summit (2007), reflects a commitment to strengthen the political partnership and cooperation at all levels between both continents. It is meant to provide an overarching long-term framework for Africa-EU relations to be implemented through eight thematic partnerships, successive Action Plans and a multi-layered institutional architecture.

Governance and human rights occupy a central position in the new policy framework. The related ‘Partnership on Democratic Governance and Human Rights’ (DGHR) is expected to enable a comprehensive continent-to-continent dialogue and cooperation on a wide range of governance and human rights issues. The first Action Plan 2008-2010 includes priority action geared at enhancing dialogue at various levels, notably through the launch of a ‘Platform for dialogue’ on all governance issues of mutual interest.

In September 2010 the African Union Commission (AUC) and the European Commission (EC) jointly organised a *multi-stakeholder workshop* in Addis Ababa on the nature and modus operandi of the Platform followed by another workshop in November 2010 in Brussels during which the Platform was officially launched. These workshops were instrumental in forging a consensus on fundamental dimensions of the proposed Platform (the so-called ‘acquis’) including its potential *added value* (i.e. to function as an open, inclusive and informal space for dialogue); *mandate* (i.e. to formulate shared governance agendas and recommendations with a view to feeding the political dialogue between the two continents); *role* (i.e. to assist/inform decision-making through the appropriate existing channels within the JAES); *composition* (i.e. to bring together institutional actors with a formal mandate to promote governance as well as Member States, civil society organisations, private sector and experts); *mode of operation* (i.e. to be organised as a “process” rather than an “event”); *integration* in existing JAES structures (i.e. to ensure complementarity with political decision-making bodies and the iJEG) and *basic conditions for success* (i.e. to enjoy the necessary level of autonomy and structured funding). The outcome document of the November workshop is attached as annex IV and provides the exact definition of the Platform’s mandate and nature.

During a ‘Follow-up Meeting’ in Brussels in November 2010, the ‘acquis of Addis’ was formally adopted and the Platform effectively launched. Participants also specified *the operational modalities for a smooth start* of the Platform and *defined an initial set of two topics* around which parties would seek to develop shared governance agendas through multi-actor ‘Working Groups’ (WGs).

It was agreed that WGs would function as “*operational foundations of the Platform*”. The decision to establish WGs was informed by the need to ensure an *effective, informal, flexible and institutional space* that can facilitate the bottom-up elaboration

ANNEX III: WORKING METHODS FOR THE “WORKING GROUPS” ESTABLISHED UNDER THE PLATFORM FOR DIALOGUE ON GOVERNANCE OF THE JOINT AFRICA-EU STRATEGY (JAES)

WORKING METHODS FOR THE FUNCTIONING OF THE WORKING GROUPS

of relevant inputs and recommendations. *A key role was given to the AUC and the EC to act as the ‘guardian’ of the Platform process* and to coordinate/steer the Working Groups.

The *Working Methods (WM)* below are proposed to allow for an effective functioning of the Working Groups (as an informal space of dialogue on substance) whilst ensuring the necessary linkages with the overall Platform and related JAES architecture. To this end, these methods seek to define simple and pragmatic rules for the operation of the Platform that are in line with the spirit and principles reflected in the ‘acquis’ of both constitutive meetings of the Platform (in Addis and Brussels).

Definitions

ARTICLE 1

In the framework of the present Working Methods the following definitions will prevail:

- *Joint Africa-EU partnership (JAES)*: the renewed political partnership and cooperation framework between Africa and the European Union (EU), as agreed upon during the Lisbon Summit in 2007
- *The Partnership on Democratic Governance and Human Rights (DGHR)*: one of the eight partnerships established in the framework of the Joint Africa-EU Strategy, expected to enable a comprehensive continent-to-continent dialogue and cooperation on a wide range of governance and human rights related issues
- *The Platform for Dialogue*: The Platform has been set up within the Partnership on Democratic Governance and Human Rights to facilitate an open and inclusive space for dialogue on governance and related human rights aspects of common concern as well as to formulate shared governance agendas and recommendations that can feed the political dialogue between the two continents.
- *Working Groups* : Working Groups are ad hoc structures set up for a limited time to provide an informal space for multi-actor dialogue on specific governance issues and for the elaboration of concrete proposals and recommendations
- *Lead Actors*: Each Working Group is expected to be driven forward by lead partners (at least one from Africa and one from Europe) who shall *jointly* seek to facilitate an effective start-up of the Working Group, the coordination of activities and the timely production of planned outputs and outcomes

WORKING METHODS FOR THE FUNCTIONING OF THE WORKING GROUPS

- *The 'acquis of Addis'*: refers to the basic document agreed upon during the consultative meeting in Addis Ababa, Ethiopia (September 2010) which preceded the formal launch of the Platform
- *The 'acquis of Brussels'*: refers to the basic document agreed upon during the consultative meeting in Brussels, Belgium (November 2010) which led to formal launch of the Platform, including through the initiation of two Working Groups on specific issues

Status of the Working Groups

ARTICLE 2

The Working Groups constitute the operational foundation of the Platform for Dialogue on governance and related human rights issues, set up under the Partnership on Democratic Governance and Human Rights of the Joint Africa-EU Strategy

ARTICLE 3

The Working Groups shall provide an open, informal and flexible space for exchange, dialogue and the elaboration of shared governance agendas between relevant actors from both Africa and Europe

ARTICLE 4

The Working Groups shall operate within the overall architecture of the JAES and with due respect for the roles and mandates of the various existing structures, including the Platform on Governance. Within this framework, the Working Groups will enjoy the necessary level of autonomy with regard to the planning and organization of their work

Operationalisation of Working Groups

ARTICLE 5

Working Groups can be established on topics that fall within the thematic scope of the Partnership on Democratic Governance and Human Rights as specified in the main policy documents of the Joint Africa-EU Strategy, the successive Action Plans of the Partnership on Democratic Governance and Human Rights as well as in the 'acquis of Addis' based on Terms of References developed by the two Commissions. Themes can be also linked to other partnerships as appropriate.

ANNEX III: WORKING METHODS FOR THE “WORKING GROUPS” ESTABLISHED UNDER THE PLATFORM FOR DIALOGUE ON GOVERNANCE OF THE JOINT AFRICA-EU STRATEGY (JAES)

WORKING METHODS FOR THE FUNCTIONING OF THE WORKING GROUPS

ARTICLE 6

In order to ensure ownership and relevance for the political dialogue on governance the thematic issues selected for Working Groups should be demand-driven and aligned with the current governance agenda of Africa (as reflected in the African Governance Architecture and related African Platform on Governance) and Europe

ARTICLE 7

Themes for the Working Groups can be proposed by a combined team of an African and a European member of the Platform acting together and willing to jointly take the lead of a Working Group. Proposals would be reviewed by the Platform and approved by the two Commissions

Composition of the Working Group

ARTICLE 8

Considering the focus on substance, Working Groups shall include actors with expertise or interest on a given theme. Each Working Group shall reflect the multi-actor nature of the JAES and related Partnership on Democratic Governance and Human Rights. In line with the ‘acquis of Addis’ and depending on the theme, Workings Groups shall include the various categories of relevant actors (i.e. institutional actors working in the area of governance and human rights in both continent; Member States; civil society actors; private sector representatives, experts, in particular academia). The above mentioned actors will participate on an equal basis in the Working Groups

ARTICLE 9

In order to allow for informal, focused and productive debates the number of participants to Working Groups should be kept within reasonable limits

Specific mandate of the Working Group

ARTICLE 10

The Working Group, once initiated, shall develop its own substantive and operational parameters. This process, which will be facilitated by the lead partners involved in the Working Group, will seek to specify:

- the substantial focus to be adopted on a given theme
- the main questions to be addressed
- the expected outputs and outcomes
- the likely duration of the Working Group, date and venue of the meetings as well as the frequency of meetings.

WORKING METHODS FOR THE FUNCTIONING OF THE WORKING GROUPS

ARTICLE 11

The parameters developed by the Working Group shall be approved by the African Union Commission and the European Commission with a view to ensure coherence with the overall Joint Africa-EU Strategy and with the ‘acquis of Addis’ and related ‘acquis of Brussels’.

Organisation of the Work

ARTICLE 12

Once the parameters are approved, the Working Group can autonomously decide on how to plan and organize its work for a timely delivery of agreed outputs and outcomes

ARTICLE 13

The Working Groups shall endeavour to respect the principles of inclusion, informality and result-oriented management. The discussions within the Working Group will proceed according to ‘Chatham Rules’.

ARTICLE 14

The lead actors involved in the initiation of the Working Group will act as ‘co-chairs’ until the Working Group has fulfilled its mandate.

ARTICLE 15

If needed, the Working Group can submit a motivated request for an extension of its duration. The African Union Commission and the European Commission shall be responsible for approving such an extension

ARTICLE 16

The outputs of the Working Group shall be in the form of reports with specific recommendations. The specific recommendations shall reflect a consensus among members

ARTICLE 17

In order to facilitate an effective uptake and debate at higher decision-making levels, due attention shall be paid to the form and practical outputs

Submission and circulation of the outputs of the Working Group

ARTICLE 18

At the end of the term of a given Working Group, the co-chairs will submit the outputs of the Group to the African Union Commission and the European Commission (as guardians of the Platform process)

ANNEX III: WORKING METHODS FOR THE “WORKING GROUPS” ESTABLISHED UNDER THE PLATFORM FOR DIALOGUE ON GOVERNANCE OF THE JOINT AFRICA-EU STRATEGY (JAES)

WORKING METHODS FOR THE FUNCTIONING OF THE WORKING GROUPS

ARTICLE 19

Both Commissions will send the outputs of the Working Group *via email* to Platform members for information and substantive comment. Feedback from their side is also appreciated on relevant initiatives being undertaken by other members of the Platform with a view to identify areas for potential synergies.

ARTICLE 20

Through the two Commissions, the outputs of the Working Groups will be communicated to the co-chairs of the *Joint Expert Group Meeting* (iJEG) of the Governance Partnership of the JAES and where appropriate to co-chairs of other JAES partnerships within the broader partnership and the JAES framework is important to ensure”.

ARTICLE 21

A window of eight (8) weeks will be available for responses to the report and four (4) weeks for the recommendations. If there is no response within this period, agreement is assumed.

ARTICLE 22

In line with the ‘acquis of Brussels, the two Commissions will subsequently transmit the recommendations of the WG to their respective political bodies for consideration (AWG, the PRC and the African Governance Platform if relevant) as agreed during the Addis meeting of September 2010.

ARTICLE 23

The two Commissions will ensure optimal circulation of information concerning the follow-up given to the recommendations to all interested parties, including the Working Group involved and the Platform members.

ARTICLE 24

The Platform can discuss the outcomes of Working Groups, including the effective use of the recommendations by the political bodies, during its annual review meeting.

ANNEX III NOTES:

- ³² The document is available at: http://www.africa-eu-partnership.org/sites/default/files/doc_platform_dialogue_working_methods_en.pdf

ANNEX IV: OUTCOME OF THE FOLLOW-UP MEETING ON THE AFRICA-EU PLATFORM FOR DIALOGUE ON GOVERNANCE AND HUMAN RIGHTS

Brussels, 12 November 2010

A. BACKGROUND

1. In September 2010 the African Union Commission (AUC) and the European Commission (EC) jointly organised a *multi-stakeholder workshop in Addis Ababa* aimed at building a consensus on how to put in place the “Platform for Dialogue on Governance and Human Rights” foreseen under the Partnership on Democratic Governance and Human Rights (PDGHR) in the framework of the Joint Africa-EU Strategy (JAES).
2. The workshop was instrumental in forging a consensus on fundamental dimensions of the proposed Platform (the so-called ‘acquis’ of Addis) including its potential *added value* (i.e. to function as an open, inclusive and informal space for dialogue); *mandate* (i.e. to formulate shared governance agendas and recommendations that can feed the political dialogue between the two continents); *role* (i.e. to assist and inform decision-making through the appropriate existing channels within the JAES); *composition* (i.e. to bring together institutional actors with a formal mandate to promote governance as well as Member States, civil society organisations, private sector and experts); *mode of operation* (i.e. to be organised as a “process” rather than an “event”); *integration* in existing JAES structures (i.e. to ensure complementarity with political decision-making bodies as well as with the iJEG) and *basic conditions for success* (i.e. to enjoy the necessary level of autonomy and structured funding).
3. Participants to the Addis meeting also recognised the need to put in place the necessary conditions for the smooth operation of a legitimate, effective and sustainable Platform. To this end, a *Follow-up Meeting* was planned for the 12th November 2010 in Brussels. Building on the ‘acquis of Addis’, the purpose of the gathering was to further *specify the operational modalities for a smooth start* of the Platform during the initial phase as well as to *define an initial set of topics* around which parties would seek to develop shared governance agendas.

B. ADOPTION OF THE ‘ACQUIS’ OF ADDIS

4. Participants to the Brussels follow-up meeting first reviewed the draft document reflecting the points agreed upon during the Addis meeting. Following the integration of a number of amendments (e.g. on the notion of ‘autonomy’ to be enjoyed by the Platform) and editorial changes, the *Basic Document* establishing the Africa-EU Platform for dialogue on Governance and Human Rights was formally adopted.

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5. This Basic Document should be seen as the ‘Constitution’ of the Platform, i.e. the mother text reflecting the *commonly agreed vision* between the various stakeholders involved on the Platform’s nature, added value, set-up, institutional location and mode of operation. Subsequent steps with regard to operationalising the Platform should be *consistent* with the principles contained in the Basic Document.

C. POINTS AGREED UPON IN BRUSSELS WITH REGARD TO THE START-UP OF THE PLATFORM

6. The rallying cry of the Addis seminar with regard to launching the Platform was to (i) start small using available windows of opportunities; (ii) demonstrate real added value by producing shared governance agendas on a few topics; (iii) test out the system to ‘transmit’ these agendas and recommendations to the political level and (iv) use experiences gained to consider the next stages of evolution of the Platform.
7. Building on that spirit the Brussels seminar focused on the functioning, working methods and initial topics of the Platform to be launched. In this respect, an agreement was reached on the following points:
 - A set of organising principles
 - Working groups as the operational building blocks of the Platform
 - The critical role of the two Commissions as ‘guardians’ of the acquis of Addis
 - The principle of putting place a Support and Facilitation Unit
 - A Review Meeting to be organised in 2011
 - Structured funding as a key condition for an effective functioning of the Platform
8. **First, three organising principles** were considered key to ensure a smooth start and functioning over time of the Platform:
 - *Innovation* -meaning the Platform should be operationalised in a non-traditional, non-formal way. It should not replicate or duplicate what already exists in terms of formal structures under the JAES. The Platform is not there to confront formal positions but to experiment with new forms of dialogue and consensus building, where possible.
 - *Confidence building and gradual development* -creating something new requires time and experimentation. Building confidence is an essential condition to produce shared governance agendas. The Platform should gradually develop, building on what works and helps to ensure results.

- *Phased approach in terms of institutional development* -in recognition of the informal nature of the Platform, there is a need to start-up the process with a light and functional institutional set-up. This should give innovation a chance and allow the Platform to deliver a real added value. As the process evolves and experience is gained, parties could consider additional measures to consolidate the institutional architecture of the Platform. Refining such modalities is a process and should be done on the basis of careful analysis of the risks and opportunities provided by the different options.
9. *Second*, it was agreed that **Working Groups (WGs)** should be the **operational foundations** of the Platform –though the articulation with the overall Platform still needs to be clarified (see par. 18). This operating modality was seen as the most effective way to mobilise relevant actors and ensure commitments to produce shared governance agendas. Such an informal, flexible and institutional setting should facilitate a bottom-up approach to the functioning of the Platform, ensure an active participation of the various stakeholders and allow for the gradual elaboration –in an atmosphere of confidence- of shared governance agendas.
 10. A **light ‘roof’** at Platform level should be foreseen to ensure coordination and coherence of the WGs and to facilitate the dissemination and transmission of the produced outcomes within the Platform and to the political level. The AUC and the EC seem well placed to function as the “roof” of the Platform and to play these various roles (see below, par. 13).
 11. The Brussels meeting selected **two priority topics** to start-up the actual work of the Platform: economic governance and regional integration. These themes fit the selection criteria agreed upon in the Addis seminar. They were perceived to have the potential to mobilise actors and produce results (in terms of generating shared governance agendas) that can feed ongoing political debates on these issues.
 12. **Two working groups** will be established to deal with these respective themes. Participants expressed the need to ensure that these WGs do not operate in a vacuum. To this end, the Brussels meeting insisted that their composition should reflect the inclusive, multi-actor approach foreseen in the ‘acquis’ of Addis. They should also operate under clear Terms of Reference and delivery targets. Within this framework and related set of guarantees, the working groups could decide on their own how they plan to organise their work.

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13. *Third*, the meeting agreed on the *central coordinating role to be played by the two Commissions*. They should act as the ‘guardian’ of the Addis ‘acquis’ all along the cycle of operations of the Platform. In this capacity, they are called upon to facilitate the following processes within the Platform:

 - Initiation of the WGs, including checking compliance with the ‘acquis of Addis’, particularly in terms of composition (by ensuring that the various categories of relevant and legitimate actors are on board)
 - Quality control of the proceedings of the WGs (e.g. quality of the Terms of Reference)
 - Technical back-up support, where needed and appropriate, to the WGs during the implementation phase
 - Reception, dissemination and transmission of the outcomes of the WGs to the political level (see also par. 18)
 - Ensure linkages, where appropriate, with the ongoing dynamics at the level of the African Governance Architecture (AGA) and related African Platform on Governance
 - Mobilise structured funding from various sources
14. *Fourth*, participants agreed that the smooth operation of the Platform may also require the establishment of a “*Support and Facilitation Unit*”, to be co-managed by the two Commissions to provide overall administrative and technical assistance with regard to the facilitation of the various processes mentioned in par. 13. The concrete modalities and funding of this Unit will be further explored.
15. *Fifth*, in line with the principle of phased development of the Platform it was agreed to organise a “*Review Meeting*” in 2011 conceived as a collective stock-taking. In this spirit, it could focus on three key objectives: (i) to discuss the outcomes of the WGs (information sharing and exchange) (ii) to reflect on lessons learnt after during the first year of operation: and (iii) to consider possible concrete proposals to further refine/consolidate the institutional architecture of the Platform.
16. *Sixth*, renewed commitments were made to ensure a *structured funding* for this innovative space for dialogue between the two continents on governance and human rights. *Responsibility* for providing smart, predictable and long-term funding is to be *shared* by the various parties involved in the Platform³³. The two Commissions are expected to play a catalyst role in this area by sorting out concrete options for mobilising funding in the short-term and medium term.

D. POINTS TO BE FURTHER DISCUSSED

17. The debate during the follow-up meeting expanded into areas on which a *consensus could so far not be reached*. These include: (i) the articulation between the WGs and the broader Platform structure; (ii) the programming process of the Platform's work plans; (iii) the allocation of the funding mobilised for the functioning of the Platform
18. With regard to the *relation between WGs and Platform, two different visions* emerged during the Brussels seminar. One perspective defends the view that the WGs are an instrument of the Platform. They operate as support structures to the Platform, who determines their mandate, allocates funding, monitors the implementation of agreed work plans and validates their products before submission to the political level. In this vision, the WGs function under the authority and control of the Platform (acting as the 'sovereign body'). The second perspective puts the WGs at the centre of the Platform. They act as self-standing bodies with no specific relation to the broader Platform set-up. In this scenario the two Commissions will monitor the functioning of the WGs and related delivery of targets (according to well-defined ToRs). They will also ensure the submission of the outcomes of the WGs *directly* to the relevant political bodies. The Platform (as umbrella structure) is not expected to formally intervene in this process (e.g. to endorse the outcome of the WGs) though the planned Review Meeting (see par. 15) should provide an opportunity to organise an *exchange* on the outcome of the WGs.
19. During the Brussels meeting it proved impossible to reconcile these two visions in a compromise solution. Yet participants agreed that the discussion should be pursued while the Platform started its operations through the two established WGs. A set of *basic principles to structure the follow-up debates* on the articulation between WGs and Platform were formulated (see Annex 1) though it should be clear that there is *no consensus* on these points.
20. There was also no full clarity on how to *programme future work priorities, including the establishment of new WGs*. While participants agreed on the need to ensure flexibility and reactivity (= quick response capacity) to the unfolding political agenda, it remains unclear who should take the lead in programming. On this point the two above mentioned visions on the place and role of the overall Platform re-emerge: one option proposes to entrust this responsibility to the Platform (as the 'sovereign body') while another prefers to leave programming to the two Commissions (as the coordinators of the Platform conceived as a light structure).

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21. Third point of disagreement (at this stage) relates to the *use of the funding* that could be mobilised for the dialogue on governance and human rights. Again, the dividing lines reflect the different visions on the Platform mentioned above (par. 18). One category of actors argues that the overall Platform structure should be the recipient structure of all funding and be responsible for allocating the resources to the WGs it decides to establish. Others defend the view that funding should accrue directly to the various WGs that emerge from the dynamics of Platform members, with the two Commissions ensuring the necessary linkages with the overall Platform.
22. Each of these three outstanding issues refer to complex matters, whose resolution was seen to require more time and further dialogue. Yet participants unanimously felt that disagreement on *these matters should not delay the launching of the Platform* and the effective start-up of the two selected WGs (on economic governance and regional integration).
23. Consistent with the organising principle of the ‘gradual development of the Platform’ (see par. 8) the various parties should at the earliest convenience *identify suitable modalities to continue the dialogue* on these outstanding issues with a view to ensuring that the Platform can function optimally and deliver on its unique mandate.

ANNEX IV NOTES:

- 33 The capacity to mobilise funding is one of the selection criteria of priority topics for the Platform. It is seen as an indicator of ownership and preparedness to co-finance the operation of the resulting WGs.

LIST OF ABBREVIATIONS

ACP	African, Caribbean and Pacific
AfriMAP	Africa Governance, Monitoring and Advocacy Project
AGA	African Governance Architecture
AP	Action Plan
APRM	African Peer Review Mechanism
AU	African Union
AUC	African Union Commission
BRICs	Brazi, Russia, India and China
CCP-AU	Centre for Citizens Participation in the African Union
CIDO	African Citizens Directorate
CODEV	[EU Council] Working Party on Development
COHOM	[EU Council] Working Group on Human Rights
CSOs	Civil Society Organisations
CSSG	Civil Society Steering Group
DGHR	Democratic Governance and Human Rights
EC	European Commission
ECDPM	European Centre for Development and Policy Management
ECOSOCC	Economic, Social and Cultural Council
EEAS	European External Action Service
EU	European Union
EUC	European Union Commission
EU-IT	European Union Implementation Team
EU SG	EU Steering Group
GI	Governance Initiative
HR	Human Rights
HR/VP	High Representative/Vice President
iJEG	Informal Joint Expert Group
JAES	Joint Africa-EU Strategy
JEGs	Joint Expert Groups
MDG	Millennium Development Goals
MS	Member States
NEPAD	New Partnership for Africa's Development
NGO	Non Governmental Organisation
OAU	Organisation of African Unity
PALU	Pan African Lawyers' Union
PDGHR	Partnership on Democratic Governance and Human Rights
RECs	Regional Economic Communities
SCR	Security Council Resolution
ToRs	Terms of Reference
UNDP	United Nations Development Programme
US	United States
WGs	Working Groups

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