

Evaluation of Coordination and Coherence in the Application of Article 96 of the Cotonou Partnership Agreement

The Treaty on European Union, signed in Maastricht in 1992, identifies three basic concepts as essential elements of EU development policy: **coordination, complementarity and coherence**. In 2005, the Heads of European Union Member States' and the European Commission's evaluation services launched a series of six joint evaluation studies focusing on these concepts, which are also known as the "3Cs". This series of evaluations aims at assessing the role played by the Maastricht Treaty precepts of coordination, complementarity and coherence in the European Commission's and the EU Member States' development cooperation policies. Focusing on a wide variety of topics and issues, the evaluations determine to what extent the 3Cs have been applied in practice and with what impact.

About the evaluation

One of the six joint evaluations analysed how coherence and coordination are being followed in the context of the consultation procedure under Article 96 of the Cotonou Partnership Agreement. This agreement, which is widely held to be the most comprehensive North-South partnership within the context of development cooperation, provides a solid basis for political dialogue between the EU and the African, Caribbean and Pacific (ACP) countries regarding the respect for human rights, democratic principles, rule of law and good governance. If one of the partners considers that these "essential elements" are being abused, it may decide to invoke Article 96 (or 97 in the case of corruption), after first having sought to resolve the issue through the political dialogue called for in Article 8 of the Agreement. The following consultation procedure under Article 96 can either result in an acceptable resolution or in

the taking of "appropriate measures", but the procedure is perhaps most known as potentially leading to the suspension of development

BOTH DEVELOPMENT AND POLITICAL FOREIGN POLICY OBJECTIVES NEED TO BE CONSIDERED

cooperation activities, or to the imposition of sanctions. However, as the evaluation notes, the Article is more and more seen as a "window of opportunity" and both EU and ACP actors increasingly learn to use the instrument to their advantage.

The evaluation study was executed by a team of consultants from Conflict Transformation Service (CTS) in Finland. The evaluation gathered evidence from cases in which Article 96 was used, in order to analyse the precepts of coordination and coherence in the practice of Article 96 of the Cotonou Agreement, a process in which both development and political foreign policy objectives need to be considered. The findings are based on a statistical analysis of all ACP countries in relation to the aforementioned elements, a comprehensive desk study of all ten cases in which Article 96 had been invoked, and four field studies in Fiji, Zimbabwe, Guinea-Bissau and the Republic of Guinea.

Shared understanding

The evaluation describes the complexity of the different Article 96 consultation processes and the period of dialogue preceding them, and highlights the multiple and contrasting perspectives of the various actors involved. The evaluators also underline that the existence of such a wide diversity of views, interests and perspectives necessitates the facilitation of a shared understanding of each other's positions, stakes and ideas through political dialogue before the article is invoked. Although the importance of this coordination is as such easily recognised, the field studies bring forward some examples where individual EU Member States chose to act in a way that was incoherent with what was collectively agreed, or acted before such agreement had emerged. As the number of EU Member State embassies in the ten cases

Ten Article 96 cases

Since the signing of the Cotonou Partnership Agreement, Article 96 has been invoked ten times:

Cases	Reason for invoking Article 96	Outcomes of consultations
Haiti (2000)	Violations of democratic principles, flawed electoral process in 2000	Relations normalised in 2005
Fiji (2000)	<i>Coup d'état 2000</i>	Relations normalised in 2004
Côte d'Ivoire (2001)	<i>Coup d'état 2000</i> Civil war, violations of human rights 2004 (consultations not initiated)	Relations normalised in 2002
Liberia (2001)	Violation of democratic principles, human rights and rule of law and corruption 2001	Relations normalised in 2006
Zimbabwe (2002)	Violation of democratic principles, human rights and the rule of law 2002	Measures applicable
Central African Republic (2003)	<i>Coup d'état 2003</i>	Relations normalised in 2005
Guinea-Bissau (2003)	<i>Coup d'état 2003</i>	Relations normalised in 2005
Togo (2004)	Violation of democratic principles and human rights 2004	Measures applicable
Guinea (2004)	Violation of democratic principles 2004	Measures applicable
Mauritania (2005)	<i>Coup d'état 2005</i>	Measures applicable

under study varied from one to thirteen, it is also clear that the complexity and nature of the coordination processes differ considerably from one case to the other.

Multiple perspectives

A consideration that proves to have a significant impact on the decision whether or not to invoke Article 96 is the question whether consultations and the eventual taking of appropriate measures are expected to have the desired outcome. Some actors may disapprove of an observed incoherence in the treatment of different cases from a political perspective, whereas other actors may find this lack of coherence to be logical and pertinent from a development perspective. The evaluation at least shows that there is no ground for the argument that the EU is applying a "double standard". Linked to this finding, the evaluation team also observed that there is a lack of understanding amongst many actors about the functioning and scope of the political dialogue process. The evaluation further notes that the process could be improved by giving more decision-making power to the local level, since the best knowledge regarding the feasibility of using Article 96 in a particular context finds itself at this level.

In line with these findings, recommendations are brought forward by the evaluation team on how coherence and coordination could further be improved in relation to the use of Article 96. Most of these recommendations focus on professionalising and further intensifying the communication process, the systematic involvement of civil society actors and peer group countries, further clarifying the process and the consequences of decisions that are taken, and increasing the transparency and "rules of the game" of the political dialogue that can result in the invocation of Article 96. One of the more concrete recommendations is to consider, as the occasion arises, appointing a special EU Envoy to improve coordination among EU actors and to guarantee high level involvement in the actual consultations.

Through publishing and disseminating this report in both hardcopy and electronic formats, the steering group for this evaluation hopes these recommendations will help to improve the usefulness and proper application of the Articles 8, 96 and 97 of the Cotonou Partnership Agreement, and consequently deepen the partnership between the European Union and the African, Caribbean and Pacific countries.

For more information: <http://www.three-cs.net>

Colofon

This series of info briefs is published in English with an accompanying website (www.three-cs.net). Each issue focuses on a specific theme relating to the 3Cs initiative of the Heads of Evaluation for External Cooperation of the EU Member States and the European Commission.

The info brief 'Three-Cs.net' is available free of charge for policy makers, specialists and staff from the EU and developing countries.

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3Cs Initiative

This initiative was launched by the Heads of Evaluation of the EU Member States and the European Commission.

Comments, suggestions

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