

Proposal 2

More structured dialogue between the European Union and civil society on peacebuilding policies

WHY: context and background

Civil society access to decision-making and implementation of public policies is a good indicator of how open a democracy is. We think that dialogue includes consultations, both formal and informal, on legislation and implementation. The level of obligation to EU bodies in implementing dialogue is a good indication of how structured it is.

Apart the European Parliament with the task to represent the citizens interests, the **European Commission** (EC) has already been opening to outside input in its decision-making process. In the legislative process, wide consultation is one of the Commission's duties according to the Treaties.¹ Several Commission Units hold consultations also in the programming stages of their implementation of EU policies, for example when deciding their annual programmes on how to spend EU money.

When defining the target group(s) in a consultation process, the Commission in the 2002 Communication *Towards a reinforced culture of consultation and dialogue – General Principles and Minimum Standards for consultation of interested parties by the Commission*² has taken the engagement to ensure that relevant parties have an opportunity to express their opinions. In the same Communication the EC promised to ensure adequate participation in a consultation process of those affected by the policy and those who will be involved in implementation of the policy, as well as to take into account the wider impact of the policy on other policy areas and the need for specific experience, expertise or technical knowledge³. Where appropriate, the Commission encourages contributions from interested parties organised at European level. Most of all, the EC engaged on principles⁴ (participation, openness, accountability, effectiveness and coherence) and minimum standards⁵ for consultation.

In 2006, the Civil Society Contact Group⁶ already proposed that "the European Commission and European NGOs should work together to strengthen the Commission's Minimum Standards for Consultation, in particular by adding to those standards a section on how to guarantee that civil society dialogue goes beyond one-off collection of expertise. This should include:

- regular meetings which have the purpose of exchange of information on current and imminent policy processes;

¹ "the Commission should [...] consult widely before proposing legislation and, wherever appropriate, publish consultation documents". Protocol (N° 7) on the application of the principles of subsidiarity and proportionality, annexed to the Amsterdam Treaty.

² European Commission 11 December 2002, COM (2002) 704 final, *Communication from the Commission: Towards a reinforced culture of consultation and dialogue – General Principles and Minimum Standards for consultation of interested parties by the Commission*.

³ Page 19, *Ibidem*.

⁴ Page 15-18 and following, *Ibidem*.

⁵ Page 19-22, *Ibidem*.

⁶ The EU Civil Society Contact Group brings together eight large rights and value based NGO sectors - culture, environment, education, development, human rights, public health, social and women. See www.act4europe.org.

– structured consultation on major policy initiatives, following the terms of the General Principles and Minimum Standards for Consultation."⁷

Concerning the **Council** of the European Union, it has already recognised the benefits of improving dialogue with civil society on foreign policies, particularly those affecting Security and Development⁸, inviting the Community to "enlarge and improve channels of dialogue and cooperation with civil society, NGOs". But the same above-quoted study recognised the closure of the Council bodies to take engagements towards the consultation of civil society actors, which is a particularly grave democratic deficit considering the importance of Member States Committees in the legislative and implementation process – the so-called Comitology⁹.

For **peacebuilding**, the need for a more structured dialogue EU-civil society is not only a need for the democratic accountability of the EU decision-making process but also for the field effectiveness of EU peace policies. European institutions have started to recognise that both local and international civil society and NGOs make important contributions to peacebuilding and crisis prevention, both in Brussels and in EC delegations in third countries. As a result, the European Commission has recently launched the Peace-Building Partnership as part of its crisis preparedness activities supported by the Instrument for Stability (IfS). Moreover, in the IfS Strategy Paper for 2007-2011, specialised European NGOs have been identified as the key interlocutors with the Commission¹⁰ in policy developments and in the identification of expertise in peacebuilding. Also the Council of the EU – especially the Committee on Civilian Crisis Management¹¹- and in third countries the EC delegations, the EU Special Representatives and the Heads of the European Crisis Management Missions have begun to consult with civil society and NGOs.

Still, many of these consultations are outside a regulatory framework and take place only on an ad-hoc basis, depending often on the good will of the concerned officials. The EU and more particularly the EC should envisage a more systematic and better organised consultation with civil society on peacebuilding issues, so to improve coordination and cooperation and thus the effectiveness and efficiency of its policies for peace.

We therefore suggest developing institutional mechanisms for a more structured dialogue with civil society that brings together representatives of all relevant stakeholders working on the same regional or thematic priorities. Local civil society is a priority audience for consultation in conflict-afflicted areas, being one of the keys for sustainable peace. In many cases international civil society organisations supporting local populations in conflict areas can also provide useful input.

⁷ Fazi E. And Smith J., 2006, *Civil Dialogue – Making it work better*, Civil Society Contact Group, pag. 86.

⁸ COUNCIL OF THE EUROPEAN UNION, *Council Conclusions on Security and Development*, 2831st EXTERNAL RELATIONS Council meeting Brussels, 19-20 November 2007, point 5: "The Council, underlining that conflict prevention should be pursued as a priority goal in particular by fostering and strengthening development cooperation, invites the Community, within the respective competences of its Institutions, to further enlarge and improve channels of dialogue and cooperation with civil society, NGOs, local authorities and the private sector."

⁹ Pages 30-31 especially, *Ibidem*.

¹⁰ EC, 2002, *Ibidem*, Section 3.5, p.17: "a broad-based network of specialised European NGOs with expertise in early warning, conflict prevention, peacebuilding and post-conflict and post-disaster recovery. Particular attention will be given to ensuring that NGOs with strong grass-roots links in third countries are adequately represented. The network will be an important interlocutor with the Commission in policy development and in the identification of expertise in these fields".

¹¹ Since the Finnish Presidency of the EU in 2006, the European Peacebuilding Liaison Office (EPLO), together with other civil society organisations, and the EU Presidencies were engaged in a process of consultation on conflict prevention and crisis management. This "RoCS process" (Role of Civil Society in EU conflict prevention and crisis management) led to the adoption by CIVCOM and PSC in November 2006 of a specific set of "Recommendation for enhancing cooperation with NGOs and CSOs in the framework of EU Civilian Crisis Management and Conflict Prevention". The RoCS process also includes regular exchanges between field based organisations and CIVCOM on specific civilian ESDP missions.

WHAT and HOW: the proposal and its added value

Taking stock of the reflections already carried out in the network of European peacebuilding NGOs, the European Peacebuilding Liaison Office (EPLO), we propose the following measures. They can also be read as a way of detailing how the European Commission minimum standards for consultation¹² can be applied to some of the relevant policy processes influencing the EU's role as a global actor for peace.

Issues to be considered for consultation at all levels

If the European Union, and more particularly the European Commission, wants to develop a serious and genuine dialogue with Civil Society Organisations, concrete resources must be made available for the organisation of this structured dialogue. This could include, for example, that inside the EC additional staff with adequate preparation would be made available, that the venue and the meeting formats are conducive to dialogue, that for consultations on important programming documents (e.g. strategies) key participants and experts can be supported in the travel to reach the venue of the dialogue meetings, that facilitators and a team of officials will have the resources available to prepare such meetings as well as to provide efficient follow up.

1. At European level

a. Issue-specific dialogues

Aim: To discuss in Brussels and in Member states' capitals thematic/geographic issues of particular interest to both civil society and EU bodies. Progress on commonly defined priority topics could be discussed in regular meetings, based on action plans or similar planning documents which follow up engagements in Council conclusions. The proceedings of these meetings would constitute a reference also for future debates at the highest level such as the next review of the European Security Strategy.

Who: Participants would have specific expertise and decision-making responsibilities, coming from civil society, Commission, Member States and European Parliament, seeking as much variety and balance from all stakeholders as possible. Participation of field-based civil society organisations in these meetings should be promoted as much as possible.

How: Workshop format, Chatham House rules (points emerged are recorded but not attributed to the author).

Frequency: minimum 2 meetings per issue per year.

b. Annual General Consultations of the Peace-building Partnership (PbP)

Aim: The aim of these annual meetings, most likely to be held in Brussels, would be three-fold:

- to allow for a consistent information exchange on developments of the PbP;
- to provide for an open consultation on general orientations and functioning of the Instrument for Stability (IfS) in all its components;
- to discuss lessons learnt from thematic/geographic specific experiences.

Those debates would give substantial inputs both to further formal programming documents as well as to implementation aspects of the IfS. The publication of the annual report of the previous year implementation of the IfS can be a good chance to gather feedback from CSOs.

Who: The audience of this meeting would be broad and open to participants from civil society, Commission, Member States and European Parliament, seeking as much variety and balance from all stakeholders as possible. Participation of field-based civil society organisations in these seminars should be promoted as much as possible.

How: Seminar format, professionally facilitated possibly using open space techniques.

¹² Excerpts annexed at the bottom, source European Commission, 2002, quoted above.

Frequency: yearly.

c. Specific consultations on strategic documents, such as the Indicative Programme, the Strategy Paper, the review of the Financial Instruments for external aid

Aim: The purpose of these specific consultations is to discuss in details the priorities as well as the specific activities for peacebuilding not only of the IfS and especially of the Peace-building Partnership, but also the peacebuilding components of programming documents of the European Commission support to Democracy and Human Rights, to the Neighbourhood Policy, to the Development Cooperation at large.

Who: Commission, Member States, European Parliament and representatives of concerned NGO platforms, including national ones.

How: These could be half-a-day or one-day meetings co-moderated by the Commission and representatives of civil society. A draft document, at least including the main open questions will be circulated in advance to ensure chances for inputs as well as to inform the debate.

Frequency: in general two months before the formal submission of the programming documents by the EC to the Member States.

2. At Field level

Aim: Provide sufficient transparency of the programming process, allowing concerned CSO and final beneficiaries' representatives to input in it and thus ensuring a higher quality level of the implementation. While there is already an internal engagement for programming under the Development and Cooperation Instrument by the EC that "the outcome of the discussions with the European Parliament and Council and consultations with civil society must be considered"¹³, this is until now neither compulsory nor automatically applicable to all external aid programming.

Who: Commission Delegation and Member States, local interested civil society organisations, international NGOs working on related issues in the country/region concerned.

How: one-day consultations in the concerned European Delegations in third countries. The Delegations should have the duty to publish on their website and to send invitations to the local NGOs they have already contacts with at least 4 weeks in advance.

Frequency: In time to allow EC services to insert the meeting results in the draft programming documents.

Recommendations to the European Parliament

- A) Demand the next Commissioner for External Relations to better structure dialogue with civil society along the lines detailed above. Request that the necessary resources are made available both inside the European Commission and for civil society to make the structured dialogue feasible and efficient. The next chances to demand such engagement are the hearings with designated Commissioners in front of the respective EP Committees.
- B) Pass a resolution demanding for an EC Communication and for Council engagements clarifying the minimum standards of the consultation of civil society in external affairs issues.
- C) In the EU budget, clearly link the implementation of the external aid instruments to the need of widely and effectively consulting the relevant civil society organisations, especially those working for peace, and foresee dedicated resources.

¹³ European Commission, Interservice Quality Support Group, 30 May 2006, *COMMON FRAMEWORK AND PROCEDURE FOR STRATEGY PAPERS FOR THE THEMATIC PROGRAMMES 2007 – 2013*. Available at ec.europa.eu/development/icenter/repository/framework_thematicpapers_2006_en.pdf

- D) When applying its right of democratic scrutiny of the programming documents concerning the EC implementation of the external aid instrument, the EP could systematically recall to EC its duty of wide consultation.

ANNEX

General Principles and Minimum Standards for Consultation of Interested Parties

Full content of the Minimum Standards can be found on:
http://europa.eu.int/comm/secretariat_general/sgc/consultation/index_en.htm

The **general principles for consultation** are: participation, openness, accountability, effectiveness and coherence.

The five **Minimum Standards** are the following:

A. Clear content of the consultation process

"All communications relating to consultation should be clear and concise, and should include all necessary information to facilitate responses."

B. Consultation target groups

"When defining the target group(s) in a consultation process, the Commission should ensure that relevant parties have an opportunity to express their opinions."

C. Publication

"The Commission should ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of all target audiences. Without excluding other communication tools, open public consultations should be published on the Internet and announced at the 'single access point'."

D. Time limits for participation

"The Commission should provide sufficient time for planning and responses to invitations and written contributions. The Commission should strive to allow at least 8 weeks for reception of responses to written public consultations and 20 working days notice for meetings."

E. Acknowledgement and feedback

"Receipt of contributions should be acknowledged. Results of open public consultation should be displayed on websites linked to the single access point on the Internet. (...) Contributions to open public consultations will be made public on the single access point. Results of other forms of consultation should, as far as possible, also be subject to public scrutiny on the single access point on the Internet. The Commission will provide adequate feedback to responding parties and to the public at large."