

## **Involving National Associations of Local Authorities (NALAs) in the Programming process of the EU cooperation for the 2021-2027 period.**

### **Orientation Note to the attention of African NALAs and their members**

*This document is addressed to the National associations of local and regional governments and their members of Africa, at the eve of the new programming exercise of the European Commission for the next 6 years (2021/2027) under the new EU cooperation and financial instrument NDCI.*

*The EU programming exercise is meant to identify strategic and priority areas and sectors for interventions to be financed by the UE cooperation within the framework of a political dialogue to be launched with the central governments, the local authorities and other development actors of (civil society, private sector ...). The dialogue and consultation process under the responsibility of the EU delegations at country (regional) level is supposed to be guided by the national development plan adopted by each country, the former EU engagements and interventions in the preceding period and the political priorities of the EU<sup>1</sup>.*

*The present note is not meant to propose technical guidelines at this stage, that are developed internally within the EU Commission. Its aim is rather to contribute to open the debate on the necessary **preconditions** and different steps for LAs and their associations to enter in the programming process with the EU Delegations (EUDs).*

### **1. The state of play of EU-Africa relations and the participation of LAs in EU cooperation**

#### **A) on the EU-Africa relations**

The proposition of a new multi annual financial framework (MFF) and Neighboring Development and International Cooperation Instrument (NDICI) by the European Union Commission has given room to a rich debate between the EU institutions and the EU member states, within the EU institutions, between the EU institutions and the EU partner countries, and between the EU institutions and the representatives of the different stakeholders.

The relations between the European Union and the EU partner countries in Africa are organized into two separated groups:

North Africa countries coming under the EU neighboring countries instrument; and the

Sub-Sahara Africa countries coming under the European Development Fund (EDF) negotiated in the framework of the Cotonou Agreement concluded between the EU and the ACP countries in 2000 and coming to an end in December 2020.

In Africa it was felt that the end of the Cotonou Agreement concluded in a very different period, would offer the opportunity to introduce an evolution in the relations between the EU and Africa. Given that the Kingdom of Morocco has resumed its seat in the organization in 2017, the African Union has pledged that Africa be treated as one in her new relations with the European Union, and that the negotiations be conducted from continent to continent, between the African Union and the European Union. After lengthy talks and numerous meetings, the EU finally opted to keep the former architecture of her relations with Africa, dividing Africa into the two aforementioned groups, North Africa countries under the EU Neighboring countries instrument on the one hand, and Sub Saharan Africa countries under the post Cotonou ACP agreement on the other hand. The only compromise reached was that the existing regional partnerships would be strengthened through separate regional compacts to become the center of gravity of the future

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1 Taking into account that the political priorities of the EU will have been identified in the preprogramming phase .

ACP-EU partnership. The regional focus of the EU cooperation with partner countries is meant to address global challenges which perspectives are different from regions to regions.

For the EU-Africa relations, it is suggested to merge the Joint Africa-EU Strategy (JAES) negotiated within the Cotonou Agreement (to cover the geopolitical dimensions of the EU-Africa relations such as peace and security), and the other existing regional strategies. The AU-EU summits of heads of State and Government are set to be the rallying milestones where these common strategies will be agreed upon and evaluated. The next AU-EU Summit is scheduled in October 2020 in Brussels, Belgium. This sub optimal solution offers nevertheless an opportunity to revitalize the relationship between the EU and Africa, which is a key political priority for the EU and for most EU member states. Putting the focus on the geographic component of the NDICI (over 75 per cent of the 2021-2027 MFF) is also an indication that the bulk of the EU cooperation will be driven at country level.

### ***B) On the participation of Local Authorities in the EU cooperation***

Policy evolution and lessons learnt from several decades of EU support to decentralization reforms have paved the road for a structured dialogue (2010-2011) that brought together the European Commission (EC), the European Parliament and EU member states with civil society organizations (CSOs) and local authorities (LAs) from all over the world. This opened the possibility to add the LAs among the beneficiaries of the EU budget line formerly reserved to CSOs, that became the CSOs-LAs budget line managed by a specific unit of the direction of development cooperation of the European Commission (EC/DEVCO). These efforts have also led to the adoption of the 2013 EC Communication “Empowering local authorities in partner countries for enhanced governance and more effective development outcomes”, a landmark document that represents a real shift in that, for the very first time, the EU Commission recognized local authorities as state actors and dismissed their inclusion among non-state actors. This shift resulted in the signature in 2015 of framework partnership agreements (FPA) between the EU Commission and five representative international and regional associations of local authorities with Commission; and later on in the division of CSOs and LAS in two separated dedicated units at the level of EC/DEVCO.

In the framework of the preparation of the 2021-2027 MFF and NDICI, and taking advantage of the incoming newly elected leadership of the EC, the five presidents of the aforementioned associations signatories of the FPA submitted in December 2019 a Memorandum to the newly elected President of the EU Commission presenting 10 proposals to enhance LAs contribution in the definition and implementation of the NDICI. These proposals describe the ways local authorities participation in EU cooperation can be mainstreamed, starting with their inclusion in the programming process of the EU cooperation. Given the focus on the geographic component of the NDICI, the country level has become the center of gravity of the 2021-2027 multi annual EU cooperation program. It is therefore critical that, the same way as the five international and regional associations of local authorities submitted to the EC the Memorandum advocating for an enhanced role of LAs in the definition and implementation of the NDICI, the same way African NALAs should prepare and submit a position paper on the inclusion of LAs in the programming and implementation of the geographic component of the NDICI in their respective countries. The attention of African LAs is therefore called on the fact that they should mobilize their energy to promote the mainstreaming of LAs in the overall geographic component of the NDICI at country level, rather than fight for a dedicated budget line in the thematic component of the NDICI managed at the level of the EU headquarters, which amount is anyway incomparably low compared to the allocations of the geographic component of the NDICI, contrary to the discourse they are hearing from other sources.

EU delegations(EUDs) are at the forefront of the new programming process since they will be the ones in charge of the management the geographic component of the NDICI. Each EU delegation is required to establish a preliminary dialogue with the local authorities through their representative association. NALAs are encouraged to prepare strategic orientations for the programming of future cooperation support aiming at promoting the localization of national development policies, including the decentralization policy, and supporting territorial development. The process of consultation with LAs will be further developed and refined once the thematic or transversal priorities are established in consultation with the national government. It is therefore critical that the NALAs start dialoguing with EUDs straight away since they are at the heart of the definition of flagship priorities to be considered in the forthcoming EU cooperation agenda. The aim of this note is to **encourage LAs to take a proactive role in this coming programming process.**

## ***2. Role and responsibilities of NALAs: Taking a proactive role***

Since 2000 and the entry into force of the Cotonou agreement, space for participation of LAs as stakeholders in their own rights had been acted but not really enforced, in addition to the confusion of considering the LAs as non-state actors (NSA). However, over the years and notably since 2013 (as said before and explained in the Memorandum) local and regional governments have been gradually recognized as state actors in their own rights and capacity, and as key strategic stakeholders for the implementation and localization of the Agenda 2030 on the sustainable development goals (SDGs) and the other global agendas (climate, biodiversity, disaster, migration...). Despite this clear recognition, one must regret that the new political orientations have not yet been really operationalized, since the reference to the new role of LAs as state actors is not explicitly but only implicitly mentioned in the new NDICI.

For UCLG Africa, this new programming exercise offers not only an opportunity but shall be a duty for local and regional governments to take their full role and responsibility and show their capacity to engage in a meaningful dialogue on the strategic priorities to be adopted for the new cooperation agenda with national governments on the one hand, and with the EU delegations on the other hand. The full participation of the LAs and their associations constitute a major innovation in the ongoing EU cooperation programming process. The programming process is supposed to start in June 2020 and finish in October 2020.

### ***A) How should NALAs get prepared to engage in the programming process?***

It is recommended that NALAs adopt the following steps:

(1) acquaint themselves with the different preparedness steps highlighted in this introductory note, taking into account the content of the Memorandum sent with the invitation to participate in the webinar, and the presentation of the institutional environment of the programming process of the EU cooperation attached. There will be need to produce a compendium of national development policies and related strategies addressing different priorities such as the fight against poverty, sector strategies, or crosscutting strategies (gender, youth, SDGs, climate change, biodiversity, migration, human rights, governance, etc.). The production of this compendium will probably require consultant services that the NALAs should endeavor to secure timely;

(2) inform and train their members on the forthcoming programming exercise and launch a discussion on the strategic axes and priorities to put forward, and reflect on the modalities for mainstreaming LAs in the EU cooperation. To that effect a seminar would be organized targeting all members, around the content of the compendium, the Memorandum and the institutional environment of the EU, which outputs should be the production and adoption of a LAs position paper on 2021-2017 EU cooperation, and the definition of a regular system of consultation among members led by the NALAs;

(3) contact the national governments, in particular the department in charge of EU cooperation, in order to explore their perspective and intentions for the programming process, in particular on: (i) ways and means to associate LAs in the definition of priorities areas of EU cooperation aligned with the national development policies and strategies to be discussed with the EU delegations ; (ii) modalities envisioned to apply the subsidiarity principle for the implementation of the EU cooperation in the agreed priority areas, and to channel EU cooperation resources to support programs and projects at the local and regional levels. To that effect an official letter should be sent by the NALAs President to the Minister of the governmental department in charge of EU cooperation, advocating for the inclusion of LAs as public actor in the definition of the flagship priorities of the EU cooperation agenda. To this letter would be attached: a) the EC 2013 communication; b) the Memorandum sent to the President of the EU Commission; c) the constitution of the NALAs and the composition of its board to prove its representativeness to speak on behalf of LAs. A sensitization letter with same attachments should also be sent to the President of Parliament and to the chairperson of the parliamentary committee in charge of local government affairs, as well as to the Presidents of the political parties represented in Parliament.

(4) take concomitantly the initiative to enter rapidly into contact with the EU delegations requesting that NALAs be formally part, as state actors, of the programming of the geographic component of the 2021-2027 EU cooperation alongside national governments, as provided for by the provisions of art. 10 and 11 of the NDICI and the 2013 EC Communication on local authorities in EU cooperation in partner countries. Here also a former letter would be required with the same attachments mentioned for the letter to the Minister ;

(5) engage in a discussion with the EU delegation on the integration of LAs in the EU cooperation programs on the basis of the agreement reached with the national government and the members. This can take the form of the elaboration of a LAs roadmap for the implementation of the EU multi annual cooperation program, with as first input, the position paper agreed upon during the seminar organized with the members of the NALAs.

***B) How should NALAs engage into a dialogue with the national government and the EU delegation during the programming process?***

Consultation and dialogue between the national government and the LAs and between the EU delegation and the LAs in a given partner country are a requirement for this country to reach an agreement on the priorities of the EU cooperation to be implemented during the years 2021-2027. The engagement of the representative of the national association of the local authorities (NALAs) in this consultation and dialogue will be important to ensure that LAs are considered in the definition and implementation EU cooperation in the country.

*(1) In its dialogue with the national government, the NALAs should insist on:*

a) the setting up of a permanent mechanism allowing for the participation of LAs through their NALAs in the definition of the strategic priorities of the 2021-2027 EU cooperation, their global and specific objectives, and their deployment at national and subnational levels. The participation of LAs alongside the representatives of the national government at all steps of the programming process represents a ***major innovation***, which would allow for better ownership, efficiency and relevance of the EU multi annual cooperation program;

b) the adoption of a place-based approach by the national level, aiming at localizing public national policies in all sectors of development, including for the SDGs and the other global agendas, and promoting a territorial approach to local development that would result in the transformation of the potentialities of the different territories into socio-economic opportunities favoring the creation of economic activities and jobs at subnational level, contributing to the growth of national wealth, and at the same time minimizing territorial development imbalances. The territorial approach to local development aims also to strengthen the capacity of LAs to become reliable developmental agents. To that effect a capacity building program aiming at enhancing the role of developmental agent of LAs should be defined and included as a key priority area of intervention for the 2021-2027 EU cooperation agenda;

c) the discussion on access of the EU cooperation financing to LAs and NALAs. In compliance with the need to localize national public policies, LAs should pledge to benefit from EU cooperation budget support mechanism put in place to assist in the implementation of national sector policies. They should also advocate for the definition of adequate and innovative financing mechanisms to support the territorial approach to local development. Among these innovative financing mechanisms to be considered in the framework of the EU cooperation, one can cite dedicated trust funds set up to support decentralization policies and/or local economic development programs; and national-local contractual agreements for boosting the developmental role of LAs.

*(2) In its dialogue with the EU delegation, the NALAs should insist on:*

a) the enforcement of the provisions of the EC 2013 Communication conferring to LAs a status of state actor on their own right, given that, by law, LAs have a public responsibility to manage and care about the population living within the boundaries of their territory of competence, and are often entrusted with a general public mandate of representation that distinguishes them from the other local stakeholders, such as civil society organizations or business sector representatives, among others;

b) the need to elaborate a LAs roadmap to serve as a strategic tool for the integration of LAs contribution in the definition, implementation and follow up of the country priorities that should be included in the 2021-2027 EU cooperation agenda. The elaboration of a LAs roadmap is the best way for NALAs to engage in a political dialogue with the EU delegations and the national governments. The elaboration of the roadmap should be based on the position paper to be produced by the LAs and discussed with the national government and the EU delegation. The LAs roadmap would identify entry points that best fit to operationalize the EC 2013 Communication. The LAs roadmap should be a short document stressing the key priorities areas for LAs full engagement in the implementation of the EU cooperation programs;

c) the definition and launching of a capacity building program targeting the LAs and NALAs, and contributing to their institutional capacity development. This capacity building program, which content will be defined during the consultations of the programming process, should be a key component of the EU cooperation agenda.

***C) How can UCLG Africa secretariat assist the NALAs in their quest for a better participation of LAs in the programming process of the EU NDICI***

*(1) during the pre-programming phase, UCLG Africa secretariat may:*

a) support the NALAs in the definition of terms of reference for the recruitment of the consultant that will be missioned to produce the compendium referred at in paragraph 2.A.1 above, possibly the hiring of the consultant for a limited number of NALAs; and assist the NALAs in the preparation of the content (and not the logistical arrangements) of the seminar of LAs as well as for the production of the resulting LAs position paper on 2021-2017 EU cooperation;

b) provide draft templates of letters to be sent to the national government, the Parliament, and the EU delegation;

c) support the NALAs in the discussion with the EU delegation, in particular for the elaboration of LAs roadmaps;

*(2) during the programming phase, UCLG Africa secretariat may:*

a) assist the NALAs in advocating for the adoption of place-based approach by the national government, and in particular the territorial approach to local development (TALD);

(b) provide evidence justifying the need for access of LAs to budget support in the framework of the EU cooperation, and for the discussion of innovative financing mechanisms to support the localization of national policies and the territorial approach to local development;

c) support NALAs in their negotiations with the EU delegation, in particular for the elaboration of the LAs roadmap and for the definition of the capacity building program for the institutional and capacity development of LAs and NALAs to be funded under the EU cooperation interventions.

**To conclude....**

It is clear that each national association is faced with various challenges and constraints according to the specific context in which it operates. Some associations have already an experience of working with EU delegations and has benefited from direct support to local authorities as exemplified by the Association of Municipalities of Mali (AMM). To the best of the UCLG Africa secretariat knowledge, the majority of national associations are yet to have or maintain regular relations on the EU cooperation, be they with their national governments or the EU delegations. Many are not used to the working methods of EU delegations. The purpose of this seminar is facilitate exchanges of experience and practices among associations. If the members agree, UCLG Africa is ready to set up a virtual platform to support these exchanges during the EU cooperation programming exercise period to accompany the associations in the process.

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