



NOTE NR 3

OPERATIONALISING THE PLATFORM

*Facilitation Team AGI/ECDDPM for AUC and EC
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Context

1. The previous Note Nr 2 concluded that there seem to be two basic models to operationalise the Platform: an 'open forum' model and an 'institutional model'. These different approaches are related to diverging choices made with regard to the actors involved and the institutional relations between the Platform and the other JAES structures (Ministerial level, iJEG).
2. The current Note deepens the analysis with regard to these two models based on the proposals put forward in the respective positions. To this end it:
 - identifies the advantages and disadvantages of each model
 - presents each model in a visual form so as to clarify the respective choices made in terms of division of roles and responsibilities as well as reporting lines
 - proposes a set of key questions to be addressed in each of the respective scenario's.
3. In thinking through and deciding upon the optimal format for the Platform, participants may consider applying a 'consistency check'. It means subjecting their possible preferences (e.g. concerning the role of the various actors) to the test a set of 'consistency criteria' that are drawn from what official parties themselves seek to achieve with this Platform (see Note nr 1, par..., as well as Note nr 2, par...). These criteria include, amongst others:
 - Are your choices consistent with the nature, role and added value of the Platform as defined and agreed upon by the two parties?
 - In what ways will your choices allow the Platform to function as an innovative mechanism for a more efficient and effective dialogue on governance between the two Unions than the current mechanisms?
 - How will your choices facilitate the work of the Platform to produce shared governance agendas and recommendations?
 - Will your preferred format allow the Platform to stimulate interaction with the decision-making level on governance and human rights issues?

Looking at the small print of the various models

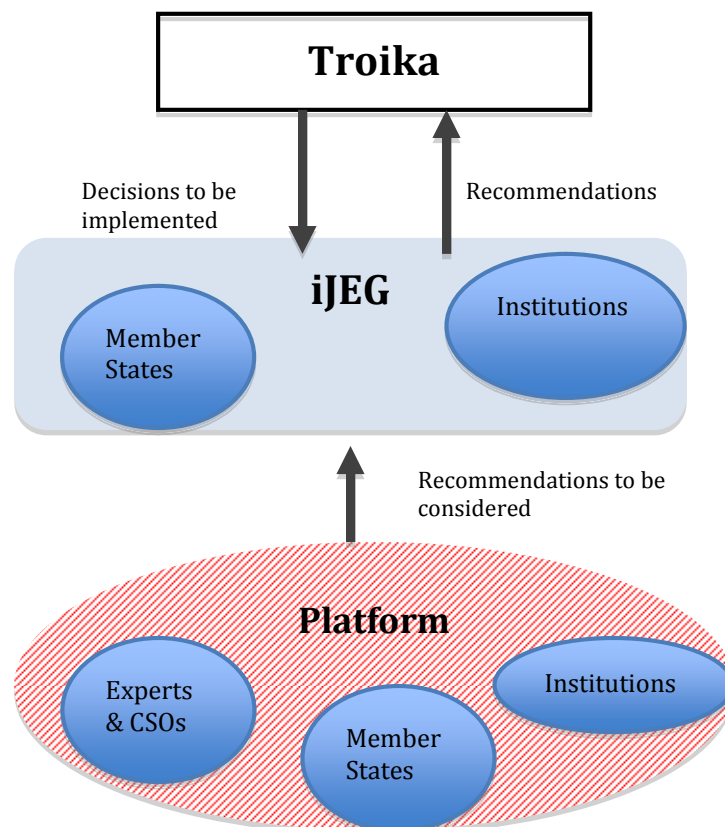
4. As mentioned above, the two emerging models for the Platform differ in the way they organize two variables: the actors and the institutional relationships between the various structures (Troika, Platform, iJEG). They lead to quite substantially different scenario's for the future Platform, as illustrated below

The "open forum" model

5. This model is constructed around the following features:
 - A multi-actor approach to the composition of the Platform. These include institutional actors as well as experts and members of civil society
 - Actors are all mobilized together around Platform meetings and process activities in between

- Actors all contribute equally to the discussions
 - The Platform is subjected to the iJEG with the latter maintaining the direct link to the Troika.
6. Such model has a number of **advantages**, including its ability to respond to the participatory spirit of the JAES (as it allows for the participation of a wide range of stakeholders); its potential to promote interaction between a mix of institutional actors, non-state actors and experts; and its flexibility (as the composition of the Platform may change according to topics addressed and expertise required).
 7. Yet there are also a number of risks and limitations linked to the nature of such a multi-actor platform organized as an 'open forum'. These have been analysed in Note nr 1 (see par.) and essentially relate to the danger of blurring the lines of responsibility between institutional actors (with a formal mandate to deal with governance) and non-state actors/experts (representing a huge variety of interests); the difficulty of ensuring 'ownership' for the agendas coming out of such dialogue processes as well as adequate follow-up at the higher political level.
 8. In operational terms, the Model would give way to the following format with a 'vertical logic' (in terms of hierarchy)

MODEL 1



9. In addition to the above mentioned 'consistency check' (see par. 3 above) partisans of this model may need to reflect further on the following questions:

- How does the composition of the Platform distinguish it from the iJEG?
- Does this model allow for a clear division of role and responsibilities between the different actors?
- Will the proposed composition allow the Platform to achieve the specific objectives agreed upon by the political parties?
What is the likely impact of the hierarchical relationship between the Platform and the iJEG on the former's ability to deal with the topics it will address?

The Institutional Model

10. The second model has the following characteristics:

- *Two circles of actors* – In order to ensure the participation of both institutional and non-state actors, parties a circular approach is proposed whereby participants are divided into two circles: the first circle will be composed of the key governance institutional actors from both sides (i.e. Union institutions, RECs and member states) while the second will bring together non-state actors and experts. This will allow a clearer division of roles; the first circle has a political role to play and therefore has the mandate and carries the responsibility to produce shared governance agendas. The second circle participants are acknowledged to have legitimacy (as representatives of civil society interests) or a certain technical expertise and can therefore be called upon in order to share their experience and knowledge on a relevant subject.
- The Platform should have direct access to the Ministerial Troika. This is seen to follow logically from its mandate (i.e. producing shared governance agendas to be submitted to the Troika) and added value compared to the technical mandate of the iJEG
- A regular exchange should be organized with the iJEG in order to ensure a flow of information on governance issues in general.

11. This model has specific **advantages**, including:

- Allows for a clear delineation of roles between the different actors – through the two circles – while ensuring that all relevant stakeholders participate in a manner that allows them to contribute adequately on the basis of their added value.
- The Platform has an independent character with a distinguished mandate from that of the iJEG. While the latter's role is technical¹ the Platform will have space to operate as a political space.
- Retains the possibility for informal exchanges between the Platform and the iJEG.

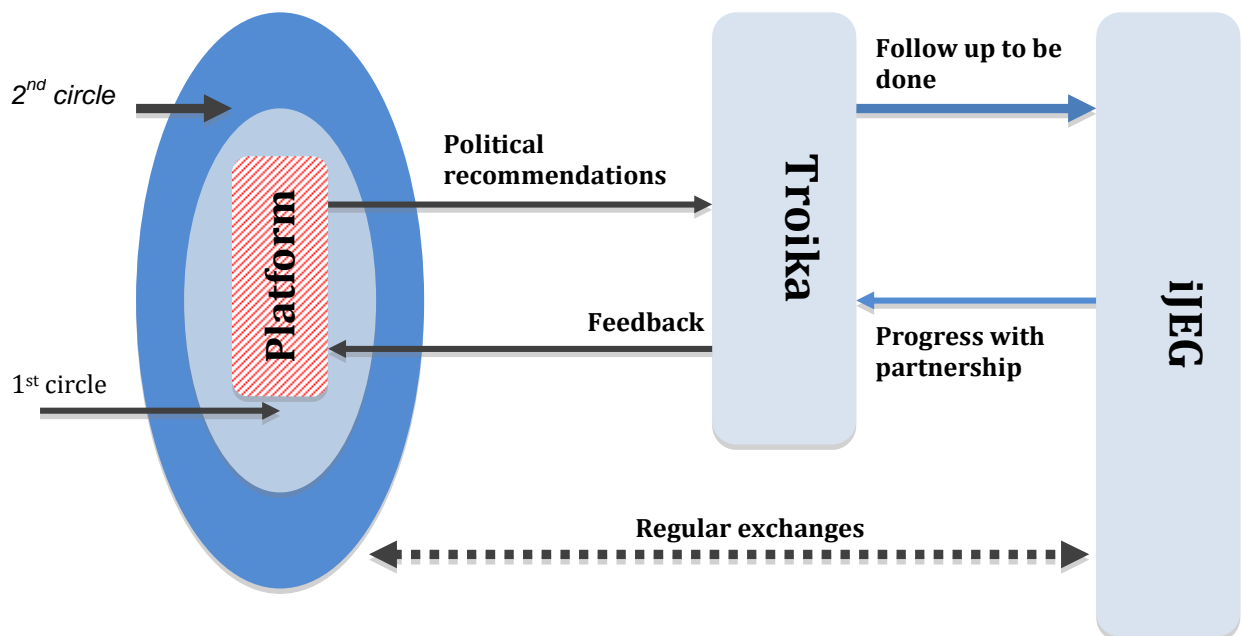
¹ As described in the *Guidelines for Joint Expert Groups*, approved by the Troika, 20-21 November 2008.

12. Also in this scenario a number of potential risks and limitations need to be considered, including:

- Risk of excessive formalism of the dialogue when primarily conducted by institutional actors
- Difficulty of organizing an effective ‘parallelism of forms’ as the two Unions do not have the same institutional architecture
- Risk of marginalization of non-state actors and experts

13. In operational terms, this model would lead to the following format for the Platform, based on a horizontal logic

MODEL 2



14. In addition to the consistency check (see par. 3 above) partisans in favour of this , model should address the following key questions:

- How can the principle of parallelism of forms be effectively applied considering the differences in institutional architecture on both sides?
- How will the cooperation between the first and second circle of actors be organized within the Platform (e.g. need for clear Rules of Procedure)?
- How can a qualitative participation of non-state actors and experts be ensured?
- Who should chair the Platform?
- How can effective linkages be organized between the work of the Platform and the decision-making level both in terms of agenda-setting and in terms of ensuring follow-up of the Platform's outcomes
- What are the implications of this model for the future role of the iJEG?
- What type of relations should exist between the Platform and the iJEG?