

# CONCORD panel discussion on the ongoing EU-ACP negotiations

## Report

### Context.

The **Cotonou Partnership Agreement (CPA)**, signed on 23 June 2000, is a legally binding agreement, and is **coming to an end in February 2020**. It is the partnership agreement between the EU (28 countries) and ACP group of states (79 countries) – making up a total of about 1.7 billion people. Both ACP and EU are jointly managing the European Development Fund (EDF) with a budget of €30.5 billion (2014-2020). The CPA is **based on three pillars**: Development Cooperation, Economics and Trade, Political Dimension. The negotiations for a new agreement were due to start 18 months before the end of the CPA.

The internal discussions in the EU and ACP on the new agreement had already started in 2016. At the same time, the African Union was increasingly emerging and positioning as a strong regional actor. In December 2017, the EC published its proposal for draft negotiating directives. In June 2018, the Council of the EU approved the final negotiating mandate for the EU – while, the ACP negotiating mandate was officially approved in May 2018, during the ACP Council of Minister meeting in Lomé.

The **EC's proposal for a new ACP-EU partnership has a different shape and structure than the CPA**: the new agreement would be legally binding; it would be made up of a **foundation** (including principles, priorities and objectives of the future agreement), common to all the signatories. Then, it would consist of **3 regional pillars**, to be negotiated with the 3 different ACP regions.

The **post-Cotonou negotiations have been officially launched in NY**, in the margins of the UNGA, on **28 September 2018** by the 2 chief negotiators: the EU Commissioner of International Cooperation and Development Mimica (EU) and the Minister of Foreign Affairs of Togo Professor Robert Dussey (ACP). [CONCORD reacted](#) to the negotiations launch, by welcoming the renewal of the agreement as it represents a **great opportunity to build a people-centered cooperation** among equal partners based on sustainable development objectives, Agenda 2030 principles and the Paris Agreement. However, CONCORD also stressed that EU's interests on other topics (migration, trade...) should not guide the new partnership. SDGs and sustainable development should be guiding framework of the new partnership.

**According to the plans**, the first phase of the negotiations – September-December 2018 – would focus on the foundation. Once an agreement is reached on the foundation, negotiations will move on to the 3 regional pillars (January-summer 2019). Then (summer 2019-beginning 2020), all signatories would ratify the agreement. The new agreement would need to enter into force on 1 March 2020.

**The week of 10<sup>th</sup> December was a key moment** for the ongoing EU-ACP negotiations. The two chief negotiators Mimica and Dussey [met in Brussels](#) for the first time since September, to take stock of the process, declare as concluded the first round of the negotiations and welcome the start of the second phase in January. An ACP Council of Ministers meeting took place in the same week.

### Report of CONCORD panel discussion, 17/12/18, Brussels.

## First part – General principles and priorities guiding the negotiations.

### CONCORD'S introduction.

The panel discussion started by **presenting CONCORD's position for the post-Cotonou process**. According to CONCORD, in the future ACP-EU agreement, the **respect for human rights** should be integral without any discrimination; it should be the top priority and imbedded in all spheres of the agreement – tackling those furthest left behind.

In terms of general objectives, **eradication of poverty and progress to the SDGs** should be the general objectives. However, in the EU and ACP negotiating mandates, an integrated approach of the SDGs is missing – the **social dimension**, in particular, seems to be the weakest element in the current proposals. In this sense, education and social protection should receive more attention: both should be goals rather than tools – all types of education are essential for people and dignity and education is an important asset to counter radical extremism.

Moreover, it is important that the two negotiating parties recognize that **climate change**, environmental degradation and loss of biodiversity are also part of the same ecological crisis and should not be put in the expense for economic prosperity.

Supporting businesses should work towards local and small and medium enterprises and the future agreement should **not impose trade and investment commitments that could be detrimental to small producers** especially in the agriculture sector. **Tax evasion** should also be addressed – as European-African tax treaties are always at the detriment of Africa.

In regard to security, CONCORD calls for an **approach on human security** – security of the individual and societies at large rather than state security. Also, civil society should be involved in conflict prevention and peace processes.

Finally, with respect to **migration**, in the future framework, what should be established is a protection for asylum seekers and **regular and safe pathways for migration**– while by focusing on tackling “irregular migration” the EU risks undermining community resilience and imposing policy changes through conditionality that are detrimental to intra-ACP mobility.

### Question to Domenico Rosa (European Commission, DG DEVCO, Head of Unit D3)

*How to ensure that the ACP-EU partnership will be a fair framework to implement SDGs and not to divert EU funding and impose EU priorities on ACP agenda?*

“To answer to this question, there are two levels of the discussion.

1. **Principle:** the EU and ACP mandates are very clear – surely, there can be a more developed section but the principles of Leave No-One Behind and Agenda 2030 are integral part to the discussions since the beginning of the negotiations. In this sense, on principles, we are there.
2. **Operational/Implementation:** on this level, the EC needs to ensure that MS deliver on their ODA commitments. This has to be linked to the current discussions around the future MFF – EC's proposals are likely to improve MS contributions. The Commission is likely to keep this ambition high (we are foreseeing an increase of around 30% of the budget for EU external actions) despite the UK leaving the EU.

As for Agenda 2030, the EC has already established SDGs monitoring where the EU can follow what each MS is doing to achieve the goals. Also, PCSD is an integral part of the current Cotonou Agreement and on the table of the ongoing negotiations.

However, the capacity of DG DEVCO in intervening with other internal policy is not always up to date and needs – this is why the role of the civil society is of relevant importance. On the top of this,



currently, there is a big ideological debate about positioning yourself on whether you think it is going to help; and this debate is shaping the political landscape.”

**Question to Léonard-Emile Ognimba (ACP Secretariat, Assistant Secretary General and Head of Political Affairs and Human Development Department).**

*What could be the role and the added value of the EU-ACP partnership and future EU-ACP trade agreements to support sustainable economic development that benefits all segments of society and contributes to alleviating poverty and inequalities? How could the EU-ACP partnership support MSMEs?*

“Development is at the heart of the ACP-EU Partnership. It is the soul of the future agreement. Nevertheless, the EU-ACP partnership is not advancing in an isolated context, but it is constantly evolving. Still, the SDGs will be at the heart of our actions and the objective is so that the SDGs will be achieved in the context of the ACP-EU partnership.

Now, PS is one of the non-state actors in the Cotonou agreement and they have the right to be taken into consideration as stakeholders. However, the PS is very diverse (ex. small and bigger enterprises) and all its components are of relevance. For ACP countries, this is a sector that is currently developing and monitoring the evolution of PS in developing countries deserves to be strengthened. Moreover, the examples of SMEs and agriculture producers does not reflect the situation of the whole PS – the PS is not limited to agriculture – a broader perspective is needed.

In the EU-ACP context, one of the most important pillars is trade, investment and services – and it is here where the PS can play an important role. However, it has to be strengthened. At the moment, this is too weak – it should be a strong stakeholder, and this is the starting point that ACP Secretariat wants to bring forward. How to strengthen the PS will be discussed with the EU – the EU has a wider experience in this regard and also more resources. The PS is an important stakeholder and a key point in our partnership. On how to strengthen the PS, there should be a more global approach and it is important to highlight that the PS involves other sectors.”

**Question to Paula Lopes (Portugal Permanent Representation to the EU, ACP Delegate).**

*From a Member State point of view, why is it relevant to have an EU-ACP agreement today? What is the added value of a binding element in the post-Cotonou framework?*

“Portugal has played an important role in advocating for stronger EU-Africa partnership under the Joint Africa-EU Strategy (JAES) adopted under Portuguese Presidency of the EU in 2007 and was involved in strengthening the EU-ACP partnership – CPA was signed under the Portuguese EU Presidency in 2000.

The need to have the post-Cotonou agreement comes because this is one of the most comprehensive partnership: it was built over time, more than a hundred countries are signatories, which include LDCs and SIDS as part of the ACP group – this fact ensures cross-regional cooperation on common challenges.

The Cotonou Partnership Agreement also included CS was as one of the actors and the political dialogue is much stronger here than in previous agreements. This should be the starting point for the next agreement, we should build on this dialogue and this can be further strengthened, e.g. Agenda 2030 provides an opportunity here (e.g. alliance in international fora using the numeric weight of EU and ACP combined).

The presence of important elements of the EU-ACP framework does not necessarily mean that there should not be a stronger regional approach – The center of gravity today should be more on the regional pillars, which is complements and is not contradictory with the common foundation.

There is also a need to rethink how to put all interests together to make a stronger partnership.



The African pillar represents an enormous potential to further deepen EU-Africa relations, but it needs to be anchored in a coherent vision and approach on Africa. For now, it looks like too early to see how it will be but the decision of the ACP Council of Ministers to negotiate the regional protocols was welcomed.

Also, important not to neglect the Pacific and Regional pillars and see how to bring the three together in a coherent manner.

The post-Cotonou agreement is one of the several agreements that are legally binding. This provides a much stronger commitment compared to common goals but also other kind of commitments (e.g. Political dialogue) – this is why we should keep this in the future.” The legally binding element is important both for the foundation and the regional pillars.

### **Question to Elomo Andela (ACP CS speaker, “Jeudis de Cotonou” platform, Francophone Africa Regional Network of National Alliances against Hunger and Malnutrition).**

*What would you expect the EC and the ACP Secretariat to do to ensure that an integrated approach will be reflected in the final agreement, in order for the Post-Cotonou framework to be fit to tackle poverty and inequality by promoting human development and dignity?*

“All partners are currently negotiating the future agreement – they cannot tackle the different issues (e.g. human rights, climate) in isolation. The issue is not about what they can do but is about what they should do.

Today, there are clearly pressing needs from both sides (e.g. migration in Europe, high unemployment in Africa) which require urgency. For this reason, it is important that the EU-ACP partnership should be more inclusive – as the Cotonou Partnership aims to be. CSOs are now asking the two partners to implement the commitments that they already have made – this means including more actors in the process.

Then, an additional request is to put the focus on human development and dignity – this is where all the endeavors boil down to: the EU-ACP should aim at building a society where all is not for some. And it is within the negotiating parties’ interest to take urgent action to address the challenges.

So, one thing that the partnership has to do is to ensure that CSOs have a stronger voice – the EU itself has said that it is a prerequisite for the partnership to move forward; that civil society should be more involved and that the dialogue is stronger. We need a more strategic and structured dialogue between the EU and the ACP which is why CSOs need to be involved and integrated – CSOs are the closest actors in the grassroots. Governments only hear what is happening on the ground through civil society, so, again it is in their interest to involve us. Civil society is no longer a spectator but is an actor in the international system. The question is whether the EU and ACP are willing to bring civil society closer to the dialogue.”

### **Second part – CS space and participation mechanisms in the future agreement.**

The main aim of the second part was to **explore concrete examples on how CSOs space and participation** should be ensured **in the final agreement**. After the CONCORD’s kick off of the session, each panellist was requested to put forward one or more concrete proposals to be taken forward in the negotiation process and possibly reflected in the final agreement.

#### **CONCORD’s position.**

**CONCORD** has compiled some **key recommendations** for the CS space and participation in the post-2020 ACP-EU agreement.

The future ACP-EU partnership needs to **defend civil society space**; especially now, when we see that space shrinking across the world. In order for this to happen, concrete measures need to be



established, and financially supported. Allocating the **necessary administrative and financial resources in legally binding elements** of the agreement will show the EU and the ACP have the political will to create a true partnership between all stakeholders.

CONCORD has broken its recommendations down into the four most crucial elements:

The agreement must:

1. **support the ongoing dialogue with CSOs at all levels** – national, sub-regional and region.
  - This would ensure engagement with a more diverse group of CSOs, including at the grass-roots level.
  - Joint implementation of country roadmaps, and an inclusion of CSOs in the analysis of programming, implementation, monitoring and evaluation efforts.
2. **Establish standing CS bodies at regional levels**
  - Ideally, established through a specific provision of the foundation of the agreement, this civil society bodies would act as advisory groups.
  - Nominated by peers
  - Act as the main connection of the regional groups, with the EU-ACP partnership
  - Meet at least twice a year
3. **Establish ACP-EU CSO collaboration forums**
  - Based on the work done on national and regional levels, bi-regional thematic working groups could be established
  - Financially supported
  - Feed into the policy making dialogue
4. **Entail on-going coordination and facilitation of CS participation**
  - a. An online platform, managed by an independent secretariat

#### **Paula Lopes (Portugal Permanent Representation to the EU, ACP Delegate).**

“Portugal supports a strong CS voice in the future agreement – as it is foreseen in the Commission’s mandate. Additionally, Portugal also agrees in engaging with further local CSOs in the roadmaps. Nevertheless, it cautioned that the involvement of CSOs in a political dialogue can be extremely difficult or counterproductive in some cases and could potentially go at the detriment of the political dialogue. This is not meant to say that CS participation should not be discussed, but the question is to investigate which the most effective way to get the CS involved. Also, there is a risk that reviewing the essential elements of the agreement on this point could lead to lowering the ambition of the agreement.

As for the regional forum: the most effective way is to have a clear linkage between the institutional framework that will be decided on the regional level and see how it can fit into the regional forums. Moreover, it was pointed out that CS forums should happen in a timely manner and not too late.”

#### **Léonard-Emile Ognimba (ACP Secretariat, Assistant Secretary General and Head of Political Affairs and Human Development Department).**

“As for the PS, CS is one of the non-state actors recognized by the Cotonou Partnership Agreement – this is the main principle. If the parties would be willing to give enough and efficient space for CS, they should see how it is organized and structured. In the current and future ACP-EU partnership, it is all about how it is set up: in this sense, the CS should feed the debate.

Over the last years, the situation of ACP countries has evolved: it appeared clear that our states are quite reluctant to turn to civil society, because in several ACP states, CS is considered by national governments as a foreign body interfering in the national system; CS is seen by governments as an entity that is not reflecting the voice of those it should work for in their national frameworks. This is the main reason why several ACP states are not willing to listen to CS.

In ACP countries, civil society mainly expresses social and economic claims: in this sense, CS should be given more space, so it can feed the political debate. However, civil society should not go against the views of the government when it comes to democracy, elections and human rights – these are issues that should be tackled in an objective way. They should raise social and economic questions, whilst being in line with the national climate.

Some attempts to structure CS were also recalled: he brought as examples the EU EESC and the AU ECOSOC. However, he questioned their functioning.

There is a need to recognize the essential role to be played by civil society, because it needs to feed the political debate and to share ideas (which should reflect the wishes of EU and ACP population). Nevertheless, next to this, there is a need to grant a structure for civil society and to ensure that these ideas are expressed without opposition to our governments. “

### **Domenico Rosa (European Commission, DG DEVCO, Head of Unit D3).**

“First of all, we need to call attention to distinguish two different levels: one is to discuss the role of CS in the future agreement, other thing is to debate the role of CS in the implementation of the agreement.

So far, the Cotonou Partnership Agreement has recognized the role of CS. However, this role is not enshrined by its basic principles. For instance, very fundamental questions such as what the CS is supposed to do, and which are the mechanisms that can be put in place lack in the current ACP-EU partnership have no answer for now.

Nevertheless, the current CPA recognizes the right of CS to be informed – and only through this information the CS can contribute to the debate. Another issue is the consultation of CS – for instance, how institutions can consult CSOs and if the mechanisms in place are sufficient are important questions.

For the “institutionalized” CS, there exists a lack of resources and coordination: these are two open and problematic issues.

Domenico also stated that the vision of the EU and the Commission particularly of CS contribution and inclusion is assured and granted – and the EC negotiating directive for the post-Cotonou process proves it. However, to make it possible in a future agreement, the stakeholders have to be realistic and conscious that the post-Cotonou negotiations are not just about the Commission – there is also the ACP Group, so the role of CS in the future agreement has to be constructed and built together. This explains why there is some efforts in place from the CS side of creating a strong and effective relationships between ACP and EU CS partners – there is a need to raise and talk with one voice as CS.”

### **Elomo Andela (ACP CS speaker, “Jeudis de Cotonou” platform, Francophone Africa Regional Network of National Alliances against Hunger and Malnutrition).**

“The ACP CS argued that the trouble with CS is that CSOs are unfairly labelled in many respects. For instance, when the population is expecting positive changes (in political, social or economic regards) to happen, and finally these do not come, CS shall rightly raise its concerns. Or still, when those positive changes happen in parts of the population only, those who are not concerned are bound to feel left out and frustration can rise from that. Especially in ACP countries, inequalities are still too high to pretend that CS does not raise its voice.

Moreover, confrontation is a big work: surely, it does not necessarily have to be aggressive or polemical if there are in place effective, open and transparent spaces and mechanisms for CS to interact with the ones who represent the people in the institutions. When it comes to access to the healthcare, access to the basic human rights, CS must be informed on what is happening in their name. In this sense, it is in the interest of the national governments and regional organizations to engage

with CS. People are not unreasonable beings: dialogue means also compromises to be made, and dialogue with CS is also the issue of finding compromises.”

## Questions&Answers

*Q: Rainer Geiger (INEADEC director) stated that Africa has enormous potential and faces enormous challenges: the post-Cotonou agreement represents a real opportunity in this scenario. CONCORD's contribution on the importance of human capital in human development suits very well this respect. According to you (Ambassador Ognimba) what is the most important actions of reinforcing the role of the PS to ensure that its contributions to sustainable development in the region?*

*A: Ambassador Ognimba:* we need to look at the ACP context. The PS in ACP countries is weak and small. At the JPA in December 2018 in Cotonou, a debate with young people took place: they were asking to be trained as entrepreneurs. This shows the necessity to have a solid foundation about education and training the youngsters.

Additionally, there exists the financial problems that ACP countries are facing today. Financial resources are lacking: banks are not lending money those who want to become entrepreneurs are not being supported. Then, ACP governments should implement policies aimed at building a strong PS (ex. private-public partnerships). Finally, there is also the open issue of competition: in this sense, we should find a way for reinforcing the PS. Today, it is not possible to find an African businessman who can compete with a European businessman.

*Q: Steffie Neyens (DSW):* the question pointed mainly at gathering more intelligence about the process, especially in the light of the summits and high-level meeting happening in the week of 10<sup>th</sup> December 2018. She also asked where youth does come in the future partnership according to the EC's view, because youth empowerment is key for development: the percentage of youth population is on the increase – however, the tendency when one talks about youth is to refer to job creation and unemployment, but there is less focus on basic social services and less attention on healthcare.

*A: Domenico Rosa:* in terms of process, the two negotiating parties declared that the first round of negotiations has ended. After the official launch in New York at the end of September, several meetings about the new structure of the future agreement and the priorities of the foundation took place. Particularly, in October, there was an intense exchange between the ACP and the EU. In January, the priorities, articles and provision will start to be drafted – also because there is not an agreement on everything for now. With the current agreement expiring at the end of February 2020, there should be something prepared that could be put into force in March 2020. The final version of the agreement should be drafted by July 2019. Both negotiating parties are confident that they will achieve the process in due time.

With regard to the second part of the question, it is more about how to deal with a society in Africa where we are seeing a drastic increase in youth – contrarily to Europe, where we are experiencing an ageing population.

*Q: Karine Sohet (CONCORD Europe):* the question was related to the process as well. Particularly, she inquired who is going to negotiate the three regional pillars until 2019 and who are the main EC's interlocutors in this second phase.

*A: Domenico Rosa:* there exists a need to organize this new structure put forward, a structure that adapts into a stronger regionalization. Surely, nothing is agreed until everything is agreed: so, there is no contradiction in moving along parallel tracks. However, starting from January, the negotiators are moving towards a more operational phase. The negotiators should trigger a substantive discussion on the pillars rather than looking at the form.

## Last words from the speakers.



Each panelist was asked to provide their 'slogan' to state what is at the very heart of the future partnership agreement according to their opinion.

*Domenico Rosa (European Commission):* "For the EC the most important thing is the **qualitative upgrading of this agreement**: this agreement is much more political and is not just a development agreement. It is more in line with the Agenda 2030 and it is a clear compact between the EU and the ACP. It is on two sides a **wish to commit on international engagements**. Not everything can be in the agreement, but parties should adopt a realistic approach – all aspects (e.g. economic growth, human rights) should be integrated."

*Léonard-Emile Ognimba (ACP Secretariat):* "Whatever the political future we want to give to this agreement, it should be a **partnership for development**. From what we can see today, we ACP Group have the same vision as our European partners – this is through the respect to SDGs. In both sides of the agreement, there are rich people and poor people – ACP is less developed than EU countries, but ACP have to contribute through trade or through migration."

*Paula Lopes (Portuguese Permanent Representation):* There should be a true partnership on all levels – not just UE-ACP up but also regionally. It is not about imposing European interests and values but of serving both sides interests – "a mutually beneficial partnership".

*Elomo Andela (ACP Civil Society):* **People are at the heart of this partnership** – they can deliver any other objective that is there. People can live themselves out of poverty: we should not focus as much on aid – people should put more agency on their lives, but there still needs to be supported by the government. There needs to be the involvement of non-state actors, including CS.

*Karine Sohet (CONCORD Europe):* The People and also the **Planet should be at the core of this agreement** – Putting people at the center does not mean that we should focus on specific sectors or priorities at the expense of the others, on the contrary, all sectors of cooperation proposed for the future agreement are about the people.

## Next steps.

The ongoing **EU-ACP negotiations at technical level will resume in January 2019**. This will be the time for the two negotiating parties to find an agreement on all the priorities and begin drafting the actual provisions of the final agreement – including the three regional pillars. The next meeting of the Chief Negotiators to review progress is foreseen for March 2019.

In the meantime, **CONCORD Europe has finalised** its recommendations for the foundation of the post-Cotonou agreement "**CONCORD's vision for the future EU-ACP partnership agreement: putting sustainable development and human rights at the centre**". As European Civil Society, CONCORD Europe will **advocate to build the post-2020 ACP-EU agreement on the EU commitments towards international frameworks** such as Agenda 2030 for Sustainable Development and the Paris Agreement on Climate Change as well as **the EU's own priorities** such as the European Consensus on Development, the Strategic Framework for Human Rights and Democracy or the Gender Action Plan II.

Additionally, **together with the ACP Civil Society, CONCORD will carry on its efforts to speak with one vibrant voice** to make sure that a positive narrative around the CS role as well as a **more meaningful and effective participation of Civil Society** is secured in the future EU-ACP partnership agreement.

