

CONCORD's Reaction to the Post-Cotonou Agreement

April 2021

Introduction

The new partnership agreement between the European Union and the Organisation of African, Caribbean and Pacific States (OACPS) is the framework that will guide relations between the two blocs for the next 20 years. CONCORD welcomes the fact that achieving the sustainable development goals (SDGs) and adhering to the Paris Climate Agreement will be among the key objectives of this future partnership, and we call for the struggle against inequalities – “leaving no one behind” – to be the overarching aim guiding actions as the Agreement is implemented. The successful implementation of the Agreement will require, in particular, the continuous, meaningful involvement of civil society.

The adoption of this Agreement coincides with the European Union's renewal of its partnership with the African continent, reflected in a new EU-Africa strategy scheduled for adoption at the next EU-AU summit.¹ The EU will need to ensure coherence between the new EU-Africa strategy and the Africa Protocol included in the EU-OACPS Agreement, in particular by seeing to it that key elements of the Agreement, such as the focus on human and social development, are fully incorporated into the future joint strategy. The new Agreement comes, too, at a time when many EU member states are intensifying their focus on Africa and developing their own “Africa strategy” – here, the EU will also need to ensure coherence between the initiatives of its individual member states, thereby enabling them to work harmoniously together to further human and social development.

As CONCORD Europe highlighted in our [10 points for building a real partnership](#), incoherencies and conflicting objectives between different domestic and foreign EU policies can have severely negative impacts on sustainable development plans and human rights in partner countries. Although mutual partnerships require the interests of all parties to be taken into account, the EU-OACPS Agreement tilts the balance in favour of EU interests, which dominate, for example, in the economic and migration chapters of the Agreement. This, we believe, puts the principles of *equal* partnership and country ownership at considerable risk.

This short paper sets out CONCORD's views on the main parts of the Agreement, providing an overview and analysis of the main policy areas and highlighting some cross-cutting themes that CONCORD believes are essential.

¹ CONCORD's full reaction to the Joint Communication ‘Towards a Comprehensive Strategy with Africa’ can be found at <https://concordeurope.org/2020/05/11/eu-path-to-strategy-with-africa-in-times-of-covid-19/>.

Civil society

In the current overall context of shrinking democratic space and a clamp-down on civil society, it is a great achievement that, in the Foundation of the Agreement, the parties commit to protecting and ensuring freedom of expression, opinion and assembly and to preserving and broadening an enabling space for an active, organised, transparent civil society, thereby strengthening domestic transparency and accountability. We also welcome the parties' intention to promote a multi-stakeholder approach, enabling the active engagement of a wide variety of actors in partnership dialogue and cooperation processes, including women and youth as key stakeholders.

When it comes to more concrete provisions, however, this positive approach is tarnished by the fact that the parties commit to strengthening the effective participation of civil society only "where appropriate". It is unclear who will decide when and where it is – or is not – appropriate to ensure that non-state stakeholders are informed and consulted on strategies and sectoral policies, and are given the opportunity to provide inputs and participate in the implementation of cooperation programmes. Furthermore, it is worrying that the participation of CSOs in development cooperation programmes will be based on the extent to which they address the needs of a population, their particular competencies and their ability to deliver accountable, transparent governance structures. These conditions could fall prey to subjective interpretation and, in certain restrictive political contexts, could become a hindrance to civil society's right of initiative and freedom of action, and to its financing. A process for establishing an ongoing structured dialogue with civil society actors, and facilitating the involvement of local actors, is clearly needed. In this regard, it would also have been important to recognise the diversity of civil society actors and our levels of action (local, national and regional).

To build on the positive provisions of the Agreement, we recommend that institutional and operational structures and mechanisms for civil society participation are established from the outset, through a transparent, open dialogue and consultation process with EU and ACP civil society actors.

Gender equality

We welcome the fact that gender equality is an objective of the Agreement, one of the principles enshrined in the Foundation, and a cross-cutting theme. We also welcome the commitment to implementing fully the recommendations from the International Conference on Population and Development and the Beijing Platform of Action and the outcomes of their review conferences, promoting sexual and reproductive health and rights (SRHRs).

It is worth noting, however, that the section on cross-cutting themes does not mention the obligation to resource and achieve cross-cutting goals such as gender equality. Furthermore, we believe the Agreement would have benefited from a more transformative approach to gender equality – one that would create conditions to enable the full realisation of women's and girls' rights, in all their diversity – rather than a traditional approach to gender mainstreaming. We are especially concerned that the parties' ability to stay true to their commitment to "leave no one behind" is limited by the overwhelmingly binary interpretation of the term "gender", which fails to acknowledge LGBTIQ populations whose challenges are exacerbated in contexts where sexual orientation and/or gender identity statuses and behaviours are criminalised by law, and/or who are the subject of harsh social

and cultural norms. These challenges are also heightened when a person's LGBTIQ identity intersects with other factors in their life, for example if they have a low economic status, belong to an ethnic minority group or are living with a disability.

We urge all the parties to deliver effectively on a transformative gender mainstreaming, to uphold women's and girls' rights and ensure their inclusion in all areas of the Agreement. It is imperative to adopt a life-course approach when implementing the Agreement, so that girls have the tools and resources they need in order to develop to their full potential and to be independent when they reach adulthood. We also urge the parties to condemn discrimination on the basis of sexual orientation, gender identity, race, ethnicity, disability or other forms of exclusion.

Human and social development

We are glad that human and social development is a strategic priority of the Agreement, covering different areas that CONCORD regards as decisive for lifting people out of poverty and reducing inequality. We are pleased to see commitments on education, the promotion of SRHRs, health, housing, decent work, political participation, youth and children, and food security and nutrition.

However, while the Foundation does refer to SRHRs, it fails to include any commitments in important areas that are crucial to upholding them, such as comprehensive sexuality education. Nor are any such commitments contained in the regional protocols. We believe, moreover, that the chapter on inequality and social cohesion is not comprehensive enough and does not properly address the myriad different kinds of inequality. Although we welcome the recognition of the need to develop and implement social protection policies and systems, there is no mention of intersectionality or multidimensionality, which are core issues. We also feel the Agreement fails to recognise the root causes of inequality, such as unfair economic systems, or the links between deepening inequality and issues such as climate change.

With regard to food security and nutrition, we regret that there are no references to smallholder food producers or farmers (especially women), even though it is they who produce most of the food consumed in Africa and who suffer most from the differentiated impact of climate change and land grabbing. Smallholder farmers have a crucial role to play in protecting natural resources and making the agro-ecological transition, but the commitment to securing access to land does not specify *who* should have access.

For these reasons, we urge all parties to adopt a structural, intersectional and rights-based approach to the implementation of the Agreement, keeping the struggle against inequality front and centre. We also urge all parties to respect fully and promote the sexual and reproductive health and rights of all people, especially girls and young women.

Inclusive, sustainable economic growth and development

The fact that the final wording is less focused on trade, and that it does not compel OACPS members to negotiate economic partnership agreements (EPAs) with the EU, is a definite improvement. It is important that references to the essential elements in the existing EPAs be carried over into the new Agreement. We welcome the aspirations regarding the socio-economic empowerment and inclusion of marginalised groups, women and youth, respect for labour, decent work and social rights, and the

promotion of corporate social responsibility and responsible business conduct. In addition, we commend the focus given to micro-, small- and medium-sized enterprises (MSMEs) and the attention paid to upgrading informal economic activities into formal ones, but would like to note that a more comprehensive and complex approach to informality is needed.

We regret, however, that no reference is made to the role of sustainable, inclusive businesses such as social economy enterprises or cooperatives, or to small-scale farming or agro-ecology. Most importantly, the Agreement missed a key opportunity to call into question and move away from the current extractivist and export-led economy, in favour of a people-centred approach that would address inequality and would focus on local economic development and sustainable, inclusive business. Instead, the commitments set out in the text – commitments to attracting and facilitating international investment agreements – throw into even sharper relief the absence of any undertakings to enforce due diligence on human rights or environmental standards or to respect the principle of free, prior and informed consent.

We recommend that the EU take full account of the levels of development and the needs of OACP states, ensuring coherence between EPAs and ACP regional economic integration priorities and efforts. We also recommend parties to draw lessons from the COVID-19 pandemic and to rethink fundamentally, and repurpose, their economies. It is high time to put the well-being of all and the protection of the environment at the centre of how the economy functions, and to concentrate both efforts and finance on value chains and market systems that serve society as a whole.

Migration and mobility

CONCORD welcomes the parties' commitments to a partnership on migration based on the principles of solidarity, and to developing legal pathways for migration. In comparison to the previous Agreement, this one makes some progress here by specifying several areas relating to regular migration that the parties should invest in (e.g. circular migration and the comparability of all qualifications).

Nevertheless, we consider this progress still very limited and we regret that the new Agreement pays insufficient attention to the positive aspects of migration, to the positive contributions that migrants and diasporas can make to countries of destination, and to possible joint actions that the parties could take to build upon migration as a force for development.² The final Agreement's provisions on migration focus excessively on measures designed to step up cooperation on reducing migrant arrivals in Europe, which can scarcely help to reduce poverty or contribute added development value in ACP countries. The articles on irregular migration and on return and readmission are highly detailed, containing both specific timeframes for action and an annex. These political choices are indicative of the EU's priorities when it comes to migration, and CONCORD regrets that they are not aligned with a human rights-based approach, with policy coherence for sustainable development, or with the primary needs of African countries.

To have a more beneficial impact on development we recommend that, in the implementation phase, the EU should prioritise actions intended to facilitate circular migration and

² See, for instance, https://euobserver.com/opinion/151472?utm_source=euobs&utm_medium=email.

mobility, reduce the cost of remittances, develop measures against racism and xenophobia, cooperate to improve the comparability of all qualifications, address the nexus between migration, climate change and environmental degradation, and integrate a gender equality dimension into migration governance. We also recommend that the EU should develop mechanisms for monitoring, scrutiny and accountability.

At the same time, it is also crucial that actions focused on other aspects of migration, such as border management, addressing irregular migration, and return and readmission, are designed in such a way as to prevent them from having negative impacts on the protection of human rights, on regional mobility or on sustainable development.

Environment and climate change

We welcome the attempt to discuss environmental sustainability and climate change more holistically by considering, for instance, their interlinkages with sustainable progress, employment and investment opportunities, food security, social equity and cultural well-being for the current and future generations. We appreciate the parties' commitment to mainstreaming environmental sustainability and climate change into all policies, plans and investments, and to respecting the most relevant treaties and conventions on climate change, the governance of ocean and seas, and biodiversity. We welcome the inclusion of the concept of resilience across particular sections.

However, we feel that the document fails to capitalise on the opportunity to integrate a strong social perspective or solid human rights commitments into the broad area of environmental protection, natural resource management, the governance of oceans and seas, climate action or disaster risk reduction and management (DRR). We regret that there is no mention of the value of local or indigenous knowledge, which is critical to developing community-led, nature-based solutions. Furthermore, the Agreement does not give sufficient consideration to investment or financial resources for environmental goals – resources that are critical to supporting adaptation measures and to sustaining economies undergoing a green transition. It reflects the imbalance of interests between the parties and a recurrent, predominantly EU-centred vision. We also regret that the Agreement does not promote a multi-stakeholder approach to DRR, and does not recognise the importance of local actors, who are the first responders to crises and are important allies in designing and implementing disaster management policies and plans.

In order for all parties to achieve a just, green social transition, we therefore urge them to take into account the social, human rights- and gender-related impacts and risks in the implementation phase. We strongly advocate for guaranteeing inclusive civil society participation in the drafting and implementation of countries' climate and resilience plans, DRR strategies and marine conservation plans, taking special care to ensure the inclusion of organisations defending the rights of women, youth and indigenous peoples.

Peace and security

We welcome the acknowledgement of peace, stability and security as critical components for sustainable development, and of the importance of achieving “inclusive development” as a precondition for sustainable peace and security. We appreciate the parties' commitment to preventing conflict and fragility and addressing their root causes in a more holistic manner. We

emphasise in particular the impacts that climate change and environmental degradation have on peace and security and on environmental migration and displacement, which are mostly internal and take place close to bordering countries. We welcome the references in the Africa Protocol to the Women, Peace and Security and the Youth, Peace and Security agendas, and to the contributions women and youth make to peace and security.

We regret, however, the absence of an integrated approach to conflict and crisis, and the failure to link humanitarian, development, peace and security efforts better at all stages of the conflict cycle. We are concerned at the importance attached to conflict management in comparison to mediation and conflict prevention. Moreover, conflict sensitivity is not sufficiently emphasised despite its importance for building long-term peace and reconciliation. We are therefore concerned that development resources could be misplaced and (mis)used for financing mainly security activities, opening the door to a securitisation of development objectives.

We call on the parties to emphasise the importance of building societal and community resilience by addressing human security more holistically and by integrating all economic, social, environmental and political factors into their conflict analysis. We urge that financial resources be provided to support peace, and that security activities be aligned with the overarching objectives of the SDGs, respect for human rights, democratic principles and good governance, so that they are allocated predominantly to the prevention of conflicts and crises. We also call on the parties to ensure that CSOs are involved at every stage of the process, given their crucial role for instance in ensuring the effective representation of women and youth.

Conclusion

CONCORD welcomes the parties' intention to build "equal partnerships" through the new EU-OACPS Agreement. We believe, however, that in order for the new deal to break with old paradigms, more effort needs to be put into promoting a fundamental shift in power relations between the parties, and that in implementing the Agreement the robust inclusion of civil society actors is necessary, with an enabling space provided for civil society through concrete and effective engagement mechanisms.

In particular, CONCORD calls on the EU and ACP countries to keep the struggle against inequality at the heart of their implementation of the Agreement, and to adopt a structural, intersectional and rights-based approach.

ANNEX

[CONCORD's Analysis of the Post-Cotonou Agreement](#)



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