

## CONCORD's analysis of the Joint Communication 'A renewed partnership with the countries of Africa, the Caribbean and the Pacific'

The current discussion on the future relations between African, Caribbean and Pacific (ACP) countries and the European Union (EU) is an important opportunity for the EU to live up to the 2030 Agenda's commitment of leaving no one behind. Building on the acquis of the Cotonou Partnership Agreement (CPA), it is fundamental to strengthen the promotion of Human Rights (HR) and good governance, the involvement of Civil Society Organisations (CSOs) - which significantly contribute to the previous point - and some key principles such as transparency, ownership, accountability. While the communication offers an interesting perspective on the proposed future agreement, it fails to put Agenda 2030 at its core.

Based on a first analysis CONCORD would like to share the following remarks with regards to the principles and thematic areas addressed in the Communication.

### Principles:

- CONCORD very much appreciates that the Joint Communication intends to fully respect the principles of the UN charter and international law and to build **on the 2030 Agenda for Sustainable Development**. *However*, CONCORD believes that the communication fails to position Agenda 2030 and SDG implementation at the core of the future agreement and does not adequately reflect some of its key principles such as universality, leave no-one behind, respect for planetary boundaries, the recognition of interlinkages and indivisibility of goals and the need to integrate all three dimensions of sustainable development plus governance in all priorities and sectors. CONCORD believe these should underpin the entire future framework of relationship between the EU and ACP countries. Even though the communication contains some references to the needs of vulnerable groups, it fails to mainstream them throughout the document. Actions need to be taken at different levels (education, economic opportunities, health and legal rights, ....) in order to empower the most vulnerable people with all the tools that are in place. And, while CONCORD appreciates that the future partnership is said to be coherent with the revised Consensus on Development, it is unclear what the basis for such assertion is and what mechanisms will be put in place to ensure it.
- Clearer is the fact that the Joint Communication is aligned with the EU Global Strategy and that EU-ACP future cooperation will contribute to attain those objectives especially in the area of security and migration. In the framework of a partnership, however, we expect the EU to pay an **equal attention to the interests and objectives of its ACP partners** and we appreciate the commitment to implement the future partnership in line with the development effectiveness principles (ownership, transparency, mutual accountability and focus on results). We hope that it will be reflected at all levels of development cooperation programmes starting with the joint identification of regional priorities.

- The **acquis of the CPA for civil society engagement** in all phases of the partnership should be kept and strengthened. The recognition of CSOs as a key actor and the necessity to involve CSOs in an institutionalized dialogue in the political dialogue adds great value to the agreement. The EU has further committed to this principle on different occasions, namely through its communication of 2012. The communication, *however*, does not illustrate the importance of Civil Society through any concrete approaches in the 3 regions nor in the suggested chapeau. Nor does it include any recognition of how short the implementation of the CPA fell in this regards (as shown by the EC evaluation of the partnership) and subsequently fails to recognise the need to address this shortcoming through any formal provision/mechanism in this regard. The agreement should include a mechanism to fully and meaningfully engage civil society in the design, implementation, monitoring, accountability and review of the future partnership. Such engagement with CSOs should be already reflected at the negotiation stage.
- We appreciate the commitment to mutual accountability as a fundamental **principle for cooperation**, notably in respect of Human Rights; and the recognition of the importance of gender equality for sustainable development and of human development as a priority for a future partnership.
- We welcome the emphasis on a joint commitment to fully protecting, promoting and realising **gender equality and empowerment of women and girls**, and appreciate the intention of seeing a joint recognition of the key contribution of women and girls to peace and state-building, economic growth, technological development, poverty reduction, health and well-being, and culture and human development. However, the Communication does not set out a clear pathway for the renewed partnership to further promote gender equality across the different objectives and actions proposed. Furthermore, the Communication also fails to identify which pre-conditions should be put in place to achieve gender equality. Such oversight might lead to renewed shortcomings in this area, where progress has been meagre (as per EC evaluation).
- The **legally-binding character** of the future partnership is important for the implementation of the new agreement if it is to promote Human Rights, Rule of law and Policy Coherence for (Sustainable) Development.
- CONCORD supports the reference to **Policy Coherence for Development (PCD)** as means of implementation. *However*, we regret that, despite being a Lisbon Treaty provision, the PCD principle is not mainstreamed throughout the Communication. The joint Communication is very positive on article 13 of the CPA which deals with migration in a very EU-focused manner, and on the EPAs. These policies are not in line with development objectives and could undermine Human Rights in ACP countries.

## Set-up

The scenario proposed by the European Commission consists of three distinct regional partnerships with Africa, the Caribbean and the Pacific, with an opening for a closer involvement of other countries, under a common umbrella. This seems to be a compromise and is a scenario worth exploring depending on the preferences of the ACP group. In case this scenario is pursued, the umbrella should be a shared framework of collaboration and

partnership that would not only provide common values and principles, but also set the general rules of engagement between the EU and all 3 regions in order to safeguard transparency and mutual accountability between the parties. General principles and rules set up at the umbrella level should apply to all development, trade and investment cooperation policies between the EU and ACP regions. At the umbrella level joint institutions should be set up.

## Thematic Areas

CONCORD regrets that the EU missed opportunities to be fully in line with the SDGs by pushing for sustainable and responsible practices in all sectors, especially in agriculture where the focus should be on small scale farmers. The Joint Communication is sensitive to demographic and natural resource challenges but missed the opportunity to promote the policies that address these issues in areas such as sustainable and fair consumption and production, Reproductive and Sexual Health and Rights, urban life where prominence should be given to accessibility to public services for all, tax dodging and illicit financial flows.

- A number of thematic areas are missing from the Communication. Most conspicuous is the total absence of anything on **aid (ODA)**. It seems the Commission/EEAS deliberately want to avoid the subject because the future of the most important instrument of EU-ACP cooperation, i.e. the European Development Fund (EDF) depends on the discussion on the Multiannual Financial Framework (MFF) and the issue of the budgetisation of the EDF which has not yet been resolved. Furthermore, the Commission/EEAS want to discuss the common values and interests, the nature, structure and scope of the EU-ACP relation first before going into aid matters. This is understandable, but still, it leaves an elephant in the room unmentioned and with it issues such as the role of the private sector in the EU-ACP development cooperation.
- As a result **the private sector** is hardly mentioned in the Communication. Where it is mentioned, the Communication stresses the need for an improved business climate and an enabling environment. It mentions an important role for the private sector in investments in the energy sector and calls for the adoption of sustainable consumption and production practices by a “responsible” private sector. But the role in the EU-ACP development cooperation and the use of public funds to leverage private investment is left untouched. The only hint in that direction comes via a reference to the Addis Ababa Action Agenda which should be “at the heart of the EU-ACP Partnership”. But the AAAA says little about the necessary standards that should guide the funding and involvement of the private sector in development cooperation. For CONCORD this is an issue that a post-Cotonou Agreement should definitely address. For the moment we can only second guess how this would be done. CONCORD finds that support to private sector in development should contribute to fighting poverty in all its dimensions, injustice, and inequalities, promoting Human Rights, sustainable development and dignity for all. The EU needs to ensure that EU private companies operating on the ground do not harm, behave in a sustainable way and pay their fair share of taxes. When using private sector financing for development purposes the EU must make sure that Human Rights and public interest are safeguarded. Multistakeholder approaches and mechanisms should be established to pre-assess, monitor and evaluate private sector initiatives



in a transparent way and that intended beneficiaries are centrally involved in these processes.

- The Communication also does not elaborate much on **the place of trade in a possible post-Cotonou Agreement**. It says that the EU-ACP partnership should promote trade, it confirms EPAs as key instruments and says that they can be widened to include more countries and issues. It also stresses that the partnership should strengthen cooperation and dialogue on all aspects of trade and also in the context of common interests in international arena such as the WTO. CONCORD wants a post-Cotonou agreement to place the trade relations squarely in the framework of the Agenda 2030 and to restate the principles mentioned in art.34-35 of the Cotonou Agreement such as: due regard to the political choices and development priorities of the ACP countries; promotion of their sustainable development; contributing to poverty eradication; building on regional integration initiatives of ACP states; taking account of the different needs and levels of development of the ACP countries and regions. A post-Cotonou agreement should not contain an obligation for the ACP countries to negotiate, expand or conclude trade agreements with the EU. The EPA-experience demonstrates that this has led to great tensions and frustration. However if ACP countries wish to negotiations trade agreements with the EU they should be based on the above mentioned principles and aim to contribute to the Agenda 2030 and the Paris Agreement. They should contain an enforceable sustainable development chapter with effective civil society involvement. ACP countries that wish to conclude a trade agreement should not be forced to accede to existing (i)EPAs but must be given the opportunity to negotiate agreements that replace existing EPAs. EU-ACP trade negotiations should take place in a transparent way involving regular civil society consultation.
- CONCORD supports the link made between **inclusive economic development** with decent work, social protection floors and sustainability of private sector. However the criteria to support the private sector in order to strengthen corporate practice to include accountability and transparency and required adherence to OECD, ILO and UN Guidelines are not mentioned. CONCORD regrets that no clear proposal to fight against illicit financial flows is included in the joint Communication.
- CONCORD supports the identification of **climate change** as one of the main priorities and key global challenge to address through joint efforts and international collaboration. We welcome the communication recognizing the need to phase out fossil fuels and mobilizing indigenous renewable sources, including energy efficiency, while focusing on promoting access to clean, modern, affordable secure and reliable energy services. However we regret the fact that the implementation of the Paris Agreement in the context of a future partnership is mainly seen through the lenses of addressing climate change mitigation, to the detriment of climate adaptation efforts, and note that **no mention is done to the global adaptation goal, loss and damage nor climate finance commitments** . On related environmental issues, we welcome the EC communication recognizing that Sustainable Development and human well being depend on healthy ecosystems and a functioning environment; that fighting corruption and organized crime contributes to sustainable management of natural resources, and to address wildlife trafficking. It is furthermore positive to see explicit reference to the importance of promoting a sustainable approach to fisheries and aquaculture, better global governance while ensuring healthy, clean

and safe oceans. CONCORD is however concerned about the fact that Climate and Environment related priorities are defined very differently in the three regional pillars and that the focus remains mainly on what should be done by the partner countries without referring to EU's own footprint or impacts on natural resources and ecosystems in ACP countries.

- The review of Art 13 of the CPA in the future of EU-ACP relations should guarantee the full enjoyment of Human Rights of all migrants regardless of **migration** status. Human Rights and dignity, and the development objectives need to be at the core of any agreement on migration. However it seems that the Communication is framing migration on the basis of EU policies and interest, thereby mostly focusing on return and readmission.
- CONCORD welcomes the focus on **human development** as one of the specific priorities of the future partnership and the reference to eradicating poverty and tackling inequalities, with particular attention given to the poorest and most vulnerable countries, including Least Developed Countries (LDCs) and fragile and conflict-affected countries. CONCORD welcomes the focus on human development as one of the specific priorities of the future partnership and the reference to eradicating poverty and tackling inequalities, with particular attention given to the poorest and most vulnerable countries, including Least Developed Countries (LDCs) and fragile and conflict-affected countries. We encourage a comprehensive view on Human Development. Even though it might not be taken up as a priority by all regions (for example the Pacific) impact on Human Development areas should always be considered, in line with the interlinkage of all SDGs. Further a comprehensive human development also means that the European Commission should stick to its 20% benchmark for human development, which was not given sufficient attention in the current partnership. Investments in human development have been always promised but not always delivered and recent times show an even bigger trend in this direction. The upcoming partnership should live up to this commitment in order to be in line with the 2030 Agenda for Sustainable Development.

The joint Communication '***A renewed partnership with the countries of Africa, the Caribbean and the Pacific***' contains some interesting elements and principles. However, in order to mainstream the 2030 Agenda for Sustainable Development throughout the future partnership, many changes still have to be made. CONCORD would call on all actors involved to take our recommendations into account and put Agenda 2030 at the heart of the future agreement.



# CONCORD

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