

CONCORD's vision for the future EU-ACP partnership agreement: putting sustainable development and human rights at the centre

CONCORD's vision for the institutional set up and the 6 Strategic Priorities in the Foundation of the post-Cotonou partnership agreement.

Introduction.

The **Cotonou Partnership Agreement (CPA)**, signed on 23 June 2000, is **coming to an end in February 2020**. The CPA 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 **post-Cotonou negotiations have been officially launched in New York**, 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 welcomed 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 should not guide the new partnership – SDGs and sustainable development should be leading the future framework.

The **EC's proposal for the 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.

In this context, **CONCORD** has developed this paper on the foundation of the future agreement: it examines and addresses **the "6 Strategic Priorities" proposed by the EC**, which represent a central part of the EU mandate and the overarching framework for the three regional compacts. Related to this and following the EU's mandate structure, **CONCORD's recommendations aim to contribute with CS' views to the debate on the strategic priorities of the future EU-ACP partnership.**

Institutional set-up.

The future agreement must **include political elements and concrete references to accountability mechanisms**; along with commitments in relation to **meaningful participation of the Civil Society**¹. The future framework must also promote the **principles of policy coherence for sustainable development and the implementation of the Agenda 2030**.

These elements must be, inter alia, **priorities for the Foundation** - acting as an overarching framework for the three regional compacts.

¹ CONCORD Europe (2018), *CONCORD recommendations for a more effective and meaningful participation of Civil Society in the future EU-ACP relations*, April 2018

1. Human rights, fundamental freedoms, democracy, rule of law and good governance.

CONCORD calls for an **agreement** between partners that is **based on a real political dialogue and is truly people-centred**:

- **Real political dialogue** entails that both parties must agree on joint values, principles and commitments in the respect of the engagements they have taken through international conventions, charters and agreements and that they agree on joint accountability mechanisms for these engagements. On top of these principles and commitments are the respect and promotion of all human rights and fundamental freedoms for all people without discrimination, the rule of law and effective and equal access to justice for all.
- **People-centred** entails that the future agreement must work in the interest of all people, putting the most marginalized and excluded first, in line with leave no one behind principle. The fight against exclusion, discrimination and inequalities must be at its core. It also means that ACP countries' and European citizens and their representative organisations are recognised as actors of the partnership and enabled to play their multiple roles, including to hold public authorities to account and to defend people's rights without any risk of persecution.

CONCORD calls for **just governance** to be at the heart of the negotiations. Just governance is human rights-based; participatory; transparent; equitable; accountable; and it must guarantee access to justice, respect the rule of law and fight against corruption - all challenges that the future EU-ACP agreement must tackle.

Moreover, human rights should be embedded in all the spheres of the EU-ACP partnership agreement in order to achieve sustainable development, and to provide equal opportunities for all people. To this end, CONCORD calls on the EU and the ACP countries to **include gender equality as a cross-cutting issue in the agreement** - in line with both negotiating mandates - and to give special consideration to those people facing multiple forms of discrimination, such as children, people on the move, elderly people or persons with disabilities².

Finally, we suggest that **cross-cutting and transversal issues** such as human rights, gender equality, disability, inclusiveness and non-discrimination, conflict prevention, youth, environmental sustainability and climate change should be defined in the foundation and reflected throughout all 6 strategic priorities.

2. Human development and dignity.

Both the EU and the ACP mandates include the reduction of poverty, addressing inequalities and progress towards the SDGs as objectives for the final agreement. It is, however, important to **ensure an integrated approach to sustainable development by mainstreaming the 4 dimensions of sustainability (social, economic and environmental) and the related governance aspects of each dimension**. Currently, this integrated approach of Agenda 2030 is lacking throughout the strategic priorities and the 4 dimensions of sustainable development are treated separately - in this respect the proposal follows the traditional silo approach.

When looking at the different aspects of Human Development (health, education, housing, social protection), CONCORD appreciates that **health is integrated extensively throughout both negotiating mandates**. Additionally, both the EU and the ACP's positions have similar priorities in this regard (equitable and accessible access to healthcare, Universal Health Coverage, strengthening of health systems and addressing both ...non) communicable diseases). These issues should be kept in the foundation and the 3 regional pillars. Additionally, while the EU negotiating mandate contains quite

² CONCORD Europe (2018), *Addressing inequality through EU development cooperation CONCORD responses to the stakeholder consultation*, October 2018

strong language on Family Planning (FP) and Sexual and Reproductive Health and Rights (SRHR), the final agreement should make a clear link between SRHR, FP and HIV/AIDS.

Education, housing and social protection, however, are a different story. Although the EU mandate contains quite strong and broad references targeting different types of education, the ACP mandate clearly focuses on Technical and Vocational Education and Training (TVET) and views education from an economic perspective as part of science, technology and innovation. As recognised in the SDGs, education consists of different types of education and all are an essential part of human development. This must be properly reflected in the final agreement.

In order to achieve the EU and ACP states' main objective to reduce poverty, all human development related issues, including education and social protection, should be properly addressed - not only in the context of economic growth and finance.

In addition, CONCORD also calls on the EU and ACP states to exclude health and education from the scope of **future financial instruments** such as the European Investment Plan (EIP) - in order to avoid the privatisation of essential public services. On the contrary, the EU must increase its support to public health and education in ACP countries through sectoral budget support or dedicated projects and programmes including global facilities. Moreover, the new agreement must acknowledge that ensuring affordable, adequate and accessible housing for all has a transformative impact for marginalised and excluded people and can have far-reaching impacts on the health of communities and their socio-economic well-being. The New Urban Agenda - a concise, forward-looking and universal framework for actions in housing and sustainable urban development - acknowledges that urbanisation is one of the twenty-first century's most transformative trends and it should therefore be referenced as a key global agreement in the final text. For this reason, CONCORD calls on the two parties to tackle the improvement of people's lives through the **creation of appropriate and affordable access to housing**³.

3. Inclusive sustainable economic development.

CONCORD urges all parties to the future agreement, **not to impose trade and investment commitments nor to make trade and investment negotiations compulsory**. If the EU and ACP countries should be willing to enter into trade and investment negotiations then this should be the subject of clear, explicit, and separate negotiating mandates leading to a balanced outcome taking into account the existing asymmetries and protecting ACP producers - especially micro, small and medium enterprises, small-holders and female entrepreneurs - as well as domestic and regional markets.

It is therefore of the utmost importance to preserve the principles of the current art 34-35 of the CPA, in particular:

- due regard for ACP countries' political choices and development priorities and for their regional integration initiatives;
- adaptation according to the different needs and levels of development of the ACP countries (which are reflected in § 60 and 61 of the ACP post-Cotonou mandate).

Moreover, there is a need for **closer dialogue and fairer cooperation on tax matters** in order to tackle the **scandal of tax evasion** and tax avoidance that costs €175 billion every year to African countries⁴.

³ Habitat for Humanity (2018), *Placing housing at the centre of achieving development outcomes in the African, Caribbean and Pacific region*, October 2018

⁴ Hearson M. (2018), *The European Union's tax treaties with developing countries. Leading by example?*, September 2018

In line with the principle of Policy Coherence for Sustainable Development, the EU and its Member States should ensure the fair treatment of ACP countries when negotiating tax treaties and should commit to reviewing harmful existing ones.

CONCORD urges the EU and ACP states to **confront the 'race to the bottom'** in the context of taxation and regulation. This practice today - in which big companies at the top end of supply chains enjoy the greatest power to dictate conditions to enterprises lower down in the supply chain, and that goes always at the detriment of the most marginalised sectors of the population⁵ - needs to be addressed in order to promote sustainable and equitable trading relationships. Aside from the inequity of such practice, it compromises the ability of smaller enterprises to uphold their responsibilities vis-à-vis labour and as regards environmental and social standards.

When it comes to inclusive sustainable economic development, CONCORD acknowledges that there exists a **triple challenge** for African, Caribbean and Pacific countries that lies on **industrialisation, respect for the environment boundaries and digitalisation**. ACP states and the EU have a joint responsibility to address private investments and activities so that equitable and environmentally sound business models structured to serve local markets, local populations and local workers and entrepreneurs are created. They also have the responsibility to ensure that **decent work is adhered to** labour rights enforcement and inspection, inclusive social dialogue, social protection systems and by addressing the issue of labour migration. In the area of agriculture, the future agreement should aim to make agriculture more sustainable and more resilient to climate change, including by promoting agroecology, investing in smallholder agriculture and connecting smallholders to territorial markets, since that model of agriculture has the highest potential of well-being and job creation in rural environments.

When supporting PPPs and private investments with ODA resources, the EU and its ACP partners need to ensure that priority is given to investments and activities that provide development and financial additionality and that all actors involved apply due diligence, pay fair taxes, respect the principle of free and prior informed consent and put in place grievance and remedy mechanisms.

4. Environmental sustainability, climate change and sustainable management of natural resources.

For the EU and ACP countries, it is essential to recognise that **climate change, environmental degradation and biodiversity loss are all part of the same ecological crisis** and among the most serious issues facing the world today. In this regard, the priority areas outlined in both mandates seem inconsistent with the required holistic approach and insufficiently reflect the sense of urgency required to tackle these challenges. EU and ACP efforts in this regard should be seen as instrumental to achieving sustained social development, rather than being subjected to any economic interest, as it is the case for some parts of the EU mandate (notably the African pillar).

In this respect, EU and ACP partners should **capitalise on past successful cooperation in international fora**, such as in the case of the adoption of the **Paris Agreement**, and drive global action and ambition further. This should be reflected in the future EU-ACP agreement, building on the good intentions presented in both negotiating mandates, and in some upcoming opportunities such as the development of an ambitious post-2020 global biodiversity framework in the context of the Convention of Biological Diversity (CBD).

The future EU-ACP partnership must support strong commitments to: biodiversity protection and ecosystem restoration; climate mitigation and adaptation; strengthening resilience; good governance and sustainable use and integrated management of natural resources, including fair and equitable access for all people; fighting environmental crime and wildlife trafficking; fighting pollution;

⁵ CONCORD Europe (2015), *Putting people and planet first*



promoting investments in renewable energy sources, including fostering energy access to safe, reliable, renewable and clean energy through decentralized solutions; promoting sustainable consumption and production practices at all levels, especially by the private sector and households, so that we remain within planetary boundaries. These commitments must be pursued through an integrated rights approach, in the spirit of the SDGs.

5. Peace, security and justice.

In this area, the **focus of the future ACP-EU partnership agreement should be human security** rather than state security. As things currently stand, while human security is mentioned twice in the negotiating directives, the document only uses the term in passing and does not sufficiently elaborate on what it means and implies in terms of policies and focus.

An approach based on human security is universal, people-centred and context-specific and puts the emphasis on the security of the individual, of communities and of society at large rather than on state security⁶. By focusing on the individual, such an approach implies paying attention to the different segments of the population, whose different security needs and perceptions are often overlooked by traditional state-centred security models⁷.

To be consistent with EU and ACP commitments on peace, security and justice issues, it is essential to ensure that any kind of engagement is conflict-sensitive and respects the principle of do no harm, including trade and investment activities. In order to achieve this, the EU and its ACP partners should systematically conduct conflict analysis, integrating input from CSOs (in particular local CSOs).

For this reason, **CONCORD calls for the future partnership agreement to actively support the diverse contributions of civil society organisations** - including women's organisations children and youth-led organizations and informal organisations - **to peacebuilding and conflict prevention on their own terms**, including through funding and capacity building in line, inter alia, with the UN Security Council agenda on Women, Peace and Security.

6. Migration and Development.

The EU-ACP cooperation on migration and mobility must emphasize the strengthening of protection systems for asylum seekers and refugees in accordance with international human rights law and the Global Compact for Refugees. Furthermore, such cooperation must maximize the benefits that migration and mobility brings to the EU and its partner countries in Africa, the Caribbean and the Pacific through the creation of safe and regular migration pathways in the spirit of the recently endorsed Global Compact on Safe, Orderly and Regular Migration.

By focusing on stemming forced migration and border control through enforcement measures, the EU risks fuelling poor governance, as well as changes in ACP countries' policies which would reduce mobility and undermining community resilience. It may also push migrants and refugees to rely on smuggling networks due to limited possibilities for regular mobility. That may expose them to danger, human rights violations or even human trafficking.

⁶ EPLO (2013), *Policy Paper on civilian CSDP*, http://eplo.org/wp-content/uploads/2017/03/EPLO_PolicyPaper_CivilianCSDP.pdf; GPPAC (2014), *Empowerment and Protection. Stories of human security*, https://www.storiesofhumansecurity.net/documents/10164/0/GPPAC_Publicatie_Human+Security_DIGI_Total+%281%29.pdf/d79e0aa8-0da4-443c-8c42-2c805d41bcb4

⁷ GPPAC (2015), *Conflict Analysis Framework: Field Guidelines and Procedures*, https://www.peaceportal.org/documents/131482768/0/060-015+GPPAC+CAF_Guide_Interactive+PDF_final_22+Jan+2016+%281%29.pdf/f0657dd0-0e0d-4d71-8099-9a5aa5080e56

We expect the EU to pay due attention to the policies and challenges of its partner countries when allocating financial assistance, in particular to the fact that the majority of migratory movement takes place between the ACP countries themselves. The future agreement must support the management and promotion of mobility at regional level and address the socio-economic cost and damage associated with any potential brain drain caused by such migration. It is equally important to offer assistance to host communities, who are affected by large displaced populations, to address all root causes of forced displacement in a comprehensive, rights-based manner and to offer safe and regular migration pathways including resettlement.



