



BYE BYE COTONOU Partnership Agreement

**ATN Consultative Seminar on Post-Cotonou
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THE TIMES THEY ARE A-CHANGIN'

And so has the EU:

-I- New member states:

- 2000: 15 member states; 2004: 25; 2007: 27; 2013: 28
- Have no affinity with the ACP; some of them more pore than some ACP
- Had to accept the European “acquis” including the Cotonou Agreement
- Now have a say in what post-Cotonou will look like
- Many not prepared to give any favours

THE TIMES THEY ARE A-CHANGIN'

And so has the EU:

-2- Doha Development Round failed

- 2003 Cancun: development and implementation issues not delivered; largest ever market tariff demanded from developing countries; Singapore issues dropped
- 2006: Global Europe Competing in the world; EU launches ambitious bilateral FTA programme
- DDA declared an SDG in September 2015 ; declared death in Nairobi in December

THE TIMES THEY ARE A-CHANGIN'

And so has the EU:

-3- Rise of Emerging Countries, especially China

- 2000: China becomes WTO member
- 2000: China: 11th largest trade nation (just behind Belgium!)
- 2017: China 2nd largest trading nation (14,8 %); soon first: EU still largest but with 15,1% only (US 3rd)

THE TIMES THEY ARE A-CHANGIN'

And so has the EU:

-4- Global financial and economic crisis, °2007

- Crises: bank bail-out, austerity measures, economic stagnation, unemployment up
- Solidarity down, inequality up

THE TIMES THEY ARE A-CHANGIN'

And so has the EU:

-5- GSP reform

- 2012: All countries above 4000\$ per capita out and
- forced to negotiate FTA's
- no LDC's status for LDC regions
- ultimatum for non-LDC ACP countries in EPA negotiations

THE TIMES THEY ARE A-CHANGIN'

And so has the EU:

-6- War in the EU's neighbourhood; terrorism, refugee crisis

- Arab spring derailed, invasion of Lybia, war in Syria
- Deash and the so-called IS, terrorist attacks in Europe
- Refugees not welcome in the EU; human disaster in the Mediterranean sea

THE TIMES THEY ARE A-CHANGIN'

And so has the EU:

-7- Populism, nationalism and extreme right on the rise

- Conservative, neo-liberal governments in the majority
- Extreme right in government in several EU countries
- Brexit referendum, 23 June 2016: a xenophobe reaction

THE TIMES THEY ARE A-CHANGIN'

And so has the EU:


-8- EU global strategy, 28 June 2016

- Instability in EU's neighbourhood, terrorism in EU, refugee crisis
- Geo-political power shifts; power diffusion
- EU's new foreign policy strategy: mix of diplomacy, military, aid, migration, energy, trade policy, etc
- Tackling threats and root causes of threats, with soft and hard power

THE TIMES THEY ARE A-CHANGIN'

And so has the EU:

-9- New EU consensus on development, 19 May 2017:

- Still pro-solidarity elements: reduction and eventual eradication of poverty remains the goal
 - Recognises role of civil society, importance of gender, focus on small-scale agriculture
 - BUT: instrumentalization of cooperation and aid for security, commercial and migration objectives
 - EU AID must lead to returns for the EU (“That’s how China does it; we must not be naive”)
 - Note: there will no longer be a “development cooperation” budget line any more in new Multi-annual Financial Framework (only one “external action budget”)
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THE TIMES THEY ARE A-CHANGIN'

And so has the EU:

-10- Still: the SDG's, °September 2015

- Poverty eradication as main goal
- Strengthening social and environmental dimension of sustainable development
- Global goals for all countries

THE TIMES THEY ARE A-CHANGIN'

And so has the EU:

-11- Still: the Paris Agreement, ° 12 December 2015

- Fighting climate change = common cause
- Even if still no real sense of urgency
- (no trade negotiations with US as long as out of Paris Agreement)

THE PRE POST-COTONOU SITUATION: many doubts

- Does EU-ACP still have a meaning in 2018?
- Does “ACP” actually mean anything?
- What is the sense of putting A, C and P together?
- Why not have a global EU-LDC partnership?
- Why not do EU-AU, EU-Pacific and EU-Caribbean?
- Whatever successor agreement(s) must be based on EU values and interests, be a partnership between equals and have added value for Europe

THE PRE POST-COTONOU SITUATION : disagreement

- Central and Eastern European countries not interested in maintaining EU-ACP relation
- Northern EU countries (including Germany and the Netherlands) not interested in continuing with ACP, rather LDCs or EU-AU
- France, Belgium, Luxemburg, southern EU countries still OK with ACP but mostly interested in relations with Africa
- Brexit, UK on its way out
- European Commission maintains new ACP agreement is best way to maintain “acquis”
- ACP (institutions) want to stay together as ACP (Georgetown Agreement is theirs)

The Post-COTONOU draft NEGOTIATING MANDATE

- Tabled on 12 December 2017
- Drafted by DG Development (EU Commission) and European External Action Service
- 47-pages ! i.e. very detailed
- Still under negotiations
- Second draft tabled on 2 March 2018 by EU Presidency (Bulgaria) on the basis of member states comments: language softened here and there more soft goals
- Expected to be adopted before summer

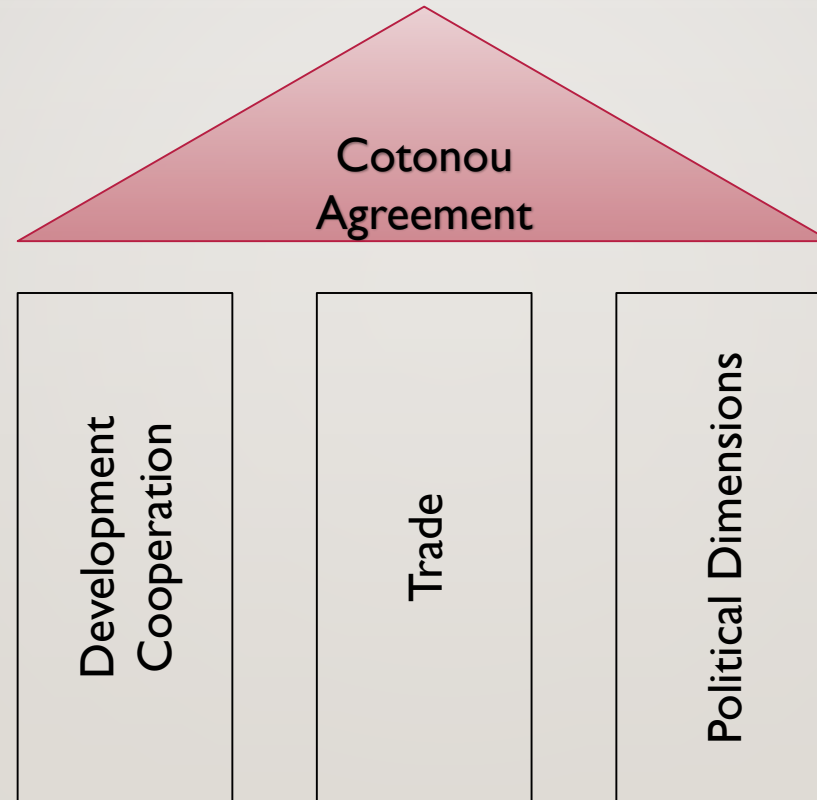
The Post-COTONOU draft NEGOTIATING MANDATE

Central concepts:

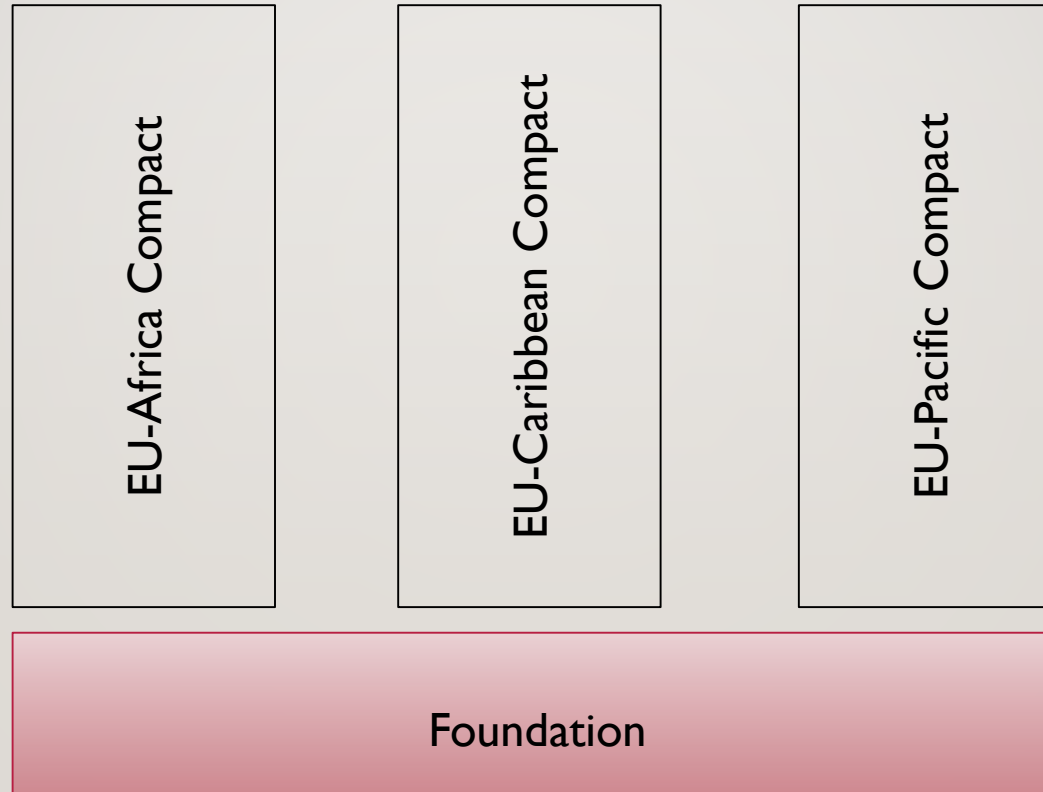
- Legally binding treaty without expiry date
- Based on EU interests and values (“if the ACP are OK with them we can talk”)
- Must lead to more EU-ACP cooperation on international scene
- Common EU-ACP **foundation** (agreement) : main common objectives, principles, strategies,
- EU-AU, EU-Pacific and EU-Caribbean “**pillars**” aka “Compacts”: more detailed and region specific objectives, principles, strategies, etc

THE COTONOU PARTNERSHIP AGREEMENT (CPA)

based on 3 complementary pillars:



The Post-COTONOU draft NEGOTIATING MANDATE proposal for the future :



The Post-COTONOU draft NEGOTIATING MANDATE ***The Foundation***

- **Part I: Objectives and Principles**
 - **Title I: Objectives**
 - ✓ Agenda 2030 & SDGs, in particular poverty eradication
 - ✓ Political partnership
 - ✓ Building effective alliances in international settings

The Post-COTONOU draft NEGOTIATING MANDATE ***The Foundation***

- **Part I: Objectives and Principles**
 - **Title 2: Principles**
 - ✓ Legally binding
 - ✓ Multilateralism
 - ✓ Multi-Stakeholder approaches
 - ✓ Complementarity and Subsidiarity
 - ✓ Mutual accountability

The Post-COTONOU draft NEGOTIATING MANDATE ***The Foundation***

- **Part I: Objectives and Principles**
 - **Title 3 : Political dialogue**
 - **Title 4 : Policy coherence for development**

The Post-COTONOU draft NEGOTIATING MANDATE

The Foundation

- **Part II: Strategic Priorities**

- ✓ Human rights and democratic governance
- ✓ Inclusive sustainable economic development (economic dialogue; investment and private sector development; “trade cooperation”)
- ✓ Environment and Climate change
- ✓ Peace, security and justice
- ✓ Migration and mobility
- ✓ Human development and dignity (equal access to social services, social protection, gender equality, resilience, culture and mutual understanding)

The Post-COTONOU draft NEGOTIATING MANDATE

The Foundation

- **Part III: International Cooperation**

- ✓ Framed: international commitments and principles (UN Framework)
- ✓ Possible creation of coordination mechanisms for key international organisations and venues

The Post-COTONOU draft NEGOTIATING MANDATE

The Foundation

- **(Part IV?) Diversified cooperation**
 - ✓ Funding of the partnership
 - ✓ Effective development cooperation: Principles, modalities, joint programming etc..

- **(Part V?) Institutional framework**
 - ✓ Actors
 - ✓ Institutional architecture

The Post-COTONOU draft NEGOTIATING MANDATE

The Foundation

- **(Part VI ?) Final provisions / Territorial application (North Africa? Observer status..)**
 - ✓ No provision which limits its validity in time
 - ✓ Each compacts can be amended
 - ✓ Non Compliance, dispute settlement
 - ✓ Accession to the agreement
 - ✓ Observer status

The Post-COTONOU draft NEGOTIATING MANDATE

Three regional protocols

- **EU partnership agreement with each of the 3 regions will include the foundation + the regional protocol**
- **They will replace and update existing regional joint strategies**
 - ✓ The Africa-EU Strategy (JAES)
 - ✓ The Joint Caribbean-EU Partnership Strategy
 - ✓ The EU Strategy for the Pacific Islands

The Post-COTONOU draft NEGOTIATING MANDATE

Three regional protocols

- Build on existing dialogue platform with a prominent role for regional organisations, in particular AU
- Will be based on the 6 priority areas with contextualised action plans for each region.
 - ✓ Human rights and democratic governance (A2, C3, P3)
 - ✓ Inclusive sustainable economic development (A3, C2, P2)
 - ✓ Environment and Climate change (A6, C1, P1)
 - ✓ Peace, security and justice (A1)
 - ✓ Migration and mobility (A5)
 - ✓ Human development and dignity (A4, C4, P4)

The Post-COTONOU draft NEGOTIATING MANDATE

Economy, investment, private sector, trade

- Detailed compelling language !
- Post-Cotonou = trade agreement ? = trade framework agreement ?
 - **“the Parties will take concrete measures...”**
 - ✓ “to create an enabling regulatory environment , paying particular attention to ..., ..., intellectual property and investment...”
 - ✓ “to make more strategic use of public finance, including blending instruments to crowd in additional public and private investments;“
 - ✓ “to strengthen the position of agricultural producers and exports in global value chains including through the removal of technical barriers to trade...”

The Post-COTONOU draft NEGOTIATING MANDATE

Economy, investment, private sector, trade

“the Parties will take concrete measures...”

- ✓ “to conclude and/or renew sustainable fisheries partnership agreements...”
- ✓ “to make more strategic use of public finance, including blending instruments to crowd in additional public and private investments;“
- ✓ “to develop sustainable aquaculture, through ... enhanced level playing field for national and foreign investors;”
- ✓ “to ensure fair, sustainable and undistorted access to the extractive sector, including seabed mining, for all economic players...”
- ✓ “to upgrade land transport in Africa...”

The Post-COTONOU draft NEGOTIATING MANDATE

Economy, investment, private sector, trade

“the Parties will take concrete measures...”

- ✓ “to ensure that the framework conditions and the right domestic policies are in place to facilitate increased trade flows conducive to inclusive growth...”
- ✓ “to strengthen cultural and creative industries;”
- ✓ “to promote forest law enforcement, governance and trade (FLEGT), including by concluding and/or implementing Voluntary Partnerships Agreements (VPA’s)...”
- ✓ “to build sustainable energy and urban mobility solutions, supported by adequate finance at domestic and international level, including through public-private partnerships;”

The Post-COTONOU draft NEGOTIATING MANDATE

Peace, security, human rights

“the Parties will take concrete measures...”

- ✓ “to ensure that war crimes and human rights abuses, including the recruitment of child soldiers and gender-based violence, do not go unpunished”
- ✓ “ensure that the African Charter on Human and Peoples' Rights and the African Charter on Democracy, Elections and Governance are fully implemented;”
- ✓ “ensure credible, transparent and inclusive elections, respecting electoral cycles and constitutional provisions;”
- ✓ “to ensure access to safe and sufficient drinking water at an affordable cost...”

The Post-COTONOU draft NEGOTIATING MANDATE Migration

“the Parties will take concrete measures...”

- ✓ “to increase brain circulation through enhanced mobility schemes for students, researchers and professionals...”
- ✓ “enhance cooperation on border management, improve intelligence gathering and sharing, and foster police and judicial cooperation;”
- ✓ “to confirm the legal commitment of the Parties to readmit their nationals irregularly present on the territory of another party at the latter’s request...”

The Post-COTONOU draft NEGOTIATING MANDATE Aid commitment

**“...the Parties will agree to make available the appropriate means,
both financial and non-financial,
in order to fulfil the objectives set out in this Agreement.”**

POST-COTONOU PREPARATIONS

Timetable

May 2018

- EP Resolution (basis: MEP Neuser 2016) and Oral question to the EC
- 22 May EU Foreign Affairs Council Development: adoption of negotiating mandate

June -August 2018

- Start EU-ACP Negotiations !

ACTORS IN NEGOTIATION PROCESS

EU LEVEL

- Commissioner Mimica:
Chief negotiator
- + DEVCO/EEAS
Support Team

A-C-P LEVEL (TBC)

- ACP group is organised in 6 regions: 4 in Africa + C and P
- 2 countries leading the negotiations for each of the 6 regions
- EU-ACP negotiation process:
 - ✓ First phase: all ACP negotiations
 - ✓ Second phase: Regional compacts

CONCORD RECOMMENDATIONS

- Reinforce institutions framework provisions and actors (Foundation)
- Clear references to: UN Conventions, International Laws/Commitments
- Clear references to: accountability, monitoring and review mechanisms + outline obligations and non-compliance measures
- Include formal complaints mechanisms accessible to CSOs and citizens
- Be more explicit on PCD obligations and on concrete mechanisms needed

CONCORD RECOMMENDATIONS

- No EU push for negotiating more in-depth and wider trade agreements
- Need clear linkage between foundation and EPAs
- Abandon silo approach and mainstream Agenda 2030
- Include transversal issues that cross-cut the 6 priorities (human rights, gender equality, disability, inclusiveness and non-discrimination, conflict prevention, youth, environmental sustainability and climate change)
- Replace 'sustainable and inclusive growth' by 'sustainable and inclusive economic development'

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