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## Requirements for a new partnership agreement between the EU and the African, Caribbean and Pacific countries

**D**in February 2020, the Cotonou Partnership Agreement (CPA), which has regulated the relations between the European Union (EU) and the African, Caribbean and Pacific (ACP) states for almost 20 years, will expire. Since the signing of the CPA, the global framework conditions for the EU-ACP cooperation have changed significantly. The EU has expanded from 15 to 28 member states, with most new members less interested in development cooperation for historical reasons. Others, such as Spain and Greece, have less scope for development policy activities. They have to overcome severe economic crises that were partly triggered by the financial crisis. At the social and economic level, the ACP regions have grown more diversified. New development actors such as Brazil, China and India increasingly get involved in many ACP countries with their own initiatives. After all, with the 2030 Agenda for Sustainable Development and the Paris climate agreement, the majority of states in the United Nations (UN) have committed to a transformation.

The goal is to make globalisation more socially, ecologically and economically just.

The EU should have taken these changed global framework conditions into account and finally overcome the colonial order. This order had been further perpetuated with the Cotonou Agreement in 2000. But the relations between the EU and the countries in Asia, Africa and Latin America ought to have been put on a new basis long ago in order to reduce worldwide poverty, realise sustainable development, overcome global inequality and enforce human rights. However, the EU has now decided to renew the privileged EU-ACP partnership and resolved to start negotiations on a new EU-ACP agreement in September 2018.

For this purpose, the EU Commission presented the draft for the mandate and the political framework for the negotiations in December 2017. It proposes an agreement in two parts: The first part stipulates the foundations of the partnership. The second part encompasses separate regional agreements with the country groups of Africa, the Caribbean and the Pacific. These agreements are to stipulate respective specific goals and priorities for the regions.

VENRO therefore calls on the German government to push for a new EU-ACP agreement, including the regional agreements, that meets at least the following requirements:

### 1. Establishing the 2030 Agenda as well as transparency and effectiveness as core elements of the agreement

Overcoming poverty and social inequality has to be at the core of the new EU-ACP partnership. Therefore, the 2030 Agenda and in particular its core principle “Leave no one behind” must become an essential element of the agreement. Respect for political, social and economic human rights and the realisation of gender equality and inclusion must be a central and enforceable part of a new agreement. This is the basis for a sustainable and peaceful development.

The EU-ACP partnership has to be oriented towards the principles of effective development cooperation that were agreed upon in the framework of the Global Partnership for Effective Development Cooperation (GPEDC). Transparency, accountability and ownership of the partner countries as well as a focus on results play a major

role in reducing poverty. Besides these principles, policy coherence is an essential element of sustainable development. It is ensured by orienting all initiatives and measures towards the principles of Policy Coherence for Sustainable Development (PCSD). At the same time, the specific features of the three regions with respect to their needs, their national strategies for implementing the 2030 Agenda and the Paris climate agreement as well as the human rights situation must be taken into account separately.

## 2. Orienting migration policy towards development and human rights

The EU considers migration a strategic priority – at least for the African region. With the future EU-ACP agreement, the EU mainly wants to combat human trafficking and smuggling as well as regulate and facilitate the repatriation and re-admission of nationals of a contracting state with irregular residence status to another contracting state. Both aspects have already been addressed since 2010, under article 13 of the CPA. So far, the agreements between the EU and ACP countries on migration have not met the development and human rights requirements. In principle, the future migration policy in the framework of the EU-ACP partnership should therefore fulfil the following requirements:

- It must be conducive to development and lead to a long-term systemic and structural change which improves the life perspectives of the people in the ACP states.
- Promises of development funds must not be tied to programmes on migration control.
- Return programmes must not impede the human rights protection of those concerned and must adhere to the principle of “non-refoulement”. This means that there must be no refoulement to states in which torture and severe human rights violations are being committed.

## 3. Legally binding private investments to respect for human rights and minimum social-ecological standards

The EU Commission is planning to place private investment at the centre of the new partnership, especially for the regional agreement with Africa, in order to promote development. Such sustainable investments conducive to development must take the interests of the population into account and must significantly contribute to overcoming poverty and social inequality. The EU is planning to use Official Development Assistance (ODA) funds for “leveraging” private investments. It wants to use funding instruments such as the European Development Fund (EDF) for this purpose. A new agreement between the EU and ACP states should encompass the following core elements:

- Small and medium enterprises and cooperatives must be systematically supported, particularly small-scale farming, which plays a very important role. The majority of family-run farms has a huge potential to feed many people and ensure their income. In the same vein, informal business structures should be recognised and supported. For many people in Asia, Africa and Latin America, they are crucial for ensuring their livelihood. In the long run, informal business structures must be overcome in order to increase tax revenue and build social security systems.
- Private investments are necessary in principle but must be gauged by their effects on reducing poverty and social inequality and be legally bound to minimum social, ecological and human rights standards. In this context, the UN Principles on Business and Human Rights and the EITI (Extractive Industries Transparency Initiative) have to be taken into consideration as a guide for restructuring economic relations.
- In many ACP countries, investments in large agricultural enterprises or plantations often result in conflicts over land. It is therefore absolutely necessary to enshrine the FAO Guidelines on the responsible governance of tenure of land, fisheries and forests in a new agreement, and likewise the Principles for Responsible Agricultural Investment (PRAI).

- ODA funds should only be used for funding private investments if the business activity can be expected to have an effect on development. Private investments must fulfil minimum social-ecological and human rights standards and adhere to the principle of “Leaving no one behind”

#### 4. Ensuring funding

The new Multi-Annual Financial Framework (MFF) will be crucial for the effective implementation of the new agreement between the EU and ACP states. The EU Commission is planning to merge the various development instruments, such as the EDF, into an external action financing instrument in the EU budget.

In view of the future EU-ACP partnership, the following must be guaranteed through the MFF:

- Neither Brexit nor the merging of the EDF into the EU budget must result in a reduction of the funds currently available. In addition, climate financing, which is hugely relevant for all three of the regions, must be guaranteed.
- Budgeting has to make sure that, apart from parliamentary control on the EU side, the parliaments in ACP countries are also strengthened.
- The needs of the people, in particular in the poorest partner countries, must be specifically taken into account in the allocation of funds. In order to get closer to the goal of gender equality, gender budgeting should be implemented on both the EU side and the partner side. The measures taken should contribute to strengthening the capacity of the ACP countries to mobilise their own resources.
- Budgetary resources must be earmarked for civil society activities. Civil society should also be able to take part in the bilateral negotiations, as has been possible under the existing agreement.

#### 5. Engaging in trade conducive to development

Trade continues to be considered a driver for development. An improvement of trade relations that is oriented towards reducing poverty and overcoming global inequality should therefore be an essential element in agreements between the EU and developing countries. The Economic Partnership Agreements (EPAs) and interim agreements that have so far been negotiated for shaping the trade relations between the EU and ACP states do not promote such trade conducive to development.

Trade agreements with countries in Asia, Africa and Latin America should fulfil the following core conditions:

- They should include sustainability chapters with corresponding monitoring procedures that are developed based on a comprehensive sustainability impact assessment regarding their impacts on development, social and ecological matters and human rights.
- They should be oriented towards the development priorities of partner countries, to the extent that the latter aim at achieving the goals of the 2030 Agenda and the Paris climate agreement and at safeguarding human rights. They should also recognise the different needs of the partner countries and their respective state of development, contribute to reducing poverty and promote regional integration.
- They should include stipulations that go beyond the regulations of the World Trade Organisation (WTO) in favour of the poor countries. The EU must concede significantly more protection options to the partner countries than what has been stipulated so far in the EPAs and in interim agreements. This would be perfectly admissible according to GATT Art. XXIV. Under no circumstances must they include more restrictive regulations.

## 6. Strengthening the role of parliaments and the participation of civil society

In the past, civil society actors have only scarcely participated, despite a clear stipulation in the CPA (Article 8). For this reason, VENRO demands clearly formulated mechanisms and regulations for the new agreement. Accordingly, all states should commit to guaranteeing the participation of civil society actors. This concerns all decisions on political measures, legal regulations

as well as instruments and programmes affecting the EU-ACP partnership. The new agreement must include legally binding stipulations so that

parliaments are involved and civil society can participate. This status should be specified via a structured, legally binding and inclusive dialogue mechanism. The role of parliaments and the participation of civil society from the EU and ACP countries must be comprehensively ensured in all future institutions of the EU-ACP partnership and must be relevant for decisions. Beyond this, it must be guaranteed that civil society actors are adequately involved in every phase of the negotiation and implementation process as well as in accountability. This is of particular relevance as the space for civil society participation is shrinking in many countries in the EU and the ACP states.

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