

Statement by *Brot für die Welt* on the EU Commission's mandate proposal
of December 12, 2017,
Negotiations for a new partnership agreement between
the ACP countries and the EU

Background

In February 2020, the European Union's Partnership Agreement with the African, Caribbean and Pacific (ACP) countries, the so-called Cotonou Agreement, expires. The EU is seeking a follow-up agreement, and the negotiations need to begin 18 months before the current treaty expires. In this context, the European Commission submitted a proposal for a new negotiating mandate to the Council of the European Union on 12th of December 2017. It provides for joint negotiations on an ACP framework agreement with all ACP countries and, at the same time, an individual agreement with each region.

Since the conclusion of the current Cotonou Agreement almost 20 years ago, the global environment has changed dramatically. On the one hand, there have been changes affecting the ACP countries' direct relationship with the EU: The European Union has grown from 15 to 28 states, many of the new member states have no historic or recent connection with Africa. Great Britain, an important EU member for many African states, will no longer be a part of the EU after the decision was taken to exit the EU on the 29th of March, 2019. This process will be finalized by the end of 2021. The EU is renegotiating the multiannual financial framework this year and EU parliamentary elections are scheduled for 2019. There have also been major changes within the ACP countries: the group is much less homogeneous today than previously was the case. The African Union has become more influential and dynamic as an institution. New players such as China and Brazil are more present in the ACP region. With the Agenda 2030, all states have laid a common basis for international cooperation on an equal footing. On the other hand, the world has changed due to global parameters such as climate change, increasing digitalisation, migration, globalisation and not least the consequences of the 11th of September. Both internal and external factors have an influence on the design of a future partnership.

In our view, these global changes, which can also be seen as opportunities for a paradigm shift in international cooperation, are not sufficiently taken into account in the draft negotiating mandate presented by the European Commission. On the contrary, the draft presented, is rather a continuation of the previous framework of relations and shows neither innovative approaches nor sufficient recognition of the changed framework conditions. This approach perpetuates the post-colonial tradition of a strong European block entering into negotiations without a balanced counterpart.

The fundamental question therefore arises as to whether such a framework agreement is really needed to define a political partnership between the EU and the developing countries. Under these unequal conditions, partners of *Brot für die Welt* from the African-Caribbean-Pacific region oppose the continuation of such a partnership.

Together we have formulated seven requirements for a future development agreement.

General basis for cooperation

A new development framework must involve all developing countries, not just the ACP countries. Through France and Britain's Colonial history strong links with many ACP countries have developed, however, this is no longer a sufficient reason to perpetuate the privileged political relationship between one part of the developing world and the EU which now has 27 members. . Therefore, the mandate of the EU Council should be to direct the Commission to invite all developing countries to participate in future negotiations for a global framework agreement on development policy with the EU. In addition to this framework, regional or continental agreements could then be concluded by the EU.

In any case, the African Union should be invited to become the EU's negotiating partner institution. This is in line with the unanimous wish of African governments expressed at the Continental Free Trade Area Conference in Kigali in March 2018. It stated that the partnership between the AU and the EU must move away from the ACP context and be based on a strong continent-to-continent understanding.

Financial basis for cooperation

Before starting possible contract negotiations on a framework or regional agreement, it must be clarified what the legal and financial basis for cooperation is, so that on the one hand programming in partnership is possible and on the other hand the financial resources that will be available are clear. To this end, the future of the EDF (European Development Fund) should be clarified. In the past, the EDF has been a reliable instrument for the ACP partner countries. Our partners express concern that, if the EDF is integrated into the budget and merged with 11 other financial instruments, the EU's cooperation in partnership with the countries will no longer be visible and less money will ultimately be available for our partner countries, especially for civil society actors. Together with our partners, we propose that before negotiations on a new treaty are started, a decision on the multiannual financial framework is taken and, above all, that the outcome of the vote on the EU budget by the newly elected European Parliament is known. Should a new agreement be reached, it should include that there is a reliable legal funding framework, that funding for the ACP group will not be reduced and that access of civil society actors to the EU's financial instruments will be improved.

Commercial basis of cooperation

A real shift in the blending of development and trade interests, as envisaged in the Cotonou Agreement with its strong focus on Economic Partnership Agreement (EPAs), should be avoided in a possible new EU framework agreement. Negotiations for bilateral free trade agreements, such as the EPAs, should be conducted separately from a development policy framework agreement. Given that trade negotiations with the vast majority of developing countries have not yet been concluded, no targets or specifics for future bilateral trade relations should be included in framework or regional agreements. Instead, the general principles on future trade relations and the assurance of preferential market access for all low and middle income countries

should be included. , There should be a common commitment to work together for development-qualified trade rules in the multilateral trade framework.

Migration policy basis for cooperation

The EU's increasing activity in the fight against migration, especially in terms of its relations with African states, must not continue within the framework agreement. The conditionalisation of development aid commitments with migration management must be excluded. On the other hand, it would be good to have a common commitment of the EU and developing countries that future migration policy must be designed to promote development and lead to long-term systemic and structural changes that both improve the prospects of people in the developing countries and at the same time points to legal migration perspectives for entry into the EU. Return programmes must respect the principle of non-refoulement in states where torture and serious human rights violations are committed and must not conflict with the human rights protection of those affected. This principle must apply in particular to refugees and migrants who are particularly vulnerable. This excludes cooperation with regimes that violate human rights.

Civil society basis for cooperation

If the EU and partner governments make a binding commitment that civil society actors can participate in consultation, negotiation and decision-making processes, in a professional manner within the framework of a future partnership, only then will the outcomes be implemented in a development-centred manner for the benefit of broad sections of the population. In a future partnership, civil society must have an active voice and state cooperation must live up to its accountability policy. We need jointly developed mechanisms that promote, secure and sustainably guarantee the participation of civil society actors. This is particularly important from the point of view of shrinking space for civil society actors worldwide.

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Agenda 2030 as a basis for cooperation

A possible new framework agreement must be closely related to Agenda 2030. We are in the fortunate position of having agreed with the UN member states on 17 goals for sustainable development. Our responsibility in formulating new framework agreements is to link them closely to the Sustainable Development Goals (SDGs) and the objectives of the Paris climate agreement so that all efforts to achieve these goals are brought together.

Temporal basis of the cooperation

Development agreements should have clear objectives and be adapted to a changing world. Therefore, a new agreement should have a clear termination date. We propose the planned achievement of the SDGs as the termination date.

We are of the opinion that it is time for a paradigm shift; time for a partnership on equal terms; for a partnership with civil society participation based on a jointly developed strategy.

Now 'out of the box' thinking is necessary to carefully take the decisive steps into a new partnership. Instead, the Commission is planning an extremely detailed paper, the content of which leaves little room for negotiation.

The seven demands made here should form the basis of a comprehensive negotiation process that is no longer based on post-colonial structures, respects African dynamics and gives civil society a place at the negotiating table from the outset. Negotiations based on dependency and imbalance do not offer a starting point for an equal partnership.