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POST-COTONOU PROCESS

Spain welcomes the initiative of the European Commission and the EEAS (European External Action Service) consisting of a broad consultation process to contrast opinions and inputs of all stakeholders with a view to negotiating a new association agreement between the European Union and African, Caribbean and the Pacific states to replace the 2000 agreement currently in force, which will end in 2020. Spain has wanted to make its contributions to the this consultation process and has organized several thought processes, among which the meeting with the African Ambassadors accredited to Spain in *Casa África* on 9-10 December. These exercises shall be followed by more, such as the one planned with the Caribbean Ambassadors accredited to the EU. A changing world and renewed relations between the parties involved require a fresh perspective in addressing such a broad and complex relationship. Notwithstanding the fact that the EU's long-lasting relationship with ACP countries is positive, albeit improvable, it will be necessary to fully and formally take stock of the Agreement.

Basic principles of a new Agreement

1. For Spain, it is essential to preserve the specificity between the EU and the ACP countries that the current relationship has created over the years: There is no other example in which development cooperation has gone beyond the traditional donor-beneficiary relationship as it has in this instance, becoming a dialogue between equals, in which trade is added to the political relationship to cover a wide-ranging area of exchange.
2. If the current structure were to be de-aggregated (into three agreements, one for each of the pillars, or replacing the current institutional relationship by another exclusively of dialogue with regional organizations), or it lost its contractual nature, it would be difficult to preserve this unique and privileged relationship. The legally binding nature of the Agreement is precisely what has made it possible to get these dialogues going.

Strategic interests of the EU and its partner countries. Development cooperation.

3. In the area of development cooperation, relations have evolved and so have the instruments. The new cooperation, achieved through the exemplary collaboration between EU Member States and its institutions, on the one hand, and ACP countries, on the other, which materialized in the 2030 Agenda and the Sustainable Development Goals, must directly feed into the new agreement, based on new principles such as universality and, shared, accountability. In any event, it is essential to adapt the chosen mechanisms to the domestic processes of partner countries, in all three frameworks, national, sub- regional and regional. In this regard it would be interesting, for instance, to adapt the SDGs to the priorities of the different regions.

4. The current challenges have also evolved over time: Among the new elements that the new agreement must establish as essential, without prejudice to those already included, are the following:

- Climate change
- Migration
- Forced displacement
- Energy security
- Gender equality
- Job creation, etc.

5. In the specific issue of migration and Article 13 of the current Agreement, it is essential to insist on the need for a comprehensive approach to the matter that amounts to more than unimplemented words and translates into specific and quantifiable actions and commitments.

6. There are also new instruments and mechanisms that have begun to be implemented for development, and must be taken into account in the new Treaty:

- Technology transfer
- Fiscal instruments (mobilization of domestic resources)
- Blending mechanisms
- Private sector involvement (collaboration with companies), etc.

Human Rights, democracy, Rule of Law, governance

7. Although the EU cannot forget its primary goals (protection of the most vulnerable populations in more fragile circumstances, as well as fighting poverty), it must not waive its most basic principles, that are at the very heart of the EU's existence, i.e. the defence of Human Rights and the principles of democracy, good governance, transparency, inclusiveness, Rule of Law, as well as gender equality, protection of minorities and non-discrimination. All of which must continue to be the cornerstone of our relations with the representatives of ACP countries, even resorting, if necessary, to the system included under Article 96 of the current Agreement, once other channels have been exhausted.

Security-related aspects

8. Issues such as terrorism, human trafficking, irregular migration and organized crime in general undeniably impact development and must be addressed in a comprehensive approach to the matter, within the framework of a sound and seamless relationship between all partners. That is why these matters are included in the three joint strategies that both parties have implemented in each of our regions, notably: The JAES (Joint Africa-EU Strategy), the Joint Strategy between the EU and the Pacific and between the Caribbean and the EU. The new agreement must stress these aspects more clearly and specifically and integrate them into cooperation as they unquestionably affect all parties to the agreement. The regional approach seems to be the most appropriate to address this question, given the transnational nature of the challenges we face.

Economic and trade matters

9. The economic and trade relationship between the signatories of the new agreement is an essential part of the current agreement, and must acquire a heightened role in the agreement that replaces it. In addition to what has already been mentioned in terms of the involvement of the private sector and fiscal adjustments, the EU must lend its support in order that economic partnerships (EPAs) may become a reality. Given that international rules (WTO) make it compulsory to conclude regional agreements for the elimination of tariffs with ACP partners, it is necessary to listen to what these countries have to say in order to mainstream the CARIFORUM example.

10. The new cooperation assistance implementation mechanisms (blending, trust funds, reimbursable grants, etc.) must be regulated and formalized in an Agreement, exploring all the possible channels to make them most effective and best utilized, within a framework system. Supporting flexibility for a greater leveraging of funds from foreign government actors and non-government actors such as the private sector, foundations or even private individuals, offers potential benefits that must be duly studied on a case-by-case basis.

11. Promoting economic and trade relations must go hand in hand with the development of the primary sectors, as in many ACP countries development in agriculture and farming brings with it not only job creation but also a reduction of their poverty. It is essential to keep in mind that 70% of the economic activity of many African countries is linked to agriculture. It is a fundamental source not only of food but also of jobs. Only in Africa some 330 million young people will join the labour market in the coming 15 years, so this need for not only food but also job creation has to be met somehow, perhaps by favouring crops that are labour intensive while satisfying primarily the food requirements of the local population.

Political relationship

12. Political dialogue is a crucial element. It is intrinsically linked to the remaining provisions of the agreement and must be preserved as it is obvious that both EU Member States and ACP countries' representatives so demand it, in the shape of an open, candid exchange among equals. Except in very rare exceptions it is welcome by all parties and is held regularly with mutual benefits.

13. Such dialogue must be maintained at the three possible levels:

- First, with each ACP country individually, on the ground, by the representatives of EU institutions and Member States. It could be interesting to do it separately with the local authorities and political representatives, at the highest possible level, and with other local stakeholders such as territorial institutions (provincial, municipal, etc.) and, naturally, also with civil society actors.
- On the other hand, dialogue with regional organizations in which the different ACP countries are present must also be strengthened.
- Finally, a more marked institutionalization of ACP countries should contribute to improving the dialogue between its representative bodies and its corresponding EU bodies. It is necessary not only to make the joint EU-ACP structures leaner, but also

more operational and results-producing. This is a question that could be included in the accountability mechanisms. Ownership thereof would also be interesting, finding a sustainable financing system, exploring co-financing possibilities and, ultimately, rationalizing the institutional configuration of the partnership and its operation.

In the elaboration of political dialogue components it would be good that, both parties were to participate equally, that the EU could ask about the matters that are of its greatest interest but that the ACP could do the same. It is also important to ensure that global issues of mutual interest are also included: Migration, climate change, compliance with COP 21 outcomes, etc. thus guaranteeing ownership of the political dialogue by both parties.

In any case, and in the same way as the possible thematic divisions, the replacement of the current agreement by several agreements that are geographically inspired could lead to losing what has been its nature until now.

Geographical consistency

14. This is one of the most complex points: Indeed, there are many voices that question the ACP group's uniformity (distance, income differences, culture, varying traditional relationships with the EU, etc.) Working towards greater consistency among ACP countries themselves and with the EU is a task that should be considered to be a priority as it would be of enormous value both in our mutual relations and in international forums.

15. Spain clearly supports that the association governing ACP states can be made extensive to DCs, LDCs and SIDS neighbouring the ACPs, or that belong to the same region, and that could have a positive influence on the ACP group's good functioning or at least offer them reinforced cooperation, envisaging the possibility of observer, associate or collaboration status thus adding to the political, commercial or security benefits of the EU-ACP partnership.

16. In this context, and considering that the heterogeneous economic variety should be taken into account, in accordance with principles of the current Agreement (and the EDF) on the subject, Spain favours differentiation (not graduation) between countries: Cooperation with middle-income countries should be maintained because of the enormous vulnerabilities suffered by some of them (in the Caribbean, for instance) by means of continued support so that they may consolidate the progress made and contribute to the reduction of inequalities and social cohesion with direct and indirect support to social cohesion programmes (conditional cash transfers, social welfare, etc.) for the mobilization of resources, capacity building, dialogue on public policies and mutual accountability.

Strengthening of relations with key actors

17. It would be necessary for the new Agreement to especially cover South-South cooperation among ACP countries, intra-ACP cooperation – and, above all, outermost regions (OMs): It is, indeed, one of the main objectives of the 2030 Agenda and of the Addis Ababa Action Agenda (financing for development) and, in addition, it is something ACP countries are already starting themselves. It is also important to include triangular cooperation: Some EU Member States have extensive experience in interesting and varied fields, such as food security, migration, sanitation etc.

18. In this context, we must acknowledge the new and growing protagonism of new actors in the world of cooperation in general, and with DCs, in particular by emerging countries. In the current situation, the EU must not assume that the role of these countries and their large financing contribution can in any way replace its role: EU funds, in particular those financing the current Agreement, are articulated around some rules of the game (respect for Human Rights, democracy etc.) which is what makes us different from others.

Management by the “national authority” in the management of funds: Better adapted and more flexible development cooperation methods.

19. ACP countries benefit from Cooperation from the EU beyond EDF funds. They also receive funds from the EU budget: The Pan-African Programme (DCI), EIDHR, thematic DCIs, IcPS etc. It is self-evident that the coordination structure is improvable, without prejudice to the principle of ownership being crucial to EU action. From this standpoint, greater rationalization could be attempted and thought given to action by the national authority and its role in the planning and implementation of programmes and projects arising from several funds.

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