

Towards a new partnership between the European Union and the African, Caribbean and Pacific countries after 2020

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Common global interests in a multi-polar world

1. To which degree has the partnership been effective in tackling global challenges?

Extracts from ECDPM's political economy analysis (PEA) of the Cotonou Agreement pm. (forthcoming in January 2016 on www.ecdpm.org):

The overarching conclusion of the ECDPM political economy analysis is clear. Fifteen years after signing the CPA, ACP-EU cooperation has not achieved several of its core objectives. The substance of two of the three pillars of the CPA (trade and political dialogue) has largely moved into regional frameworks and trade agreements. What remains is an asymmetrical partnership largely restricted to governments and based on unilateral aid flows. The added value of such aid-based partnerships is likely to be limited beyond 2020 - with many ACP countries graduating out of aid and a universal 2030 Agenda focused on global development challenges requiring to be implemented through different approaches and means (beyond aid).

2. What would be needed to strengthen results in this respect and on which global challenges could the partnership add most value in the future, in the context of the new SDGs framework and in relevant international fora?

Extracts from ECDPM's political economy analysis (PEA) of the Cotonou Agreement pm. (forthcoming in January 2016 on www.ecdpm.org):

From a technical point of view, a possible future ACP-EU partnership could easily integrate the 2030 Agenda. The Sustainable Development Goals are highly relevant for the ACP countries and the current CPA

already has provisions on global public goods that could be extended. Yet from a political economy perspective things are less clear. Based on a thorough analysis of the experience gained with food security, climate change and migration, the study concludes that the CPA has so far not been able to generate effective collective action on global public goods (beyond declarations and projects). This is linked to the heterogeneity of interests at stake and related difficulty for both parties to define common positions and broker political deals in such a wide partnership. The effective resolution of these global issues requires legitimacy, proximity, and subsidiarity. Abundant evidence shows that other policy frameworks and multilateral arrangements can provide this more effectively than the ACP-EU partnership.

Considering these political economy realities, a mere adaptation of the existing policy framework seems a perilous option. The challenges confronting ACP-EU cooperation are not merely a question of improving implementation. The pertinence and effectiveness of the framework itself (with its institutional set-up and rules of the game) is the core issue. However, the analysis also shows that vested interests on both sides may privilege the option of a limited reformulation of the existing agreement.

The other option available to policy-makers involved in the review process is to rethink the overall framework in a more fundamental way. The challenge here is to jointly design future alternative scenarios of international cooperation with the potential to deliver better outcomes to the states and citizens of Africa, the Caribbean, the Pacific and Europe.

This option invites parties to an exercise of 'thinking out of the box' of the existing framework. Scenario-building along this line may entail: (i) putting globalisation and regionalisation dynamics first (instead of integrating them in the ACP-EU framework); (ii) applying the principles of subsidiarity and complementarity to define the added value of a possible ACP-EU umbrella agreement, if the parties agree on both its relevance and resourcing; (iii) reviewing the governance systems to allow for truly inclusive partnerships and as well as for a more effective and transparent management of the financial and non-financial inputs; and (iv) diversifying the partnerships along functional lines (e.g. direct cooperation with the LDC or SIDS as a group).

From a political economy perspective this will be a more difficult ballgame, requiring creativity, dialogue and political capital to be invested in the process. This scenario is highly dependent on the capacity of the EU for coherent policy-making and for presenting credible alternatives to the CPA (including in terms of financial resources). Yet this option holds the potential to redesign the partnership between Europe and the countries/regions of Africa, the Caribbean and the Pacific and give shape to a set of mutually beneficial policy frameworks that might be fit for purpose to address the global development agenda beyond 2020.

Human rights, democracy and rule of law, as well as good governance

3. Have the mechanisms provided for in the Cotonou Partnership Agreement (CPA) (i.e. political dialogue, financial support, appropriate measures, suspension of the agreement) achieved meaningful improvements on human rights, democracy, rule of law and good governance, including the fight against corruption? Should the future partnership do more in this regard, and in what way?

Extracts from ECDPM's political economy analysis of the Cotonou Agreement pm. (forthcoming in January 2016 on www.ecdpm.org):

1. Although the EU has tried both positive (such as the Governance Incentive Tranche) and negative (such as the suspension of aid) conditionality when promoting political values in the ACP, major success stories are hard to find. In some cases, EUD staff feel that a strong normative push (sometimes under pressure from the European Parliament or individual member states) can even harm their diplomatic position and be counterproductive to political reform. Especially where diplomatic relations are tense, a more subtle, gradual or indirect method of influencing political decisions is called for. Pressure to exhaust the legal instruments available under the CPA or other frameworks can undo months or even years of engagement.

2. The CPA goes further than other agreements in terms of spelling out political values and linking the promotion of these values to cooperation (mainly aid). The structures and long history of ACP-EU cooperation have allowed for an ambitious approach to political conditionality. However, ample evidence shows that the expected results in terms of democratisation and respect for human rights and fundamental values have not been achieved. Promoting political values by leveraging aid and trade instead has proved very difficult. Although this is not inherent to the CPA framework, the CPA has not managed to facilitate progress on political dialogue. Over the years, the practice of political dialogue has been hollowed out in many countries, mainly because of contextual changes in the ACP region and Europe. Western democracy support is attracting growing criticism for its inconsistency. In most cases, the EU (no longer) has the leverage to influence decision-making through political dialogue or conditional aid.

3. Since the CPA was signed, ACP institutions have not proactively promoted and defended the values set out in the CPA (as well as the Georgetown Agreement). Political dialogue under article 8 on the principles underpinning the partnership has remained largely EU-driven. Recent trends in democracy and human rights demonstrate that the CPA arrangements are no match for real political dynamics in ACP member

states. These challenges are not unique to ACP-EU cooperation, and affect other external agreements signed by the EU.

4. The above suggests that the CPA's much-praised 'shared values' are not necessarily shared by many ACP states, particularly in Africa. Democratic governance is under pressure in an increasing number of African countries, witness the growing number of countries enacting legislation that restricts the space for civil society (see e.g. the 2014 CIVICUS report or work by the International Center for Not-for-Profit Law (ICNL) tracking legislative acts in sub-Saharan Africa). Furthermore, a large number of 'third-term' conflicts are surfacing in East and West Africa, signalling the persistence of the 'president-for-life' model in many countries. At the same time, Western democracy support is facing a growing pushback globally. This is reflected by the increasing restrictions on foreign funding for democratisation and civil society advocacy, but also by the pushback (particularly in Africa) against the Western electoral observation model.

The decision not to review the CPA in 2015 was motivated partly by growing tensions between the EU and the ACP - Africa in particular. This was already the case in 2010 with the 'agreement to disagree' on the revision of article 13 on migration, and the reluctant response by many African countries to the EU's wish to facilitate the readmission of migrants. Other issues have involved the International Criminal Court, legislation adopted in ACP countries to restrict the space for civil society, and LGBTI (lesbian, gay bisexual, transgender and intersex) rights, of which the EP is a particularly strong supporter. Some EU MS see these tensions, especially those surrounding key symbolic issues as potential deal-breakers, or at least big risk factors for the post-Cotonou debate. EU institutions and MS fear that it will be tough in the years to come to negotiate a normative framework that is as ambitious as the CPA.

5. The increasingly weak track record of political dialogue under the CPA and other frameworks is not a technical matter, but illustrates the wear and tear on the EU's normative power abroad in the light of a fundamentally different global and regional environment than at its inception in the 1990s. What seems required now is not 'trying harder' to share and promote political values (i.e. doing more of the same and hoping it will eventually work). Rather, we need a fundamental rethinking of how the EU can best approach political dialogue with partner countries and regions. It is doubtful whether this can take place within the constraints of the current highly prescriptive CPA.

4. Has the involvement of local authorities and non-state actors (i.e. civil society organisations, the media), national parliaments, courts and national human rights institutions in the partnership been adequate and useful to promote human rights, democracy and rule of law as well as good governance? Could they contribute more and in what way?

Extracts from the ECDPM political economy analysis and from Bossuyt, Rocca and Lein (2014) Political dialogue on human rights under Article 8 of the Cotonou Agreement

<http://ecdpm.org/wp-content/uploads/2014-European-Parliament-Political-Dialogue-Human-Rights-Article8-Cotonou-Agreement1.pdf>:

In general, the EU engages with representatives of civil society and human rights defenders both within and outside the formal framework of political dialogues processes in ACP countries. It manages to do so even in heavily restrictive environments. Consultations with such actors are deemed essential to draw information on the actual state of the human rights situation in specific country contexts and to identify priorities for EU political actions and cooperation programmes in this area.

However, despite generous provisions in the CPA and laudable EU support programmes towards a wide range of actors (such as parliaments, civil society, the private sector and local authorities) ACP-EU cooperation has remained a rather closed shop, managed in a highly centralised and bureaucratic manner. As a result, limited opportunities exist for real and effective participation in decision-making processes or accessing funding in general and for civil society actions related to democracy and human rights in particular. In several ACP countries, governments are closing the space for autonomous civil society organisations – contrary to both the text and spirit of the CPA. In such countries, the NAO system with its co-management logic, is often used to block progressive EU support programmes or to control which non-state actors may get support.

Peace and security, fight against terrorism and organised crime

5. Are the provisions on peace and security in the CPA appropriate and useful and has the balance between regional and ACP involvement been effective?

In Africa, the primary institutions for peace and security is the African Union and the RECs. Article 11 of the CPA was, when introduced in 2000, a forward looking and creative provision. Yet the EU's other policy and financial instruments quickly caught up. Using the CPA as the vehicle to fund peace and security measures on the African continent has been problematic. The ACP does not have the specific security mandate of the African Union nor does it carry weight in this arena. While the African Peace Facility under the CPA was an innovative tool it sits rather uneasily with the ACP-EU construct. While the CPA allows funding of the APF the EDF procedures are not adapted to the reality of funding certain peace and security measures causing many issues over the years. On the European side having separate committees for the EDF, ACP, and Africa (COAFR) significantly complicates matters leading to higher transaction costs. For the African Union and RECs dealing with peace and security working through the ACP construct also contains additional transaction costs. In thinking post-2020 and the new EU budget it would seem that a more appropriate, creative solution would be better suited to addressing peace and security provisions.

6. Should the future partnership provide for more effective joint action on conflict prevention, including early warning and mediation, peace-building and state-building activities, as well as on tackling transnational security challenges? Should this be done in the EU-ACP context?

Learning and evaluations that ECDPM has been part of on conflict prevention, early warning and mediation highlight the importance of being efficient in working with the most appropriate institutions that have legitimacy and competence in this realm. If the “ACP-EU context” is continued, it cannot afford to ignore these issues, yet serious questions can be raised whether other mobilising frameworks do not offer much more promise in terms of achieving effective outcomes.

ECDPM research into lessons learnt on mediation and dialogue for the EEAS published in 2013 <http://ecdpm.org/publications/glass-half-full-study-eu-lessons-learnt-mediator-dialogue/> . Its conclusions, presented below, also clearly indicate that the ACP as a group is not the most appropriate body to deal with these issues.

Partnership is key and good partnership adds value. The key observation is that there are almost no instances where the EU works alone in mediation and dialogue. Therefore the success (and failure) of EU mediation is heavily reliant on how well the EU can work together with its partners in order to add value.

Sub-lessons include:

- EU partners can act in ways the EU cannot and can open opportunities for the EU; therefore it is constructive engagement, not competition or duplication, that should be prioritised;
- Good partnership extends beyond the provision of financial resources to smart political relationships that work both ways; there is room to further develop the EU’s political partnerships with the UN, the African Union (AU), and INGOs as well as with local actors;
- The continued cultivation of a diversity of partners at global, regional and national level is necessary and must include legitimacy, experience and connections that can work at different levels of mediation and dialogue.

Sustainable and inclusive economic growth, investment and trade

7. How effective has the partnership been in promoting sustainable and inclusive economic development?

Too broad a question to answer in any meaningful way, partly because aggregated (evaluation) evidence is not available. Furthermore, the empirical material available on results achieved tells us nothing about the adequacy (or not) of the CPA as normative framework. The likelihood is huge that similar successes / failures would have been achieved through another partnership framework than the CPA.

8. Taking into account the new SDGs framework, should the future partnership do more in this respect, and what?

Extracts from ECDPM's political economy analysis (PEA) of the Cotonou Agreement pm. (forthcoming in January 2016 on www.ecdpm.org):

See above answer on Q2: Content-wise a future CPA could easily contain new provisions on core SGD issues. Yet in practice, the countries and regions of the ACP as well as the EU will seldom use the ACP-EU partnership as the most effective "vehicle" to broker political deals around SDG issues. This will be done in other regional, sub-regional or thematic for a where there is political traction and capacity to move forward. At best, a continued ACP-EU framework would allow projects and programmes to be funded on SDGs. Yet aid is not the most important component of the SDG agenda and you do not need a CPA to continue providing financial support, particularly to poor and fragile countries.

Furthermore, it could also be claimed that the 2030 Agenda is largely incompatible with the hardware of the CPA. The new 'universal' agenda not only abandons the notion of North-South, it also broadens the remit of international cooperation far beyond poverty reduction and aid. Differentiation is now fully integrated as a guiding principle, as well as the notions of multi-actor partnerships and shared responsibility. For its part, the CPA remains an exclusive and essentially North-South partnership around aid. Differentiation has been systematically resisted by the ACP Group and the CPA has not been successful in securing the participation of non-state actors. It is therefore highly improbable that a revised CPA could be made fit to drive the global development agenda.

9. How effective has the partnership been in supporting macroeconomic and financial stability? In which areas would there be added value in ACP-EU cooperation on macroeconomic and financial stability?

From a methodological point of view it is very difficult to establish a meaningful linkage between the existence of a CPA and results in terms of macro-economic and financial stability. Many other much more fundamental factors are at play here to determine outcomes.

10. How effective has the partnership been in improving domestic revenue mobilisation, in promoting fair and efficient tax systems and in combatting illicit financial flows? Would there be added value and more efficiency in stronger ACP-EU cooperation on these matters?

Limited evidence available that cooperation efforts undertaken under the CPA have improved domestic resource mobilization, fair and efficient tax systems and the combat against illicit financial flows. These policy domains have seldom featured prominently in NIPs. The focus (and main interest of the ACP states) has rather been to maximize volumes of aid. On the EU side, the pressure to disburse these funds may even have slowed down the mobilization of domestic resources and much needed tax reforms.

11. Has the partnership been able to contribute substantially to mobilising the private sector and attracting foreign direct investment?

See answer in Q 12.

12. How could the potential of the EU and ACP private sector be better harnessed? What should be the main focus of EU and ACP private sector cooperation in a post-Cotonou framework, and what might be the role of ODA in this?

Extracts from Byiers, Kratke and Rosengren (2014) EU Engagement with the Private Sector for Development: Setting up a One-Stop-Shop? ECDPM Briefing Note 69 <www.ecdpm.org/bn69>:

The Commission's 2014 Communication "A stronger role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries" is broadly welcomed as ambitious and action oriented, bringing EU strategy up to date with other donor practices. However, although focused on the private sector, the proposed actions remain somewhat donor-centric with the private sector and partner countries seen as following a donor-led agenda. The value-added of an EU approach is not clear to many given the growing range of existing Member State activities with the private sector. EU efforts to engage with the private sector for development will be judged on the ability to facilitate local and EU business and jobs, requiring specific capacities and approaches, and coordination among governments, EU delegations, firms and Member States.

There are multiple EU strategies and policies on private sector (for) development, including the Commission Communication but also the EIB business strategy for the ACP. The ACP group itself has also developed its own strategy for intra-ACP actions on private sector development. Going forward, the EU should remain aware that clear consensus on the 'how' and 'what' of private sector engagement for development is not yet final.

The EU/Commission should also clarify how it perceives itself in relation to Member States and the European private sector. What function can the Commission take on that supports and strengthens European efforts towards more inclusive and sustainable investments, without interfering with or duplicating on-going national activities and strategies. The EU could play a vital role as a coordinator and middle man between the Member States with more advanced private sector development strategies and those who are in the initial phases of developing a national strategy. However, this would require a strong demand from Member States - including a willingness from their side to delegate certain elements - of which there is limited evidence right now.

In engaging in dialogues with the private sector and civil society, further efforts might be required to adapt the format and the language to better attract private participation. The focus on 'donor strategies' shows that donors still are perceived to be in the driving seat. On the other hand, this has to be balanced with sufficiently forceful mechanism pressuring private firms to comply with the established standards and regulations. This is a balance that will need to be struck.

Ultimately, the success of the objectives and instruments for private sector development will rely on third country national governments and local contexts. Thus in taking engagement with the private sector further, there will be a need to ensure a greater participatory role for ACP country governments and private sector and a more extensive context analysis in the development of more concrete instruments and mechanisms, heightening the importance of action-oriented policy dialogue.

However, the political economy analysis provides a rather sobering picture of private sector involvement under the CPA. The framework is too focused on development aid and managed in too centralized / politicized a way so as to create meaningful incentives for private sector actors from the A, the C and the P, to engage in policy dialogue or in trade related processes.

Furthermore, also here regionalization dynamics are taking over from the ACP-EU partnerships (see regional EPAs or regionalized business fora). The saga of the Centre for the Development Entreprises (CDE) also confirms the unsuitability of promoting the private sector through an instrument like the CPA and joint institutions.

The CPA has provided a single institutional framework for the EIB to operate in all ACP States. Evaluation findings suggest that the EIB has managed the Investment Facility in a rather risk-averse / conservative manner -thus reducing the overall development impact of the operations.

13. In this setting, what opportunities do you see for the new, digital economy?

14. To what extent has the partnership been able to contribute to increase agricultural development and trade?

The contribution has been limited for several reasons, including the relative neglect of the agricultural sector in programming (particularly in the 1990s-2005), the impact of EU reforms in agriculture (which gave precedence to European interests without much consideration for the implication on ACP agricultural sectors) and weak ACP political leadership (which did not use the opportunities for collective action in defense of all ACP interests in the field of agro-food trade policies).

15. What has been the contribution of the partnership trade preferences to the integration of ACP countries in the world economy and to its development goals?

The limited impact of trade preferences in the ACP as a whole is well documented. Only a few ACP countries managed to use them effectively and sustainably. That is one of the reasons why the EU heavily pushed for an alternative regime under the CPA in the form of (highly contested) EPAs. In the ACP there are major frustrations on how the EPAs were negotiated by the EU - in a perceived breach of partnership principles and wider development concerns.

16. Is there still a need for specific provisions on trade cooperation in the post-Cotonou framework, also taking into account the ACP countries which have not signed an EPA? If so, what could/should they cover?

Highly uncertain considering the ongoing regionalization dynamics on trade cooperation. The added value of an overarching all-ACP structure is unclear (as abundantly proven during the negotiations of the various EPAs).

Human and social development

17. Has the partnership delivered on its human development objective in an effective and efficient way, in particular on poverty eradication, and also concerning gender equality and empowerment of women? How could it be improved?

It is very difficult from a methodological point of view to make any meaningful statement on this for the simple reason that aggregated evidence (from evaluations and other sources) is lacking. Furthermore, it is even more difficult to make a link between possible results achieved on the ground (in ACP countries / regions) AND the added value of the ACP-EU partnership in delivering these results. There is no counterfactual as to how this aid would have been delivered in another type of framework. The EDF is also highly decentralized to the level of NIPs and RIPs. The overall ACP structure only intervenes in the management of intra-ACP cooperation, where the record is limited at best.

Extracts from Herrero et al (2015) Implementing the Agenda for Change: An independent analysis of 11th EDF programming. ECDPM Discussion Paper 180 <www.ecdpm.org/dp180>:

Our analysis of a sample of 11th EDF NIPs indicates that social sectors are less of a priority than productive sectors. Health is the social sector that receives the largest allocation of funds, yet it is only identified as a focal sector in a limited number of countries. While there is cross-over between health and other social sectors, social protection as a focal sector is relatively neglected by the 11th EDF. The analysis also indicates that gender equality is not prioritised at the highest level of interventions. While NIPs are not necessarily gender blind and gender issues may be hidden under 'equity' more effort will need to go into ensuring that gender equality plays a role throughout the implementation of NIPs.

18. Taking into account the new SDGs framework, what are the main challenges related to human development that the future partnership should focus on?

As mentioned under Q 2 and 6, both parties can quickly agree in all kind of "new challenges" of the SDG framework and add a host of new provisions to the CPA. But this will not be sufficient to generate any meaningful political action between parties while aid for such priorities can perfectly be delivered through alternative channels -that may even be more effective conducts than the current NAO/RAO dominated systems

Migration and mobility

19. Has the partnership been a useful vehicle for discussing migration issues and has it positively contributed? Has Article 13 CPA been fully applied?

Extracts from ECDPM's political economy analysis of the Cotonou Agreement (forthcoming in January 2016 on www.ecdpm.org):

Migration and mobility will be defining features of future development dynamics both between the countries / regions of Africa, the Caribbean and the Pacific on the one hand, and the EU. While offering significant development opportunities, the recent refugee crisis has underlined the challenges that can come with displacement and irregular migration.

The ACP-EU relationship has been complicated by tensions over migration management, especially concerning issues of readmission and respect for ACP migrants' rights. On the one hand, the discussions between the EU and ACP have put a strong focus on North-South relations in migration management due to a particular concern of the EU with issues around return and readmission and the fight against irregular migration. On the other hand, cooperation has taken place in the context of development cooperation with focus on the South-South dimension and based on a broad understanding of the complexities of the migration and development link.

Some progress has been made in building migration- and development-related capacities in ACP states. Through its regional, national and intra-ACP envelopes, the EDF has supported relevant projects and programmes. This, in turn, has been instrumental in the formulation of a joint ACP-EU position that was published ahead of the UN High Level Dialogue on International Migration and Development in October 2013. Yet, the development and implementation of a comprehensive common ACP-EU agenda on migration and mobility has been undermined by a longstanding lack of mutual trust in the negotiations on migration, especially in the context of Article 13.

However, as no similar legal framework exists with a group of countries, the EU-ACP framework is of strategic importance for the EU as the basis for obliging African states to readmit migrants from ACP states. The existence of a legally binding provision such as article 13 may prove a powerful incentive for some EU member states to prolong the CPA. Yet it is doubtful whether this will turn out to be an effective instrument of enforcement, considering past tensions and blockages. The ACP group was also not invited to attend the recent Valetta Summit on migration.

Whereas the ACP framework is seen as relevant to a bilateral dialogue on readmission, the ACP group as an intergovernmental organisation is not seen as a key interlocutor in the area of migration. As regards the overall dialogue with ACP states, the EU noted in its assessment of the implementation of the Global Approach on Migration and Development: 'Despite of progress made, the ACP-EU Migration Dialogue is complicated by the fact that the African, Caribbean and Pacific macro-regions are very differently placed with respect to EU migration policies and their

commitment in this dialogue varies accordingly.’[1]

As a result, the EU increasingly favours a continental and regional approach to migration issues, particularly in relation to Africa. From the perspective of the EU member states, the Africa-EU partnership has greater strategic value as it includes most of Europe’s neighbourhood in the Southern Mediterranean. Hence, political traction and action are derived from Regional Dialogues (known as the Khartoum and Rabat processes) and are placed in the context of EU-Africa relations (as illustrated by the recent Valetta Summit in November 2015). Similarly to the ACP-EU dialogue, the EU-Africa dialogue is hampered by the presence of too many countries with too divergent interests. Here too, the subsidiarity principle will be a driving force in placing ‘regional routes’ in pole position as the place where results could be achieved. In all these discussions, the ACP framework has been mentioned only in relation to the issue of return and readmission.

This is not to say that there is no potential added value in the ACP group in providing expertise and perspectives on South-South regional or inter-continental migration. Demands for and flows of migration between and within the two groupings have grown and are unlikely to subside in the coming decades. Yet, the ACP group as a whole has not yet clearly articulated its own vision and position to fully define and exploit possible added-value over other cooperation frameworks. So far, for example, we have seen limited ownership of cooperation projects such as the intra-ACP Migration Facility. Moreover, the fact that migration as a topic has not featured prominently in the ACP group’s own reflections on the future of the CPA may indicate that there is simply not enough interest in pursuing a strong common intra-ACP cooperation agenda on migration with partners.

20. Should a future partnership do more in this regard, and on which particular aspects should it focus (legal migration and mobility, addressing root causes of migration, return and readmission, tackling human trafficking and smuggling, international protection)?

As mentioned above, current practice suggests that this kind of issues will in the future be addressed in leaner institutional frameworks, where there is real political traction and capacity to conclude political deals. The ACP-EU partnership as such has very limited added value (beyond general dialogue, declarations or funding of projects that could also be managed in a different way).

A stronger political relationship

21. How effective has the political dialogue been and at which level is it the most effective: national, regional and through the joint EU-ACP institutions? Should the scope of political dialogue be widened or narrowed?

Extracts from ECDPM's political economy analysis of the Cotonou Agreement (forthcoming in January 2016 on www.ecdpm.org):

The whole notion of the ACP has become less visible in EU policy discourses, in the EU's institutional framework (e.g. DG DEVCO and EEAS), as well as the most recent Treaty on the European Union. It has been supplanted de facto by alternative continental strategies such as the joint EU-Africa partnership, the European Neighbourhood Framework and a growing number of strategic partnerships – all seen to reflect more pressing political priorities and arenas of EU external action.

While the political relevance of the ACP relationship has declined dramatically, the EU is attaching growing importance to building effective political partnerships with the African continent, through the AU and the regional economic communities. The Joint Africa-Europe Strategy (JAES) sought to define such a global partnership adapted to the common challenges faced by the neighbouring continents. It stressed the need to devise a comprehensive political relationship with the African Union, regional players, national and local governments as well as civil society and the private sector. For a variety of reasons, effective implementation has lagged behind. Yet there is growing political traction in EU-Africa relations, triggered partly by urgent common needs and interests such as migration, as is illustrated by the November 2015 Valletta Summit and the related Action Plan. Many interviewees consulted for the purpose of this study saw the deepening of Europe-Africa relations as a top priority for the EU in the coming decade.

As the EU has expanded from 15 to 28 member states since the CPA was signed, the informal rules of the EU game vis-a-vis the ACP have altered. The national parliaments of new member states have had to accept and ratify the existing agreement between the EU and ACP in order to become EU member states. Yet EU enlargement has led to a situation in which the majority of the 28 current EU member states have either no or very limited (or different types of) historical ties with the ACP countries, let alone with the ACP as a group. The 'newer' member states (EU13) have clear strategic and security policy interests in their immediate Eastern or Southern neighbourhood. Now that the EU is undertaking a review of its Neighbourhood Policy and focusing on 'firefighting' in the EU neighbourhood, we have yet to witness the impact (or lack thereof) of this on ACP-EU relations.

There is abundant evidence that the joint ACP-EU institutions have lost most of their traction and influence, as reflected in the limited attendance of key players on both sides. This is again linked to the marginalization and erosion of the CPA (de facto reduced to a tool for managing development aid) and the inadequacy of the ACP-EU framework to serve as a conduit for political deals.

22. Would a stronger involvement of EU Member States, associating their bilateral policies and instruments to the political dialogue at national level, enhance the dialogue's effectiveness and efficiency?

Extracts from Helly et al (forthcoming 2016) Stepping up? Best Practice in Joint Programming and Prospects for EU Joint Cooperation Strategies. ECDPM Discussion Paper 183. January 2016, <www.ecdpm.org/dp183>:

In a more globalised and competitive world the need for more effective international and development cooperation has only become more urgent and consequences of inaction more apparent. To meet the recently agreed Sustainable Development Goals (SDGs) all actors including EU actors will have to 'raise their game' to work together better. The European Union's institutions and services and its Member States, have the potential to have a stronger influence in international cooperation because of Joint Programming (JP).

With a more systematic adoption and application of Joint Programming documents in partner countries, as the result of JP processes, they could be even stronger. Rebranded as Joint Cooperation Strategies, JP would fit well under the 2016 EU Global Strategy and a revised European Consensus on Development matching the new global agenda for Sustainable Development Goals (SDGs). Despite a waning interest in the application of development effectiveness principles, JP could also help addressing long identified and persistent challenges in the external action of the EU and its Member States.

If undertaken in a strategic way, joint programming merges, in a flexible and adaptive fashion, aid effectiveness principles methods to achieve universal development objectives with attempts to give Europe a stronger collective influence on increasingly competitive global affairs. Many Member States (but not all of them) and EU institutions have already endorsed and committed to this strategic vision. Yet application of it varies. There is some fatigue with JP and significant need for revitalised political support for this modality. Some Member States doubt its benefits or 'return on investment', misinterpreting its transformative power or being simply disillusioned by the EU institutions' instrumental rigidity which they see as not empowering JP.

The EU institutions and services (DEVCO and EEAS) play a central role in JP. Obviously EU Delegations perform better when they are sufficiently staffed. There is hope for JP when EU Delegations act as champions in a sensitive manner. Yet when EU institutions do not apply Joint Programming to their own cooperation programming, including at critical junctures when they review their programming priorities, it jeopardises the whole credibility and success of the process.

ECDPM's research indicates that Member States are interested in Joint Programming when it decreases their transaction costs, does not threaten

their bilateral cooperation objectives and gives them more influence. Some Member States (particularly France and Germany) have clearly managed to take advantage of JP. Member States with less diplomatic presence and staff and fewer development funds may at times feel quite frustrated with and even worried about the implications of joint programming. Even more so when they see EU institutions imposing their own priorities in “Brussels language” or being unable to efficiently deliver in the step of actual joint implementation.

If the collective ambition of the EU is still to work better together and achieve development effectiveness then a more systematic adoption and application of rebranded Joint Programming Strategies in partner countries offers potential.

Also here, it is unclear if the existence of a CPA provides a conducive environment or not for such a concerted EU action. Also here the institutional framework is NOT the key determinant. Whether JP succeeds or not will depend on political economy factors and incentives that have little or nothing to do with the existence of an ACP-EU partnership.

23. Has the fact that the agreement is legally binding been instrumental to its implementation as compared to other regional partnerships based on political declarations?

Based on ECDPM's political economy analysis of the Cotonou Agreement (forthcoming in January 2016 on www.ecdpm.org):

The political economy analysis conducted by ECDPM shows unambiguously that the existence of a legally binding instrument provides very limited guarantees for effective political action. This assertion is corroborated by abundant evidence on the limited effectiveness and coherence in the use of Article 8 and 96; in the measures taken by many ACP governments to close space for an autonomous civil society (in flagrant contradiction with both the text and spirit of the CPA) or in the ineffectiveness of Article 13 on migration.

Our findings suggest that what really matters is the power relations between parties, the political / economic and security interests at play and the leverage the EU can (still) exercise (taking into account its shrinking financial weight and the existence of many other players with more resources and less conditionalities). These factors really matter -much more than the existence of a normative framework.

Furthermore, in the last decade the EU has largely harmonized its different policy frameworks, thus further reducing the "unique" character of the CPA.

Allegations that the CPA is more effective than the JAES are quite shaky from a PEA perspective. This, again, has little to do with the existence of a legally binding text. It is rather linked to the 32 billion Euro the EU puts into the CPA. Inevitably, the injection of this amount of funds makes the CPA "more attractive" for ACP states that primarily seek to obtain development funds from the EU.

Coherence of geographical scope

24. Could a future framework be usefully opened up to other countries than the current members of the ACP Group of States? Which countries would that be?

Many sources concur to state that the current ACP-EU configuration is a post-colonial relic. It made sense in the 1970s but has in the meantime been completely overhauled by drastic changes in the international context, in the ACP and in the EU.

Considering the very weak performance of the ACP-EU partnership in delivering on core objectives (such as political dialogue, management of global public goods, joint action in international fora) it seems not realistic and desirable to further extend the partnership. The future rather lies in deepening regionalization dynamics (to solve common problems at the most appropriate level) and to build partnership relations with coherent regional / thematic groupings. Adding more countries to the current partnership will only increase heterogeneity of interests and reduce the capacity for effective collective action on SGDs.

25. What kind of framework should govern EU and ACP relations? How could an ACP-EU successor framework relate to the more recent EU regional partnerships with Africa, Caribbean and Pacific States? Could a future ACP-EU framework include distinct partnerships with regional partners?

Extracts from ECDPM's political economy analysis of the Cotonou Agreement (forthcoming in January 2016 on www.ecdpm.org):

Over the course of the past 15 years since the CPA was signed, the EU and ACP member states have signed a number of complementary and sometimes overlapping agreements in terms of content with sub-regions of the ACP. In particular, the EU-Africa relationship has seen a renewed partnership discourse, leading to the JAES in 2007. The emergence of the African Union and the JAES as well as the Joint Caribbean-EU Strategy and the EU Strategy on the Pacific, are seen as exemplifying the increasingly sub-regional approach adopted by the EU in addressing foreign policy, security, trade and development concerns in the ACP regions. These regional frameworks may still be fragile and criticised for lacking means of implementation, yet combined with a number of sub-regional geographic strategies for Africa, they represent examples of more geographically focused strategies in the EU's external action.

The burgeoning discourse on partnerships is seen to reflect a broader trend in EU foreign policy and the EU's aim to become an influential global actor. However, this also highlights a long-standing division in the EU: to date, member states like France have been keen to retain the privileged ACP-EU partnership, while other member states such as Sweden, the Netherlands and Germany, have advocated moving away from an exclusive EU-ACP relationship towards a universal form of European development cooperation embracing all developing countries. A 'regional' approach towards the ACP countries based on a recognition of historical and strategic linkages with former European colonies is in contrast with a 'global' approach towards developing countries concerned primarily with poverty reduction.

The downside of these developments is a proliferation of overlapping and possibly competing EU policy frameworks, which inevitably lead to inefficiencies, higher transaction costs and above all impinge on the overall coherence of EU external action. Africa is a case in point. Europe is currently managing its engagement through a continental framework (JAES), through increasingly important partnerships with regional bodies (RECs), as well as through the European Neighbourhood Policy (ENP), the CPA and a strategic partnership with South Africa. There is also a resultant proliferation of EU committees dealing separately with the EDF and DCI (even though the DCI also includes a Pan-African Instrument, despite the risk of overlaps with EDF-funded RIPS). In this context, it would be in the interest of the EU to seize the opportunity of the review of the CPA to consider rationalising these policy frameworks and the resultant bureaucratic structures.

26. Is there scope for building in more structured relationships with Asia, Latin America, the Middle East and North Africa?

It is in the interest of the EU to avoid disconnected debates between the future of the CPA, on the one hand, and the wider EU external agenda, on the other hand. If the EU is serious about developing over time a more coherent external action and a capacity to be a global player in the Agenda 2030, it needs to define a GLOBAL strategy encompassing the various regions. Deepening the political partnership with Africa (treated “as one” and integrating therefore North Africa) is a key priority in this regard. A continuation of the CPA would preserve the split in regional agreements with Africa and contribute to a further weakening of the JAES.

Cooperation tailored more towards groups of countries with similar development level

27. Is the current system of allocation of development resources, based on need and capacities as well as performance, sufficient for channelling funds towards those countries where the highest impact can be obtained? Should allocation of resources continue to prioritise countries most in need, including fragile states?

Extracts from Herrero et al (2015) Implementing the Agenda for Change: An independent analysis of 11th EDF programming. ECDPM Discussion Paper 180 <www.ecdpm.org/dp180>:

The 11th EDF has clearly been designed to reach those most in need from a sustainable development perspective. The allocation criteria were drafted to concentrate more aid on LICs and LDCs. This has resulted in a transfer of the share of resources from non-LDC UMICs to LDCs and LICs. To achieve this sharper focus the 11th EDF uses an allocation formula that integrates quantitative indicators relating to needs, capacity and performance. Compared with the 10th EDF, the allocation formula for the 11th EDF aims to increase transparency and objectiveness by using a more limited number of internationally acknowledged quantitative indicators. The aid allocation formula also integrates possibilities for qualitative adjustment to account for more political dimensions that are not easily captured by quantitative means. However, the decision to use a geometric model rather than a simple arithmetic weighting of the indicators may make it harder for a layman to understand how the various indicators influence the allocation relative to each other. While the qualitative adjustments leave the necessary scope for taking account of country contexts, it also confirms that aid allocations are never purely scientific but that political considerations are likely to play a role.

If one looks more closely at how much EDF-ODA per person the various

country income groups receive on average, based on the ACP-EDF NIP allocations, the concentration on the poorest countries becomes less marked. Although the concentration on the LIC/LDC group remains, it is not as high. The LIC/LDC group has the highest median, at €38 per person, followed by the UMICs with a median of €35 per person and the LMICs with €34 per person. Taking the average as a measure, the LIC/LDC group receives even less per person than the non-LDC UMICs (i.e. €51 per person for LIC/LDCs compared with €68 per person for UMICs). However, this is due to the small populations of some Caribbean and Pacific UMICs.

Projections suggest that by 2030 the vast majority of the world's extremely poor will be concentrated in today's fragile states and low-income countries. These are mostly highly volatile countries in which governance systems and state capacity are weak or non-existent. This means that post-2015 aid will be focused more on fragile settings where results are most difficult to achieve. It also raises questions of whether the EU is politically ready and operationally equipped to deliver high-impact aid in fragile and LIC countries. ECDPM's analysis of the NIPs shows that the 11th EDF is deeply committed to improving public finance management and also that it is less keen on channeling aid through general budget support than it was in the past. At the same time, the EU has been less reluctant than many member states to use state building contracts and good governance contracts (for general budget support) in countries where many EU member states would fear to tread.

The post-2015 debate means that key principles including universality, the need for policy coherence for sustainable development in all countries, and a growing emphasis on shared responsibilities will need to be weaved into EU development policy and the EDF/ACP-EU framework. Given the scale of the challenges, the role that future ODA should play in all this remains the subject of debate: should ODA concentrate primarily on poverty reduction in the poorest, most vulnerable and fragile countries? Should it also play a catalytic role in MICs, where there are also hard-to-reach poverty pockets? Should it broaden its definition to include financing the provision of global public goods?

An effective interplay between policies and sources of finance is crucial for achieving ambitious SDG goals. More so than in the past, the added value of EU ODA will need to be demonstrated vis-a-vis other donors, other financial flows and in relation to policies - at global, national and local levels - that influence the effectiveness of ODA.

28. What kind of cooperation could help to cover the specific needs of more developed ACP countries with a view to attaining more equitable and sustainable growth?

Extracts from Herrero et al (2015) Implementing the Agenda for Change: An independent analysis of 11th EDF programming. ECDPM Discussion Paper 180 <www.ecdpm.org/dp180>:

Concerning differentiation and aid allocation criteria, achieving poverty eradication as well as broader sustainable development goals may require fine-tuning and more nuanced allocation indicators that take account of sub-national differences such as inequalities and other financing and sustainable development challenges. The global geography of poverty shows that, at present, MICs (many of which are fragile countries) host the bulk of the world's poor, including those who live just marginally above the poverty line. Despite their higher income, MICs may find it difficult to afford the tax burden for redistribution without the continued assistance of international public finance.

The 11th EDF already seeks to address certain global challenges, by placing a stronger emphasis on sustainable energy and mainstreaming climate issues. The question is what role EU aid can still play in helping MICs to address inequalities, implementing the global public goods agenda (including with the aid of research and innovation, and knowledge brokering) and mobilising domestic resources (e.g. building up tax systems and using blending).

Future allocations may need to place even more emphasis on analysing how aid fits in with partner country strategies for securing own sustainable development finance in the longer term, how aid complements and meshes in with other types of development finance (whether public or private), as well as the regulatory policy environment. There is a clear consensus that ODA alone will not bring about development and that there is less of a need to rely on ODA alone.

Strengthen the relationship with key actors

29. Has the current model of stakeholder engagement been conducive to attaining the objectives of the partnership in an efficient way? Which actors could play a more significant role in the implementation of the partnership? How could this be addressed?

Extracts from Herrero et al (2015) Implementing the Agenda for Change: An independent analysis of 11th EDF programming. ECDPM Discussion Paper 180 <www.ecdpm.org/dp180>:

There is sufficient evidence in the 11th EDF programming process to conclude that the balance in setting (and owning) priorities was tilted too far in favour of the EU compared to its developing partners. The EU had the upper hand in deciding on sector choices and this was done by means of a top-down approach controlled by senior management at EU headquarters. This diluted the principle of country ownership. One could argue that, where top-down sector choices are made, the European Commission lowers the policy autonomy of its partner countries. The EU Delegations are naturally best placed to be the arbiters of national stakeholders, and despite the fact that the programming instructions recognised this, they were too often disempowered or overruled. Input from civil society actors gathered through in-country consultations led by the EU Delegations and the NAOs was seldom a key driver in programming choices. Some EU Delegations managed to accommodate partner country concerns and were creative in the way they defined sectors so as not merely to comply with HQ instructions, but to satisfy their partner country's preferences at the same time. Perhaps more politically attuned to the need to respect the wishes of partner countries – and of their governments in particular – the EEAS played a positive role in supporting EU Delegations in this regard.

If the EU is serious about its commitment to country and democratic ownership, future programming exercises will need to restore the balance more towards national stakeholders. They will also need to rectify the 'central government bias' by involving local authorities and domestic accountability stakeholders more systematically, and by going beyond participatory processes that are disconnected from real choices. Tough as this debate will be, it will have more value and credibility in achieving country ownership than the tired reiteration of principles (whether Paris, Accra, Busan or Cotonou) that have clearly not been fully implemented yet.

30. What could be done to promote effective and efficient involvement of both international and domestic private sector, civil society, social partners and local authorities in the partnership?

Based on ECDPM's political economy analysis of the Cotonou Agreement (forthcoming in January 2016 on www.ecdpm.org):

Our political economy analysis has collected abundant evidence that the current CPA is NOT conducive to a meaningful participation of the above-mentioned actors, DESPITE the existence of generous provisions. This is linked to the prevalence of top-down approaches, centralized management systems and bureaucratic controls.

This has been the CULTURE built up over 40 years of ACP-EU cooperation. It is therefore very difficult to see how this patterns of relations with other actors can be altered WITHIN the current cooperation paradigm, focused on a partnership between politicians and central bureaucracies on both sides.

One of the cardinal principles of the 2030 Agenda is the multi-actor nature of development and cooperation processes "beyond aid". The CPA and its management culture have not been instrumental in promoting such approaches over last 15 years. Also the political conditions for this type of multi-actor partnerships are deteriorating in several African countries as authoritarian governments close the space for other players.

31. Should the partnership be open to new actors as referred above?

See Q 30.

32. In this regard, should the possibility of opening up the partnership to 'associated members' or 'observers' be considered?

33. How could a new framework promote triangular and South-South cooperation, including the increased involvement of ACP States as development actors in support of other ACP countries?

Based on ECDPM's political economy analysis of the Cotonou Agreement (forthcoming in January 2016 on www.ecdpm.org):

The political economy analysis conducted by ECDPM sought to understand why the track record of 40 years of intra-ACP cooperation is so limited (beyond the funding of short-term projects). This is not linked to capacity issues, but primarily to systemic constraints such as the growing heterogeneity of interests within the ACP and divergent development trajectories. As a result, the incentives to set-up truly owned intra-ACP cooperation processes are very limited. The same holds true for South-South cooperation. It is a laudable idea, put forward in the scenarios for the future for the ACP Group. But it is highly probable that this type of cooperation will not flourish as it is too complicated - from a political economy perspective- to set up such triangular arrangements. It requires commonality of interests, political leadership, managerial capacity of coordinating bodies as well as autonomous funding sources (one cannot expect the EU to pay for this if the countries involved see a clear interest !). All these factors are NOT present in current ACP Group and it is unlikely that they can be put in place in the future.

Streamline the institutional set-up and functioning of the partnership

34. Has the joint institutional set-up (with the ACP-EU Council of Ministers, the ACP-EU Committee of Ambassadors, and the Joint Parliamentary Assembly) been effective in debating and promoting common views and interests and in providing political guidance and momentum to the EU-ACP partnership and the implementation of the CPA?

See Q 21

35. What is the added value of the joint ACP-EU institutions as compared to more recent regional and regional economic community frameworks for dialogue and cooperation?

Very limited.

Evidence rather suggests that the continued existence of the ACP-EU framework - mobilising a huge amount of resources - may be detrimental to deepening the regional frameworks (e.g. JAES) and relations with continental (AU) and regional bodies - where the real political traction is and where political deals will have to be concluded beyond 2020 (see the Valetta Summit of November 2015 as a prefiguration of future trends).

36. What institutional arrangements would most effectively help address common challenges and promote joint interests?

The track record of the ACP-EU framework in dealing with common challenges is very sobering. This is linked to political economy factors, including shifting power relations, the wrong incentive structure and the existence of alternative (regional / thematic fora) more conducive to address such challenges (see example Europe-Africa relations).

37. Should a higher degree of self-financing of this functioning (ACP-EU Joint institutions and ACP secretariat) by the ACP States be required?

See Q 42.

Better adapted and more flexible development cooperation tools and methods

38. Is there added value in having a dedicated financing instrument in support of the ACP-EU partnership? If so, what are the reasons and how would it differ from other external financing instruments funded by the general budget of the Union? Is this instrument flexible enough, especially to address crisis situations? Can this instrument be deployed differently?

Extracts from ECDPM's political economy analysis of the Cotonou Agreement (forthcoming in January 2016 on www.ecdpm.org):

The EDF is currently one of the most tangible and significant aspects of the ACP-EU relationship, yet some of the main decisions on the EDF are taken only by European actors. Indeed, despite the joint management structure of the CPA, the EDF decision-making procedures highlight the power of the Commission, which administers it, the EEAS and the Commission, which together decide on country and sector allocations, and the EU member states, which pay for and decide on the overall size of the EDF. The ACP secretariat does not have observer status on the EDF committee, where decisions on the allocation of the EDF are taken. In other words, like other ODA instruments, the EDF is inherently constrained by a donor-recipient asymmetry.

A historical analysis of the EDF budgetisation debate paints a picture of the varying interests at play behind the negotiations on the EDF. Its future is in its current configuration intrinsically linked to the EU side of the partnership and to the individual and collective interests of the EU and its member states. This means that the internal EU negotiations on the next EU budget period will also affect the future of ACP-EU relations beyond 2020. Therefore questions regarding a future financial instrument should be seen in light of wider discussions about 'Europe in the world' and the multi-annual financial framework discussions, in particular in relation to Heading IV (Global Europe). The factors that drive resistance to change on the one hand - and the push for change on the other - are connected to a range of issues. It is important to consider what the potential interests, incentives and disincentives are for innovations in terms of a future financial instrument.

39. What is the added value of the EDF's co-management system involving national authorities in the programming and management of aid programmes, as compared to other EU cooperation instruments in non-ACP countries?

Based on ECDPM's political economy analysis and extracts from Herrero et al (2015) ECDPM Discussion Paper 180 <www.ecdpm.org/dp180>:

A legitimate question is whether co-management, articulated around the NAO, is the best way of guaranteeing country ownership from an aid effectiveness viewpoint. One of our interviewees pointed that the way the revised version of the CPA defines co-management is fundamentally imbalanced: "While Article 36 of Annex IV of the CPA clearly defines the

NAO's tasks, there is no such detailed definition of the tasks entrusted to the Head of Delegation. This was previously given in Article 35, which has now been removed. Nowadays, Heads of Delegation are only required to inform the NAOs on a regular basis."

The NAOs play a very important role in articulating the government's positions and ensuring that line ministries understand and comply with EC procedures. However, the majority of the NAOs interviewed agreed that co-management does not equate with ownership, as decision-making is concentrated in the hands of the EU delegation. All NAOs interviewed could cite examples of how the EC did not respect the partner government's preferences in sector choices, sector allocations, aid modalities, and implementation decisions. Some positive examples did however surface including participatory processes in choosing indicators and synchronisation efforts that helped ensure greater ownership.

EU delegation views suggest that most staff believe that 'financial co-management does not equate with ownership or full partnership'. The reasons put forward include: i) In practice the EU decides, ii) the NAO system is devoted mainly to dealing with complicated EU procedures, iii) NAO offices are mostly run by consultants paid by the EU who 'hamper any real appropriation by the Government', iv) NAO offices are parallel structures created to deal with EC procedures with the additional downside that the 'EU delegation's main interlocutor is not a real decision maker', v) the NAO was seen as 'playing a power game to justify its existence' and 'not always acting in the best interest of the sector'.

What does this mean for future cooperation arrangements?

First, one should be careful in presenting co-management as an ideal form of governance for development cooperation resources and part of the 'acquis' of ACP-EU cooperation that should not be lost. This often happens in policy debates on the CPA. Believers in this system admit that weaknesses exist, yet tend to ascribe these to a 'lack of capacity' and 'complex procedures' that recipient administrations struggle to master. While the CPA's model of co-managing development cooperation was ahead of its time, the practice of country ownership has been largely diluted in its institutional implementation. The NAO model has been largely reduced to a procedural role in managing complex EDF programmes. Key strategic decisions with regard to EDF funding remain dominated by the EU and its institutions. In many ACP countries, the practice of co-management is therefore much more an administrative interface than a joint strategic function. In countries with weak governance, the NAO system is often a major obstacle to addressing core development and governance challenges and ensuring the transparent and accountable use of EU aid resources.

Second, a comparative analysis also suggests that the CPA system of co-management is not unique. The principle of having a 'focal point' (or homologue) within the central government of the partner country is also found in other EU cooperation agreements. In practice, these focal points share more or less the same powers and competences as the NAO in terms of programming, procurement, follow-up of implementation, link with sector ministries, etc.

Third, whatever system is put in place to manage future EU development cooperation resources in a more transparent, result-oriented and accountable manner, a major overhaul of the NAO system should be considered. In many ways, this format was compatible with the (rather narrow) 2005 Paris 'aid effectiveness' agenda (to be delivered by central governments). Yet the notion of ownership has evolved dramatically in the past ten years. The Busan Outcome Document talks about 'development effectiveness' and stresses the need for country ownership associating all relevant players.

The NAO construct, functioning as it does as a heavily centralised aid intermediary, is outdated and is not compatible with:

- (i) the promotion of country ownership through direct interaction with key stakeholders (e.g. sector actors);
- (ii) the multi-actor nature of development which implies much more participatory approaches than those currently prevailing in the highly centralized ACP-EU cooperation processes;
- (iii) the requirements of international cooperation beyond aid - which will apply to most ACP countries after 2020.

40. Does the current set-up of the programming process and implementation of activities lead to real ownership by the beneficiaries? What could be improved? How can the EU and Member States maximise the impact of joint programming?

See also answer to question 29.

Extracts from Herrero et al (2015) Implementing the Agenda for Change: An independent analysis of 11th EDF programming. ECDPM Discussion Paper 180 <www.ecdpm.org/dp180>:

The 11th EDF was a big opportunity for the EU to abide by development effectiveness commitments. Ownership as a principle features prominently in the programming instructions, according to which national development plans are the basis for programming if deemed adequate by the EU delegations. The instructions require EU delegations to dialogue with partner governments and consult with local stakeholders at key moments throughout the programming process, integrate their input and report to HQ on these interactions. However, based on a survey targeting EU delegations in ACP countries, just over half of the respondents were either unsatisfied or very unsatisfied with country ownership in the

11th EDF programming process.

An EU delegation official described top-down decision making as 'treating poorer countries without any respect and dismissing their legitimate concerns'. Three NAOs interviewed for the study agreed that the 11th EDF programming was not fully respectful of country preferences, especially when it came to the choice of sectors. But there were some nuances: for example in relation to the identification of projects within a sector, one NAO was satisfied with the fruitful discussions and the fact that the EU had changed its position after consultations. In another context, consultations appear to have stopped after the choice of sectors, with the government having less input and ownership of programming within a sector.

Helly et al (forthcoming 2016) Stepping up? Best Practice in Joint Programming and Prospects for EU Joint Cooperation Strategies. ECDPM Discussion Paper 183 <www.ecdpm.org/dp183>. January 2016:

For Joint Programming to assist in delivering an effective division of labour and a more strategic EU approach to achieve the SDGs, specific and early policy thought and direction are required. This needs to occur at the EU institutions and EU member state HQ level as the policy and institutional implications of the SDG agenda are currently being thought through.

The EU institutions play an essential role in Joint Programming: the size of EU institutions development cooperation budgets and their global presences places them at the core of the policy exercise. The main challenge for EU institutions lies with a "relative disconnect" between Joint Programming and EU development programming processes. Both processes have "lived parallel lives". While lower levels of decision making in Brussels or in EU Delegations strove for Joint Programming, the merge with EU programming processes hardly happened systematically. These inconsistencies created a context in which Joint Programming and EU programming cycles synchronisation was not consistently championed by DEVCO leadership. It resulted in JP instructions being presented as only one amongst a large number of instructions given to Heads of Cooperation, which made it difficult to gauge how much effort should be put in or taken from other processes. That situation translated into a lack of flexibility in EU programming cycles. Member States would expect that the EU institutions sets the example - the lack of use of JP documents and processes in the EDF/DCI/ENPI programming exercises may consequently have a reputational cost for the EU institutions and thereby jeopardise JP efforts altogether.

In practice and on the basis of 2030 Agenda, the EU will have to consider whether it wants to combine JP with the new SDGs framework in at least four areas:

- Combine or articulate EU joint strategies with or around the three pillars of the SDGs.
- Take additional steps to devise a coherent EU joint approach -

yet respecting Member States' specific strengths - to political economy analysis (at country and sector level), pooling resources and capacity.

- joint programming could translate into the adoption of thematic, multi-sectoral, approach to Joint Programming documents in sync with the holistic variety of SDGs.
- Joint Programming strategies will also have to incorporate sustainable development finance (beyond specifying the financial allocations per sector) to match SDGs targeting means of implementation.

41. Does the variety of existing tools adequately support the EU and ACP common principles and interests and are there gaps that should be addressed? How do you assess the effectiveness and efficiency of various implementation modalities?

As mentioned before, the three-pillar structure of the CPA has been eroded with the de facto regionalization of trade and political cooperation to other institutional frameworks. This means the CPA is now primarily a "development cooperation tool" underpinning a traditional North-South partnership.

As demonstrated above, this framework is ill-suited to deal with global public goods or address global governance concerns linked to the 2030 Agenda.

42. Should a higher degree of self-financing from the ACP States be required for activities to ensure ownership? Would this apply to all countries? On which principles should this be based?

Yes. This would be consistent with the text and spirit of the 2030 Agenda for Sustainable Development and the new style "means of implementation" it introduces, based on a shared responsibility for delivering on the SDGs, including domestic resource mobilization. Consistent with the universal agenda it would apply to all countries. Current trends to concentrate aid on poorest / fragile countries will deepen in years to come - though the need for improved economic governance will remain a top priority in these countries as well, particularly those richly endowed with natural resources. Also in such contexts, aid should not supplant local efforts -including a more transparent and equitable use of the country's own natural resources.

If the ACP countries that serious about becoming less dependent on the EU and transforming themselves into a "global player" that can play an effective role in global governance, the FIRST prerequisite is that the participating MS pay for the costs of their own structure. The current high dependency on EU funding for sustaining the ACP structure is incompatible with the ambitions to be an autonomous player. It greatly reduces the legitimacy, credibility and effectiveness of the ACP group.

43. How can the expertise of the EU and its Member States be better mobilised, particularly in the middle-income countries?

Extracts from Keijzer, Kratke and van Seters (2013) Meeting in the Middle? Challenges and opportunities for EU cooperation with Middle Income Countries. ECDPM Discussion Paper 140 <www.ecdpm.org/dp140>:

The discussion on how the EU can best engage with MICs requires the EU as well as its Member States to look beyond traditional perceptions of 'developed' and 'developing' countries. This binary distinction most commonly made on the basis of levels of national income, growth and production, with nowadays still frequently motivate policy decisions in several areas (such as trade and development cooperation). Nonetheless, there is increasing appreciation of the fact that such classifications are losing relevance as global patterns of poverty and the balance of economic and political power have shifted.

Whereas the EU is very aware of the fact that MICs in general represent a significant strategic interest for the European Member States (in terms of trade, natural resources and political influence as well as in providing a range of global public goods) the partnership with and tools applied to these countries are still being adapted to this thinking. In this regard, ODA is losing relevance in comparison to other financial flows and revenues – many MICs have little to no dependence on ODA. This is not to say that ODA can no longer add value to the EU's engagement with MICs – on the contrary, the MICs offer the opportunity to explore and pilot new methods to specifically target and deliver ODA to catalyse other financial flows and efforts towards development objectives.

There is a multiplicity of EU policy commitments and frameworks that affect MICs (trade, cohesion, enlargement, neighbourhood, foreign and security policy and international negotiations). This can be both a benefit and concern for future cooperation. On the one hand, the EU can employ a diverse array of instruments at different times and for different purposes. There are thus a large number of imaginable configurations of instruments with which to engage with MICs, which ensures that the EU will most likely be able to identify and form partnerships with MICs on the basis of diverse sets of mutual interests. On the other hand, the various commitments and the instruments attached to them operate at different 'speeds': they are driven by different interests and priorities, and their underlying policy frameworks furthermore do not affect all MICs equally, so some 'picking and choosing' is required. For those concerned with poverty, there is also the added concern that these instruments may not always have a positive developmental impact.

The EU will therefore have to invest in exploring its wealth of policy frameworks and instruments in order to identify lessons and best practices to inform the negotiation and design of partnerships and instruments for cooperation with the MICs. It is important to clarify the purpose, nature and scope of the EU's engagement with MICs beyond

traditional development cooperation. For this, the EU will need a clear understanding also of what the respective MICs look to the EU for. The EU should have a natural interest in investing in developing alternative ways to differentiate between its partner countries. More politically infused analysis of the needs, resources and policies of the MICs, with the search for shared interests at its centre, would benefit the clarity and specificity of policy frameworks and instruments employed and consequently increase the chances of effective partnership.

The EU should also employ such political economy analysis to better differentiate between the MICs, and adopt more tailor-made and effective approaches for cooperation with individual MICs. This is particularly relevant in finding new ways for ODA to operate in conjunction with deepening economic and political engagement with MICs. Specific modalities need to be identified to target ODA resources in order to incentivize and catalyse change in clearly identified issues affecting the attainment of development objectives.

The EU and its Member States must draw more systematically on the EU's own track record of cooperation with MICs under various policy frameworks and using different (non-ODA) instruments in order to integrate lessons learnt. The EU's cooperation with MICs should be informed by its comparative advantages, e.g. its broad and deep toolbox of instruments and the potential for learning and increasing impact that this affords to new partnerships.

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