



Beyond Cotonou

European development cooperation
after 2020

A perspective for CSOs

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Preface

2020 has the potential to become as historic as 2015 was. In 2015, world leaders assembled in New York to conclude the Sustainable Development Goals (SDGs) and in Paris they showed their commitment to keeping the world liveable for future generations by concluding the Paris Climate Agreement.

The year 2020 marks the start of a new era for European development cooperation. By then the Cotonou Agreement, which is the main framework of the EU development agenda, will end. What will happen after Cotonou? Looking at the geopolitical trends and internal discussions within the EU and ACP countries, we are facing a totally different world than in 2000. It is therefore vital to realise a future cooperation that fits into the world as we know it today.

This provides a superb and important opportunity for Civil Society Organisations— in coalition with others – to influence the future development agenda of the EU. *Ready for Change*, an initiative from Partos, Foundation Max van der Stoel and Woord en Daad, wants to engage Civil Society Organisations in contributing to a new EU development agenda that clearly reflects their views and priorities.

Ready for Change believes that the Sustainable Development Goals and Policy Coherence for Sustainable Development are key drivers in this new development agenda. With a future cooperation in line with the SDGs, we will genuinely ensure that No One is Left Behind. With our vision of a future cooperation in line with our fundamental principle of policy coherence for sustainable development, we are pursuing a future cooperation that will not primarily benefit the EU, but will first and foremost benefit developing countries.

If we want to ensure that SDGs play a key role in the future of EU development cooperation then as civil society actors we must now board the train towards this future. Why? Because first of all highly relevant

topics are on the agenda, such as climate change, migration, peace and security, food security, value chains, global health and financing for development. And because Civil Society Organisations have a necessary and indispensable role to play in this process and should not be merely commenting on the negotiations from the sidelines. Instead they should take their place at the negotiation table. The current political developments in various European Member States, which step by step are refraining from investing in the root causes of poverty, inequality and other crucial aspects of development cooperation, means that we simply cannot afford to adopt a wait and see approach.

We therefore need to team up and actively and persistently pursue a robust and ambitious European development agenda. Our message is: be inspired and get involved!

This briefing paper was written by Ries Kamphof and Edith van Ewijk (Kaleidos Research) on behalf of 'Ready for Change'. We would like to thank Simon Stocker (EEPA) and Alfonso Medinilla (ECDPM) for their comments on an earlier draft of this briefing paper.

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List of abbreviations

ACP	African, Caribbean and Pacific countries
AIV	Dutch Advisory Council on International Affairs
AU	African Union
BRIC	Brazil, Russia, India and China
BZK	Dutch Ministry of the Interior and Kingdom Relations
CSO	Civil Society Organisation
DG DEVCO	European Commission's Directorate-General for International Cooperation and Development
DFID	United Kingdom's Department for International Development Assistance
ECOWAS	Economic Community of West African States
ECDPM	European Centre for Development Policy Management
EDF	European Development Fund
EESC	European Economic and Social Committee
EPA	Economic Partnership Agreement
EU	European Union
EC	European Commission
GCCA+	Global Climate Change Alliance
JPA	Joint Parliamentary Assembly
LGBT	Lesbian, Gay, Bisexual and Transgender
MTR	Medium Term Report
OCT	Overseas Countries and Territories
OECD	Organisation for Economic Co-operation and Development
ODA	Official Development Assistance
PCD	Policy Coherence for Development
PCSD	Policy Coherence for Sustainable Development
SADC	Southern African Development Community
SDGs	Sustainable Development Goals
SRHR	Sexual and Reproductive Health and Rights

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Cotonou Partnership Agreement in light of current global challenges and trends

This briefing paper aims at involving Civil Society Organisations (CSOs) in the Cotonou Partnership Agreement (hereafter: Cotonou Agreement, 2000-2020) and the discussion on its possible successor. The Cotonou Agreement is an agreement between the EU and 79 developing countries from Africa, the Caribbean and the Pacific (ACP countries). Whether or not there will be a 'post-Cotonou' agreement from 2020 onwards is far from certain. This briefing paper especially focuses on the role of CSOs and highlights the possible roles they could play in the run up to a possible future agreement.

In this chapter the Cotonou Agreement is introduced, followed by the current global challenges and trends that are likely to have an impact on a future partnership between the EU and ACP countries.

1.1 THE COTONOU PARTNERSHIP AGREEMENT

In 2000 the European Union (EU) signed a Partnership Agreement with 79 developing countries from Africa, the Caribbean and the Pacific, the so-called 'ACP countries' (see Figure 1, p.12). These 79 countries all had former colonial ties with EU Member States. The comprehensive partnership was concluded in Cotonou (Benin) for a 20-year period from 2000 to 2020. The EU-ACP cooperation has a longer history; first references to cooperation date back to 1957.¹ Between 1975 and 2000 the countries cooperated in formal institutionalised settings through the conventions of Lomé.

The Cotonou partnership is crucial for Civil Society Organisations (CSOs) both in terms of policy relevance and amount of funding. CSOs from EU Member States as well as CSOs from ACP countries have in general, however, been rather hesitant to contribute to current 'Cotonou' institutions and procedures either because of their critical stance on specific parts of the Cotonou Agreement (such as Economic Partnership Agreements) or because of limited knowledge of these rather technical and 'Brussels-based' discussions. While the Cotonou Agreement explicitly refers to the role of CSOs (Article 4) and a 'broad and inclusive partnership' is promoted, their involvement in practice is still rather limited. With 2020 fast approaching, the Cotonou partnership will be evaluated and the options for follow-up are being explored. Therefore the coming period is a real impetus for CSOs to be part of this process and inform a future collaboration.

BOX 1: THE COTONOU PARTNERSHIP AGREEMENT: BASIC FACTS

- Partnership Agreement between the European Union (EU) with 79 developing countries from Africa, the Caribbean and the Pacific, the so-called 'ACP countries'.
- Period 2000-2020.
- The Cotonou Agreement is a 'legally binding' instrument with formal institutions including a Joint Parliamentary Assembly (JPA) and a joint EU-ACP Council of Ministers.
- Based on three complementary pillars: the political dimension, economic and trade cooperation (for the period 2000-2007) and development cooperation.²
- It also seeks to contribute to maintaining peace and security and to create a stable and democratic political environment in ACP countries.³
- Adapted in 2005 and 2010: including (global) challenges such as climate change, food security, regional integration, security and aid effectiveness.
- Negotiation of regional Economic Partnership Agreements (EPAs): comprehensive trade arrangements, 'tailor made' to suit specific regional circumstances (between 2007 and 2014).⁴
- Budget for European Development Fund EDF period 2008-2013: EUR 22.7 billion, and for period 2014-2020: EUR 30.5 billion.

In a transition to new forms of cooperation between the EU and ACP countries it is also necessary to reflect on new geopolitical realities outside as well as within the EU and ACP family.

1.2 NEW REALITIES

Since the start of the Cotonou Partnership Agreement in 2000 several trends can be identified which have been affecting the ACP-EU partnership and which are likely to be relevant in the future.

First of all, there are new geo-economic relations and realities: we now live in a 'multi-polar world' where emerging economies like Brazil, Russia, India, and China (the so called BRIC countries), the private sector and large foundations have gained importance in developing countries. As a result, ACP countries have more options in choosing their economic relations than in the past and BRIC countries, large foundations and the private sector are more than willing to step in.⁵

Secondly, globalisation in combination with regional processes has had an important impact on the EU-ACP relations. On the one hand there is an increased focus on global governance whereby EU and ACP countries have the ambition to be 'global players', while on the other hand regional structures like the African Union (AU), the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) have gained strength.

Thirdly, the Millennium Development Goals, which are part of the North-South development agenda from 2000-2015, has been replaced by the 2030 Agenda for Sustainable Development.⁶ The 17 Sustainable Development Goals (SDGs) running from 2016 to 2030 are part of a universal agenda going beyond the former North-South divide still central in the Cotonou Agreement.⁷ The SDGs place a strong emphasis on global challenges such as climate change, global health and inequality. Moreover, they include a shift from Policy Coherence for Development (PCD) to Policy Coherence for Sustainable Development (PCSD)⁸ (see Box 2).

Fourthly and related to the previous trends, is the discussion about financing for development. Official Development Assistance (ODA)

was until 2015 connected to the MDGs and mainly focused on social economic development, while a new broader agenda with an increased focus on climate, energy, security, safety and inequality also requires new discussions on the definition of and budget for development cooperation as well as reflections on (domestic) tax collection and (international) tax avoidance.⁹

BOX 2. POLICY COHERENCE FOR SUSTAINABLE DEVELOPMENT (PCSD)

The SDGs include a specific target (17.14) to ‘enhance policy coherence for sustainable development’ (PCSD). PCSD is an approach and policy tool to integrate economic, social, environmental and governance dimensions of sustainable development at all stages of domestic and international policy making according to the Organisation for Economic Co-operation and Development (OECD, 2015).

In that way it is a successor of Policy Coherence for Development (PCD). While PCD has been about considering how policies beyond aid in individual areas may affect poverty reduction in other countries, PCSD goes one step further: it puts stronger emphasis on the integrated and cross sectorial character of the 2030 Agenda and looks at policy coherence in relation to a universal agenda. While PCD has been a legally binding commitment for the EU, as also reflected in the Lisbon Treaty (Art. 208), the EU still has to take a clear official stance on the evolution from PCD to PCSD.

I.3 CHANGES WITHIN THE EU AND THE ACP COUNTRIES

Next to these global trends, there are also important changes within the group of ACP countries and the EU. Among the ACP countries, the African Union for instance has gained importance in Africa and regional forums have concluded separate Economic Partnership Agreements with the EU. The European Union has also enlarged from 15 Member States at the start of the Cotonou agreement to 28 Member States from 2013 onwards. Thirteen, primarily Central and Eastern, European countries joined the EU between 2004 and 2013.¹⁰ These new EU countries had no, or limited, historical ties with the ACP countries and their focus on development cooperation has primarily been on poverty alleviation in the European 'Neighbourhood' in countries such as Ukraine and Belarus.

Moreover, in 2016, the United Kingdom (UK) population voted in favour of the UK to leave the EU soon. The 'Brexit' is likely to have an important impact in the discussion about a future Cotonou partnership, as the UK is a large and influential donor. The country had colonial ties with several ACP countries and the UK's Department for International Development (DFID) has been one of the key actors in the discussions about development cooperation.¹¹

Structure of this briefing paper

As was argued in the 'Ready for Change' publication compiled by Dutch CSOs (2016), the new SDGs and the PCSD concept should inform a new development agenda. It could be argued that this line of reasoning should also be applied to current and future EU-ACP relations. The next chapter therefore focuses on the key issues in the discussions on future cooperation between the EU and ACP countries. Chapter 3 focuses on the roles of Civil Society Organisations (CSOs) in the current Cotonou Agreement and discusses their possible roles in a future partnership between the EU and the ACP countries. Finally, in Chapter 4, the conclusions will be presented.



Figure 1. The EU (in blue) and the African, Caribbean & Pacific (ACP) Group of States (in yellow)

ACP countries:

Africa

Angola, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde Cabo Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast Côte d'Ivoire, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia.

Caribbean

Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago.

Pacific

Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu, Vanuatu.

Interview: Slovakian EU Presidency

Marek Korbela, chair of the ACP working party at the Council of the EU, on behalf of the Slovak Presidency.

1 How are you involved in the post-Cotonou process?

One of the main priorities of the Slovak Presidency is to facilitate political debate and preparatory work on the future of EU-ACP relations. At the working level, we chair a number of Council working groups, including the ACP working party which deals with all matters related to EU cooperation with ACP countries. In that context, as other Presidencies did before us, we facilitate regular exchanges between the institutions and Member States on the various dimensions of the EU-ACP partnership, including trade, development and political cooperation.

2 Which opportunities and/ or challenges do you see for the future of the cooperation between the EU and the ACP countries?

From our perspective, the future cooperation between the EU and the ACP countries must reflect and adapt to the changing global context, new challenges and new opportunities. Furthermore, it needs to be firmly anchored in EU and common interests and values. Beyond development cooperation, the relationship's added value should notably rely on promoting stability and peace, business opportunities, tackling migratory pressure, and other global issues of common concern. We should fully use our partnership with ACP countries to forge strong alliances at global level for pursuing common objectives, as we did on climate change at COP 21. Given the heterogeneity of ACP countries, it is also important that we better tailor our cooperation to region and country specificities.

3. What role do you see here for the SDGs?

The EU is finalising its overarching strategy for the implementation of the 2030 Agenda on sustainable development and associated SDGs.

The strategy will address EU internal and external policies and will be accompanied by a proposal for a revised European Consensus on Development. Against this background, the SDGs should also constitute the backbone in the design of any successor to the Cotonou Partnership Agreement. The post-Cotonou framework must address in an integrated manner the economic, social and environmental aspects of the 2030 Agenda and mobilise the necessary means of implementation to effectively achieve the SDGs by 2030.

4 Why should Civil Society Organisations get involved in the post-Cotonou process? And how?

The participation of Civil Society Organisations is essential in building and consolidating the foundations for broad-based democratic ownership of development cooperation policies. An online public consultation on the future partnership between the EU and ACP countries was launched by the Commission last year, in which many civil society organisations participated. It is important that input and ideas from civil society continue to feed into the debate, for example through publications, campaigns, and conferences such as those that your foundation will be co-organising in November 2016.



2

From a Cotonou Partnership Agreement to a ‘post-Cotonou’ partnership: key issues

Looking at the geopolitical trends and internal discussions within the EU and ACP countries as pictured in the previous chapter, this chapter focuses on the key issues in the discussion about a future ‘Post Cotonou’ partnership. It also explores the necessary conditions for a successor of the Cotonou Agreement to be in line with the Sustainable Development Goals (SDGs) and Policy Coherence for Sustainable Development (PCSD). Adapting to SDGs and PCSD would reflect a necessary change towards a universal sustainable development agenda beyond a traditional ‘North-South Agenda’.

Some recent publications and evaluations provide building blocks or necessary conditions for future cooperation after 2020. Among these studies, the Political Economy Analysis as conducted by the European Centre for Development Policy Management (ECDPM)¹² and the advice of the Advisory Council on International Affairs (AIV)¹³ stand out in particular. Also evaluations from the consultations by the European Commission¹⁴, own-initiative opinions from Members of the European Parliament¹⁵ as well as appreciations by leading Member States such as the Netherlands¹⁶ contribute to these findings. Moreover, Civil Society Organisations contributed to this debate, for example in the Ready for Change publication¹⁷ and joint consultation of the EU.¹⁸ The studies, scenarios¹⁹ and evaluations portray a picture in which it is certain that the eventual successor of the Cotonou Agreement should be adapted to fit into the world as we know it today.

2.1 KEY CHALLENGES

The Cotonou Agreement is a ‘legally binding’ instrument with formal institutions and a dedicated budget. The ACP States have a secretariat in Brussels and the ACP States have focused on collaboration through the structures of the ACP group for many decades. The Cotonou in-

stitutions therefore really provide a ‘framework’ of dialogue between the EU and these heterogeneous set of countries. However, a key question is whether a new partnership like the Cotonou Agreement could effectively deal with new realities, such as the SDGs and PCSD. Linked to these new realities, some key issues in the discussion about a ‘post Cotonou’ partnership emerge:

Effectiveness and coherence: According to ECDPM²⁰, ACP states mainly regard the partnership as a convenient aid modality, while the overall performance of the ACP-EU partnership (beyond aid) has remained below expectations. The limited effectiveness of many provisions of the Cotonou Agreement are primarily related to political factors – such as power relations and the interests and incentives of the various actors.²¹ For example, a growing number of ACP countries are less dependent on aid. Furthermore, there have been ‘major tensions’ in the EU-ACP relations due to sensitive issues such as LGBT-related issues, the role played by the International Criminal Court, the space for civil society and the return and readmission of migrants. These tensions are affecting the coherence of the implementation of the agreement.²²

Form of a new collaboration: The current agreement is legally binding with all kinds of formalities. A future partnership could take a similar or another form. A recent consultation in the EU among various actors showed that the majority of respondents felt the legally binding nature of the Cotonou Agreement has contributed to its implementation.²³ The Advisory Council on International Affairs (AIV) also advises the Dutch government to stick to a legally binding agreement, as from the perspective of the ACP countries another form of collaboration might be perceived as downgrading.²⁴ According to the Dutch cabinet however, other forms are also possible to achieve a mutual agreement based on joint decision-making.²⁵

Parliamentary scrutiny: A formal structure in itself might not reveal everything about the efficiency. Yet, even while the Cotonou Agreement involves a substantial budget, there is no real European parliamentary scrutiny as the European Development Fund (EDF) is not part of the general EU budget. The current structure with a joint

EU-ACP parliamentary assembly is too weak. Making the EDF part of the EU budget could bring stronger democratic legitimacy and parliamentary scrutiny according to the Research Service of the European Parliament.²⁶

Geographical scope: The ACP countries are a heterogeneous set of countries with a shared colonial past. It is a large group comprising almost half of all the states in the world, especially Least Developed Countries.²⁷ One of the key issues for discussion is whether the EU should continue to specifically support this group of countries or if the support should be based on more general development perspectives of third countries. This discussion is particularly relevant considering the process of regionalisation as discussed in the previous chapter. New forms of (improved) regional partnerships like ECO-WAS and SADC recently concluded Economic Partnership Agreements with the EU.^{28 29} A public consultation showed many respondents felt the Cotonou Agreement should adapt to this increasingly sub-regional approach. Moreover, the ‘privileged relationship’ of the EU with ACP countries as former colonies might be contradictory to the ‘universality’ values of the SDGs. Others, however, point to the potential of ACP states as ‘power broker for developing countries’ in global governance if they join forces especially if they are invited for important global fora such as the G20.³⁰

PCSD: The EU Global Strategy is already pointing to the general ambition of using the SDGs as guiding principles for a post-Cotonou partnership but no concrete steps to connect these agendas have been proposed yet.³¹ The current framework provides the opportunity to address global issues and coherence. However, in practice it seems too inflexible to cope with these global challenges as it is based on a traditional North-South framework of (economic) development cooperation. There is also some distrust from ACP countries on the idea of ‘co-management’ of the EU and ACP countries as, according to CSOs, many Economic Partnership Agreements (EPAs) seem to have only positive effects for European producers while they have adverse effects on food security in ACP countries.³² An approach with a keen eye on sustainability issues such as the nexus climate-energy, the nexus poverty-inequality, migration and peace and security combined

with the explicit goal to 'leave no one behind' is needed to achieve policy coherence for sustainable development.

Existential questions: Within the EU discussions are taking place on the way forward after the 'Brexit'. These 'existential questions' also include the 'complementarity' of EU-ACP cooperation in relation to bilateral EU Member State policies as coined by the Dutch government.³³ Also the ACP countries will ask themselves some existential questions. While the ACP Secretary General recently spoke out his ambitions to be a 'leading transnational organisation' not all ACP countries seem willing to follow his strategy. Many countries choose their own regional forums as these seem to be more effective.

BOX 3. SUMMARY OF POSITIVE ASPECTS AND KEY CHALLENGES OF THE COTONOU PARTNERSHIP AGREEMENT

Positive aspects of current Cotonou Agreement:

- The Cotonou agreement is a 'legally binding' instrument.
- The Cotonou Agreement has formal and recognised institutions.
- The Cotonou Agreement has a dedicated budget.
- The Cotonou Agreement provides a 'framework' of dialogue between the EU and a heterogeneous set of ACP countries.

Key challenges of the CPA in practice:

- The current Agreement is not well connected to new realities, such as the SDGs and PCSD.
- The effectiveness of the Cotonou Agreement beyond the aid modality is limited.
- Several regional partnerships have emerged at a cost of general EU- ACP cooperation, while the ACP countries could function as a 'power broker' for developing countries in global institutions such as G20.
- In practice the Cotonou Agreement seems rather inflexible to cope with global challenges, which require a coherent approach.

2.2 CONDITIONS FOR A FUTURE PARTNERSHIP

Based on the key issues and new realities the following conditions for a future partnership can be identified:

- The new realities including the multipolar world we live in require mutual collaboration and an equal partnership.
- The existence of regional partnership agreements as well as bilateral EU Member State policies requires complementarity of a future EU-ACP partnership and the ability of the ACP group asserting itself as an independent actor in the international political arena.
- The existence of new agendas and agreements, and particularly the SDGs that require a coherent approach make PCSD important for a new partnership to effectively address global challenges.
- Different financial flows including private investors, philanthropies, domestic tax collection and tax avoidance should be taken into account.
- A new partnership needs more democratic legitimacy, parliamentary scrutiny and involvement of Civil Society Organisations.

The next chapter deals with the most important aspects of the Cotonou Agreement and 'post-Cotonou' negotiation process for CSOs and provides a timeline with key events where CSOs can be involved more strongly in the period of 'post-Cotonou' discussions until 2020.

Interview Irish Parliamentarian

By Maureen O'Sullivan TD, MP for Dublin Central and member of AWEPA, Parliamentarians with Africa.

1 How are you involved in the post-Cotonou process?

AWEPA is an association of parliamentarians across Europe, which was originally founded to fight apartheid in the 1980s. Since the fall of apartheid, we have continued as an organisation that supports human rights and democracy across Africa, in particular through support to African parliaments. Many of our members and partners have participated at the Joint EU-ACP Parliamentary Assemblies over the years, both as European and African parliamentarians. In terms of issues, we have followed both the aid and trade issues of the post-Cotonou process closely. For example, many of our members are highly concerned about the recent changes in development aid priorities and the implications of the Economics Partnership Agreements (EPAs) for human rights and economic justice. We raised these issues strongly at the recent Joint EU-ACP Parliamentary Assembly in Windhoek, Namibia.

2 Which opportunities and/or challenges do you see for the future of the cooperation between the EU and the ACP countries?

In our view, following years of detailed engagement with both parliamentarians and civil society in Africa, it is simple. We need to work from the bottom up to change the dynamic. We need a critical, engaged, energetic civil society and political society to emerge in ACP countries, and to be heard. And let's stop trying to profit, as Europeans, from our aid and trade relations.

Unfortunately, much of the sway of European development thinking seems to be moving in the opposite direction. Greater privatisation, self-interest and 'securitisation' of aid are huge concerns. It is only

through agreed, democratic partnerships with ACP countries, parliaments and Civil Society Organisations that future cooperation can work.

3 What role do you see here for the SDGs?

The SDGs have lots of good ideas and targets. However, translating them into reality is going to take a re-democratisation of the relationship between North and South along the lines that we suggest.

4 Why should Civil Society Organisations get involved in the post-Cotonou process? And how?

Civil society is a vital, active partner in the democratic process. It faces its own challenges in terms of politicisation, funding and professionalisation - just as we as parliamentarians face challenges in providing the best levels of representation for our constituents. But in terms of development effectiveness, a dynamic alliance between Civil Society Organisations and committed parliamentarians provides a critical layer of democratic oversight. Without it, we would fear a disintegration of the democratic process.

The reform process, for us, starts at the local level. We would like to see dynamic partnerships formed between elected representatives and CSOs at local levels, reaching to the regional and then to the national level. Ultimately, this model would feed up into international decision-making bodies, such as UNCTAD, the GPEDC and the ACP-EU, as well as impacting on national governments directly.

A person wearing a blue and white checkered shirt is sitting on the ground, working on a bicycle. The bicycle is partially disassembled, with the frame and wheels visible. The person is using a tool to work on the rear wheel. The background is a blurred outdoor setting with green foliage. A large white circle with the number 3 is overlaid on the image.

3

Relevance of (the future of) EU-ACP relations for CSOs

3.1 CURRENT ROLE OF CSOS IN THE COTONOU PARTNERSHIP AGREEMENT

If you would ask a random group of CSO employees from the Netherlands about their knowledge on the Cotonou Partnership agreement, most would respond that they knew very little about it. On the one hand, this is not surprising. General knowledge of the Cotonou Partnership Agreement outside the 'Brussels arena' is limited and the feeling of ownership of the partnership seems restricted mainly to central governments and the European Commission's Directorate-General for International Cooperation and Development (DG DEVCO).³⁴

On the other hand, the topics addressed by the Cotonou Agreement are crucial for CSOs. For example, the agreement places a lot of emphasis on human right issues. The Cotonou Agreement also fully recognises the essential role that non-state actors can play in the development process of an ACP country.³⁵ According to Article 4 and Article 6 of the Agreement, CSOs should be 'involved in the implementation of cooperation projects and programmes in areas that concern them' and 'be provided with financial resources [...] in order to support local development processes'. Another example of the relevance of the Cotonou Agreement for CSOs is Article 8 focusing on political dialogue, which states that representatives of CSOs 'shall be associated with this dialogue'.³⁶

While the role of CSOs is acknowledged on paper by the Cotonou Partnership Agreement itself, the involvement of CSOs is said to have functioned on an ad hoc basis in practice. It is argued that the level of involvement of CSOs on topics addressed in the Cotonou Agreement varies considerably depending on the specific ACP or EU Member State. As the European Commission and High Representative of the

Union for Foreign Affairs and Security Policy stated: 'In some countries, the environment is relatively conducive to the involvement of CSOs, which facilitates the dialogue between the citizens and the State, while in others their space has been or is still being reduced further.'³⁷ Moreover, it is also said that ACP governments manage the ACP-EU cooperation in a highly centralised manner with limited support to meaningfully involve other actors like CSOs, private sector and local authorities.^{38 39}

3.2 ROLES OF CSOS IN THE POST-COTONOU DISCUSSION

It is argued CSOs as well as other non-state actors and local governments should play a stronger role in the 'post-Cotonou' discussion. Moreover, in the 2030 Agenda the role of various actors, especially CSOs, is essential to reach the 17 SDGs. In the run up to a future partnership, CSOs have already been consulted as part of a public consultation, together with other actors.⁴⁰ The 'Joint Consultation Paper of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy' showed that 'a very large majority is in favour of a stronger role of civil society actors and the private sector.'⁴¹

There are also plans to introduce a European CSO forum to discuss these kinds of issues (see Box 4).

3.3 LINKS WITH KEY THEMES FOR CSOS

Important for the current Agreement as well as a future EU-ACP partnership is the inclusion of the 'leave no one behind' principle. Leaving no one behind means that in development processes everyone should be included, also the poorest of the poor. This also applies to ACP countries. Structural inequality, ecological sustainability and the responsibilities of the Global North to contribute to this 'leave no one behind' principle therefore need to be addressed. This principle has been a key feature of all the discussions on the Sustainable Development Goals and has been central to the CSO publication 'Ready for Change: Global Goals at Home and Abroad' as assembled by Partos, FMS and Woord en Daad in the Netherlands.

BOX 4. A EUROPEAN 'POST-COTONOU' AND 'SDGS' CSO FORUM

The European Economic and Social Committee (EESC) believes that CSOs should be in the 'driving seat' in a new Cotonou partnership. It stated that "In order to effectively implement the SDGs and deliver better outcomes to both ACP and EU citizens, the EESC wants a new framework recognising the importance of political dialogue in fostering civil society participation in the whole development process". To undertake this role, civil society should also receive the necessary financial support. In parallel, the EESC is promoting the idea of a European Sustainable Development Civil Society Forum to monitor the implementation of the 2030 Agenda.

The 2010 revision of the Cotonou Agreement saw the inclusion of several additional themes related to the so-called 'global challenges' such as climate change, food security and aid effectiveness. ACP-EU cooperation has been adapted to these new challenges. Below you will find an appreciation of the current partnership and possibilities of adaptation to the SDGs and PCSD on five central themes, which are relevant in the work of CSOs (this overview is non-exhaustive).⁴²

Sustainable development with a focus on climate change

According to the joint consultation, the CPA can be adapted to deliver on global public goods like climate change. In recent months and years we have already seen a fairly positive EU-ACP partnership on this topic. For example, during the negotiations leading to the 'Paris Agreement' on climate change (2015), EU and ACP countries cooperated in a 'High Ambition Coalition'. The EU and ACP countries stressed their shared commitment for an ambitious and binding global climate deal⁴³, which was followed by other major powers such as the United States. There are also specific funds for ACP countries on climate change such as the Global Climate Change Alliance (GCCA+) and Intra-ACP programmes.⁴⁴ However, these funds are now part of

different financing streams and budgets that are not coherently monitored. CSOs could improve the working of these funds as well as the implementation of the Paris Agreement and the Green Climate Fund.

Migration, peace and security

Migration as well as peace and security have been mainly addressed outside the Cotonou framework. With regard to migration, this is mainly related to large migration flows of people originating from (certain regions in) the African continent traveling to the EU. Migration and especially the issue of return and readmission of refugees (Article 13 of the Cotonou Partnership Agreement) is one of the sensitive topics of the ACP-EU partnership and the CPA has not managed to achieve a comprehensive common ACP-EU agenda for action due to a lack of mutual trust and conflicting interests in many cases.⁴⁵ On a positive note, a dialogue on migration in the ACP-EU partnership has started, which has focused on closer cooperation and on the shortcomings in policies.⁴⁶

Despite these positive aspects, there seems to be a huge gap for a future EU- ACP partnership to contribute to SDG 10.7 focusing on 'facilitating orderly, safe, regular and responsible migration and mobility of people, in such a way that migrant women, men and children are enabled to positively contribute to inclusive growth and sustainable development'.⁴⁷ Although security and peace were added to the Cotonou Agreement in 2005 and 2010, using the agreement to fund peace and security measures has been problematic. It is argued that the Cotonou Agreement does not have the specific security mandate of the African Union and neither does it carry weight in this arena.⁴⁸

Food security and value chains

Some CSOs have been critical on EU relations with ACP countries with respect to food security and global value chains. In particular, the Economic Partnership Agreements (EPAs) concluded are to some extent detrimental according to CSOs, as they may harm smallholder farmers and local agribusinesses in ACP countries. These farmers and local agribusinesses are competing with EU imports as a result of increased access by EU producers to ACP markets.⁴⁹ It is therefore 'essential to closely monitor the impact' of EPAs including the impact

on food security.⁵⁰ Furthermore, as a result of preferential relations of the EU with ACP countries during the first phase of the Cotonou Agreement, 'other' developing countries have had more difficulties entering the EU market.⁵¹ Many of these preferences expired at the end of 2007. Furthermore, 'aid for trade' and trade adaptation strategies are really important in EU-ACP relations. This was also underlined by CSOs and expressed in new agendas for development cooperation in EU Member States such as the one proposed by the Dutch minister for Development Cooperation and International Trade.⁵²

Global Health

Health, and especially improving maternal health and preventing HIV/AIDS and transmittable diseases have been an important part of development cooperation under the MDGs. The ACP States have subscribed to global initiatives in the field of public health (such as the Global Fund to Fight AIDS, Tuberculosis and Malaria).⁵³ However, in the current Cotonou Agreement global health issues are poorly addressed and it could be argued more attention is needed to connect a future partnership to these challenges, which is also in line with the SDGs. SDG 3 asks for an integrated approach to health issues and promoting public health from a health systems perspective.⁵⁴ Sexual diversity and particularly the rights of LGBTs is one of the sensitive topics in the current EU-ACP partnership, which has had an important impact in the general relations as well as in international negotiations about a possible future EU-ACP partnership. The negotiations require a careful manoeuvring and a good negotiation and communication strategy, as otherwise these topics could be 'deal breakers'.⁵⁵ This implies that (Dutch) CSOs working in this field should opt for a joint approach with the Ministry of Foreign Affairs while continuing to support CSOs in ACP countries working on these topics.

Financing for Development, including taxes

Trade relations can be conducted with the EU as an entity, due to the exclusive competence of the European Commission. Also blocs of economic cooperation partners within the ACP countries (such as ECOWAS) work together. However, with export promotion as a specific national competence and many EU Member States having preferential economic relations with individual ACP countries as well

as their own difficulties in reaching 0.7% ODA, it proved to be difficult to work together on Financing for Development issues such as tax avoidance or a global tax body.⁵⁶ On a positive note, ACP countries have really upgraded their presence as a bloc, especially in WTO negotiations. ACP countries even have a specific secretariat in Geneva to promote the ACP countries in the global economy. While ODA has been mainly connected to the MDGs with its focus on health and education, the SDGs are much broader and this also raises new questions about financing the global challenges. Discussions about financing for development could be linked to a possible future EU-ACP partnership.

3.4 OPPORTUNITIES FOR ENGAGEMENT OF CSOS IN CURRENT AND FUTURE EU-ACP PARTNERSHIPS

CSOs from the European Union can play an important role in the next phase of negotiations on a future partnership between EU and ACP countries as well as the final phase of the current Cotonou Partnership Agreement. Below various modalities are listed through which CSOs can play a role:

Monitoring the implementation

The current Cotonou Agreement is based on a legally binding agreement. CSOs are also formally part of the procedures. CSOs could *monitor the implementation of the projects more stringently and play their part in evaluating the projects*. These CSO evaluations could also play a larger role in the political dialogue as well as informing a future EU-ACP partnership adapted to the SDGs, taking into account the concept of Policy Coherence for Sustainable Development.

Joining forces in networks

CSOs could *join forces and ask for a well-established, integrated and formalised role in a future partnership*. CSOs could, for instance, join forces through CONCORD, a platform that unites European CSOs. Also the Policy Forum on Development functions as a structured dialogue for CSOs and Local Authorities from the EU as well as ACP countries to be a direct voice in EU-ACP decision-making. The idea of

a future ‘European Sustainable Development Civil Society Forum’ on the SDGs as proposed by the EESC (see Box 4) can also be embraced by CSOs.

Lobby and advocacy through governments of EU Member States

CSOs from EU Member States could also *lobby for more attention of the role of CSOs in a ‘Post Cotonou’ partnership at national governments*, as EU Member States are among the key players in the discussion about a future partnership. The Dutch national government has a strong tradition of working in multi-actor partnerships (e.g. the ‘Dutch Diamond Approach’) while they strongly support the lobby and advocacy role of CSOs in partner countries for development cooperation.

BOX 5. THREE GROUPS OF EU MEMBER STATES

With regards to the future negotiations, White and Illan (2016) point to three ‘categories’ of EU Member States and their appreciation of EU-ACP relations: First, the ‘new Member States’ with little interest in relations with ACP countries. Secondly, the Scandinavian countries and traditional EU Member States without a colonial past with a strong interest in reframing the Cotonou Agreement based on the 2030 Agenda and the SDGs. Thirdly, the traditional EU Member States with colonial ties and bilateral interests in ACP countries who favour a reframing of the Cotonou Agreement while preserving the legally binding provisions.⁵⁷ The Netherlands is a country with colonial ties but it seems to choose a position in between the second and third strand as the government is not convinced of the need to maintain the legally binding provisions despite the advice of the Advisory Council on International Affairs (AIV). CSOs could use the knowledge about the three strands in their lobby.

Partnering with CSOs in ACP countries and Overseas Countries and Territories (OCTs)

Most CSOs working in development cooperation also collaborate with partner organisations in ACP countries. For most European-based CSOs the partnerships with CSOs in Africa are central as African countries are among the main partner countries for development cooperation. These CSOs could *unite in ‘EU-ACP CSO partnerships’ to lobby for a stronger and well-established role of CSOs in a post Cotonou partnership.* This would also be in line with the universal SDGs; the added value is that through the SDGs, CSOs can ‘speak the same language’. Ties with CSOs in partner countries can also be helpful to address specific PCSD concerns as partner CSOs can point to adverse effects of certain (post) ‘Cotonou’ policies.

BOX 6. OVERSEAS COUNTRIES AND TERRITORIES

Overseas Countries and Territories (OCT) usually have a special status not necessarily linked to development cooperation policies. For the Netherlands, the OCTs (Landen en Gebieden Overzee) comprise six islands situated in the Caribbean (Aruba, Bonaire, Curacao, Saba, St-Eustatius and St-Maarten). Most Dutch CSOs working in development cooperation are not active in these countries as they are not partner countries for Dutch development cooperation. Affairs concerning these islands are also connected to another ministry; the Ministry of the Interior and Kingdom Relations (BZK).⁵⁸ Nevertheless these OCTs are part of the same Cotonou Agreement as ACP countries, which could be helpful in informing coherent policies and CSO partnerships.

Hold EU institutions accountable in the obligation to consult CSOs in ACP countries

European CSOs could also *address the role EU institutions can play in actively consulting CSOs in ACP countries*. In political dialogues between the EU and ACP countries, CSOs could play a stronger role. In many of the programmes consultation is even mandatory and so CSOs could also hold the EU institutions accountable.

Connecting to the ACP-EU agenda and structure

There are *specific ACP-EU 'key' moments where CSOs can lobby for a stronger position of CSOs in a (post-) Cotonou Partnership*. A primary example is the 12-week open public consultation on the draft evaluation report of the Mid-Term Report of the 11th EDF scheduled in the 1st quarter of 2017 (see annex, Table 1). Moreover the Joint Parliamentary Assembly (JPA) can be important for addressing issues relevant for CSOs. According to Article 17 of the Cotonou Partnership Agreement, the role of the JPA is to promote democratic processes including dialogue and consultation. The JPA has two meetings each year, alternatively chaired by the ACP and the EU. The JPA has also three Standing Committees; the Committee on Political Affairs, Committee on Economic Development, Finance and Trade, and the Committee on Social Affairs and the Environment to draw up substantive proposals, which are then voted on by the Joint Parliamentary Assembly.⁵⁹ These committees could be used by CSOs to address specific issues.

A photograph of a woman and a child at a water pump. The woman, wearing a yellow headscarf and a patterned dress, is filling a yellow jerrycan. The child, wearing a blue shirt and a dark headscarf, is standing next to the pump. A large white circle with the number 4 is overlaid on the image.

4

Conclusions

The Cotonou Partnership Agreement from 2000 sets a framework for dialogue between the EU and 79 former colonies in sub-Saharan Africa, the Caribbean and the Pacific for the period until 2020. These EU-ACP relations are currently reviewed to inform new ‘post-Cotonou’ cooperation from 2020 onwards. The Cotonou Partnership Agreement has been an influential framework for development cooperation and many other ‘global challenges’ were also included in the Cotonou Agreement. The legally binding agreement with formal institutions such as a Joint Parliamentary Assembly, co-management of a European Development Fund and a secretariat of ACP countries in Brussels point to a strong partnership. Also CSOs are specifically coined as important actors in the Cotonou Agreement itself (Articles 4 and 6).

However, new geopolitical realities as well as internal ‘existential questions’ within EU and ACP countries address some specific ‘conditions’ for future cooperation. In this regard it is very important that the EU-ACP relations should be adapted to a new global sustainable development agenda with ‘universal’ Sustainable Development Goals (SDGs) with a stronger focus on Policy Coherence for Sustainable Development (PCSD). As a result, some ‘key issues’ emerge that should be addressed in a future EU-ACP partnership, including effectiveness, democratic legitimacy, geographical scope and complementarity to other regional partnerships.

CSOs need to be involved to inform a future partnership of EU and ACP countries that takes these questions into account. CSO involvement has until now been rather limited due to the top-down character of the Cotonou Agreement, hesitance among CSOs on the effect of Economic Partnership Agreements (EPAs) as well as ignorance on these very technical and Brussels-based discussions. However, looking at the amount of funding and the themes involved in this Partnership, CSOs could play a stronger role and contribute to the discussions. They can play multiple roles, ranging from advocacy and monitoring

to partnering with CSOs in ACP countries as well as helping to transform the relationship to a SDG-proof partnership based on the approach of PCSD. The coming months offer plenty of opportunities for CSOs to become part of the discussions on post-Cotonou EU-ACP relations and inform a future agenda based on the SDGs and PCSD.

Interview | I.I.I.I.I

Marc Maes of I.I.I.I.I

1 How is your organisation involved in the post-Cotonou process?

I.I.I.I.I - Coalition of the Flemish North-South Movement is a member of the Belgian Platform of CONCORD. We have been active members of the Cotonou Working Groups of CONCORD and have followed the Cotonou implementation, especially the EPA negotiations and EDF programming for a long time, for instance via participation at the Joint EU-ACP Parliamentary Assembly. Our follow-up of the post-Cotonou process is a prolongation of this continuous follow-up. However due to internal changes our engagement is less strong than it used to be. Still we are engaging in cooperation with the other members of the Belgian Platform, in particular the CNCD-I.I.I.I.I and are in contact with CONCORD members, our MEPs and the Belgian officials.

2 Which opportunities and/or challenges do you see for the future of the cooperation between the EU and the ACP countries?

The main challenge is that the EU-ACP relation has been cooled over the years, due to disagreements about and conflict over the EPAs, migration policy, aid programming, sanctions, and different views on moral issues like the LGTB rights. Central and Eastern European members that had to accept the special EU-ACP relations as an *acquis communautaire* will now for the first time have a say about the nature of the EU-ACP relationship and are not so keen on maintaining the current preferential relation. Nordic countries too seem to favour more standard engagement. With a possible Brexit an important supporter of special EU-ACP relations may leave the EU.

The opportunity of the Post-Cotonou process is that the ACP side may seek to redefine itself and the way it wants to operate as a group, and to engage with the EU on more equal terms.

3 What role do you see here for the SDGs?

The SDGs are a large collection of targets that need to be transformed into concrete plans and commitments. It will be interesting to see how the post-Cotonou agreement could provide prioritisation and operationalisation of the SDGs for the EU-ACP countries.

4 Why should Civil Society Organisations get involved in the post-Cotonou process? And how?

Civil society is more focussed on human rights and sustainable development than on geopolitical or economic interests and therefore acts as a watchdog to maintain and preserve that focus. CSOs from EU and ACP countries often work together on the fulfilment of these goals and can work together to monitor the commitments of the post-Cotonou EU-ACP relationship. For the same reasons the post-Cotonou relationship must provide for transparency, consultation and participation.

Annex I. Key ‘post-Cotonou’ events in the period 2016-2018

	<i>Kind of event</i>	<i>Key moments</i>	<i>Possible role for CSOs</i>
2016 September – December			
September 2016 – June 2017	Presidency of the council of the EU	Start of Mid-Term review of MFF and 11th EDF under Slovak presidency of the Council of the EU (and other external aid instruments)	Influence via public consultation. Contact EU Member State to raise issues during discussions at council level
October 2016	Publication	Publication COM with proposed EU negotiation mandate	
End of October/ November 2016	Publication	Staff Working Document with Impact Assessment on possible future options for EU-ACP relations and their likely impact.	
7-18 November 2016	Other important event	COP 22 (Morocco)	
November 2016	Meetings	ACP Council of Ministers	Approach the Council and the Commission on relevant issues
28 November 2016	Discussions	Foreign Affairs Council development- formal discussions on EU-ACP relations (prior to this date, informal FAC development used as opportunity to prepare discussions)	Approach EU MS to raise issues related to CSOs in the agenda of discussions.

28 November – 1 December 2016	Other important event	2nd High Level Meeting of Global Partnership for Effective Development Cooperation (Kenya)	
19-21 December 2016	Meeting	ACP-EU Joint Parliamentary Assembly The 32nd Parliamentary Assembly is scheduled for 19-21 December 2016 and should take place in the Central African region.	Approach MEPs and ACP MPs of JPA to discuss role CSOs in (Post) Cotonou
December 2016	Recommendations	Commission's recommendations with negotiating directives, together with the Impact Assessment Staff Working Document to be submitted to the EU Council for decision.	
December 2016	Communication	Commission's communication on the review of the functioning of the MFF 2014-2020 (accompanied by a legislative proposal for a revision of the MFF Regulation).	

2017

1st quarter of 2017	Public consultation	12-week open public consultation on the draft evaluation report of the MTR of the 11th EDF	Participation of CSOs in the public consultation.
May 2017	Discussions	Foreign Affairs Council Conclusions: EU negotiation position	Advocacy
Mid-2017	Discussions	Mid-term review financial instruments for Multiannual Financial Framework 2014- 2020	Questions on EDF role in MFF 2014-2020 and future MFFs
Mid-2017	Negotiations	Possible start of negotiations with the ACP States once the EU Council has taken a decision on the negotiating directives (formal negotiation should start no later than October 2018)	Approach ACP secretariat in Brussels to obtain more information on the negotiation process and discuss issues on the role of CSOs
May/June 2017	ACP meeting	ACP Council of Ministers	Contact and support CSOs in partner countries in order to raise crucial issues regarding role of CSOs in Post-Cotonou
June 2017	ACP meeting	ACP Summit in Papua New Guinea	Contact CSOs in partner countries in order to raise crucial issues regarding role of CSOs in Post-Cotonou
July 2017	Other important meeting	High Level Political Forum 2017	Address role regional cooperation dialogues such as EU-ACP and coherent implementation of Agenda 2030. Specific attention PCSD.

July- December 2017	Presidency of the council of the EU	Estonia Presidency of the Council of the EU	Approach MEPs of JPAs to discuss CSOs role in Post Cotonou Approach the Council and the Commission on CSOs issues
November 2017	ACP meeting	ACP Council of Ministers	Contact and support CSOs in partner countries in order to raise crucial issues regarding role of CSOs in Post-Cotonou
November 2017	Other important event	Nov: COP 23 in Asia-Pacific region	
December 2017	Proposal	Commission Proposal on the next MFF 2021-2027	EDF in EU budget?

2018

Mid-2018	Proposal	Impact Assessment proposal for the next generation of instruments	
1 September 2018	Deadline	Final date start negotiations future partnership	

2020

29 February 2020	Deadline	Expiration 20-year period Cotonou Partnership Agreement	
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READYFORCHANGE?



Global Goals at home and abroad