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des Caraïbes et du Pacifique
(Groupe ACP)



African, Caribbean and
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(ACP Group)

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AIDE MEMOIRE

BASIC PRINCIPLES FOR ACP-EU RELATIONS POST-2020

Introduction

1. The longstanding and unique partnership between the African, Caribbean and Pacific (ACP) Group of States and the European Union is coming up for renewal at a critical time. It is within a complex and turbulent global context that the Parties will negotiate the objectives, scope, thematic pillars, institutional architecture, and financing arrangements for a future agreement.¹
2. The task for the ACP Group is to build on the *acquis* of four decades of ACP-EU relations, with achievements and limitations, while undertaking a radically transformed relationship that continues to serve mutual interests, in the context of **Agenda 2030 and the Sustainable Development Goals**.
3. The Committee of Ambassadors has had the opportunity to exchange with the three former members of the European Commission designated to support Commissioner Mimica as High Level Facilitators for carrying out targeted outreach and scouting activities in ACP regions and capitals. The High Level Facilitators – Mr. Louis MICHEL, Ms. Emma BONINO, and Mr. Pascal LAMY – will also engage with other potential partners such as countries neighbouring ACP States, in view of the preparation of the future negotiations.
4. This Aide Memoire provides key principles to assist ACP member states to speak with one voice in their engagements with EU representatives in the exchange of views prior to formal negotiations of a post-Cotonou ACP-EU Partnership Agreement.

Basic premises of a negotiation framework

5. The Port Moresby Declaration and Waigani Communique, adopted by ACP Heads of State and Government² in 2016 unanimously reaffirm *unequivocal commitment to the objectives and principles of peace and security of all nations and solidarity among the countries of the global South*. That 2016 commitment of ACP Heads of State and Government is in keeping with the 2012 Sipopo Declaration of the 7th ACP Summit³ stating that *the ACP Group will remain united as an inter-governmental organization* composed of 79 member states from Sub-Sahara Africa (48), the Caribbean (16) and the Pacific (15).

¹ The formal title is The Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member states of the other part, first signed in Cotonou, Benin on 23 June 2000 for a period of twenty years, commencing on 1 March 2000. The Agreement was revised in Luxembourg on 25 June 2005 and in Ouagadougou, Burkina Faso on 22 June 2010. Article 95.4 of the Agreement states: Eighteen months before the end of the total period of the agreement, the Parties shall enter into negotiations in order to examine what provisions shall subsequently govern their relations. The date to enter into negotiations is 1 September 2018.

² The 8th Summit was held in Port Moresby, Papua New Guinea on 31 May to 1 June 2016.

³ The 7th Summit took place in Malabo, Republic of Equatorial Guinea on 10-12 December 2012.

6. It is *as a unified, trans-regional entity that the ACP Group proposes to negotiate a successor to the Cotonou Partnership Agreement (CPA). Maintaining a single negotiating framework is essential to safeguard the consistency and solidarity of the Partnership.*
7. In recognition of the growing diversity that exists between and within ACP regions, a Revised Georgetown Agreement, the constitutive Act of the ACP Group will identify the scope and functions for *formally structured relations with regional and continental groupings* of developing countries, in keeping with the principles of subsidiarity, complementarity and proportionality. New modalities of regionalization in Intra-ACP relations and in a future ACP-EU Partnership could be examined provided this does not diminish the integrity and solidarity of the ACP as a group.
8. The ACP is firmly of the view that the future ACP-EU partnership agreement be construed **as a single legal undertaking, so as to safeguard cohesion, consistency and facilitate ratifications by the Parties of the Agreement.**
9. A post-2020 agreement with the EU should maintain *the geographic and geo-political character of the ACP Group structured in six regions* of West, Central, East and Southern Africa, the Caribbean and Pacific. In this all-ACP trans-regional configuration, regional pillars within an over-arching institutional structure will enable synergies from Intra-ACP mechanisms and programmes. Subsidiarity and complementarity should guide the division of labour between All-ACP, (sub)regional and continental levels.⁴
10. The post-Cotonou ACP-EU relations beyond 2020 are envisaged by the ACP as leading to *a legally binding agreement* that is essential for predictability, transparency and mutual accountability. These are fundamental for development cooperation effectiveness in keeping with the Paris Principles in ways that political declarations or strategies cannot accomplish. Moreover, a legally binding framework is essential for private sector actors to obtain regulatory certainty for trade, investment and services aimed at job creation and sustainable economic growth.

⁴ These were explored by a Roundtable for Enhancing Inter-Regional Cooperation on Agenda 2030 on 30 -31 March 2016, which was attended by representatives of the African Union (AU), COMESA, ECCAS and international and regional organisations that also examined cross-cutting themes in the SDGs.

11. The dedicated, multi-annual **protocol on development finance cooperation** of the European Development Fund (EDF) has proven to be an effective mechanism to ensure a guaranteed and predictable amount of ODA consistent with EU commitments and ACP development needs. The practice of jointly programming and managing EDF resources needs to be improved by simplified procedures and clear measures for transparency and mutual accountability. A ***dedicated development finance mechanism*** should thus be an essential feature a post-Cotonou Agreement.
12. ACP countries have derived **significant gains over time from the preferential trade regimes** established under successive EU-ACP conventions. However, the protracted negotiations of Economic Partnership Agreements (EPAs), required by the Cotonou Agreement, generated tensions and resulted in a degree of differentiation between ACP countries and regions, as well as negative consequences on regional integration processes. **Preferential trading arrangements that are more development-oriented *should be an essential feature of the post-Cotonou ACP-EU Partnership.*** This must avoid discrimination on the basis of economic status of the Parties, safeguard the cohesion and development needs of the ACP Group.
13. The attainment of **middle income status** by a majority of ACP member states requires that the future Partnership Agreement offers ***structural support for debt management, trade facilitation measures and innovative development financing,*** beyond traditional ODA resources.
14. The above principles require that a new ACP-EU agreement would be a **mature political relationship based on mutual respect while acknowledging the asymmetries of the Parties and common interests** to achieve Agenda 2030 and the SDGs. The open dialogue and consultative mechanisms of ACP-EU relations are a historical record of which the leaders of the ACP and Europe must be genuinely proud and be committed to deepen and strengthen to better serve all peoples of developing countries.

Concluding remarks

15. Given the fundamental importance of a common all-ACP position on core principles for the negotiations of a post-Cotonou Agreement with the EU, the following guiding principles are offered for engagements with “outreach facilitators” of the European Commission in their dialogues in ACP member states:
 - a) the **ACP Group of States** is committed to remain ***united as an inter-governmental organization; and***

- b) **as a unified, trans-regional entity, the ACP Group will negotiate a successor agreement to the ACP-EU Cotonou Partnership Agreement (CPA);**
- c) **formally structured relations with regional and continental groupings** of developing countries will be an important aspect of the ACP-EU post-Cotonou negotiations;
- d) principles and mechanisms for ***inclusive policy formulation, decision-making and programme implementation with non-state actors*** will be an outcome of the said negotiations;
- e) the substantive thematic areas and pillars of an ACP-EU post-Cotonou Agreement are **–(i) Trade, Investment, Industrialisation and Services; (ii) Development Cooperation, Technology, Science and Innovation/research;(iii) Political Dialogue and Advocacy;**
- f) an ACP-EU post-Cotonou Agreement should maintain ***the core geographic and geo-political character of the ACP Group structured in six regions*** of Central, East, South and West Africa, the Caribbean and Pacific, ***while being open to different types of association with other developing countries;***
- g) the negotiation process for an ACP-EU post-Cotonou Agreement is envisaged as leading to ***a legally binding agreement;***
- h) a ***dedicated development finance mechanism*** is to be included within a negotiation framework for a post-Cotonou ACP-EU Agreement.