

ACP-EU relations and the Joint Africa-EU strategy

The Cotonou Agreement, a treaty binding the EU and 78 ACP countries, the majority of them from sub-Saharan Africa, is set to expire in 2020. Since its inception in 2000, major changes have occurred and new issues have emerged, requiring a broader approach. For the African states parties to the Cotonou Agreement, the Joint Africa-EU strategy could be an appropriate platform to reflect on their future relations with the EU.

Background

The Cotonou Partnership Agreement

The [Cotonou Partnership Agreement](#) (CPA), between the 28 EU Member States and 78 African, Caribbean and Pacific countries (ACP), is set to expire on 29 February 2020. The agreement provides that negotiations on the 'post-Cotonou' partnership will be opened by 1 September 2018 at the latest.

The CPA is an international treaty that is legally binding upon its signatories. Focused primarily on 'reducing and eventually eradicating poverty', it covers three main fields: a political dimension, trade cooperation and development cooperation. Since the CPA also provides that 'respect for human rights, democratic principles and the rule of law' constitute its 'essential elements', non-compliance with these principles entails sanctions (Articles 9-13), backed by an elaborate dispute-settlement mechanism (Articles 8 and 96).

The ACP-EU partnership mostly benefits from predictable, multiannual resources from the European Development Fund ([EDF](#)), which is not funded by the EU budget, but rather by direct contributions from the Member States. These amounted to €30.5 billion for the 11th EDF (2014-2020).

The CPA's institutional set-up comprises a Council of Ministers, a Committee of Ambassadors and a Joint Parliamentary Assembly (JPA). The latter brings together 78 parliamentarians from ACP countries and 78 Members of the European Parliament; it sits in plenary twice a year, with regular meetings of its bureau in-between plenaries. Some African members of the JPA are also members of the African Union's Pan-African Parliament.

Under the previous ACP-EU agreement (the Lomé IV Convention), ACP countries benefitted from a preferential tariff system in their trade with the EU. This system contravened the rules of the World Trade Organization (WTO), according to which preferential treatments granted to ACP countries should also have been granted to other countries with a similar level of development. Signed in 2000, the CPA included a provision making it possible to conclude different WTO-compliant [economic partnership agreements](#) (EPAs) with regional groupings. The conclusion of negotiations on EPAs has created a multi-dimensional relationship with a number of ACP regional groupings, which will need to be taken into account in the revision of the ACP-EU partnership.

The Joint Africa-EU strategy

In the meantime, the EU and the African Union adopted the [Joint Africa-EU strategy](#) (JAES) in 2007. Meant as a forum for peer-to-peer dialogue rather than a donor-recipient relationship, this strategy has become central to the political dialogue between the two parties on key issues. Since 2014, it has been framed by a four-year [road map](#) with four [priority areas](#): peace and security; democracy, good governance and human rights; human development; sustainable and inclusive development, growth and continental integration; and global and emerging issues. While these objectives do not run counter to the CPA, the question may be asked as to whether the ACP group or the African Union is the appropriate level of discussion. The road map will be reviewed at the 5th [African Union – EU Summit](#), which will be held in Abidjan (Côte d'Ivoire) at the end of November 2017. Undoubtedly, there is a need to streamline the various policy frameworks between the EU and Africa.



Possible alignment between the JAES and the ACP-EU partnership

What future for ACP-EU relations?

In late 2016, the European Commission and the EU High Representative/Commission Vice President jointly published a [communication on a renewed partnership with the ACP countries](#), voicing their support for an umbrella agreement, combined with three distinct tailor-made partnerships with each of the three ACP regions. Regional agreements would make it possible to set priorities that are better adapted to the individual regions (in line with other existing frameworks such as the JAES for Africa), while at the same time using the umbrella agreement's common framework as their reference. The umbrella agreement would 'preserve the Cotonou *acquis*', retaining its 'essential elements' and common values. However, some [ACP](#) and [EU](#) stakeholders may object to the reintroduction of strong conditionality mechanisms, arguing that they would [distort](#) those laid out in the CPA.

The European Parliament also envisages the future relationship as being built on an ACP-EU umbrella in combination with regional agreements, all equally binding and focused on the [UN 2030 Agenda](#). The Parliament insists that the new partnership should be based on a political project, rather than on a donor-recipient relationship. In its [resolution of 4 October 2016](#), it also called strongly for reviving political dialogue and for increased monitoring of the respect of human rights and other essential elements.

More flexible frameworks

If the CPA is replaced by an umbrella agreement and a set of regional agreements, the JAES priorities could become the benchmarks for the African pillar. In their November 2016 communication, the Commission and the HR/VP clearly stated that the regional partnerships would need to 'build on and integrate existing ones (e.g. the Joint Africa EU strategy)'. The CPA does not include as many African countries as does the JAES, but the renewed ACP-EU partnership should involve 'interested countries beyond ACP'. The communication describes the joint ACP-EU institutional set-up as 'useful to share experiences', yet also 'heavy and cumbersome', and recommends 'engagement with relevant institutional and non-institutional actors at different levels' as an alternative, or at least as a complement. In this context, the African Union's Pan-African Parliament might have an important role to play in the new partnership. However, the European Parliament does not share the Commission's opinion of the ACP-EU JPA, which it believes should be kept and reinforced. Some observers have [suggested](#) that the JAES would be an appropriate framework for discussing the African dimension of the future partnership. The JAES and the CPA have very similar objectives. The JAES has a proven record as a key platform for political dialogue, in particular in the areas of security, migration and sustainable development. However, the aspects in which the JAES differs from the CPA would need to be addressed, if the JAES were to inspire the African pillar of a renewed ACP-EU partnership. For instance,

- the JAES is not a binding agreement;
- it has a looser institutional framework;
- it does not provide a strong mechanism for sanctions or dispute settlement in case human rights or democratic rules are breached by one of its members;
- it does not monitor or allow for scrutiny over the EPAs;
- some actions under the JAES roadmap are funded by the EU, but not by a dedicated, predictable fund such as the EDF. (In its 4 October 2016 resolution, the Parliament called for the EDF not to be used for financing non-development projects, such as the [African Peace Facility](#) set up under the JAES.)

The [EU](#) and the [ACP states](#) have begun consultations that are likely to intensify in the coming months. The umbrella agreement and regional partnerships scenario promoted by the Commission and the Parliament has not been formally discussed by all stakeholders. Such a scenario – that acknowledges regional differentiation and at the same time tries to retain an ACP framework binding to all members – might entail complicated negotiations at several levels. The difficulty would lie in deciding whether to set the provisions at regional or central level, whether to include a subsidiarity principle, and how to address the role of the existing institutions such as the Joint Parliamentary Assembly.

This 'at a glance' note is based on an earlier briefing ([ACP-EU relations after 2020: The end of an era](#), December 2016) complemented by information from unpublished sources.