

# After Cotonou: Towards a new agreement with the African, Caribbean and Pacific states

## OVERVIEW

The Cotonou partnership agreement between the European Union (EU) and the African, Caribbean, and Pacific (ACP) states is due to expire at the end of 2020. The then ACP Group of States – which later became the Organisation of the ACP States (OACPS) – and the EU adopted their negotiating mandates in May and June 2018 respectively, thus starting negotiations for a 'post-Cotonou' agreement in September 2018. The main challenge for the EU is to maintain its cooperation with the three OACPS sub-regions and to continue to promote the values enshrined in the EU Treaties. At the same time, the new partnership should take into account the United Nations' sustainable development goals, the redefinition of European strategies in the concerned regions, the new ambitions of the ACP states and the changing balance of power at the global level. Both the EU and the OACPS have agreed on the principle of a common foundation complemented by three regional protocols. These multi-level negotiations and the ongoing discussions on the next EU multiannual budget prevented the new agreement from being finalised by February 2020, the initial expiry date set in the Cotonou Agreement. Thus, in order to avoid a legal vacuum in relations, the provisions of the latter have been extended until the end of 2020. Negotiations are now in their final stages, however some complex issues remain to be solved, among which the institutional setting of the partnership, including the future of the ACP-EU Joint Parliamentary Assembly.



### **New Partnership Agreement between the European Union and the African, Caribbean, and Pacific Group of States**

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 2019/2832(RSP)

## Introduction

Relations between the Member States of the European Union (EU) and the African, Caribbean and Pacific (ACP) countries are guided by the Cotonou Partnership Agreement (CPA), signed on 23 June 2000 by the then 15 Member States of the European Community and the then 77 ACP states. The CPA was revised in 2005 and then again in 2010. Commonly referred to as the [Cotonou Agreement](#), the CPA now includes [78 ACP states](#),<sup>1</sup> the 27 EU Member States, and the United Kingdom (see box below). According to its Article 95, the Cotonou Agreement was due to expire on 29 February 2020. However, it has been extended until a new agreement is concluded or until 31 December 2020 at the latest – see 'Negotiation process' below.

Since 2000, new challenges – such as increased migration flows, climate change, and terrorism – have become priorities in the EU-ACP relationship, while the EU's preferential trade treatment for ACP states has become obsolete. The economic and political rise of middle-income countries, particularly China, has altered the balance in the field of development cooperation. According to some analysts, the EU has lost some of its influence in that field, as ACP states can now turn to donors with less demanding requirements in terms of human rights and democratic governance.<sup>2</sup> Nevertheless, ACP states remain committed to the partnership with the EU and the predictable, multi-annual resources linked to it.

Map 1 – Member States of the OACPS



Source: [Wikimedia](#), public domain.

## Existing situation

The ACP-EU partnership, which represents one-fifth of the world's population, is unique in many ways. The partnership:

- is based on a treaty between the 27 EU Member States, the United Kingdom (see box on the UK and the ACP-EU partnership below), and 78 ACP states and is therefore legally binding;
- covers all aspects of the relationship, with the main objective of 'reducing and eventually eradicating poverty' (Article 1). It includes development cooperation, the political dimension, and economic and trade cooperation – which is now being largely implemented by means of Economic Partnership Agreements (see box below);
- explicitly refers to 'respect for all human rights and fundamental freedoms' and 'democracy based on the rule of law.' It provides for sanctions for violations of these principles (Article 9). The dispute settlement mechanism is more elaborate and binding than in other international agreements (Article 96);
- has an institutional setting consisting of an ACP-EU Council of Ministers, a Committee of

Ambassadors, and a [Joint Parliamentary Assembly](#) (JPA) with 78 ACP parliamentarians and 78 Members of the European Parliament (Articles 14-17);

- benefits from multiannual funding established in advance and separate from the EU budget – the European Development Fund (EDF), funded by [direct contributions](#) from the EU Member States (€30.5 billion for 2014-2020 – 11th EDF). The Member States' contribution to the EDF is not proportional to their contribution to the EU budget.

### Economic Partnership Agreements – Focus on regionalisation

Under the Lomé IV (1990-1999) Agreement, the ACP states enjoyed preferential tariff treatment for trade with the Member States of the European Community. This geographical preference was, in fact, a derogation from the General Agreement on Tariffs and Trade – according to the 'most-favoured-nation' principle, the preferential treatment accorded to ACP States should have been extended to other countries with a similar level of development. This is why the Cotonou Agreement included a provision for the negotiation of [Economic Partnership Agreements](#) (EPAs) in accordance with World Trade Organization (WTO) rules.

Negotiated at three sub-regional levels – Caribbean, Pacific, and five groupings of African countries – each EPA has [specific trade clauses](#), not all in force. Several analysts believe that the Cotonou Agreement, by providing for such differentiated trade agreements, may lead to the [fragmentation](#) of the ACP-EU partnership. Moreover, ACP states have not been able to fulfil their [commitment](#) to negotiate collectively on EPA-related issues of common interest. The ACP group failed to conclude a framework agreement among its member countries. The EU's strategy to negotiate directly with regional sub-entities prevailed.

The UN Economic Commission for Africa believes that African EPAs could have negative [consequences](#) for intra-African trade. These could, however, be mitigated by the implementation of the agreement on an [African Continental Free Trade Area](#), signed by 44 countries in March 2018. The European Commission proposed that the EPAs evolve towards a continent-to-continent free trade [agreement](#).

A revision of the partnership was open to [public consultation](#) from October to December 2015. In July 2016, the European Commission and the European External Action Service (EEAS) published a [joint evaluation](#) of the CPA based on this consultation, targeted interviews, and contributions from European stakeholders. The main conclusions<sup>3</sup> of this evaluation are as follows:

- Financial support to the development component of the agreement has contributed to poverty reduction. Budget support has expanded access to basic health and education services, although quality still needs improvement. For some sub-regions of Africa, the evaluation notes a quality deficit in education.
- Policy dialogue (Articles 8 and 9) – which can take place in different forms at the national or regional level and which aims to assess partners' priorities and to develop cooperation strategies – has not been effectively used to promote common interests in international fora, despite some successes, such as common positions on the implementation of the global climate agreement. The Commission and the EEAS recognise that political dialogue has not always succeeded in bringing about improvements in human rights and democracy.
- Although Article 13 of the Cotonou Agreement provides for cooperation in the field of migration, the joint evaluation notes that initiatives that go beyond the ACP-EU framework<sup>4</sup> are more appropriate to address the root causes of migration.
- The EU has a clearly differentiated approach for each of the three ACP sub-regions. In the area of security, the EU is a major player in Africa – where the risk of political violence can be high – but not in the Caribbean or the Pacific. EDF instruments, such as the [African Peace Facility](#), are used to finance projects in Africa that are clearly not relevant for Caribbean or Pacific countries. Africa also benefits from the EU's [Emergency Trust Fund for Africa](#), created in 2015 to respond to the migration crisis. The economic and trade cooperation component has increased trade, although its precise impact is difficult to quantify. The evaluation states that the negotiation of regional Economic Partnership Agreements (see box above) has promoted regional integration.

## EU negotiation objectives

### European Commission and EEAS

Based on the evaluation of the Cotonou Agreement, the European Commission and the EEAS published a [joint communication](#) at the end of 2016 outlining their vision for the future of the partnership. The envisaged scenario, set out in December 2017 in the recommendation for a Council decision authorising the opening of negotiations, calls for a more general agreement – also referred to as a 'foundation' – between the EU and all ACP states, complemented with specific protocols for Africa, the Caribbean, and the Pacific. The regional protocols take account of the diverging interests of each of the three regions and the EU's strategic interests in each of them. The proposed 'foundation' covers issues of common interest as well as those issues that do not require geographical differentiation, such as climate change, human rights, respect for democratic principles, and the rule of law.

The Commission and the EEAS state that it is in the EU's interest to foster the stability, resilience, and prosperity of its partners in order to avoid 'negative spill-over effects on the security and economic prosperity of the EU and its citizens', and in order to address the root causes of irregular and forced migration. The EU's objectives are grouped into three strategies:

- 1 Forging a political partnership focused on building peaceful, stable, well-governed, prosperous, and resilient states and societies.
- 2 Accelerating progress towards the attainment of the Sustainable Development Goals.
- 3 Building effective alliances in international settings with a view to driving global action forward.

### Council and Member States

Development cooperation is a shared competence of the European Union and its Member States. For the 13 Member States that joined the EU after 2000, the post-Cotonou discussions are the first opportunity to have their say on the future of ACP-EU relations. However, these new Members do not have as close a relationship with any of the three ACP regions as the 15 Members that ratified the agreement in 2000 – 10 of which, including the United Kingdom (UK), had former colonies in those regions.

After several months of discussion, Member States agreed on the principle of a legally binding partnership, comprehensive in scope. The EU mandate proposes the extension of the partnership beyond the ACP, to Latin America and North Africa, but the practical details still have to be defined. The main point of disagreement among Member States concerns migration policy. Discussions on this subject delayed the [adoption](#) of the negotiating mandate.

#### The United Kingdom and the ACP-EU Partnership after 1 February 2020

As of 1 February 2020, the UK is no longer a member of the EU. However, it must still comply with the EU's international agreements for the duration of a transition period which lasts until 31 December 2020. It is therefore legally bound by the Cotonou Agreement until its expiry. The UK will be able to conclude agreements either with the ACP states as a bloc or bilaterally with some or all of them. However, such agreements can only enter into force after the end of the transition period. Additionally, the UK's departure has financial implications for the EDF, given the country's contribution of 15 % of the total fund.

## European Parliament position

Although not formally involved in the negotiations, the European Parliament closely follows the development of ACP-EU cooperation through its Development Committee (DEVE). It also plays a key role in the institutional framework of the agreement through the work of 78 Members of the

European Parliament (MEPs) who participate in the Joint Parliamentary Assembly alongside 78 parliamentarians from the ACP states.

On [14 June 2018](#), Parliament adopted a resolution on the forthcoming negotiations for a new partnership agreement between the EU and the ACP states. In line with its previous positions, Parliament approved the main aspects of the Commission's proposal, including the legally binding nature of the common base and the regional protocols. Parliament adopted the following recommendations:

- The partnership should focus on the UN 2030 agenda and the fight against poverty. It should emphasise support for sustainable agricultural development to face climate change.
- The chapter on human rights should explicitly list the forms of discrimination to be combated (sexual, ethnic, religious, etc.) and mention sexual and reproductive rights.
- The political dialogue should be strengthened and have a strong follow-up mechanism.
- The proposed management of legal migration should be more ambitious in order to compensate for the important place given to the fight against illegal migration.
- National parliaments, local authorities, civil society, and the private sector should be more involved in the programming, monitoring, and evaluation of the Partnership's priorities.
- The parliamentary dimension of the partnership should be strengthened. The Joint Parliamentary Assembly should be closely involved in the implementation of the agreement and the regional protocols should provide for annual meetings between MEPs and Members of Parliament from the ACP states, with a strong role for the Pan-African Parliament in the EU-Africa protocol.

In a resolution of [4 October 2016](#), Parliament also called for:

- Economic partnership agreements to be fully integrated into the new partnership and be subject to monitoring with regard to respect for human rights and social and environmental standards;
- the European Development Fund to be included in the EU budget. Parliament also called for the African Peace Facility to be funded outside the EDF and for new migration-related projects not to pose a burden on development funding.

## Preparation of the agreement

### Role of the European Union

The revision of the partnership has been included in the European Commission's annual work programmes since 2015, and the completion of the [negotiations](#) is a priority for 2020. The Commission and the High Representative formulated their views in a joint communication in November 2016 based on their assessment of July 2016 (see 'Negotiation objectives' above). They proposed a new partnership based on a 'common foundation' and three regional protocols, in order to take into account the new strategic interests of the EU and the differentiated evolution of the three components of the ACP group (see table below). The impact assessment accompanying the joint communication rejected the possibility of a single agreement and was critical of the absence of a common core. [High-level facilitators](#) appointed by the European Commissioner for Development had informed the ACP states of the EU proposal in advance.

The Foreign Affairs Council discussed the Commission's recommendation in its 22 January 2018 [meeting](#) and approved the principle of a common foundation combined with three regional protocols. It adopted the [negotiating directives](#) on 21 June 2018.

## European Parliament

The entry into force of the Lisbon Treaty in 2009 strengthened the role of the European Parliament. Parliament approval will be required before the conclusion of the texts embodying the new partnership. However, the European Parliament is not directly involved in the negotiations for the future agreement, being kept informed by the negotiating team of the EEAS and the European Commission.

Parliament reiterated its conditions in a resolution of [28 November 2019](#) and during the debate preceding the vote:

- The Joint Parliamentary Assembly must be maintained – a 'non-negotiable' condition for Parliament to approve the future agreement – and it must meet at least twice a year. The inter-parliamentary committees envisaged for each regional partnership should meet at least once a year.
- Regionalisation should not come at the detriment of the general principles of the agreement.
- The agreement should provide for increased participation of civil society, the private sector, and local authorities.
- Textual references to the mechanism for political dialogue and to the respect for democracy, fundamental freedoms, and human rights – in particular the fight against discrimination based on sexual orientation or gender identity – should be maintained and strengthened.
- The contribution of the partnership to the achievement of the UN Sustainable Development Goals must be guaranteed by 'strong monitoring mechanisms.'

Table 1 – Simplified outline of the EU negotiating mandate<sup>5</sup>

Foundation		
<p><b>Common provisions</b></p> <p>'The Agreement will affirm that the provisions in the Foundation are an integral part of the priorities of each regional partnership.'</p> <p><b>Strategic priorities</b></p> <p>Title I – Human rights, fundamental freedoms, democracy, rule of law and good governance                      Title II – Human development and dignity (social services, gender equality, food security, resilience, scientific and cultural cooperation)                      Title III – Inclusive sustainable economic development (including development of private investment)                      Title IV – Environmental sustainability, climate change and sustainable management of natural resources                      Title V – Peace, security and justice (integrated cooperation – cooperation with the International Criminal Court)                      Title VI – Migration and mobility (cooperation to stem irregular migration flows and adoption of effective integration policies)</p> <p><b>International cooperation</b></p> <p>'The Agreement will affirm that the Parties are committed to a rules-based global order with multilateralism as its key principle, and the UN at its core'</p>		
Regional protocols		
EU – Africa	EU – Caribbean	EU – Pacific
<p>Building on the Africa–EU strategy, it gives a greater role to dialogue with the African Union and takes account of relations with the countries of North Africa, the outermost regions of the EU (ORs) and the overseas countries and territories (OCTs). Priority areas: peace and stability, human rights, democracy and good governance, human development, sustainable and inclusive economic development, mobility and migration, climate action, sustainable management of resources, and urbanisation.</p>	<p>Replaces the Caribbean–EU strategy and takes into account the ORs and OCTs – the latter may be granted an observer role in this partnership. The proposal highlights the situation of Haiti, the only 'least developed country' in the region.</p> <p>Priority areas: action on climate and biodiversity, mitigation and prevention of natural disasters and climate change, the fight against crime – including financial crime), good governance and social cohesion, and the fight against corruption.</p>	<p>It systematises existing relations and takes account of the OCTs in the region, which may be granted an observer role in this partnership.</p> <p>Priority areas: climate and biodiversity actions, sustainable economy linked to the sea (fisheries and aquaculture), energy and trade, maritime safety, tax havens, gender equality, human development, and social cohesion.</p>
Institutional framework		
<p>The EU proposes to entrust the management of each regional protocol to a regional ministerial council. Strategic directions will be determined by summits of heads of state or government. Each partnership will have a parliamentary component and mechanisms for dialogue with local authorities, civil society, and the private sector. Regional organisations will have a 'leading role' in the governance of the partnerships.</p> <p>Management of the foundation would be entrusted to an EU-ACP Ministerial Council that meets 'in principle every three years' – <b>the ACP Group/OACPS Secretariat and the Joint Parliamentary Assembly are not explicitly mentioned</b>. A dispute settlement mechanism will be created.</p> <p>Third countries would be able to join the agreement. North African countries, which are not part of the ACP states, might participate in decisions regarding the EU-Africa partnership.</p>		

Source of information and quotes: Council of the European Union, [negotiating directives](#), June 2018.

## Role of the Organisation of ACP States

In an initiative that began at the [Sipopo meeting](#) (Equatorial Guinea – 2012), the ACP heads of state or government committed themselves to remain united as a group and to develop South-South relations. In December 2019, the ACP group of countries officially became the Organisation of the ACP Group of States (OACPS). It intends to strengthen cohesion among its members, notably through the establishment of a conflict-resolution mechanism and financial autonomy vis-à-vis the EU through the creation of an endowment fund and other forms of development finance.

The ACP Group adopted its negotiating mandate in May 2018, expressing its commitment to dedicated funding with multiannual allocations – a mechanism similar to the current EDF. On many points, this [negotiating mandate](#) converges with the European Commission's proposals. However, it contrasts sharply with the European Commission's proposals on two aspects. On the form, it does not propose a foundation with regional protocols but a single agreement<sup>6</sup> with three pillars: i) trade, investment, and services; ii) development cooperation, science and technology, and research and innovation; and iii) political dialogue and advocacy. On the substance, as regards migration management, the ACP negotiating mandate calls for greater account to be taken of intra-ACP migration and for the future agreement to include the voluntary nature of returns to the country of origin and a ban on using development aid as a means of negotiating border controls.<sup>7</sup>

## Negotiation process

Negotiations officially opened on [28 September 2018](#), led by Robert Dussey, Togo's Minister of Foreign Affairs, Cooperation, and African Integration, representing the OACPS, and by Neven Mimica representing the EU. The latter was succeeded by Jutta Urpilainen, Commissioner for International Partnerships, as of December 2019.

Several rounds of 'technical' negotiations have taken place. Due to the coronavirus outbreak, negotiations were slowed down. Video-meetings resumed in April 2020 between the technical negotiators. Chief negotiators met virtually in June 2020. Details of the agreed points and of the challenges in the negotiations have not been made public. However, on [14 December 2018](#), [4 April 2019](#), [23 May 2019](#), [28 September 2019](#), [14 February 2020](#), and [12 June 2020](#), the chief negotiators issued communications on areas where a political agreement had been reached.

A first round of negotiations, opened in October 2018, made it possible to agree on the methodology of the negotiations, the status of the future agreement, and its general structure – the principle of a common foundation and regional protocols was adopted by both parties. A second round of technical negotiations opened on 25 January 2019 on the content of the **common foundation** and some of the strategic priorities. In September 2019, the chief negotiators approved the economic priorities of the future agreement, without publicly detailing their content. In February 2020, the chief negotiators acknowledged that an agreement on 'the general provisions, means of cooperation, institutional framework and final provisions' had not yet been reached.

Negotiations at the level of the three **regional components** were officially launched on 4 April 2019. Prior to this, high-level dialogues between negotiators from the EU and [the Pacific](#) (26 February 2019), [the Caribbean](#) (15 April 2019), and [Africa](#) (3 May 2019), had focused on possible priorities for each regional protocol. In February 2020, chief negotiators declared that an agreement on 'key chapters of the regional partnerships' had been reached.

By virtue of a [delegation of powers](#) given in May 2019 by the ACP-EU Council of Ministers, the ACP-EU Committee of Ambassadors decided in December 2019 to [extend the provisions](#) of the Cotonou Agreement until the date of entry into force of the new agreement or its provisional application, or until 31 December 2020 at the latest. This made it clear that the negotiations would not have been concluded by the scheduled expiry date of the Cotonou Agreement at the end of February 2020, notably because certain aspects of the agreement are closely linked to the EU budgetary resources for 2021-2027, which are still under [discussion](#).

A new round of political negotiations on the outstanding issues opened at the ministerial level on 12 June 2020. Chief negotiators met again on [6 July 2020](#) but did not issue a communiqué. Once an agreement is finalised, the [signing ceremony](#) is planned to take place in Samoa.

## Changes the agreement would bring

At this stage of the negotiations (early October 2020), the contents of the foundation and regional protocols have not yet been finalised. As details of the progress of the negotiations are not public,<sup>8</sup> the considerations below should not be taken as definitive.

With regard to the definition of **common values**, some ACP states may be reluctant for the 'foundation' agreement to a) mention reproductive health and sexual orientation, notably [LGBTI rights](#) – an issue on which there are [differences](#) also among EU Member States, b) recognise the role of the [International Criminal Court](#), and c) express disagreement with the death penalty. A possible compromise might be to not stray too far from the wording of the relevant UN charters, which trail behind the EU's ambitions.

The current EU proposal clearly reinforces the issue of **migration**. The EU negotiating mandate recalls that the future agreement will have to take into account international commitments on refugee protection, and that the parties 'will commit to adopting effective integration policies' towards legal migrants. With regard to irregular migration, the EU wishes to strengthen cooperation in border management and the fight against the smuggling of migrants. It also wishes to introduce more binding provisions for the respect of the 'legal obligation' to re-admit irregular migrants. The OACPS's negotiating mandate, on the contrary, proposes that return and readmission processes to the country of origin should be on a voluntary basis.

The ACP Chief Negotiator recalled that the migration issue should not overshadow other agenda [items](#), such as the industrial development of ACP states. Some ACP states, mostly African ones, have serious reservations about **the EPAs** which they consider could hinder such development, and are reluctant to allow any mention of them in the post-Cotonou agreement. Recent tensions about the inclusion of some ACP states in the [EU list of non-cooperative jurisdictions for tax purposes](#) might impact the content of the new agreement on **tax evasion and illicit financial flows**, as the OACPS has condemned [the lack of dialogue](#) with the countries concerned.

The two negotiating mandates explicitly state that the future ACP-EU agreement must achieve the **Sustainable Development Goals (SDGs)** adopted by the UN. The aim is to maintain the features of the current agreement that already reflect the spirit of the SDGs, such as the focus on human development and the fight against climate change. Other aspects need to be improved. As the main donor, the EU has stronger negotiating power than the ACP states on the priorities of the Agreement that are to be implemented. In the spirit of [SDG 17](#), the two sides will have to reach a compromise, which will be more easily found if the ACP states establish their own source of [funding](#). SDG 17 calls for greater involvement of civil society and local authorities. In order to make this participation more effective, many countries must overcome central government inertia, increase the performance of their administrative apparatus, and better train civil society organisations in negotiating technical issues.

The negotiation of separate **regional protocols** should make it possible to refine their consistency with the strategies put in place after the Cotonou Agreement ([EU-Africa](#), [EU-Caribbean](#), and [EU-Pacific](#) partnerships). However, these strategies include countries that are not members of the OACPS (see [maps](#)). Although the EU has proposed to take better account of relations with North African countries, EU overseas countries and territories and outermost regions in the framework of the future ACP-EU partnership, the organisations representing them have only the role of technical support and observer in the ongoing negotiations. The recently proposed [new partnership with Africa](#) does not shed any light on this apparent contradiction.

The role of each of the existing **institutions** remains unclear, notably the [joint EU-ACP institutions](#) (see 'The ACP-EU Joint Parliamentary Assembly' below). Each regional protocol will have its own institutional framework, different from the existing regional authorities such as the African Union, Cariforum, and the Pacific Islands Forum. The [African Union](#) wanted the agreement with Africa to be 'separated from the ACP context,' but was not successful in this pursuit. The European Commission suggested that the EU's relations with ACP states and the various regional organisations of which they are members should be based on the 'principles of [subsidiarity and complementarity](#).' The non-ACP countries involved could be granted observer status in the new partnership bodies.

Finally, although not part of the framework for negotiations on the future partnership, the **European Development Fund**, whose 11th edition ends in 2020, is also on the agenda. Considering the [ongoing negotiations](#) on the Multiannual Financial Framework 2021-2027, it is now expected that the EDF will be integrated into the general budget of the EU. This would however include a derogation from the rules of budgetary annuality, thus reflecting one of the specificities of the EDF, which allows unspent sums to be rolled over from one year to the next instead of returning to the general budget. However, the OACPS has expressed reservations about this model, which risks diluting the [funds](#) earmarked for the ACP.

## Stakeholder views<sup>9</sup>

### The ACP-EU Joint Parliamentary Assembly

The ACP-EU JPA, in its December 2015 [resolution](#) on the occasion of the partnership's 40th anniversary – followed by declarations in [2016](#), [2018](#) and [2020](#)– hailed the ACP-EU framework as an essential tool for mutual understanding while calling for its adaptation to the SDGs. The JPA endorses regional differentiation and the treatment of Africa as 'one entity'. The Assembly defends the specific characteristics of the European Development Fund – cooperation in the drafting of programming documents and predictability of resources – but also recalls the need for better management of public resources and for the establishment of new sources of funding, particularly from the private sector. The JPA expressed its hope for national parliaments and civil society to be better involved in the preparation of the future partnership – which has not been the case so far, at least formally – as well as in its implementation.

#### The JPA in question

In their November 2016 communication, the Commission and High Representative clearly state that 'the present system based on joint institutions has proven to be useful to share experiences but it is now outdated since it is too heavy and cumbersome'. Council's negotiating mandate clearly favours regional decision-making and implementation, with parliamentary committees at the level of each regional partnership. It does not explicitly mention the Joint Parliamentary Assembly. In December 2019, the JPA co-presidents expressed their [serious concern](#) that the existence of the JPA in the EU's negotiating mandate was being called into question, which, in their view, 'weakens the parliamentary dimension of the ACP-EU partnership.' The European Parliament has warned [it might not approve](#) the new agreement if the JPA is not maintained (resolution of 28 November 2019). A joint press release by the DEVE chair and the JPA co-presidents reiterated this [strong position](#) on 26 June 2020. On 6 October 2020, the JPA co-presidents expressed their [satisfaction](#) that the [German Presidency of the Council was in favour](#) of maintaining the JPA in the renewed partnership.

### Civil society and private sector

[Concord](#), the **European confederation of relief and development non-governmental organisations (NGOs)**, stresses the [need](#) to introduce into the post-Cotonou foundation clear references to other international commitments, including SDGs. According to Concord, key elements concerning human rights, conflict prevention, and climate change should be explicit.

Accountability mechanisms should be clearly set out, including those applying to economic partnership agreements. The confederation also calls for [clear and binding provisions](#) on the participation of civil society, given the fact that the Cotonou Agreement's principled positions on this issue are not conclusive. With regard to regional partnerships, Concord agrees with their broad outlines, but is concerned about the overly prescriptive positions of the European Commission on their content. It argues that the content of the partnerships should be defined by all partners involved in the negotiations.

The **European Trade Union Confederation** (ETUC) and the **International Trade Union Confederation** (ITUC) have issued a [common position](#). They argue that the new partnership must promote [decent work](#), freedom of association, and the reduction of pay gaps. For these confederations, these principles should be central to the chapters on trade and investment. The confederations call for the renegotiation of the economic partnership agreements, including the introduction of binding labour law provisions based on the ratification and effective implementation of International Labour Organization conventions.

[BusinessEurope](#), an umbrella organisation of **European business and employers' associations**, considers the current Cotonou Agreement incapable of ensuring the economic development of the ACP states and of strengthening the presence of European companies in these markets. The association would like to see greater involvement of the [private sector](#) in the future partnership and greater use of European funds for direct aid to the private sector rather than budgetary support.

## EP SUPPORTING ANALYSIS

Legislative Train Schedule, [Signature and conclusion of the new agreement between the EU and the countries of Sub-Saharan Africa, the Caribbean and the Pacific](#), EPRS, European Parliament, updated monthly.

Kononenko, V., [A renewed partnership with the countries of Africa, the Caribbean and the Pacific](#) –Initial appraisal of an impact assessment, EPRS, European Parliament, April 2018.

Other documents published by Parliament's services on [ACP-EU relations](#) and [Economic Partnership Agreements](#) are available at <http://www.europarl.europa.eu/thinktank>.

## OTHER SOURCES

[Timeline: steps towards a new EU-ACP partnership after 2020](#), key documents from the Council, the European Commission, and the European External Action Service.

Council of the European Union, [Negotiating directives for a Partnership Agreement between the European Union and its Member States of the one part, and with countries of the African, Caribbean and Pacific Group of States of the other part](#), 21 June 2018.

[ACP negotiating mandate for a post-Cotonou Partnership Agreement with the European Union](#), adopted on 30 May 2018 by the 107th session of the ACP Council of Ministers held in Lomé, Togo.

## ENDNOTES

- <sup>1</sup> The Cotonou Agreement was part of the body of EU law incorporated by the new EU Member States. Two OACPS Member States are not bound by the Cotonou Agreement – Cuba, which has not signed it, and Sudan, which has not signed the 2010 revision. However, both countries are involved in the negotiations for the future agreement. East Timor joined the ACP group and the partnership after its independence in 2002. The procedure for the accession of South Sudan to the OACPS has not been finalised. It is therefore not bound by the agreement.
- <sup>2</sup> Some case studies have come to more nuanced conclusions. See, in particular, A. Were – [Debt trap? Chinese loans and Africa's development options](#), SAIIA, 2019 and the notes in the [second edition of this briefing](#) (in French).
- <sup>3</sup> For a more detailed summary, see the [first edition of this briefing](#) (in French).
- <sup>4</sup> Examples include the EU's [Global Approach to Migration and Mobility](#) (GAMM), the European Migration Agenda, and the EU-Africa [Valletta Action Plan](#). Coordination of strategies takes place in the framework of the Euro-African Dialogue on Migration – [Rabat process](#) – and the Horn of Africa-EU Migration Route Initiative – [Khartoum process](#). These two initiatives bring together EU Member States, African countries – including North African ones, and third countries.
- <sup>5</sup> For a more detailed outline, see the [previous editions of this briefing](#) (in French).
- <sup>6</sup> ACP negotiating mandate, May 2018, Parts II and III.
- <sup>7</sup> Ibid, paragraphs 156 to 159.
- <sup>8</sup> This briefing is updated as the negotiations progress.
- <sup>9</sup> This section aims to provide a general overview of the debate and is not intended to be an exhaustive account of all different views on the agreement. Additional information can be found in related publications listed under 'EP supporting analysis' and 'Other sources.'

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