

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 was due to expire in February 2020. The then ACP Group of States – which later became the Organisation of the ACP States (OACPS) – and the EU started negotiations for a 'post-Cotonou' agreement in September 2018. This time around, 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 the EU's strategies for the regions concerned, the ACP states' new ambitions 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, the coronavirus crisis and difficulties in reaching agreement on sensitive issues, such as migration management and sexual and reproductive health and rights, prevented the new agreement from being finalised by the initial expiry date set in the Cotonou Agreement. Thus, to avoid a legal vacuum in relations, the provisions of this agreement were extended until the end of 2021. After two years of negotiations, a political deal was reached in December 2020, including on the most complex issues. The European Parliament insisted on maintaining the ACP-EU joint parliamentary assembly and was successful in this endeavour; in addition, three regional parliamentary assemblies will be created in the future institutional set-up of the partnership.



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

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Introduction

The Cotonou Partnership Agreement (CPA) was signed on 23 June 2000 by the then 15 Member States of the European Community and then 77 member states of the African, Caribbean and Pacific group of states. Commonly referred to as the [Cotonou Agreement](#), the CPA now guides most of the relations between [78 ACP states](#)¹ the 27 EU Member States; the United Kingdom was a party to the CPA until 31 December 2020 (see box below). The Cotonou Agreement was revised in 2005 and then again in 2010. According to its Article 95, it was due to expire on 29 February 2020. However, it was extended until a new agreement is concluded or until 30 November 2021 at the latest – see 'Negotiation process' below.

Since 2000, new challenges – such as increased migration flows, climate change, and terrorism – have emerged as priorities in the EU-ACP relationship, while the EU's preferential trade treatment for ACP states has become obsolete (see box on 'Economic partnership agreements' below). 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.² Nevertheless, ACP states remain committed to the partnership with the EU and the predictable, multi-annual resources linked to it.

Map 1 –OACPS member states



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

Existing situation

The ACP-EU partnership, which covers countries that account for one-fifth of the world's population and more than half of the seats at the United Nations, is unique in many ways. The current partnership:

- is based on a treaty between the 27 EU Member States and 78 ACP states, and is therefore legally binding;
- covers all aspects of the relationship, and 'reducing and eventually eradicating poverty' (Article 1) is its main objective. It includes development cooperation, the political dimension and economic and trade cooperation, the latter 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). Its 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);
- has benefited 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 was not proportional to their contribution to the EU budget. As from 2021, the EDF will cease to exist and EU funding for the ACP countries will be [provided through the EU general budget](#). Remaining EDF funds will however be used until their depletion.

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 (GATT): 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.

EPAs are negotiated at three sub-regional levels – Caribbean, Pacific, and five groupings of African countries – and each EPA has [specific trade clauses](#), not all of which are 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 trading under the [African continental free trade area, as from 1 January 2021](#). The European Commission proposed that the EPAs evolve towards a continent-to-continent free trade [agreement](#).

A review 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 Cotonou Agreement based on findings from the consultation, targeted interviews and EU stakeholders' feedback. Its main conclusions are as follows:³

- Financial support 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, there is 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.
- Initiatives that go beyond the ACP-EU framework⁴ have been more adequate in addressing migration issues.
- 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](#), financed projects in Africa that are clearly not relevant for Caribbean or Pacific countries. Africa also benefits from the EU [Emergency Trust Fund for Africa](#), created in 2015 to respond to the migration crisis. The economic and trade cooperation component has increased trade exchange, although its precise impact is difficult to quantify. The negotiation

of regional economic partnership agreements (see box above) has promoted regional integration.

EU negotiation objectives

European Commission and High Representative

Based on the evaluation of the Cotonou Agreement, the European Commission and the High Representative 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 and 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 High Representative 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 Member States do not have as close a relationship with any of the three ACP regions as the 15 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, the Member States agreed on the principle of a legally binding, comprehensive partnership. The EU mandate proposed the extension of the partnership beyond the ACP, to Latin America and North Africa. Migration policy was the main point of disagreement among Member States, and related discussions delayed the [adoption](#) of the negotiating mandate.

The United Kingdom and the ACP-EU partnership after 31 December 2020

Since [1 February 2020](#), the UK has no longer been an EU Member State. However, it had to comply with the EU's international agreements for the duration of a transition period that lasted until 31 December 2020. The Cotonou Agreement therefore was legally binding on the UK until the end of this period. Agreements concluded between the UK and individual ACP states or the OACPS as a bloc can now enter into force. The UK's departure has financial implications too, given the country's 15 % contribution to the total EDF.

European Parliament position

Although not formally involved in the negotiations, the European Parliament closely follows the development of ACP-EU cooperation with its Development Committee (DEVE) in the lead. Under

[Article 218\(6\) of the Treaty on the Functioning of the EU \(TFEU\)](#), its consent is needed for the agreement to be concluded.

On [14 June 2018](#), Parliament adopted a resolution on the then 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 help tackle climate change.
- The chapter on human rights should explicitly list the forms of discrimination that should be combated (such as sexual, ethnic, or religious discriminations) 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 support of the decision to attribute importance 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 new partnership should strengthen the parliamentary dimension. 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.
- Economic partnership agreements should be fully integrated into the new partnership (in a resolution of [4 October 2016](#), Parliament specified they should be subject to monitoring with regard to respect for human rights and social and environmental standards).

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](#) was among the priorities of its 2020 work programme. The Commission and the High Representative formulated their views in a joint communication in November 2016, based on the above-mentioned evaluation they had carried out in July 2016. 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.

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. While this [negotiating mandate](#) converges with the European Commission's proposals on many points, it contrasts sharply with them on two aspects. For instance, as regards the form, it does not propose a foundation with regional protocols but a single agreement⁵ with three pillars: i) trade, investment, and services; ii) development cooperation, science and technology, and research and innovation; and iii) political dialogue and advocacy. As regards the substance – migration management in particular – 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.⁶

Negotiation process

Negotiations officially opened on [28 September 2018](#). They were led by Robert Dussey, Togo's Minister of Foreign Affairs, Cooperation and African Integration, representing the 79 ACP states,⁷ and by the Commissioner for International Cooperation and Development, Neven Mimica, representing the EU. Mimica was succeeded by Jutta Urpilainen, Commissioner for International Partnerships, in December 2019.

Several rounds of 'technical' negotiations took place, albeit at a slower pace due to the coronavirus outbreak (in videoconference mode) since April 2020. The chief negotiators met on [14 December 2018](#), [4 April 2019](#), [23 May 2019](#), [28 September 2019](#), [14 February 2020](#), [6 July 2020](#) and [3 December 2020](#). They issued communications on areas where political agreement had been reached but did not make public the details of either agreed or outstanding points.

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 31 December 2020. This made it clear that negotiations would not have been concluded by the expiry date laid down in the Cotonou Agreement (Article 95: end of February 2020).

A first negotiation round, 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.

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 they had not yet reached an agreement on 'the general provisions, means of cooperation, institutional framework and final provisions'.

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, the chief negotiators declared that they had reached an agreement on 'key chapters of the regional partnerships'.

A new round of (political) negotiations on the outstanding issues opened at the ministerial level on [12 June 2020](#). On **3 December 2020**, the chief negotiators announced that a [political deal had been reached](#). The text still needs to be edited, in particular to check consistency and legal soundness before it is submitted to the Council. Once the final text is ready, the European Commission will make legislative proposals to the Council for the signature and the conclusion of the agreement. **The European Parliament's consent is needed** before the Council adopts the decision concluding the agreement ([Article 218\(6\) TFEU](#)). Pending ratification by all its Member States, the EU can decide to apply provisionally the new agreement for the provisions concerning its competences ([Article 218\(5\) TFEU](#)). In parallel, the OACPS and the EU Member States will have to approve and ratify the

new agreement according to their own procedures. The Cotonou Agreement has been extended a second time, beyond 31 December 2020, until the new agreement enters into force or is provisionally applied, or until [30 November 2021](#) at the latest. Once the new agreement is finalised, the [signing ceremony](#) is planned to take place in Samoa.

Changes the agreement would bring

At this stage (mid-January 2021), the text agreed at chief negotiator level has not yet been made public.⁸ The considerations below are drawn from various public communications.

One foundation and three regional protocols

The new ACP-EU will have the structure proposed by the EU: one foundation laying down the common principles, with one protocol for each ACP sub-region, focusing on their own priorities (see Table 1). The foundation and protocols will be legally binding on all the parties. There might be a provision in the final text for accession of new countries, in particular (but not only) new EU and OACPS member states.

Key priority areas

According to a European Commission [press release of 3 December 2020](#), the future agreement will be based on six key priorities: **human rights, democracy and governance; security; human and social development; environmental sustainability and climate change; sustainable growth; and migration and mobility**. Sexual and reproductive health and rights, and migration were [reportedly](#) among the issues where finding agreement between the negotiators was the most difficult.

Migration and asylum

The EU negotiating terms envisaged that the future agreement take into account international commitments on migration and refugee protection, and that the parties 'commit to adopting effective integration policies' towards legal migrants. With regard to irregular migration, the EU wished to strengthen cooperation in border management and the fight against the smuggling of migrants. It also wished to introduce a more binding legal obligation to re-admit irregular migrants. The OACPS's negotiating terms, on the contrary, envisaged that return and readmission processes to the country of origin should be on a voluntary basis.

According to the [9 December 2020 meeting](#) between Commissioner Urpilainen and the European Parliament's Committee on Development, the future agreement will go far beyond Article 13 of the Cotonou Agreement,⁹ 'in particular in the areas of return and readmission with major predictability and enforcement'. The future agreement will make reference to international agreements encompassing the UN Global Compacts [on migration](#) and [on refugees](#), which provide for new rights and obligations. It is expected that a mechanism will address the failure to comply with the provisions on return and readmission.

The new agreement will also address South-South cooperation and issues linked to circular migration management.

Sexual and reproductive health and rights

Some ACP states were reluctant to see the 'foundation' agreement mention sexual and reproductive health and rights. As a matter of compromise, the wording will reflect the texts of existing international agreements – notably the [International Conference on Population and Development Programme of Action](#), the [Beijing Platform](#) on gender equality and their follow-ups. These however fall short of the EU negotiators' ambitions, notably on [sexual orientation and gender identity \(LGBTI rights\)](#) – an issue on which there are also [differences](#) among EU Member States. Clearer provisions on specific rights could be mentioned in the regional protocols.

Table 1 – Simplified outline of the political deal reached by the chief negotiators¹⁰

Foundation		
<p>Common provisions</p> <p>'The Agreement will affirm that the provisions in the Foundation are an integral part of the priorities of each regional partnership.'^b 'The post-Cotonou Agreement will be concluded for an initial period of 20 years'.^a</p> <p>Strategic priorities</p> <ul style="list-style-type: none"> – Human rights, democracy, and governance – Peace and security – Human and social development – Environmental sustainability and climate change – Inclusive sustainable economic growth and development – Migration and mobility <p>International cooperation</p> <p>'The new Agreement will put stronger emphasis on cooperating in international fora and on building alliances on the global scene.'^a 'The new Agreement will be a powerful tool to advance the UN 2030 Agenda and the Sustainable Development Goals (SDG)'.^a</p>		
Regional protocols		
EU – Africa	EU – Caribbean	EU – Pacific
<p>As a legal framework for EU-sub-Saharan Africa relations, it is meant to go 'hand in hand'^a with the proposed Comprehensive Strategy with Africa. To this end, it will assign a greater role to dialogue with the African Union and take account of relations with the countries of North Africa, the outermost regions of the EU (ORs) and the overseas countries and territories (OCTs).</p> <p>Priority areas: inclusive, sustainable economic growth and development; human and social development; environment and natural resource management; peace and security; human rights, democracy and governance, particularly gender equality, rule of law, justice and financial governance; migration and mobility 'with greater emphasis than in the past'.^a</p>	<p>It will build on the Joint Caribbean– EU strategy and take into account the ORs and OCTs – the latter might be granted an observer role in this partnership. It will take due account of the situation of Haiti, the only 'least developed country in the Caribbean'.^a</p> <p>Priority areas: fighting against the devastating effects of climate change; advancing economic transformation and diversification; increasing investment in human and social development.</p>	<p>It will systematise existing relations and take account of the OCTs in the region, which might be granted an observer role in this partnership.</p> <p>Priority areas: protecting the oceans and seas from various threats including climate change, ocean acidification and coral bleaching, over-exploitation, and illegal, unreported and unregulated fishing; building democratic, peaceful and rights-based societies and making progress in gender equality and financial governance; sustainable economic growth; human and social development, promotion of youth and women's and girls' economic, social and political empowerment.</p>
Institutional framework		
<p>The management of the foundation will be entrusted to an ACP-EU Council of Ministers. While the EU negotiating directives did not explicitly mention the joint parliamentary assembly, it will eventually feature in the new agreement, after the European Parliament made it a non-negotiable condition for its consent (see box on the 'Parliamentary dimension' below). Each protocol will have its own institutional setup, with a regional ministerial council, a parliamentary assembly and mechanisms for dialogue with local authorities, civil society, and the private sector. Summits of heads of state or government will determine strategic directions.</p>		

Source of information and quotes: ^aEuropean Commission, [Q&A](#), 12.2020 - ^bEU [negotiating directives](#), 6. 2018.

Sustainable development goals and multilateralism

As specified in both negotiating mandates, the future agreement will explicitly affirm the signatories' willingness to achieve the UN [SDGs](#). 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, and to strengthen cooperation in international fora. This commitment to multilateralism from both sides is in the spirit of [SDG 17](#), which also calls for greater participation of [civil society](#) and local authorities in partnerships. 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 on technical issues. The separate regional protocols would better align with strategies more recent than the Cotonou Agreement (the proposed comprehensive partnership with [Africa](#), or current agreements with [Latin America and the Caribbean](#) or with [Pacific](#) countries or territories). However, these strategies include countries that are not members of the OACPS (see [maps](#)). The future ACP-EU partnership is expected to take better account of relations with those non-OACPS countries, as well as of EU overseas countries and territories (OCTs) and outermost regions (ORs). However, during the negotiations, the organisations representing these countries, OCTs or ORs were only assigned the role of providing technical support and acting as observers.

Institutional setup

During the negotiations, the main stumbling block on the partnership's institutional setup was the continuation of the ACP-EU joint parliamentary assembly. Although this was 'beyond the [EU] negotiating directives', as diplomatically put by Commissioner Urpilainen, the European Parliament made it clear it would not be in a position to give its consent to an agreement that would not provide for a full-fledged JPA (see box below).

The Parliamentary dimension of the future agreement

The European Parliament plays a key role in the institutional framework of the Cotonou Agreement through the work of 78 of its Members (MEPs) who participate in the joint parliamentary assembly alongside 78 parliamentarians from the ACP states. In their November 2016 communication, the Commission and the High Representative clearly stated 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'. The EU's negotiating mandate clearly favoured decision-making and implementation at the level of each regional partnership. It does not explicitly mention the joint parliamentary assembly. Against this background, the European Parliament warned [it would not approve](#) the new agreement if the JPA is not maintained (resolution of 28 November 2019). 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'. Joint statements released by the DEVE chair and the JPA co-presidents reiterated this [strong position](#) on 26 June 2020. This was again [reiterated](#) on the eve of the political deal between the chief negotiators.

On [9 December 2020](#), Commissioner Urpilainen informed the Parliament that its demand will be met. The future agreement should therefore provide for retention of the JPA:

- as a permanent body of the partnership,
- with a consultative role,
- as a body meeting on a regular basis (at least once a year, as per the Parliament's request),
- with the autonomy to decide on its rules of procedures, including on setting up a permanent secretariat.

Regional assemblies will be granted similar powers. The agreement will provide for regular dialogues between the various regional and overarching bodies. The arrangement has still to be officially endorsed at the level of the Council. The German Presidency of the Council (which ended on 31 December 2020) [was in favour](#) of maintaining the JPA in the renewed partnership.

In addition to the existing institutions, there will be a joint council of ministers and a joint parliamentary assembly for each regional component. The [African Union](#) wanted the partnership 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](#)'. Non-EU or non-ACP countries involved could be granted observer status in the new partnership bodies.

Financing

The financing of the future partnership was not part of the negotiations framework. So far, the **European Development Fund** has funded the bulk of development cooperation in the ACP-EU partnership. In the 2021-2027 multiannual financial framework, development assistance for ACP countries and the partnership overall will no longer be provided by the EDF but instead by a [new instrument](#) in the general budget of the EU. This instrument will include to the extent possible the flexibilities of the EDF, such as allowing unspent sums to be rolled over from one year to the next, instead of returning them to the general budget. The OACPS nevertheless expressed concern that this latter possibility risks diluting the [funds](#) earmarked for the ACP. In the future, it is expected that other sources, such as ['innovative financing'](#) (including, for instance, blending, micro-finance and public-private partnerships), will contribute more extensively to the funding. The OACPS is also willing to establish its own source of [funding](#).

Economic partnership agreements

EPAs are detached from the Cotonou Agreement (see box on the 'Economic partnership agreements' above) and will stay distinct from the future agreement. Some ACP states, mostly African ones, have serious [reservations](#) about the EPAs, fearing they could hinder their industrial development, and have been reluctant to allow any mention of them in the post-Cotonou agreement. However, each EPA contains provisions placing it under the governance of the Cotonou Agreement: a violation of one of the Cotonou Agreement's 'essential elements' of human rights, democratic principles and the rule of law could lead to the suspension of the EPA's trade preferences for the country concerned. However, [legal discussions](#) have arisen about the validity of such clauses and the mechanism for recourse after the expiry of the Cotonou Agreement. Commissioner Urpilainen gave assurances that the wording that will be used in the future agreement would 'link the EPAs to the sustainable and human rights agenda of post-Cotonou'.

Stakeholder views¹¹

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 endorsed regional differentiation and the treatment of Africa as 'one entity'. The assembly defended the specific characteristics of the European Development Fund – cooperation in the drafting of programming documents and predictability of resources – but also recalled 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 did not happen, at least formally – as well as in its implementation.

Civil society and private sector

[Concord](#), the **European confederation of relief and development non-governmental organisations (NGOs)**, stressed the [need](#) to introduce clear references to other international

commitments, including SDGs, into the post-Cotonou foundation. According to Concord, key elements concerning human rights, conflict prevention and climate change should be worded in an explicit manner. Accountability mechanisms should be clearly set out, including those applying to economic partnership agreements. The confederation also called 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 agreed with their broad outlines, but was concerned about the overly prescriptive positions of the European Commission on their content.

The **European Trade Union Confederation** (ETUC) and the **International Trade Union Confederation** (ITUC) issued a [common position](#). They argued 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 called 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**, considered the current Cotonou Agreement incapable of ensuring the economic development of the ACP states and of strengthening the presence of EU companies in these markets. The association would like to see a stronger involvement of the [private sector](#) in the future partnership and greater use of EU 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 the 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

- ¹ The Cotonou Agreement was part of the body of EU law incorporated by the new EU Member States. Three OACPS member states are not bound by the agreement – Cuba, which has not signed it, and Sudan and Equatorial Guinea, which have not signed the 2010 revision. However, these countries have been involved in the negotiations for the future agreement. The procedure for the accession of South Sudan to the OACPS has not been finalised. It is therefore not bound by the agreement. East Timor joined the ACP group and the partnership after its independence in 2002.
- ² Some case studies have come to more nuanced conclusions. See, in particular, A. Were – [Debt trap? Chinese loans and Africa's development options](#), SAlIA, 2019, and the notes in the [second edition of this briefing](#) (in French).
- ³ For a more detailed summary, see the [first edition of this briefing](#) (in French).
- ⁴ [Examples](#) include the EU's [Global Approach to Migration and Mobility](#) (GAMM), the [European Agenda on Migration 2015-2020](#) 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 processes bring together EU Member States, African countries – including North African ones, and third countries.
- ⁵ ACP negotiating mandate, May 2018, Parts II and III.
- ⁶ *Ibid*, paragraphs 156 to 159.
- ⁷ Cuba is part of the current negotiations.
- ⁸ This briefing is updated at the main stages of the negotiations.
- ⁹ Article 13 of the Cotonou Agreement provides for the management of both legal and illegal migration, but does not clearly provide for enforcement and sanctions.
- ¹⁰ For a detailed outline of the EU negotiating mandate, see the [fourth edition of this briefing](#) (in French).
- ¹¹ 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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