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## **New beginnings or a last hurrah? THE OACPS-EU PARTNERSHIP IN 2021-2041**

**OACPS-EU**

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The European Union (EU) and the Organisation of African, Caribbean and Pacific States (OACPS) are moving towards the finalisation and signature of a new partnership agreement. The OACPS and EU chief negotiators formally initialled the new agreement on 15 April, and the hope is that the new agreement would be signed by all parties in Samoa towards the end of 2021.

This paper argues that while there is a high degree of continuity on paper between the ACP-EU Cotonou Partnership Agreement (CPA) and the new agreement, the partnership relation that underpins it has been irreversibly altered, not least with the discontinuation of the dedicated off-budget European Development Fund.

While the substance of the post-Cotonou agreement has become less relevant – trade and aid, which for a long time were the lifeblood of the partnership, have to a large extent been moved out of the partnership – its institutional framework with an ACP-EU foundation and three regional protocols risks becoming even more heavy by the replication of joint institutions at the regional level.

The main reason for renewing the OACPS-EU partnership in 2021 is largely pragmatic, namely to have a framework in place for the EU's bilateral relations with a large group of states. The text, however, reads as a highly aspirational attempt to reconcile the new regional and strategic priorities of the EU's external action, with the more institutionally and aid-driven approach of the Lomé-Cotonou family of partnership agreements. The EU and the OACPS agreed on a duration of 20 years for the new agreement, but it is unlikely that it will set the tone for relations between the EU and OACPS countries in the coming decades, let alone in 2041, when it is set to expire.



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## Introduction

On 15 April 2021, chief negotiators of the European Union (EU) and Organisation of African, Caribbean and Pacific States (OACPS) initialled and released the text of a new 20 year agreement between the EU and OACPS (OACPS 2021; EC 2021). The small ceremony signalled the formal end of the negotiations, which means that in principle no further changes should be made to the substance of the agreement. The negotiating parties hope to have the agreement signed by all parties in Samoa in November 2021. This closes a two-and-a-half-year negotiation process, which was confronted with multiple crises, and major questions on the purpose and added value of the aging OACPS-EU framework.

The 2021 OACPS-EU deal is the latest iteration of a series of treaties dating back to the 1960s, expressing a privileged association and institutionalised partnership between EU member states and their former colonies in sub-Saharan Africa (SSA), the Caribbean and the Pacific. This comes at a time when the EU is actively courting the African Union (AU) to strengthen its diplomatic and strategic relations with the continent. EU institutions have adopted a narrative and rhetoric of equal partnership in their relations with Africa, and place particular emphasis on the high-profile issues of climate change, digitalisation and security. With much of the European and African political capital vested in the continent-to-continent relationship, the OACPS-EU negotiations have proceeded somewhat in the background. They were generally seen as a niche component of EU external relations, centred around EU development aid to African, Caribbean and Pacific countries.

The most recent delays in the finalisation of the agreement were due to internal EU disagreement on the final draft, which have more to do with power struggles in EU politics, and the legal status of the agreement in the EU, than the substance of cooperation with the OACPS. Particularly the issue as to whether the 'EU party'<sup>1</sup> to this new agreement will be the EU or the EU and its member states, remains unresolved. While the European Commission wishes to proceed with an 'EU only' agreement, EU member

states consider this agreement as a matter of shared competence, with a strong role for them, not least in the joint OACPS-EU institutions. This issue could still lead to long and difficult intra-European discussions, possibly also delaying the formal signature of the new agreement.

In the end, while there appears to be little excitement for the new agreement among member states on either side, nor clarity on what the real new benefits of the agreement are, most parties have an interest in seeing this through and ensure all the necessary steps to get the agreement into force as soon as possible. Negotiators have sought to reconcile the two tracks of AU-EU and OACPS-EU relations with a far-reaching regionalisation of the new agreement. The African protocol, which applies to 48 of the 55 AU member states, calls for ensuring "coherence and complementarity" between the OACPS agreement and the AU-EU partnership, and makes ample references to AU policies and agreements. It remains to be seen how this works out in practice, particularly since the AU did not take part in these negotiations and has its own format and joint institutions through which the AU and its member states engage with the EU. In addition to a high risk of duplication, it may also lead to a difficult split between the political and strategic objectives of the continent-to-continent partnership, and the (bilateral) cooperation through the OACPS-EU partnership.

This note looks at the OACPS-EU deal in a wider context of EU external action and Africa-Europe relations. It looks at (1) the interests of different parties in pursuing a new OACPS-EU agreement, and (2) elements of change and continuity in the text of the recent 'political agreement'. It concludes that while there is a high degree of continuity on paper between the previous Cotonou Partnership Agreement (CPA) (2000) and the new OACPS-EU agreement, the relationship that underpins the agreement has been irreversibly altered, not least with the discontinuation of the dedicated off-budget European Development Fund. Many questions remain, both regarding the finalisation of the negotiation process, and the operational implications of the new agreement. It is clear, however, that on the EU and

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African side in particular, external priorities and interests will continue to outgrow the institutionalised and aid-driven partnership structures of the Lomé-Cotonou tradition. It is also unlikely that the agreement will set the tone for cooperation between the EU and Africa in the two decades to come.

## Why a new OACPS-EU agreement in 2021?

The first question one might ask is why the negotiating parties saw a need for a new OACPS-EU agreement for the next twenty years. Throughout the process, the historical and conceptual underpinnings of the agreement have been extensively criticised from both sides. EU and ACP member state officials – often informally – lament the outdated premise of the partnership, namely a contractual relationship between the EU and what has become an increasingly arbitrary/artificial group of countries in Africa, the Caribbean and Pacific. At the same time, both the EU and its member states are showing a stronger interest in interregional cooperation and in a renewed partnership with the African Union in particular. There has also been a significant uptick in the strategic engagement of EU member states with Africa, and in recent years several countries have come out with specific Africa strategies (Faleg and Palleschi 2020). In 2018, the AU also briefly staged an attempt to draw any future partnership negotiations towards the continental institution (AU 2018), yet the idea failed to gather sufficient acceptance among AU member states, resulting in a two-track approach, where the OACPS-EU partnership co-exists with the AU-EU partnership. The new OACPS-EU agreement's regional (sub-Saharan) African component applies to 48 AU member states, and while it makes reference to the AU-EU partnership, it follows a fundamentally different logic, one that relies less on intercontinental dialogue, and more on bilateral relations with individual OACPS countries (Medinilla and Bossuyt 2019).

## Appeal of the Lomé-Cotonou tradition

The political rhetoric alone does not explain the desire for new agreement and political capital EU and OACPS member states have been willing to spend on the negotiations. To understand the appeal of a new 20-year deal with the OACPS, one needs to look at a number of less tangible factors:

- 1. The brainchild of a generation:** OACPS-EU cooperation is a specific model of North-South cooperation that is the brainchild of the EU and OACPS development community. The founding idea of Lomé-Cotonou was that of a transformative partnership built on a highly preferential trade access coupled with a critical mass of development aid. In practice, the past two decades of the relationship have seen a gradual and unilateral erosion of preferences (trade) and privileges (aid entitlements). The ideal of Lomé-Cotonou however continues to shape the thinking and actions of a generation of policymakers and experts that has come up with this model, and who sees the alternatives as inevitably less ambitious and inferior. This results in a generally defensive framing of the partnership, as something to preserve<sup>2</sup>, shield from the volatility of contemporary international relations, even if trade and aid relationships are no longer defined by the OACPS-EU partnership.
- 2. The appeal of a binding agreement:** The Lomé-Cotonou 'tradition' of legally binding, contractual agreements associating third countries to the EU has shown to have a particularly persistent appeal in the current international context.<sup>3</sup> While policymakers tend to be aware of the diminishing impact of the EU's model of 'aid for influence', the intuitive response to growing uncertainty – somewhat paradoxically – is to double down on procedural certainty, legal commitments, and conditionality (be it for democratic governance or increasingly migration) that give EU policymakers a sense of control. For the OACPS institutions, the

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legally binding nature of the agreement also conveys a certain status, even if it has not yielded particularly positive outcomes for OACPS countries.

**3. Path dependence of institutions:** The new agreement does not merely reflect the current conditions of the EU's relations with Africa, but is also shaped by the sequence of successive ACP-EU agreements since the 1970s and the institutional systems that have evolved along the road. The legacy of Lomé-Cotonou meant that the negotiating parties operated within a fundamentally limited set of options. Path dependency also exists in the institutional community that has long benefited from OACPS-EU cooperation. EU institutions (DG INTPA), OACPS elites, but also the UN system and knowledge (consulting) community all have some form of vested interest in the continuation of OACPS-EU cooperation as an established professional network, and a – somewhat exclusive – channel for EU funding.

**4. Power in numbers:** Part of the appeal for the EU is in the size of the OACPS, which has 79 sovereign member states, all of which have a vote in the UN and other multilateral fora like the World Trade Organization (WTO). With the exception of a history of engagement in the WTO, and examples of upscaling of initiatives to the ACP group (such as the Paris Agreement), the OACPS has not been a strong presence, nor a coherent group in multilateral negotiations (Bossuyt et al. 2016). As regional groups (like the EU and AU) seek to increase their respective positions in the multilateral system (Teevan et al. 2021), it is also unlikely that the OACPS-EU partnership will become a leading global alliance in the multilateral space in the years to come.

**5. Costs of pulling the plug on a long-standing partnership:** International organisations and structures very often survive well beyond their prime. In a context where both EU and OACPS actors indicated an interest in continuing the partnership, it would have been diplomatically

very difficult to go any other way. This does not mean that the new OACPS-EU agreement will be as central to the EU's external action architecture as it has been in the past, nor that OACPS countries will pursue their interests with Europe exclusively through the framing of the new agreement. It is simply more convenient for OACPS and EU member states to maintain the partnership and its (joint) institutions, even if it is likely to become a more and more peripheral factor in their relations in the coming decades.

### A pragmatic choice

Ultimately, EU and OACPS member states also had a very pragmatic reason for renegotiating their agreement, namely to have a framework in place for the EU's bilateral relations with a large group of states, without altering the EU's arrangement with the North African countries under the EU neighbourhood policy. It was clear early on in the process that there was no interest on either side of the Mediterranean to reopen the bilateral partnership agreements and established lines of cooperation between the EU and North African countries. This in itself limited options to move further away from the distinction between North and sub-Saharan Africa, and towards a stronger intercontinental framing of the relationship between the EU and Africa.

Not having a collective legal framework to engage with OACPS countries would be difficult to manage for the EU's way of working, and setting up bespoke arrangements with 79 individual countries (like the EU has with neighbourhood countries) would not have been feasible, nor would it have been an attractive option for either side. All this has led to a heavy and involved process of negotiations, but also one that is fundamentally backward-looking and based on the lowest common denominator.

While this shows that the reasons for maintaining the OACPS-EU framework beyond 2020 are in fact rather pragmatic, these considerations are only implicitly present in the public narrative on OACPS-EU cooperation. Policymakers and negotiators instead primarily emphasise the shared principles and values

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that underpin the partnership, as well as the value of the ACP-EU cooperation as a global coalition in international affairs (Dussey 2020; Urpilainen 2020). The result of all this is a highly aspirational agreement, which is presented as a significant upgrade of the partnership, yet adds little meat to the bone. The final agreement is also a somewhat bloated text, which reflects more a perceived need for comprehensiveness and getting the language right, than a firm convergence of positions and priorities.

## Squaring the circle with regionalisation

In order to remedy some of the inconsistency, the EU pushed for a far-reaching regionalisation of the partnership, with three regional protocols, in addition to an overall OACPS-EU text. In reality the regionalisation is also a new level of ‘partnership acrobatics’, and while it is meant to retrofit the new regional and international reality to the existing partnership structures, it also leads to an inflation of the number of provisions and a high degree of duplication between the foundational text and provisions in the regional protocols, in some cases, near word-for-word repetition of phrases from the overall agreement in the regional components. The text itself however fails to bring full clarity on how it would achieve the intended “coherence and complementarity” between the post-Cotonou partnership agreement and the “continent-to-continent partnership as defined in successive AU-EU summits and related outcome documents” (OACPS-EU Agreement 2021: 74). Many of the difficult questions relating to regionalisation and role divisions between OACPS and AU that came up during the negotiations remain open.

## Continuity on paper, but a major change in the relationship

At first sight, the text of the agreement suggests a high degree of continuity in OACPS-EU relations. The agreement sets out an extensive shared normative basis and also retains the CPA’s emphasis on an

expansive development agenda and its thematic comprehensiveness. In addition to bringing the agreement in line with the Sustainable Development Goals (SDGs) and updating the diplomatic language to support the narrative of a ‘partnership of equals’,<sup>4</sup> new accents include a significant expansion of the migration section of the agreement<sup>5</sup>, and a stronger emphasis on climate change in the overall agreement as well as the regional protocols. Both these changes reflect the strong EU strategic interest in those areas, pursued across different partnerships and at different levels.

The new agreement, most importantly, also reflects continuity in the actors and procedural basis for cooperation. It is first and foremost an agreement between governments, and sets out a framework for bilateral partnership dialogue and cooperation between the EU and individual OACPS member states. It also broadly retains the CPA’s highly controversial (among OACPS countries) non-execution or ‘conditionality’ clause related to the essential element of “respect for human rights, democratic principles and the rule of law” (OACPS-EU Agreement 2021: 14),<sup>6</sup> which is viewed as an essential building block by many in the EU.

The biggest change in the setup of the agreement is the regionalisation, both of the political priorities and the political steering for cooperation. The three regional protocols set out detailed sets of strategic priorities, often adding specific details to similar headings in the overall agreement making reference to specific regional frameworks (AU programmes for instance). The agreement also regionalises the joint institutions, adding new layers and processes, including regional summits, councils of ministers, regional joint (ambassadorial) committees and parliamentary assemblies. This responds to the often-stated ambition of the negotiators to shift the weight of the partnership to the regional protocols. At the same time, it also retains all the existing joint institutions including the OACPS-EU council of ministers, the OACPS-EU ambassadorial committee, and the joint OACPS-EU parliamentary dimension, and even the option for an OACPS-EU summit (which never convened in the past), effectively adding more

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weight rather than streamlining the overall OACPS-EU framework. How this complex institutional framework will work in practice remains enigmatic, particularly with the AU that did not participate in the negotiations.

This reading suggests a very high degree of continuity and even an institutional expansion of the partnership. A closer look, however, shows that in reality a much more profound change in the partnership relation is underway. Five key dynamics illustrate how the context in which these negotiations took place has been fundamentally altered, and that, as a result, much of the substance of the partnership has been stripped away.

**1. The dissolution of the European Development Fund (EDF):** The Lomé-Cotonou tradition was always closely linked to the successive European Development Funds, which provided a sizeable envelope dedicated to financing ACP-EU cooperation that was set up in addition to and in parallel with the EU's multiannual financial framework (MFF).<sup>7</sup> A financial protocol was then added to the agreement revisions, specifying the resources, and some of the foreseen spending patterns of the EDF. The EDF also had its own system of co-management of resources, with national authorising officers (NAOs), most often under the finance ministries of OACPS countries, mandated to jointly manage and decide on how EDF resources were spent.<sup>8</sup> Following previous failed attempts to rationalise the EU's external financing instruments, the 2021-2027 MFF introduces a new 'unified' Neighbourhood, Development and International Cooperation Instrument - Global Europe (NDICI).<sup>9</sup> The NDICI replaces the EDF as well as 10 other separate EU external financial instruments. The legal and administrative basis of new funds to be spent in OACPS member states therefore is the EU's NDICI regulation, and the EU's financial regulations associated with the budget rather than separate arrangements as was the case with the EDF in the past. While the NDICI includes a financial envelope of EUR 29.18 billion for SSA and earmarks of €800 million for the Caribbean and €500 for the Pacific

(EC 2020b), it puts an end to the dedicated and institutionalised aid architecture that has long been the lifeblood of the OACPS-EU partnership and its joint institutions. The financial cooperation title and financial protocol of previous ACP-EU agreements (and revisions) now appears to have been replaced by a more non-committal section on the means of cooperation and implementation, covering both development cooperation and non-aid cooperation.

- 2. A strong push for policy-first EU external financing:** The end of the EDF model is part of a broader transformation of the EU's external financing architecture. The NDICI also introduces the 'policy-first' principle, indicating a move towards a more EU interest-driven and policy-driven approach.<sup>10</sup> Much of the attention in the programming process is also going into (a) seeking greater European coherence and visibility through the 'Team Europe' approach (Jones and Teevan 2021), and (b) leveraging private finance and blended finance operations (Bilal 2019). The underlying logic is one of a more strategically-driven and stronger EU-branded approach. The EU will therefore work with its partners to find a stronger match between their interest and its own. This not only implies a tighter EU control of how it uses its resources, but it is also a clear evolution away from the heritage of OACPS-EU cooperation as a form of collective patronage, built on steady and predictable streams of Official Development Assistance (ODA) channelled through government systems.
- 3. A more strategic and proactive EU support to peace and security in Africa:** The new OACPS-EU agreement foresees bilateral and regional peace and security support, yet it is unclear how this will relate to the support provided to the AU's African Peace and Security Architecture (APSA), and AU regional organisations. Since 2004, EDF resources have been used to fund African peace support operations (PSOs) like AMISOM in Somalia through the African Peace Facility (APF). This was a unique construction with the consent of the then ACP, which allowed to circumvent the fact that the EU

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budget could not be used to fund military or defence expenditure. In parallel to the new 2021-2027 MFF, the EU has now set up a new off-budget European Peace Facility (EPF) which essentially supersedes the EDF-APF construction (Hauck 2020). The EPF can be used to pay for (a) stipends and military material, including lethal weapons for African PSOs, (b) European military and training missions, as well as (c) military material to any state with which the EU cooperates. The NDICI also contains provisions for funding civilian peace and security-related initiatives, including security sector reform support, rapid response actions and programmes aimed at countering violent extremism. The effect of the new OACPS-EU agreement's peace and security sections on all this is not clear and may become a source of confusion. It is clear however that the primary interlocutor on African PSOs remains the AU.

**4. Intercontinental trade continues to move away from OACPS-EU:** OACPS-EU cooperation historically had a very strong trade component offering preferential access to the EU market for ACP economies, accompanied by a substantial ODA envelope. The 2000 CPA brought an end to unilateral EU trade preferences specific to the OACPS countries by 2008, and introduced the economic partnership agreements (EPA), which effectively moved the trade component into a series of (sub)regional free trade agreements with some countries. In the new OACPS-EU agreement, trade is only indirectly concerned, even though references are made to the EPAs, as well as the WTO and multilateral trade commitments that have been made elsewhere by both the EU and OACPS countries. While the EPA's remain a somewhat controversial process (Bilal et al. 2020), the past few years have seen a major advancement of the African continental trade agenda, culminating in the launch of the African Continental Free Trade Area (AfCFTA) in January 2021 (Apiko et al. 2020). Both the EU and the

OACPS-EU agreement signal support for the implementation of the AfCFTA, yet while it can be supported by EU bilateral cooperation under the new agreement, this is a process that is outside the remit of OACPS-EU cooperation.

**5. EU and AU foreign policies are evolving:** The three previous points illustrate how EU and AU external action continue to outgrow the type of partnership dynamics that the OACPS-EU agreement symbolises. The EU is explicitly adopting a narrative of geopolitical power and a strategically driven foreign policy and partnership agenda, and is trying to assert global leadership, in particular on the green transition and digital agenda (Teevan 2020). The AU is strengthening its position as a continental body, and riding on an ambitious trade and reform agenda it is increasingly moving into the external partnerships of African member states. These developments also show in the search for a new language and narrative for the AU-EU partnership, one that is built around 'equal partnership', common interests and joint action on the global stage. This is an ongoing and fundamentally incomplete process, but it does illustrate a desired direction of travel, namely stronger regional agency and inter-regional alliances in international affairs. In this context, the premise of the OACPS-EU partnership, centred around bilateral dialogue and the (conditional) delivery of aid from North to South, appears to be more a ghost from the past than the start of something new.

All this illustrates how the model of OACPS-EU cooperation has been gradually hollowed out and subjected to a rationalisation in the EU's external financing agenda. Even though the legacy of Lomé-Cotonou will to some extent continue to inform bilateral cooperation and political dialogue with OACPS countries, the political reality of a more strategic and geopolitical EU external action will increasingly define the EU's engagement at all levels.



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## New beginnings or a last hurrah?

The more than 180 pages of the new agreement suggest a new beginning for OACPS-EU relations. Yet, a closer look shows that in practice, little substance remains of the legacy of the Lomé and Cotonou agreements, and that new agreement was negotiated in a very different international environment. The OACPS-EU agreement will likely serve a much narrower purpose than the text seems to suggest, and should in the first place be seen as an instrument for facilitating bilateral engagement and framing development cooperation and a vehicle for an at times ritualised political dialogue.

As we move towards signature and ultimately ratification, a number of major questions remain unanswered:

### 1. What will the NDICI change compared to the EDF?

And more specifically, with the programming process of the NDICI in full swing, how will the institutional architecture of EU development cooperation and political dialogue evolve, and how will OACPS states respond to this evolution? Will the NDICI ultimately deliver better results?

### 2. How can the parties ensure ratification?

The new text inherits many of the more controversial sections of the Cotonou agreement.<sup>11</sup> On the European side, references to (legal) migration and gender equality have reportedly already sparked opposition from social conservative governments in Poland and Hungary (Chadwick 2021).<sup>12</sup> Will the EU and OACPS manage to move from the political agreement to full ratification and entry into force without incurring even more delays? What are the implications for individual OACPS countries if ratification takes several years to complete?

### 3. Who will be the 'EU party' to the agreement?

This issue remains unresolved, and opposing views between the European Commission and EU member states may yet lead to further delays.

### 4. How to avoid the proliferation of joint institutions?

The agreement essentially replicates the existing OACPS-EU joint institutions at the regional level, which could result in a multiplication of meetings, at a time when the appetite for summitry, particularly in EU-Africa relations, is already quite low. Serious questions also need to be asked about whether this is a good use of often stretched public officials' and parliamentarians' time.

### 5. How will the (joint) institutions be funded?

In the past, the EU has always footed a large part of the bill for most of the joint institutions, but also for a major portion of the OACPS secretariat's running costs.<sup>13</sup> How will these costs be covered in the coming two decades, and will OACPS member states demonstrate their ownership of these institutions with the necessary financial support in the future?

### 6. What are the consequences of this agreement for the AU-EU partnership in the years to come?

The EU in particular has invested a lot of diplomatic energy in the AU-EU partnership and the upcoming 2021/2022 summit. How can the EU and African members of the OACPS ensure that this agreement does not get in the way of the AU-EU partnership ambitions by duplicating efforts, diluting partnership objectives and proliferating meetings and fora?

The new agreement formally breathes new life into OACPS-EU as a global alliance and a comprehensive and binding partnership. But in reality, expectations are likely to be low on either side. Once finalised, attention is likely to turn again to other partnerships and frameworks, particularly the relationship between the EU and the AU, the regional economic communities (RECs) and other more ad hoc and flexible regional groupings and initiatives – not to mention a plethora of bilateral interactions outside the formal setup. Significant mid-level bureaucratic efforts will be still put into 'making OACPS-EU work', but this may tail off dramatically in the coming years, as the diplomatic returns of OACPS-EU cooperation

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will likely continue to diminish over time.

It is difficult to imagine a scenario for 2041 in which this partnership will set the stage for the relations between EU and African states, or plays any significant role in the multilateral system. Similarly, it is highly unlikely that in the coming two decades the strategic value of Europe to the Caribbean and Pacific and vice versa will bounce back and increase. The new OACPS-EU agreement therefore is more likely the last hurrah of the Lomé-Cotonou tradition, and the final iteration<sup>14</sup> of this North-South partnership, which is also somewhat further diluted by the UK leaving the EU (Kennes 2018). It is an arrangement that is kept

around, less for its strategic and future value, but more for the convenience with which it aggregates the bilateral relations with 79 individual countries. But it is also an arrangement that risks being increasingly out of place and unfit for purpose with each passing year of its 20-year duration. It could take several more months before this agreement will be signed and several years before it is fully ratified. In the meantime and in spite of the initialling of the agreement by both chief negotiators, it is not unthinkable that certain EU and African OACPS countries may even still reconsider their current positions on some of the more sensitive aspects of the agreement, especially since it will be in place until at least 2041.

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## Endnotes

<sup>1</sup> The current text includes 32 references to [EU Party] in brackets.

<sup>2</sup> One of the most common expressions in debate preceding the negotiations was “you do not throw out the baby with the bathwater”.

<sup>3</sup> This is partially because the approach is ingrained in the practice of EU external action as a form of ‘external governance’ (Lavenex and Schimmelfennig 2009), which has its roots in EU enlargement.

<sup>4</sup> For example, the use of ‘genuine partnership’; ‘partnership dialogue’ instead of political/policy dialogue (Boidin 2021:3).

<sup>5</sup> This includes more detailed paragraphs on legal migration (OACPS interest) and return and readmission (EU interest), as well as a full procedural annex on Return and readmission.

<sup>6</sup> This clause provides a procedure for opening formal consultations and the option to apply sanctions, or “appropriate measures”, in case the violation is deemed unresolved.

<sup>7</sup> Keeping the EDF as an inter-governmental fund and off the EU budget meant that it had a higher degree of built in flexibility to carry over and reallocate unused funds, for example. It also allowed for a greater control of EU member states, and a different contribution key from the EU budget, so countries with significant historical and geopolitical interests in the OACPS could pay more into the EDF.

<sup>8</sup> In reality, the EU often set the agenda, and NAO offices performed a rather technical role, and in some cases even acted as gatekeepers, reducing access to relevant policy-makers, or blocking pro-poor interventions for political purposes. For a detailed discussion on the practice of co-management of the EDF, see: Bossuyt et al 2016: 71 and Herrero et. al. 2015.

<sup>9</sup> In the past there had been a well-organised constituency amongst select and powerful EU member states to keep a separate off-budget EDF, yet this was conspicuous by its absence in the final moments of EU MFF negotiations in 2020.

<sup>10</sup> The NDICI also moves the bulk of the resources (75%) to a geographic pillar, to be programmed primarily at country level.

<sup>11</sup> This includes its non-execution clause, but also specific references to for example the International Criminal Court, which saw several African withdrawals in the past years, and a full title on migration, including provisions on return and readmission, an area that in the past has proved difficult to discuss with African member states (Bossuyt et al. 2016).

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<sup>12</sup> Polish and Hungarian blocking on gender language is not unique to OACPS-EU relations, and has affected many other dossiers, including Council conclusions on the EU's Gender Action Plan III and Team Europe.

<sup>13</sup> The agreement recommitments the EU to contribute to the costs of both the joint institutions and the OACPS secretariat, but remains ambiguous about the percentage of the bill it is willing to pick up. Throughout the negotiation process there have been calls to reduce the EU's contribution, particularly to the OACPS secretariat.

<sup>14</sup> In 2000, however, the CPA was also presented as the likely final iteration of the ACP-EU partnership.

## **About ECDPM**

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