



# The EU and Africa

The policy context for development



November 2010

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# List of Acronyms

|            |                                                                |       |                                                                   |
|------------|----------------------------------------------------------------|-------|-------------------------------------------------------------------|
| ACP        | African Caribbean and Pacific                                  | ENP   | European Neighbourhood Policy                                     |
| AEC        | African Economic Community                                     | EP    | European Parliament                                               |
| AfT        | Aid for Trade                                                  | EPA   | Economic Partnership Agreement                                    |
| AMU        | Arab Maghreb Union                                             | EU    | European Union                                                    |
| APRM       | African Peer Review Mechanism                                  | GSP   | Generalised System of Preferences                                 |
| APSA       | African Peace and Security Architecture                        | HR    | High Representative                                               |
| AU         | African Union                                                  | ICC   | International Criminal Court                                      |
| AU ECOSOCC | Economic, Social and Cultural Council of the African Union     | IEPA  | Interim Economic Partnership Agreement                            |
| C2C        | College to College                                             | IGAD  | Intergovernmental Authority on Development                        |
| CARIFORUM  | Caribbean Forum of ACP states                                  | IOC   | Indian Ocean Commission                                           |
| CEMAC      | Economic and Monetary Community of Central Africa              | JAES  | Joint Africa-EU Strategy                                          |
| CENSAD     | Community of Sahel-Saharan States                              | MDG   | Millennium Development Goal                                       |
| CEPGL      | Economic Community of the Great Lakes Countries                | LDC   | Least-Developed Country                                           |
| CEWARN     | Conflict Early Warning Mechanism                               | MFN   | Most Favoured Nation                                              |
| CFSP       | Common Foreign and Security Policy                             | MRU   | Mano River Union                                                  |
| COMESA     | Common Market for Eastern and Southern Africa                  | MTR   | mid-Term Review                                                   |
| CONCORD    | Confederation for Relief and Development                       | NEPAD | New Partnership for African Development                           |
| CPA        | Cotonou Partnership Agreement                                  | NIP   | National Indicative Programmes                                    |
| CSO        | Civil Society Organisation                                     | NSA   | Non-State Actors                                                  |
| CSP        | Country Strategy Paper                                         | OAU   | Organization of African Unity                                     |
| DCI        | Development Cooperation Instrument                             | ODA   | Overseas Development Assistance                                   |
| DG         | Directorate General                                            | PAPED | Economic Partnership Agreement Development Programme (EPADP)      |
| DG Dev     | Directorate General for Development                            | PCD   | Policy Coherence for Development                                  |
| EAC        | East Africa Community                                          | PIF   | Pacific Islands Forum                                             |
| EBA        | Everything but Arms                                            | RECs  | Regional Economic Communities                                     |
| EC         | European Commission                                            | RIP   | Regional Indicative Programmes                                    |
| ECCAS      | Economic Community of Central African                          | RSP   | Regional Strategy Paper                                           |
| ECDPM      | European Centre for Development Policy Management              | SACU  | Southern African Customs Union                                    |
| ECOMOG     | Economic Community of West African States Monitoring Group     | SADC  | Southern African Development Community                            |
| ECOWAP     | Economic Community of West African States' Agricultural Policy | TCDA  | Trade and Development Cooperation Agreement                       |
| ECOWAS     | Economic Community Of West African States                      | ToL   | Treaty of Lisbon                                                  |
| EDF        | European Development Fund                                      | TRII  | Trade, Regional Integration and Infrastructure (JAES Partnership) |
| EEAS       | European External Action Service                               | UEMOA | West African Economic and Monetary Union                          |
|            |                                                                | UoM   | Union of the Mediterranean                                        |
|            |                                                                | WTO   | World Trade Organization                                          |

# Executive summary

Relations between the European Union (EU) and the African continent are undergoing **significant transformations**. Key changes in the policy context include **far-reaching regional integration processes in Africa and in Europe and the rise of new international partners for Africa**, in parallel with increasing recognition of partnership and ownership as important cooperation principles. These dynamics are reflected in the cooperation frameworks between the continents, and in the way these frameworks have been developing and have been used.

By understanding the policy context, as well as the specific added value, funding and institutional aspects of the main frameworks for EU-Africa relations, stakeholders in Africa and Europe can seek to engage with and influence the way the EU and Africa interact.

EU-Africa relations are currently informed by two main agreements, namely the **Cotonou Partnership Agreement** (CPA), between Europe and 79 African, Caribbean and Pacific (ACP) countries, also the basis for Economic Partnership Agreements (EPAs), and the **Joint Africa-EU Strategy** (JAES).

These agreements and EU-Africa relations in general have continually evolved, reflecting **changing regional dynamics** such as deepening integration processes in both Europe and Africa (reflected in the development of the African Union (AU) and in the Lisbon Treaty), difficult EPA negotiations and a move away from a more traditional donor-recipient relationship to one based on mutual accountability and ownership.

As the mandates of the CPA and JAES continue to evolve, avoiding incoherence and duplication and ensuring complementarity will become key challenges.

The **Cotonou Partnership Agreement** (CPA), originally and predominantly a donor-recipient relationship between former colonial powers in the EU and former colonies in the ACP countries, has evolved into the **largest North-South partnership in the world**. The agreement now covers issues such as aid, trade and policy coherence for development, as well as political issues such as governance, migration, and peace and security. Although the 50-year-old partnership has greatly shaped the way ACP countries, the ACP Group and the EU conceive and manage their external relations, global and internal developments are challenging the traditional dominance of the CPA as the key framework for relations between the EU and Africa.

In terms of **trade**, the preferential access to EU markets enjoyed by ACP countries for over 30 years on a non-reciprocal basis is under pressure to comply with World Trade Organization (WTO) rules. However, the proposed solution – **EPAs** – has not progressed as planned, with the negotiation of just one EPA having been completed by 2010. With divergent positions on issues of principle and technicalities, **the EPA negotiation process has placed a heavy burden on the EU-Africa relationship, and it has also put pressure on the inner coherence of the ACP**. Following the second revision of the CPA, completed in March 2010, trade – one of the key pillars of ACP-EU

relations – was de facto removed from the CPA. It still remains to be seen what shape the trade regimes between the EU and many African countries and regions will take, to replace the trade dimension of the CPA. Meanwhile the JAES partnership has so far failed to address the gap in any meaningful way.

Development cooperation, in the form of the **European Development Fund** (EDF), is also under review, with indications that the special treatment afforded to the ACP could soon disappear. Institutional rearrangements within the EU following the ratification of the Treaty of Lisbon coupled with a reduction in available resources due to the financial crisis, are likely to fundamentally change the nature and processes of development cooperation between the EU and the ACP. Furthermore, EU-Africa relations and cooperation in the areas of aid for trade (AFT), peace and security, and migration have increased in both political profile and allocation of development funding.

The CPA remains the key relationship for development cooperation and implementation, especially in light of its control of the lion's share of the funding available for EU-Africa cooperation. However, the increasing prominence of the AU as a key institutional partner and the relatively new JAES are challenging the relevance and dominance of the CPA.

The **JAES**, conceived as the 'overarching framework for EU-Africa relations', was agreed by African and EU heads of states in 2007. Its purpose is to **establish a new strategic and political partnership between Africa and Europe based on a joint vision and common interest**. In some cases, the JAES supersedes the political dimensions of the CPA, while at the same time, all funding remains within the remit of the CPA and its institutions. The JAES has yet to prove its added value for both parties.

These shifting dynamics create a number of challenges. In the short term, resources are spread across many processes and if, in the medium to longer term, additional EPAs are concluded across Africa and the JAES gains momentum, questions will be raised on the added value of the CPA beyond 2020.

In the face of these multiple and sometimes competing frameworks and agreements, Europe and Africa will continue to shape and redefine their relationship. Moreover, there are a number of real **opportunities** in the coming years to reduce existing incoherence, to create synergies and to ensure that these frameworks are responsive to the needs of stakeholders in both Africa and Europe and provide appropriate mechanisms for addressing existing and emerging global and regional challenges. They include the **EU-Africa Summits** in 2010 and 2013, the falling into place of the **new EU institutions** in external relations in 2011, the negotiations of the **reform of the EU's forthcoming budget** – the so-called 'multi-annual financial framework (2014-2020)' – for external relations starting in 2011, and the **final revision of the CPA in 2015**. Through these processes, civil society organisations (CSOs) can play an important role in the coming years, contributing to shape the future of EU-Africa relations.

# 1 Changing EU-Africa relations: From Cotonou to Lisbon

Over the last decades, regional integration processes in Africa and in Europe have significantly evolved. This has had an impact on how the two continents deal with one another, leading the EU to negotiate and/or develop a series of frameworks in response to changes in Africa. Most prominent amongst these are the CPA between the EU and countries of ACP, which is also the basis for the EPAs, and the JAES. Yet a number of other policy frameworks also

exist that are relevant to Africa (table 1). Of course, relations between Europe and Africa have many layers, and bilateral relations between European and African countries remain important. This brief, however, focuses only on the supra-national level, on relations between the EU and African regions and between the EU and the AU.

**Table 1: EU-Africa relations – formal agreements and policy framework**

| Agreement Name                                                                                         | Signed/Agreed                                                                                                  | Geographic Coverage (Developing Countries)                              | Nature          |
|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------|
| ACP-EU Cotonou Partnership Agreement (CPA), including basis for Economic Partnership Agreements (EPAs) | 2000 – 2020<br>Building on Lomé Conventions I-IV bis from 1975 to 2000; with formal revisions in 2005 and 2010 | Sub-Saharan African countries + certain Caribbean and Pacific countries | Legal document  |
| Joint Africa-EU Strategy (JAES) (also known as the EU-Africa Strategic Partnership)                    | 2007                                                                                                           | All Africa                                                              | Agreed document |
| Barcelona Process, Union of the Mediterranean (UoM)                                                    | 2008<br>Building on a process started in 1995                                                                  | North African countries + other Mediterranean countries                 | Agreed document |
| European Neighbourhood Policy (ENP)                                                                    | 2004, with subsequent updates                                                                                  | Countries in North Africa, the Mediterranean and Eastern Europe         | EU policy       |
| Trade and Development Cooperation Agreement (TCDA)                                                     | 1999<br>Aiming to establish a free trade agreement by 2012                                                     | South Africa                                                            | Legal document  |
| EU-South Africa Strategic Partnership                                                                  | 2006                                                                                                           | South Africa                                                            | Agreed document |

The frameworks listed in table 1 coexist somewhat uneasily and at times compete and overlap. They occur in an evolving political context in Africa and Europe that also needs to be appreciated. The proliferation of different frameworks raises questions about inter-linkages and the ability to approach the partnership between Europe and Africa in a coherent manner. By understanding the political context and institutional aspects of these frameworks, stakeholders in Africa and Europe can seek to engage and influence most specifically the JAES and CPA and, in relation to the latter, the EPAs.

Currently, the traditional dominance of the oldest cooperation framework between the EU and Africa, the CPA, is being challenged by the changing strategic contexts in Africa and in the EU, as well as by the emergence of the new key frameworks of the JAES and the EPAs. Yet, both of these new schemes are still in the fledgling stages, and many uncertainties surround their future status and value. Stakeholders are as yet

unconvinced of their benefits in general and are unsure of their relationship with the CPA in particular. In the short term, stakeholders are spreading their resources across these processes, having revised the CPA in 2010 to capture the key changes mentioned at least in a rather minimalist way. In the long term, the JAES will have to prove its added value if it is to become the overarching political framework of EU-Africa relations as per its design.

As EPAs are being negotiated with Africa and the JAES gains momentum, questions are also likely to be raised about the added value of the CPA in its current form beyond 2020. Accordingly, the ACP Group and its members as well as the European side will likely take further steps to redefine this old relationship in the coming years.





This process will be guided by reflection on how key criteria for the quality of cooperation between the EU and Africa are treated in the different frameworks. These criteria include the following:

- regional integration in Africa
- partnership and ownership
- funding issues
- institutional matters

The following chapters provide information and insights that can help in assessing the different cooperation framework in these dimensions.

To be more specific, this brief is structured as follows:

Chapter 2 sketches the changing policy context in Africa and the EU.

Chapter 3 provides an overview of three key frameworks – the CPA, the EPAs and the JAES – and their inter-linkages as well as their relations to other EU-Africa frameworks. It raises some of the issues related to coherence and complementarity that arise through this coexistence.

Chapter 4 offers basic information regarding the main funding source for EU-Africa relations, the EDF. It then highlights the complexity of the institutional structures dealing with various aspects of EU-Africa relations and the implications of this complexity for the sustainability of the main frameworks. Finally, the chapter compares the way the existing frameworks tackle various thematic areas.

Chapter 5 offers a practical overview of possibilities for engagement of CSOs in the different frameworks.

Chapter 6 concludes with a summary analysis addressing the four criteria mentioned above. At the same time, it looks ahead at opportunities for CSO engagement in EU-Africa relations in the coming years.

## 2.1 Broader context in Africa

### 2.1.1 Continental and regional integration in Africa

The commitment to promote regional integration has been an integral part of the broader aspiration of African continental integration since the inception of the Organization of African Unity (OAU) in 1963 and later with the establishment of the AU in 2001. The ideology of formal regional and economic integration has thus been embraced by newly independent nations since the 1960s, with persistent efforts made towards creating an enclave of growing economies unified within the framework of a regional grouping. The 1991 Abuja Treaty formally established the regional economic communities (RECs) as building blocks for the eventual creation of a single pan-African arrangement, the African Economic Community (AEC).<sup>1</sup> This concept was adopted to enhance political unity at the continental level and to foster economic growth and development in the various regions.

Through the decades, aspirations towards a more integrated Africa have been reflected in a number of efforts covering several levels and areas of integration. The establishment of the New Partnership for African Development (NEPAD)<sup>2</sup> in 2001 renewed the drive to provide essential regional public goods and promote intra-African trade and investment.<sup>3</sup> The AU took steps to improve cooperation with the RECs with its 2006 decision to rationalise coordination and harmonise the activities of the RECs<sup>4</sup> and its 2008 Protocol on Relations between the AU and the RECs<sup>5</sup> (see box 1 for an overview of African RECs). Politically, the launch of the African Peer Review Mechanism (APRM) sought to promote continentally shared values that would govern African countries. Furthermore,

the decision to move towards an AU Authority in the coming years indicates a wish to move towards a political Union.

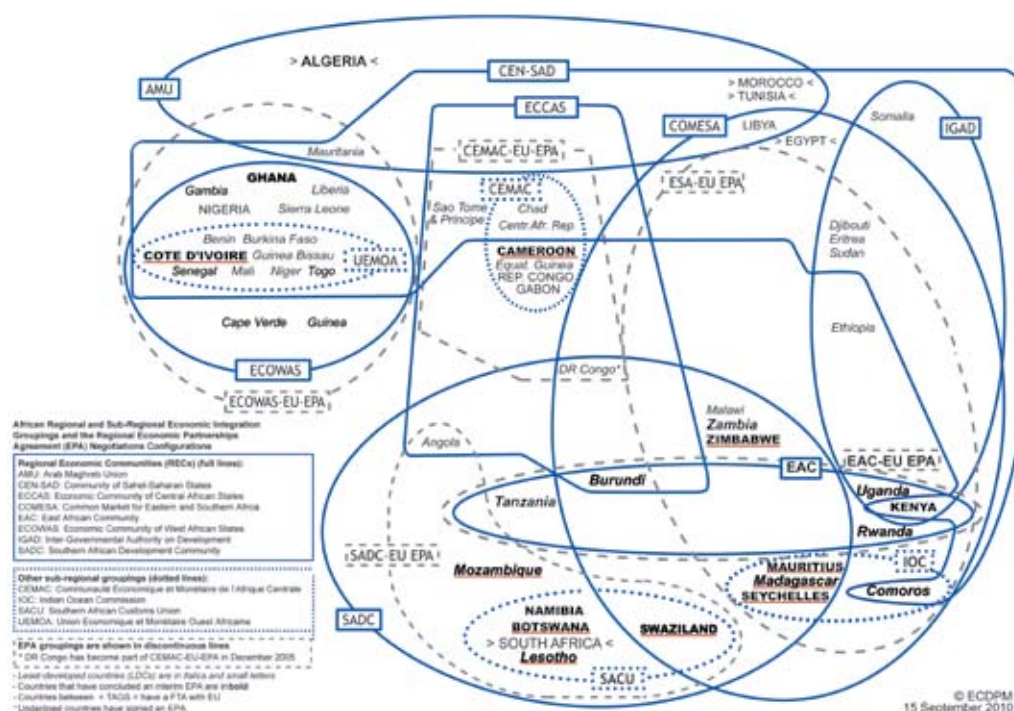
Thus, to this day, continental and regional integration remains a stated top priority for African governments, although it has been slowed by numerous challenges, including a top-down approach, lack of effective institutional and technical capacity and, finally, lack of political will.<sup>6</sup>

### 2.1.2 The EU and other actors in Africa

The EU collectively continues to be the largest provider of official overseas development assistance (ODA) to Africa and the largest market for African and sub-Saharan African products.<sup>8</sup> Asia, however, is fast catching up and now accounts for 27% of African trade compared to the United States' 29% and Europe's 32%.<sup>9</sup> This follows a trend that started with the new millennium as emerging actors became ever more prominent in Africa. Chief amongst these are China, India, Brazil and a re-emergent Russia. Others such as Malaysia, South Korea, Iran and Turkey have also increased their engagement (table 2).

Some see these new partners as positive for Africa, providing an alternative to counterbalance Western partners, new markets and a different model of development, as well as the transfer of skills and resources. Others fear the replication of past patterns of exploitation of natural resources, undermining African industrial development and progress towards good governance.<sup>23</sup> Certainly this new reality means that in many circumstances EU-Africa relations are less dominant than they once were in framing Africa's engagement with the rest of the world.

Figure 1: African Regional and Sub-Regional Integration Groupings (incl. EPA configurations)



## Box 1: Overview of the established RECs<sup>7</sup>

The AU officially recognises only eight RECs as official building blocks of African integration. The other co-existing regional integration organisations are considered 'intergovernmental agencies', even though some represent deeper forms of regional integration.

### Community of Sahel-Saharan States (CENSAD)

CENSAD's mandate is to establish a knowledge-based economic union between its member countries. Established in 1998, CENSAD currently has 23 members, with Mauritania working towards becoming the 24th member. This will make CENSAD the largest REC on the continent. The major challenges faced by its members are drought and aridity, which have severe consequences for the region. CENSAD has drafted a free trade area treaty, and it seeks to eventually create a common market. In line with its varied membership, CENSAD's objectives are quite diverse, ranging from the promotion of socio-economic development to ecological and geo-political development.

### Common Market for Eastern and Southern Africa (COMESA)

Established in 1994, COMESA's mandate is to create a fully integrated and internationally competitive REC. It has made significant progress in promoting intra-regional trade and movement within the region and is currently a customs union. Some members also subscribe to the EAC, IGAD, IOC and SADC. COMESA, EAC and SADC have established a tripartite framework to work jointly on enhancing integration in the three RECs.

Sub-regional organisations in the eastern and southern African region include the Southern African Customs Union (SACU) and the Indian Ocean Commission (IOC).

### East Africa Community (EAC)

The EAC was re-launched in 2000 with a view to fast track integration among its members by establishing a common market, monetary union and ultimately a political federation of East African states. The EAC has been a customs union since 2005 and launched its common market in July 2010. It is the only REC to have signed an EPA with the EU.

### Economic Community of Central African States (ECCAS)

ECCAS was re-launched in 1998 with a mandate to develop physical, economic and monetary integration of the Central African region. The region has experienced numerous conflicts, political instability, and socio-economic decline over the past years. This has contributed to the slow pace of integration. ECCAS has nevertheless made some progress in promoting preventive diplomacy and peacebuilding measures and establishing a regional peacekeeping brigade. ECCAS has been a free trade area since 2004 and is working towards harmonising its commercial policies and tariffs with the Economic and Monetary Community of Central Africa (CEMAC).

Sub-regional organisations within the Central African region include the Economic and Monetary Community of Central Africa (CEMAC) and the Economic Community of the Great Lakes Countries (CEPGL).

### Economic Community of West African States (ECOWAS)

ECOWAS was established in 1975 to promote regional economic cooperation, address development challenges and achieve market integration. ECOWAS is currently a free trade area, and creation of a customs union is under way. The region has also made progress on other sectoral aspects, such as establishing a regional agricultural development programme (ECOWAP), a standby peacekeeping and monitoring group (ECOMOG), a conflict early warning system (ECOWARN) and a regional passport and protocol for free movement of people, goods and services. Its francophone members are simultaneously members of the West African Economic and Monetary Union (UEMOA), while some members are part of CENSAD.

Sub-regional organisations within the West African region include the West African Economic and Monetary Union (UEMOA) and the Mano River Union (MRU).

### Intergovernmental Authority on Development (IGAD)

Established in 1996, IGAD focuses on promoting peace and security and addressing development issues within the Horn of Africa region. Other concerns of importance are food security, sustainable development of natural resources and environmental protection. Because maintaining peace and easing tension among members is a major activity of IGAD, the REC has been relatively successful in establishing a conflict early warning mechanism (CEWARN). However, the issue of overlapping membership remains, as some of IGAD's seven members also belong to COMESA and EAC.

### Southern African Development Community (SADC)

SADC's regional integration agenda is predominantly driven by its bid to promote trade among the region's members and eventually establish a common market. SADC achieved the status of a free trade area in 2008 and is taking steps to become a customs union. SADC was established as a development community in 1992, consisting of 15 members, some which are also members of the EAC, COMESA and IOC.

### Arab Maghreb Union (AMU)

The AMU was established in 1989 with the main objective to foster and promote economic cooperation among members, as a preliminary criteria for regional integration and the creation of a North African Common Market. However, despite being recognised as a pillar of African integration, the AMU has been paralysed by regional dispute, most notably on the status of Western Sahara. The AMU is currently dormant and has no ongoing relations with the African Economic Community (AEC).



Table 2: The EU's and other actors' relations with Africa<sup>10</sup>

|                      | Strategic Interests                                                                                                                                                                                                    | Trade (2000-2008)                                                                                                           | Development Support                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| European Union       | <ul style="list-style-type: none"> <li>• Source of resources</li> <li>• Economic, political and security matters</li> <li>• Global challenges, such as climate change, migration and terrorism<sup>11</sup></li> </ul> | Exports from sub-Saharan Africa to the EU increased from about US \$35 billion to approximately \$100 billion <sup>12</sup> | <p><i>Total bilateral ODA to sub-Saharan Africa in 2006: US \$22627m<sup>13</sup></i></p> <p><i>Africa's share of EU ODA in 2006: 55%<sup>14</sup></i></p> <p><i>Sectoral focus: Poverty reduction, security, trade liberalisation, democracy and human rights, energy security, conflict prevention and fragile states<sup>15</sup></i></p>                                                                                                                                                                                                       |
| China <sup>16</sup>  | <ul style="list-style-type: none"> <li>• Market access</li> <li>• Source of resources</li> <li>• Support on global issues</li> </ul>                                                                                   | Volume of trade increased from \$8 billion to \$93 billion                                                                  | <p><i>Estimated aid to Africa in 2006: \$2300m (including debt relief)</i></p> <p><i>Africa's share of total aid<sup>17</sup> to developing countries: 30-50%</i></p> <p><i>Form of support: Grants, loans and debt relief</i></p> <p><i>Sectoral focus: Infrastructure, agriculture, industry, health and education</i></p>                                                                                                                                                                                                                       |
| India <sup>18</sup>  |                                                                                                                                                                                                                        | Volume of trade increased from \$7.3 billion to \$31 billion                                                                | <p><i>Estimated aid<sup>19</sup> to Africa in 2006: \$11.3m</i></p> <p><i>Africa's share of total aid to developing countries: 1.5-3.6%</i></p> <p><i>Form of support: Grants, loans and debt relief</i></p> <p><i>Sectoral focus: Agriculture, infrastructure and energy, information and communication technology, small and medium sized enterprises, human resources and institutional capacity development</i></p> <p>In 2008, India pledged to increase its <i>aid to Africa</i> budget by \$500 million over the next five to six years</p> |
| Brazil <sup>20</sup> |                                                                                                                                                                                                                        | Volume of trade amounted to \$26 billion in 2008                                                                            | <p><i>Estimated aid (ODA) to Africa in 2006: \$96.1m</i></p> <p><i>Africa's share of total aid to developing countries: 27-30%</i></p> <p><i>Form of support: Co-financing and debt relief</i></p> <p><i>Sectoral focus: Agriculture, livestock, environment, energy, health, education, culture, urban development, professional training and information technology</i></p>                                                                                                                                                                      |
| Korea <sup>21</sup>  | Source of resources                                                                                                                                                                                                    | Volume of trade increased from \$4.4 billion to \$11 billion                                                                | <p><i>Estimated aid (ODA) to Africa in 2006: \$47.8m</i></p> <p><i>Africa's share of total aid to developing countries: 15% over the 2006-08 period</i></p> <p><i>Form of support: Grants, loans and debt relief</i></p> <p><i>Sectoral focus: Health, education, rural development, information and communication technology, governance, industry and energy, environment and disaster relief</i></p>                                                                                                                                            |
| Turkey <sup>22</sup> | Market access                                                                                                                                                                                                          | Volume of trade increased from \$3.4 billion to \$10.3 billion                                                              | <p><i>Estimated aid (ODA) to Africa in 2006: \$24.9m</i></p> <p><i>Africa's share of aid budget: 6% over the 2006-08 period</i></p> <p><i>Form of support: Grants but debt relief is not provided</i></p> <p><i>Sectoral focus: Education, health and water</i></p> <p>Successfully implemented development projects in 37 African countries</p>                                                                                                                                                                                                   |

## 2.2 Broader EU context

The EU underwent enlargements in 2004 and 2007, growing from 15 to 27 member states, with new member states having fewer historical ties with Africa. The expansion also increased the EU's strategic interests in its immediate neighbours in the East and Mediterranean.

The entry into force of the EU's Treaty of Lisbon (ToL) on 1 December 2009 marks the latest phase of the gradual transformation of the EU from a rather inward-looking community to one with ambitions to be a global player. This has been reflected in a significant expansion of the overall aims of the EU to include global trade integration, conflict prevention and eradication of global poverty, among others (box 2).



### Box 2: Overall objectives of the EU's external action

The ToL's Article 21 is a key provision that brings together a new opening paragraph on principles, a list of objectives of the Union's external action that is much longer and more comprehensive than before and provisions on consistency and coherence previously located in different articles.

#### Article 21

1. The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations, which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.

2. The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:

- (a) safeguard its values, fundamental interests, security, independence and integrity
- (b) consolidate and support democracy, the rule of law, human rights and the principles of international law
- (c) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and

principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders

(d) foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty

(e) encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade

(f) help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development

(g) assist populations, countries and regions confronting natural or man-made disasters

(h) promote an international system based on stronger multilateral cooperation and good global governance

3. The Union shall respect the principles and pursue the objectives set out in paragraphs 1 and 2 in the development and implementation of the different areas of the Union's external action covered by this Title and by Part Five of the Treaty on the Functioning of the European Union, and of the external aspects of its other policies. The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect.

The Lisbon Treaty clearly states that the fight against poverty is at the heart of the Union's development cooperation policy. Under the Treaty, implementation of the widened EU foreign policy agenda will be supported by new structures. These include the High Representative of the Union for Foreign Affairs and Security Policy (HRVP) (currently Baroness Ashton), a 'diplomatic corps' called the European External Action Service (EEAS) and newly empowered EU Delegations. The HRVP leads the EU's foreign and defence policy and is also the Vice President of the European Commission with a mandate to coordinate all

areas of EU external relations and ensure their consistency. The HRVP is expected to guide a more political EU external action, in which a multitude of EU external policies and instruments, including diplomacy, defence, development cooperation and trade, are to be used in a complementary and consistent manner (box 3). Yet, as of 2010 it remains to be seen how these new institutional arrangements will be operationalised and to what extent they will affect the conduct of the EU as an international actor and its ability to fight poverty.

### Box 3: Key implications of the Treaty of Lisbon for EU-Africa relations – more political, but more coherent EU external relations as well?

#### 1. Removal of reference to the 'ACP' from the Treaty

Reference to the ACP, which safeguarded the intergovernmental nature of EU-ACP relations and has been in place since the Treaty of Maastricht of 1992, has been removed in the Lisbon Treaty. The 'Declaration on the EDF' part of the Treaty of the EU, under the Final Act since the Maastricht Treaty, stipulating that the EDF should be outside the budget, has also been removed. These two changes are symbolically and politically significant and give some indication of the ACP sliding from the EU agenda. They also remove formal barriers to budgetisation of the EDF, that is, including the EDF as part of the standard overall EU budget, but without actually promoting budgetisation.

#### 2. New actors: The High Representative and her diplomatic service, the EEAS

The EEAS will have geographical desks covering all countries and regions of the world, as well as multilateral and thematic desks. Political relations with ACP countries will no longer be dealt with by a different European Commission Service (previously the Directorate General for Development – DG DEV) than relations with the rest of the world. The EEAS will from now on be responsible for the allocation of funding and the programming of multi-annual strategies and the indicative programmes of the EDF. Programming the thematic budget lines, policy development and implementation will remain in the Commission's DG DEV and EuropeAid. The division of responsibilities between the EEAS and the Commission will somewhat split the aid programming cycle, but will also overcome the historical geographic split between ACP countries and the rest of the world.

Hence, the ToL will bring an end to the current different treatment of the ACP manifest in the traditional geographic identification of the European Commission's DG DEV with the ACP. The ACP as a partner – and development cooperation as a topic – will have to assert its space in the dialogue with the HRVP and her diplomatic staff in more direct competition with other international actors and other global issues. Indeed, regionalisation will become more prominent as the EU seeks to structure its cooperation along more regional lines, for example, EU-Africa or EU-Latin America. Yet, from the perspective of Africa, this institutional reform should help the EU to 'treat Africa as one', remedying some of the fragmentation that has characterised the EU's dealings with Africa over the years.

#### 3. Strengthened player: The European Parliament

The ToL has also transferred a number of new areas under the EU competences. For example, trade in services and investment used to be dealt with at the member state level and are now the EU's prerogative. Moreover, co-decision between the Council and the European Parliament (EP) will be the standard legislative procedure. As such, qualified

majority voting will be extended to more than 40 areas including migration and agriculture policy.<sup>24</sup> As a consequence the Treaty significantly extends the role of the EP.

Due to the more prominent role of the EP, together with the potential exertion of political influence by the High Representative and EEAS, some have expressed concern about a possible new conditionality in EU development cooperation or trade negotiations. This could mean, for instance, more pressure to use EU development cooperation to serve broader foreign policy interests, or to put more emphasis on environmental issues or labour standards or human rights in trade negotiations. However, the EP could also become an important ally for African countries and development issues.

#### 4. Consistency and policy coherence for development

The ToL clearly strengthens the requirement for consistency of EU external action – calling for the Union to respect the principles and pursue the objectives of its external action in 'the different areas of the Union's external action' and 'in the external aspects of its other policies'.<sup>25</sup> As poverty reduction is among these, the provision raises the relevance of development issues. In addition, consistency has to go beyond consistency within external action, as the Lisbon Treaty requires consistency between external action and other policies, such as those on agriculture and migration. Also new is that the Commission and the High Representative, in addition to the Council, are directly responsible for consistency.<sup>26</sup> The High Representative/EEAS is mandated to ensure consistency of EU external action. This raises several questions for development cooperation:

- In terms of coordinating Commission policies with other external and internal EU policies, will the High Representative and her staff play a lead facilitation role? This could be relevant in terms of, for example, AfT, linking trade and development actors and frameworks, and ensuring a more joined-up EU response between the Commission and the EU member states.
- In terms of mediating between potentially competing policy priorities or between tensions among different objectives, could the High Representative and her service play a political role and become an interlocutor for third countries that, for example, want to raise questions about the impacts of EU trade or migration policies on development issues? The ToL's new interlocutors with a mandate to represent the entire EU on all aspects of its external relations create an opportunity for third countries to raise their concerns at a political level.
- Political dialogue under Article 8 of the CPA could gain importance, in terms of both scope and political weight. This is particularly relevant for the ACP/sub-Saharan African countries, which often used to be restricted to dealing with Commission interlocutors at the technical level, even on highly sensitive political matters, be it Article 96 consultations (which could lead to the suspension of aid and preferential trade provisions) or EPA negotiations.

## 3 Main frameworks in EU-Africa relations

### 3.1 The Cotonou Partnership Agreement

#### 3.1.1 Background

The ACP-EU Partnership Agreement<sup>27</sup> builds on 25 years of ACP-EU cooperation under four successive Lomé Conventions. Relations between the European Community and sub-Saharan African countries go back to the successive Yaoundé Conventions (1963-75). The accession of the UK to the European Communities in 1973 broadened the geographic scope of the partnership to Commonwealth countries in Africa, the Caribbean and the Pacific. The 'ACP Group of States' was founded by the Georgetown Agreement in 1975. It is the only grouping of poor countries with a permanent secretariat (located in Brussels) and is the world's largest grouping of small-island states and land-locked countries.

The ACP-EU Partnership Agreement is a comprehensive aid and trade agreement concluded between 77 ACP countries and the EU (the Community and the 15 member states of the EU). It was signed in June 2000 in Cotonou (Benin) and is therefore commonly called 'the Cotonou Agreement' or the 'Cotonou Partnership Agreement'. The Agreement extends for a 20-year period and contains a clause allowing it to be revised every five years. Alongside the CPA is a financial protocol. Covering each five-year period, this protocol indicates the total resources that are available to the ACP through the EDF.

The central objective of the CPA is to reduce and eventually eradicate poverty while contributing to sustainable development and the gradual integration of ACP countries into the world economy. The Agreement is based on three complementary pillars:

- economic and trade cooperation
- development cooperation
- the political dimension

Its key characteristics are sketched in box 4.

#### Box 4: Key characteristics of the Cotonou Partnership Agreement

The CPA is the largest North-South partnership in the world.<sup>28</sup> It formalises the ACP-EU partnership, which itself is sometimes referred to as the world's most progressive cooperation scheme.<sup>29</sup>

- The CPA is a legally binding international agreement.
- It sets out four fundamental elements:
  - equality of partners and ownership of development strategies
  - participation (apart from central government as the main partner, partnership is open to other actors such as civil society, the private sector and local government)
  - dialogue and mutual obligations (the CPA is not simply a pot of money; the parties have assumed mutual obligations, such as respect for human rights, which are monitored through dialogue)
  - differentiation and regionalisation (cooperation varies according to the partner's level of development, needs, performance and long-term development strategy)
- The partnership is underpinned by a set of core values or 'essential elements' (respect for human rights, democratic principles and the rule of law). Violation of these can lead to the suspension of aid.
- Good governance is considered a 'fundamental element' of the CPA. Serious cases of corruption, including acts of bribery leading to corruption, are grounds to suspend cooperation.
- Joint management is at the heart of the Agreement. ACP-EU cooperation is overseen by a set of 'joint institutions', and EDF resources are jointly managed by the European Delegation and the 'authorising officer' of the concerned ACP country or region.





### 3.1.2 The 2010 revision of the CPA

The second revision of the CPA was concluded in March 2010.<sup>30</sup> The fundamental purpose of the review was to preserve the relevance of the ACP-EU partnership and to adapt the Agreement to recent major changes in international and ACP-EU relations. This included acknowledging the increasing importance of the 'regional dimension' so as to take into account the continuing process of regional and continental integration across the ACP, incorporating responses to current global challenges such as the food crisis and climate change, and integrating commitments on aid effectiveness. However, both parties regarded this most recent review as a 'light review', and refrained from openly discussing some of the major challenges facing ACP-EU relations. There were, nonetheless, politically remarkable changes, such as the acknowledgement of the AU's role in the dialogue on peace and security issues, and some contentious issues were addressed.

**Commitment to aid effectiveness:** Principles of the internationally agreed aid effectiveness agenda receive reference throughout the new text.<sup>31</sup> However, it is not clear how adherence to these principles could be claimed or enforced in practice.

**Emphasising the importance of regional integration in the ACP:** The objectives of the ACP-EU partnership have always included regional integration.<sup>32</sup> However, 'regional integration, including at the continental level' has received new strong recognition in the 'fundamental principles' in Article 2.<sup>33</sup> The revised CPA now includes specific reference to political dialogue on issues pertaining to regional and continental integration.<sup>34</sup> Furthermore, the revision resulted in a re-arrangement of the chapter on 'regional cooperation and integration', which now goes beyond the economic and free movement dimension to put stronger emphasis on the political dimension, in particular, in terms of peace and security matters<sup>35</sup> and regional cooperation policies to manage transnational development challenges. In order to support this broadened scope, the revision introduces a new Article 30 to strengthen the capacities of ACP regional integration institutions and organisations, including the AU. In addition, in response to ACP concerns regarding the perceived adverse impacts of the EPA negotiations on the regional integration agenda in some ACP regions, the mandate of the Joint Ministerial Trade Council was expanded to include monitoring EPA negotiations and implementation<sup>36</sup> and making appropriate recommendations in this regard to the Council of Ministers.

#### Actors of the partnership

- **Recognising the role of regional organisations with specific reference the AU:** Regional organisations were not initially mentioned by name in the main body of the CPA text, although their role was recognised in general. Instead, the CPA provided for the ACP to mandate specific regional organisations for different purposes. In the previous revision, in 2005, amendments were introduced to ensure that the AU, a continental organisation including both ACP and non-ACP member states, could be among those mandated. In addition, an amendment was made in Annex IV to name the AU specifically as being eligible for funding from the intra-ACP envelope.<sup>37</sup> As a result, the AU is in fact the only supra-national ACP body to be so named since 2005. This remains the case. Yet, in line with the reinforced emphasis on regional integration, the revised 2010 text

goes a step further and explicitly identifies ACP regional organisations and the AU as 'actors of cooperation'.<sup>38</sup> This differs from the previous reference to the 'state at the regional level' as an actor of cooperation. In terms of roles, the main change is in the area of peace and security, where the ACP regional organisations will be 'fully involved' in, as opposed to simply being 'associated' with, ACP-EU political dialogue.<sup>39</sup> This same article, on political dialogue to promote peace and prevent, manage and resolve violent conflicts, provides the second new explicit reference to the role of the AU in the CPA. Thus, when it comes to eligibility for financial support, the AU is now explicitly mentioned, and is the only regional organisation that is referred to by name.<sup>40</sup>

- **ACP national parliaments mentioned for the first time as actors of cooperation:**<sup>41</sup> The complementary role of national parliaments and their potential contribution to the partnership are recognised on equal footing with the role of non-state actors and decentralised authorities. The revised 2010 Agreement involves them in the development process at the national and regional levels. They are to be informed of and involved in consultations on political dialogue and aspects that concern them and will be provided capacity-building support to enable them to make use of these new arrangements. ACP parliaments will be involved in preparing programming, and regional parliaments will play this role for regional programming.<sup>42</sup>

#### Governance

- **Governance as a criterion for resource allocation:** The addition of 'governance' among the performance criteria that are used to determine resource allocation is remarkable.<sup>43</sup> Given that 'resource allocation ... shall be based on standard, objective and transparent criteria', this change raises questions on the risk of the politicisation of aid.
- **Discrimination on the basis of sexual orientation:** The EU side requested the inclusion of 'discrimination on the basis of sexual orientation' as a subject of political dialogue, which was successfully rejected by the ACP.<sup>44</sup>
- **Essential elements and good governance:** In line with the ACP's request, the scope of the provision on essential elements and good governance was broadened to make explicit that these principles apply equally to the ACP states and to the EU and its member states.<sup>45</sup>
- **Consultations under Article 96:**<sup>46</sup> The ACP Group would have liked to see a 'more balanced' Article 96 – the so called 'sanctions article' – based on jointly agreed guidelines and with joint chairing of Article 96 consultations (see Chapter 6 for more background on this). However, these proposals were not taken up. In line with the ACP's proposal, the ACP Secretariat and the European Commission will exchange all required information on the process of political dialogue under Articles 96 and 97.
- **The Rome Statute of the International Criminal Court (ICC):**<sup>47</sup> The ACP Group has been concerned with the ICC's proposal to indict high-level ACP political actors, and the potential consequences of not signing/ratifying the Rome Statute on ACP-EU partnership under the CPA. They proposed a text to clarify the applicability of the Statute to CPA signatories that had not signed the

Statute, and clarification that there would be no link between the CPA and the Statute. However, no change was made to the provisions regarding this issue.<sup>48</sup>

**Policy coherence for development (PCD):** Article 12<sup>49</sup> now includes a clearer reference to the EU's commitment to address policy coherence for development as well as stating a commitment to strengthen dialogue on this issue. Perhaps more importantly, the ACP Group, rather than individual ACP states, is now the EU's interlocutor on PCD. In addition, the obligation to 'inform in good time the said States...' and to 'communicate simultaneously to the Secretariat of the ACP States its proposals' when the EU intends to take measures that might affect ACP interests was upgraded to 'the Commission shall regularly inform the Secretariat of the ACP Group of planned proposals'. Yet, it remains to be seen how both parties will make use of this article in the future.

**Migration:** Migration proved to be the most contentious issue in the second revision of the CPA. In the end, no amendment was made to Article 13, as agreement could not be reached (see also Chapter 4). The ACP Group envisaged the revised Article 13 as providing for concrete initiatives to develop mechanisms to support the positive aspects of migration, to enhance the link between ACP development and migration and to promote policies for developing skills, improving the mobility of persons and enhancing circular migration.<sup>50</sup> However, negotiations never entered those areas, as the ACP resisted discussing the EU proposal to significantly tighten provisions on readmission.<sup>51</sup> The 2010 text of the CPA now includes a declaration stating that the parties will continue to deepen dialogue and cooperation on migration and development and will 'undertake to work out the details of this enhanced cooperation' and report back on progress of these discussions to the ACP-EC Council of Ministers in 2011.<sup>52</sup>

**Economic and trade cooperation:** Given the various international developments in the area of trade and economic cooperation since 2005, and perhaps most notably with regard to the process of the EPA negotiations (discussed in more detail in the section below), numerous amendments were made to the trade chapter.

- At the level of objectives and principles, 'aid of trade' is now recognised as an important support means for ACP development strategies at both the national and regional levels.<sup>53</sup> In addition, a new provision was added regarding ways to address the needs arising from implementation of EPAs.<sup>54</sup>
- With the introduction of some EPAs, although most remain under negotiation, some provisions in the CPA have become outdated, as ACP-EU trade is now de facto governed by several regimes (EPAs, interim EPAs, the Generalised System of Preferences(+), the Everything but Arms (EBA) arrangement). This has two implications. First, most provisions relating to the preparatory period were deleted from the text.<sup>55</sup> Second, while some provisions were clearly no longer applicable, the relevance of others was more controversial. Note that the provision guaranteeing that EPA negotiations will be 'pursued with ACP countries which consider themselves in a position to do so, at the level they consider appropriate, and with a view to supporting regional

integration processes within the ACP' was kept.<sup>56</sup> However, whereas ACP countries' dependency on commodities is acknowledged in the revised 2010 CPA,<sup>57</sup> commodity protocols and related declarations were in the end deleted from the revised text,<sup>58</sup> with no new mechanism created for all commodities, as requested by ACP countries in their draft mandate.<sup>59</sup> It should also be noted that references to the effects of preference erosion on ACP economies in the context of multilateral and bilateral agreements have been given more importance.<sup>60</sup>

- Given the expiry of the WTO waiver for the maintenance of non-reciprocal trade preferences at the end of 2007, the CPA was amended, though not in the direction argued for by the ACP Group, supported by the European Parliament.<sup>61</sup> Despite the current coexistence of multiple ACP-EU trade regimes and although the ACP Group requested inclusion of all of the mechanisms governing EU-ACP trade in the trade and economic cooperation framework of the CPA, the 2010 text merely highlights the importance for the parties to 'take all the necessary measures to ensure the conclusion of new WTO compatible EPAs'.<sup>62</sup> No mention is made of any alternative possibility, previously mentioned under ex-Article 37(6), in spite of the fact that alternative schemes are currently being applied, namely the GSP.<sup>63</sup> Hence, for example, the assurance that all ACP countries could benefit from a trade regime equivalent to their previous situation has been lost in the process.
- A new article was added on consultations regarding trade facilitation.<sup>64</sup> Similar to Article 12, the EU will inform the ACP Secretariat and states of measures they plan to adopt which affect ACP states.

### Development financing

- The provision on intra-ACP cooperation was significantly upgraded, in line with the demand from the ACP Group.
- The ACP Group requested that the EU include an indication of the overall amount of financial assistance within the next multi-annual financial framework. Yet the relevant Annex 1b remained unchanged, referring to the amounts under the 10th EDF (2008-13). This is noteworthy, as the next revision of the CPA will not take place until 2015, hence there is a gap of two years for which no financial commitment exists. The absence of a financial commitment beyond EDF 10 is a clear setback for the ACP, especially in the current context of the financial and fiscal crisis in the EU, the need for ratification of the CPA by 27 EU member states and the re-emergence of the debate on the budgetisation of the EDF (see also box 6 in Chapter 4). However, at the Joint Council meeting in Ouagadougou in June 2010, the Spanish Presidency of the EU made a political commitment that there would be an 'increase and additional resources'. Although no joint declaration was agreed, there is a political agreement to include an Annex 1c indicating a financial commitment beyond 2013 after the mid-term review of EDF 10, which is expected to be finalised in 2011.

## 3.2 The Economic Partnership Agreements

### 3.2.1 Background

For over 30 years, ACP countries enjoyed preferential access to the EU market on a non-reciprocal basis. In the 1990s, however, this model came under increasing attack, as both its capacity to achieve its objectives and, perhaps more decisively, its legal and political acceptability were vigorously questioned by third parties.<sup>65</sup> Indeed, the Lomé Conventions not only failed to produce the positive results their preferential system was expected to bring about (notably in terms of maintaining the ACP share of the EU market and stimulating product diversification in the ACP), but they were also not in conformity with the binding rules of the WTO.<sup>66</sup>

In 2000, therefore, the CPA foresaw bringing ACP-EU trade relations in conformity with WTO rules. The CPA, as signed in 2000, did not prescribe a single model of trade regime. Yet clearly the favoured arrangement was that of 'EPAs' to be negotiated on a regional basis.<sup>67</sup> Conceived as development-oriented FTAs – implying reciprocal but differentiated and asymmetrical liberalisation – EPAs were meant to be 'comprehensive', covering more than what was strictly required by the WTO rules, ie. trade in services and a whole set of trade-related measures. In this respect, it is worth pointing out that, to a certain extent, the proliferation and broadening of the scope of FTAs, including the EPAs, have been influenced by slow progress in multilateral trade negotiations over the years, as developed countries have sought to address in bilateral negotiations topics that seemed more difficult to tackle at the WTO. Export taxes and the so-called 'Singapore issues' are examples of areas that have failed to be comprehensively addressed at the multilateral level and which are being negotiated in the context of EPAs. Moreover, it should be stressed that while the Doha Round is meant to be a 'round for free' for least-developed countries (LDCs), in the context of EPAs, countries and regions that decide to conclude an agreement must, whatever their developmental status, make liberalisation commitments. However, as an alternative to EPAs, the EU has proposed only its Generalised System of Preferences (GSP). LDCs are entitled to non-reciprocal preferences and duty-free, quota-free market access to the EU under the EBA initiative, but non-LDC ACP countries, if not interested in an EPA, are left only the GSP.<sup>68</sup>

In 2000, the CPA foresaw a preparatory period of eight years before the introduction of new trade agreements. During this period, the provisions of the Lomé Conventions were to remain in place. After a first phase of negotiation at an all-ACP level initiated in September 2002, regional negotiations towards the EPAs started in October 2003 on the basis of six ACP negotiating groups.<sup>69</sup> Negotiations were initially envisaged to be concluded by 31 December 2007, with this date corresponding to the expiry of the WTO waiver for the existing preferential trading arrangements. However, with divergent positions on issues of principle and on technical matters, the EPA negotiation process has not progressed as planned, and the initial deadline was exceeded in most regions.

### 3.2.2 State of play and key issues in the EPA negotiations

As of July 2010, only two of the ACP negotiating regions had concluded an agreement with the EU. The Caribbean Forum of ACP States (CARIFORUM) signed a comprehensive agreement, including provisions on trade in services and investment,<sup>70</sup> and the East African Community (EAC) initialised an interim goods agreement, commonly called a 'stepping stone agreement'. In other regions, the EU has resorted to concluding interim EPAs on the basis of individual countries or sub-sets of countries within a region.<sup>71</sup> So far, in Africa, only 19 states (out of a possible 46) have initialised such an 'interim' EPA and 10 of them have signed such an agreement.

Negotiations towards full EPAs are continuing throughout 2010, with parties working to address both outstanding<sup>72</sup> and contentious issues.<sup>73</sup> As far as these latter are concerned, significant progress has been made in some areas, most notably in Eastern and Southern Africa and in the SADC region. On the question of a standstill clause (prohibiting new, re-imposed or increased tariffs), quantitative restrictions, export taxes, an infant industry clause, and free circulation of goods, for instance, technical solutions appear to be within reach, and the EU has shown some willingness to provide flexibility for African countries. Other issues, however, remain highly political.<sup>74</sup> Market access coverage and the timeframe for liberalisation, for instance, remain major points of disagreement in regions such as Central and Western Africa. Indeed, since the start of EPA negotiations, and based on its own interpretation of the requirements of GATT's Article XXIV on FTAs, the EU has required from African countries a minimum of 80% liberalisation over a period of 15 years, for all EPAs. Challenging this interpretation, several African countries have asked for more flexibility, in particular, for LDCs. A case in point is West Africa, which tabled an offer of 70% liberalisation over 25 years – an offer which has so far been judged as insufficient by the EC.

In terms of development impact, there are two core concerns around the EPA negotiations in Africa.

- First, the entry into force of the EPAs has implications for ongoing regional integration initiatives. EPAs, which could represent a good opportunity to put in place dynamic and credible regional markets,<sup>75</sup> should be negotiated 'taking into account [the] regional integration process within the ACP'.<sup>76</sup> That said, some challenges necessarily arise from the complexity of regional configurations within the ACP, as countries often belong to more than one regional grouping. The EPA negotiating groupings further complicate the situation, as they do not necessarily coincide with the already existing regional groupings, notably those with a customs union or an FTA in progress (see annex 1). This might well lead to conflicting obligations for some members. Furthermore, looking at the current state of play in the negotiations, it would seem that one of the clear reasons in Africa for concluding an agreement with the EU has to do more with preserving market access for exports reliant on preferences than with enhancing regional integration processes, hereby bearing the danger of external considerations prevailing over regional concerns.<sup>77</sup>

- Second, a major strand of criticism from many quarters in the ACP and the NGO world centres on the implications of EPAs for the policy space of the signing country to pursue national development objectives and the flexibility at the international trade level (multilateral and regional).<sup>78</sup> The concerns relate to EU demands on liberalisation schedules and other contentious issues, such as restrictions on export taxes, the Most Favoured Nation (MFN) clause, (agricultural) safeguards and issues related to ACP supply capacity and adjustment.<sup>79</sup> These and other aspects are perceived as threatening agricultural and industrial development and food security and as risking exacerbating poverty.

### 3.3 The Joint Africa-EU Strategy

#### 3.3.1 Background

The JAES was agreed upon at the 2007 EU-Africa Heads of State Summit in Lisbon. The purpose of the new policy framework was to 'take the Africa-EU relationship to a new strategic level with a strengthened political partnership and enhanced cooperation at all levels'.<sup>80</sup> It reflected a bold, ambitious and innovative response to new challenges. The partnership was a response to perceived new geopolitical realities including the emergence of new players such as China, Brazil and India, growing regionalism and major changes in Europe with the advent of the then-proposed ToL. In Africa, the emergence of the AU was viewed as offering new possibilities. In this context, the JAES was meant to provide an 'overarching long-term framework for Africa-EU relations'. It was to be implemented through eight thematic partnerships (table 3) and successive action plans. Each thematic area was to have agreed priorities and an associated Joint Expert Group. In 2008 and 2009, the stakeholders were primarily concerned with setting up the institutional structures for this complex endeavour.

**Table 3: Partnerships and priority actions from the 2008-10 action plan**

| Partnership                                       | Priority Actions in the 2008-10 Action Plan                                                                                                                                                                                                                                                       |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Peace and security                             | Enhance dialogue on challenges to peace and security<br>Full operationalisation of the African Peace and Security Architecture (APSA)<br>Predictable funding for African-led peace support operations                                                                                             |
| 2. Democratic governance and human rights         | Enhance dialogue at global level and in international fora<br>Promote the APRM and support the African Charter on Democracy, Elections and Governance<br>Strengthen cooperation in cultural goods                                                                                                 |
| 3. Trade, regional integration and infrastructure | Support the African integration agenda<br>Strengthen African capacities in the areas of rules, standards and quality control<br>Implement the EU-Africa Infrastructure Partnership                                                                                                                |
| 4. Millennium Development Goals (MDGs)            | Secure the finance and policy base for achieving the MDGs<br>Speed up progress towards the MDG food security targets<br>Speed up progress in meeting the MDG health targets<br>Speed up progress in meeting the MDG education targets                                                             |
| 5. Energy                                         | Intensify cooperation on energy security and access                                                                                                                                                                                                                                               |
| 6. Climate change                                 | Build a common agenda on climate change policies and cooperation<br>Address land degradation and increasing aridity, including the 'Green Wall for the Sahara' initiative                                                                                                                         |
| 7. Migration, mobility and employment             | Implement the declaration of the Tripoli Ministerial Conference on Migration and Development<br>Implement the EU-Africa Plan of Action on Trafficking of Human Beings<br>Implement and follow up the 2004 Ouagadougou Declaration and Action Plan on Employment and Poverty Alleviation in Africa |
| 8. Science, information society and space         | Support the development of an inclusive information society in Africa<br>Support science and technology capacity-building in Africa and implement Africa's science and technology consolidated plan of action                                                                                     |



The JAES foundation documents also include major innovations aimed at 'overcoming the traditional donor-recipient relationship' and fundamentally changing Africa-EU relations. The key innovations can be summarised in four major commitments and objectives:

**1. 'To reinforce and elevate the Africa-EU partnership to address issues of common concern'**

This objective illustrates the ambition to take the Africa-EU relationship to a new strategic level with a strengthened political partnership and enhanced cooperation at all levels, including in the joint promotion of a system of effective multilateralism.

**2. 'To this end both sides will treat Africa as one and upgrade the Africa-EU political dialogue to enable a strong and sustainable continent-to-continent partnership, with the AU and the EU at the centre'**

This commitment stresses the need to deal with Africa as one, as opposed to the current fragmentation of policy frameworks 'slicing' up EU relations with Africa. It considers an upgraded political dialogue as the linchpin of the new partnership. It clearly states that the continental level is the key focus and added value of the JAES, with the two Unions at the core of the process and institutional architecture. In order to make this work, parties agreed on the need to have 'strong institutions [on the African side] that invest particularly in their capacity to act effectively together and interact with each other'. To this end, the EU committed itself to further support the 'ongoing institutional transformation process of the AU'.<sup>81</sup>

**3. 'To strengthen regional and continental integration in Africa'**

Through the ACP-EU partnership, Europe has provided long-standing support to regional integration processes. Yet the JAES is the first political framework which also fully recognises the need to promote 'continental' integration. This reflects the creation of the AU and the need to support its pan-African integration agenda. The 'unity of Africa' is therefore considered to be one of the fundamental principles underlying the JAES.<sup>82</sup>

**4. 'To provide an overarching long-term framework for Africa-EU relations'**

The adoption of such an 'overarching' new framework inevitably means an obligation to 'enhance the coherence and effectiveness of existing agreements, policies and instruments',<sup>83</sup> such as the CPA and the European Neighbourhood Policy (ENP). To this end, the parties committed themselves 'to work together towards gradually adapting relevant policies and legal and financial frameworks... to the needs and objectives of the partnership'.<sup>84</sup>

### 3.3.2 The 3rd EU-Africa Summit and the future of the Joint Strategy

The underlying political rationale for the JAES in an era of globalisation still seems to be strong, and official parties recognise this on both sides. New continental frameworks also take many years to become known and owned. Yet, by 2010 there was general acceptance on both sides that the JAES was not moving in the right direction<sup>85</sup> – or at

least not fast enough, in terms of substantially modifying the nature and quality of EU-Africa relations as originally intended. This was despite some qualified successes and the best efforts of many officials.

Key amongst the questions about the JAES was its 'added value' compared to other policy frameworks such as the CPA. A general dilution of the political substance of the JAES occurred because it did not become the major vehicle to articulate and protect individual or collective interests in or between Africa and Europe on the themes identified. This and an absence of political leadership on both sides meant that political dialogue was generally not improved or expanded under the JAES.<sup>86</sup> JAES implementation has tended to focus on technical issues in the Joint Expert Groups that are susceptible to functional 'quick wins' albeit low ambition ones (such as events, meetings and workshops). As the JAES does not have any specific dedicated funding mechanisms, all activities have to be financed under existing arrangements. While responsibility for financing the JAES rests with both African and European partners (including EU and AU member states) the lack of dedicated or even well aligned finances has constantly hampered implementation. Also the asymmetries in capacities between the AU and the EU, with the AU being politically and institutionally a relatively new creation, have not been sufficiently addressed.

In some areas EU-Africa collaboration has improved. In peace and security, collaboration has been greatly assisted by the undisputed mandate of the Africa Union, the well articulated continental policy framework and the operational agenda of the African Peace and Security Architecture (APSA), as well as the aligned EU funding mechanism in the African Peace Facility and peer-to-peer political forums such as the African Peace and Security Council and the European Political and Security Committee. Peace and security is also one area in which European civil society engagement has been actively encouraged. These features associated with the JAES Partnership on Peace and Security, however, were not present in other thematic areas of the JAES during the period of the first action plan in 2008-10. They do offer some insight into what would be needed to improve collaboration in the other areas as the future of the JAES is considered.

The EU-Africa Heads of State Summit in November 2010 will focus on the theme of Investment, Economic Growth and Job Creation and aim to clarify some key issues, such as that the JAES focus is at the global level and at the continental and regional level within Africa rather than at the national level. In the next action plan (2011-13), priority areas will be detailed and the working modalities of the JAES will be agreed. The level of participation, the political impetus to be invested and the significance of the outcomes of the 2010 Summit may provide some indication of whether the JAES will emerge as a strong overarching framework for EU-Africa relations in the future.

With respect to the role of civil society, agreement has been reached that the first intercontinental dialogue meeting of African and European CSOs since the launch of the JAES will take place ahead of the 2010 Heads of State Summit. This meeting will be aimed at launching a more structured dialogue between European and African CSOs on subjects specifically related to the JAES. In addition, there are clear indications that side events will be organised, for instance, an EU-Africa youth conference.

## 4 The frameworks compared

### 4.1 Funding: The European Development Fund

The EDF is the instrument for providing EU development assistance under the CPA. The EDF is funded by the EU member states on the basis of specific contribution keys. Each EDF is concluded for a multi-annual period. The 10th EDF covers the period from 2008 to 2013 and has been allocated €22.7 billion.

The EC allocates resources to a country (or region) through the 'development programming' process. This is a joint exercise, which sets medium-term development objectives for a country based on consultation between the EU and ACP governments. It involves an analysis of a country's needs, priorities and performance, followed by the elaboration of a response strategy and the allocation of aid across countries based on the identified needs, priorities and performance. The process is to be conducted at the country level and aligned to national priorities and the national development strategy.<sup>87</sup> Box 5 outlines the five stages of programming followed by the Commission in EDF programming.<sup>88</sup> The first three stages are closely intertwined.

#### Box 5: Development programming

Programming is the setting of long-term development objectives for a country together with financial envelopes and a set of identified projects. The five levels of development programming and implementation in the EC are as follows:

- 1. Country/regional strategy papers (CSPs/RSPs):** A five to seven-year strategic assessment of the political and economic situation of a country/region is carried out and general themes are chosen for the intended response (eg. political dialogue, development, trade).
- 2. Country/regional allocation:** A six-year allocation of resources is determined for each region and country based on population, a needs/poverty assessment, absorption capacity and commitment to political reform.
- 3. National/regional indicative programmes (NIPs/RIPs):** Derived from the CSPs/RSPs, two 'focal sectors' are identified and priority themes for the country or region concerned including multi-year financial envelopes. These cover half of the life span of the CSPs.
- 4. Annual action programmes:** Yearly programmes are established within the overall and financial limits of the CSP and NIP.
- 5. Implementation:** Agreed programming is contracted, managed, monitored, evaluated, and so on.

The EDF allocations for a country strategy paper (CSP) undergo a process of performance review consisting of annual reviews, a mid-term review (MTR) and an end-of-term review. The MTR is a national process, which for the 10th EDF should have taken place in 2009, but was pushed forward to 2010 due to delays. The review will include an assessment of the governance, economic, poverty and social situation of the country as well as the extent to which the ECs budget support has contributed to sectoral or general development.<sup>89</sup> The MTR serves as a review mechanism to keep the CSP updated by adjusting intervention strategies. It also represents a performance-based element of the CPA,<sup>90</sup> that is, it provides a means to adjust financial resource allocations based on an assessment of both needs and performance.

#### Box 6: Re-emergence of the 'budgetisation' debate?

The Lisbon Treaty removes the formal obstacle to the integration of the EDF into the regular EU budget – 'budgetisation of the EDF'.<sup>91</sup> The 2010 negotiations for the next EU financial framework, to cover 2014-20, will involve more actors, especially the HRVP, the EEAS and a strengthened European Parliament, which has been advocating budgetisation for decades. With all of the changes in EU external relations coming from the ToL, the new financial framework may bring major modifications in terms of how money is allocated across thematic and geographic areas, as well as in terms of reviewing the plethora of EU financial instruments. The 'budgetisation of the EDF' is likely to become a point of discussion again. There are arguments for and against budgetisation, yet arguably the cons have lost some ground in recent years. For example, the 'privileged position' of the ACP through its special treatment may become a liability if it serves to lastingly brand the ACP countries as 'needy aid recipients' rather than as political partners. In any case, there are conditions that should be guaranteed before agreeing to budgetisation, including ring-fencing development funds for the ACP within the EU budget, ensuring multi-annual programming, preserving joint management modalities, and so on. It will be key to monitor whether EU budget reforms and allocations in the area of EU external action take account of development objectives, safeguard ODA criteria and promote policy coherence for development, among others.

Table 4: Institutional structures of the CPA, the JAES and the CARIFORUM EPA

|                                    | CPA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | JAES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | CARIFORUM EPA institutions <sup>93</sup>                                                                                                                                                                                                                                                                                        |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Political and policy orientations  | <b>ACP-EU Heads of State Summit</b><br>(new since 2010)                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Africa-EU Summit of Heads of State/Government</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                 |
| Decision-making                    | <b>ACP-EU Council of Ministers</b><br>Role: a decision-making body<br><br><b>Joint ACP-EC Ministerial Trade Committee</b><br>Role: has been given the further responsibility of monitoring EPA negotiations and implementation                                                                                                                                                                                                                                                                  | <b>Political Dialogue Meetings</b><br>Pre-Treaty of Lisbon these took the form of the Ministerial Troika<br><br><b>Senior Officials Meetings</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Joint CARIFORUM-EC Council</b><br>Council of the EU, members of the European Commission, and CARIFORUM government representatives at the ministerial level<br>Role: responsible for the operation, implementation and monitoring of the Agreement                                                                            |
| Decision-making and implementation | <b>ACP-EU Committee of Ambassadors</b><br>Role: supports the Joint Council to carry out its tasks<br><br><b>Centre for the Development of Enterprise</b><br>Role: contributes to poverty reduction by fostering wealth creation, lending support to the private sector in ACP countries.<br><br><b>Technical Centre for Agricultural and Rural Cooperation</b><br>Role: develops and provides services that improve ACP countries' access to information for agricultural and rural development | <b>College-to-College (C2C) meetings</b><br>Composition: European Commission, AU Commission<br>Role: to direct and develop an Africa-EU political agenda, to strengthen political and technical cooperation between the executives on the two continents, to monitor implementation of the JAES<br><br><b>AU-EU Joint Task Force</b><br>Composition: AU Commission, European Commission and Council Secretariat departments, lead EU and AU countries in the eight partnerships<br>Role: to maintain momentum between the annual C2C meetings; meets every six months<br><br><b>Joint Expert Groups</b><br>Composition: African, European and international actors, plus intention to involve CSOs<br>Role: informal, open-ended bodies to provide a forum for experts to discuss the implementation and financing of priority actions; mandated to coordinate members' roles | <b>CARIFORUM-EC Trade and Development Committee</b><br>Composition: senior officials from both parties<br>Role: assist the Joint CARIFORUM-EC Council in the execution of its trade and development duties<br><br><b>Implementation Committee</b><br><br><b>Special Committee on Customs Cooperation and Trade Facilitation</b> |
| Advisory bodies                    | <b>Joint ACP-EU Parliamentary Assembly</b><br>Role: a consultative organ<br><br><b>European Economic and Social Committee</b><br>Role: to oversee the involvement of economic and social actors in ACP-EC cooperation                                                                                                                                                                                                                                                                           | <b>European Parliament</b><br><b>European Economic and Social Committee</b><br><b>Pan-African Parliament</b><br><b>Regional Economic Communities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>CARIFORUM-EC Parliamentary Committee</b><br>Composition: members of the European Parliament and CARIFORUM states' legislatures<br>Role: serve as a forum for law-makers to meet and exchange views                                                                                                                           |
| CSOs                               | <b>CONCORD Cotonou Working Group</b><br><b>ACP Civil Society Forum</b>                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>EU CSO Steering Group</b><br><b>Economic, Social and Cultural Council of the African Union (AU ECOSOC)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>CARIFORUM-EC Consultative Committee</b><br>Composition: CSO representatives<br>Role: assist Joint CARIFORUM-EC Council to promote dialogue and cooperation                                                                                                                                                                   |

Source: Adapted from Aggad, F., Hohmeister, H. and Koeb, E. (2009). Understanding the linkages between the Cotonou Partnership Agreement and the Joint Africa-EU Strategy. Maastricht: ECDPM

As discussed above, the greatest part of funding for development cooperation for Africa at the EU level comes from the EDF and is as such tied to the CPA, which is an international legally binding agreement. As a framework, the JAES has no specific financial instrument associated with it. So far, implementation of most initiatives under the JAES have been dependent on the 10th EDF.<sup>92</sup> This means that, de facto, implementation of the JAES will depend on the CPA, and as a result coordination between the two frameworks should be ensured.

The EU has made a commitment in the JAES to gradually align other policy processes and instruments to it. Establishment of a multi-annual programmable 'pan-African' envelope, which would allow supporting the institutional and capacity development of the AU in a strategic and long-term manner, has been discussed for a while.

## 4.2 Institutional structures: Complementarity or duplication?

The ACP Group has its own institutions and decision-making processes. These institutions are linked to the EU through the joint institutions of the CPA. Within the ACP Group, the African Group accounts for four of the six regions. Forty-eight of the 79 countries of the ACP are African. These countries are party to both the AU (including RECs) and the ACP institutions, and consequently also to both the JAES structures and the joint ACP-EU institutions. In the near future, they may also participate in new EPA institutions dealing with economic and trade issues, including AfT.

All of the institutions involved (table 4) handle overlapping political, economic and development cooperation issues between the EU and African countries, regions and the continent. These overlaps have led to a certain lack of clarity on what is the best forum to discuss and decide issues. While CPA institutional structures remain key because they govern how EDF funds are allocated, implemented and monitored, politically, engagement in the pan-African context has become increasingly relevant, and trade issues will be taken over by the new EPA institutions in the future.

## 4.3 Main themes of the CPA, EPAs and JAES compared

### 4.3.1 Trade

#### Cotonou Partnership Agreement

The CPA defines the principles of trade and economic relations and the broad procedures of negotiation and application of EPAs. Since the expiry of the WTO waiver, which temporarily allowed Lomé preferences to be extended, ACP-EU trade relations have been governed by different regimes depending on the country or region concerned. This multiplication of trade frameworks raises a number of questions, all the more since the co-existence of these various and varied frameworks was not formally acknowledged in the second revision of the CPA. The primary concern is that it poses some challenges to the regional integration process in Africa, as previously emphasised. Also, unlike the EPAs, both the EBA and the GSP+ are non-contractual schemes granted unilaterally by the EU. Hence, in relation to trade, some countries may

now be in a more insecure position than before, which raises the question of the coherence between the regime governing EU-ACP trade relations and the development objectives underpinning the CPA.<sup>95</sup>

#### Joint Africa-EU Strategy

The Partnership on Trade, Regional Integration and Infrastructure (TRII) of the JAES seeks among others to contribute to 'enhance the African integration agendas, both at the regional and Pan-African levels' and to foster coherence among current initiatives in the area of trade and regional integration. Its priorities as defined in the first JAES action plan are: (i) supporting the African integration agenda; (ii) strengthening African capacities in the area of rules, standards and quality control; and (iii) implementing the TRII Partnership.<sup>96</sup>

The key issues dominating EU-Africa trade relations are clearly the EPAs and their implications for regional integration, on the one hand, and AfT (see also box 7) on the other hand. The JAES TRII Partnership, as a strategic partnership, could serve to coordinate and manage the dialogue in these highly political processes at the continental level. However, when the JAES was adopted, the EPAs were specifically left out of the framework. Furthermore, so far there has been limited involvement of the RECs in the JAES process, raising questions about the relevance of the TRII Partnership for coordination of key African actors. Crucially, the parties chose to limit the cooperation to rather technical issues that mostly remain to be handled in other forums, in particular, in the context of the ACP/EDF, often at the regional and national level rather than at the continental level.<sup>97</sup> The value added by the TRII Partnership to existing EU-Africa trade cooperation initiatives is therefore not yet clear, as perhaps demonstrated by the low degree of involvement of relevant stakeholders.<sup>98</sup>

### Box 7: Aid for trade

The AfT agenda emerged in the framework of the Doha Development Round of the WTO, in particular, with the Hong Kong Ministerial Conference in 2005. AfT<sup>99</sup> is to help developing countries to undertake appropriate trade and regulatory reforms, to improve their supply-side capacity and trade-related infrastructure and to adopt the necessary adjustment measures to be able to benefit from international trade opportunities arising from the multilateral as well as bilateral trade regimes.

The EU approach to AfT is outlined in an EU-wide AfT strategy adopted in 2007, which includes commitments to channel more resources to AfT and to deliver the aid more effectively. In 2008, the EU collectively provided €4.6 billion AfT to Africa, accounting for 46% of total EU AfT. In the same year, EU AfT to the ACP region amounted to €3 billion.

While the concept of AfT arose in 2005, it is not a new phenomenon. The type of support defined now as AfT has long been provided in the context of a range of aid programmes. It was, and continues to be, provided by the EU through the EDF, the EU budget, EU member states' bilateral programmes and the EU's contributions to multilateral organisations. Discussions on AfT in the context of the CPA, EPAs and the JAES might involve different interlocutors, but rely on the same funding sources and



instruments. Proof of effective coordination, coherence and complementarity between those frameworks, particularly the CPA and EPAs on the one hand and the JAES on the other, remains scant.<sup>100</sup>

Finally, it is worth noting that while AfT from the EU is not conditional upon signing an EPA, ACP representatives are insisting on sufficient and effective accompanying measures for EPA implementation in the context of the EPA negotiations.

Overall, trade, one of the pillars of ACP-EU relations, was de facto removed from the CPA with the end of the Lomé preference scheme. Yet, the JAES fails to fill this lack of an overall framework in any significant way. There is no specific scheme left for African countries, the only remaining option seems to be the EPAs.

### 4.3.2 Political dialogue and governance

#### Cotonou Partnership Agreement

Within the ACP-EU relationship, which initially focused on trade and development cooperation, the political dimension has been progressively strengthened. Human rights were first introduced in the 1990 Lomé IV Convention as a fundamental part of cooperation.<sup>101</sup> The 2000 CPA is underpinned by a set of jointly agreed core values or essential elements. 'Good governance', deemed a 'fundamental element' of the partnership, has been defined as 'the transparent and responsible management of human, natural, economic and financial resources for the purposes of equitable and sustainable development'.<sup>102</sup> The violation of essential and fundamental elements can lead to the suspension of the partnership. In Article 96, the CPA has established a mechanism for prior consultation with the objective of precluding unilateral action by the Community except in 'cases of special urgency' and finding an 'acceptable solution' to both parties. If this fails, 'appropriate measures' can be taken in line with international law and the principle of proportionality.

Political dialogue under Article 8 of the CPA is meant to be used as a tool to manage the partnership and to discuss all possible issues of mutual concern. This has opened the partnership to a broader range of topics beyond aid (eg. peace, conflict, migration and governance) that are key to poverty reduction and development. It has also made the relationship more inclusive, with broader involvement of stakeholders, including non-signatories to the CPA, such as the AU and a wide range of non-state actors.<sup>103</sup> The political dialogue component has been especially relevant in relation to situations which threaten peace and security at the national and regional level, with peace and security often being an important component of EU-ACP cooperation with sub-regional organisations such as ECOWAS, IGAD, ECCAS and SADC.

Implementation of the political provisions of the CPA has nonetheless been characterised by a number of challenges. These include the erosion of (high-level) political dialogue that seems to reflect a growing lack of interest in ACP matters as well as a 'certain degree of sterility in the debates, where important political issues seem to be avoided'.<sup>104</sup> In addition, the provisions on the conduct of the political dialogue, in particular in relation to the 'sanction articles' 96 and 97, leave ample room for discretion on the EU side, giving rise to perceptions that they are

implemented inconsistently and that they amount to new forms of conditionalities, thus risking and potentially undermining the common values jointly agreed in the CPA.

Moreover, the allocation of resources to ACP countries is to be based on the 'objective and transparent' assessment of 'performance' in areas that include political and governance elements, such as the implementation of institutional reforms and the use of resources, as well as developmental outcomes.<sup>105</sup> In 2006, the EU Council of Ministers adopted the Governance Initiative (GI) to strengthen governance in ACP countries and to provide support to the first three countries that completed their African Peer Review Mechanism (APRM) review.<sup>106</sup> The most visible – and most contested – component of this GI was the so-called *Governance Incentive Tranche* (GIT), a financial mechanism (€2.7 billion) under the 10th EDF to strengthen governance in ACP countries through dialogue and incentives rather than through pressure or sanctions. The GIT in fact is a multi-faceted process, which evolves basically in three steps: (i) EC Delegations draft a *governance profile* based on inputs from delegation staff and member states relating to nine governance areas; (ii) the perceived/identified weaknesses are shared with the partner government, which is invited to draw up a governance action plan to address these governance weaknesses; and (iii) EC headquarters assesses the governance action plan and allocates an incentive tranche. In total €2.2 billion has been allocated to 67 ACP countries.<sup>107</sup> The same Council conclusions also welcomed the *African Peer Review Mechanism* as a 'participatory self-assessment tool' and confirmed the readiness of the EU to continue supporting 'the process and the reforms it generates at the national level'.

The GIT has been criticised as having conceptual, design and implementation flaws.<sup>108</sup> The EC's own review process brought some of these shortcomings to light.<sup>109</sup> The Commission's study observed limited government ownership on the ACP side, a rather poor quality of the governance action plans and very limited effects of the GIT in terms of providing financial incentives for reform in partner countries. Criticism has also been directed at the lack of proper consultation with the main ACP partners and intended beneficiaries and at the underlying assumptions, which were said to be poorly questioned and tested. Within the broader framework of efforts to make aid – and especially new aid modalities – more effective and pertinent to the political, economic and institutional environment for which they were conceived, there is a trend to pay more attention to domestic accountability institutions and actors. The EC's governance incentive mechanism stands to benefit from such a shift in focus to domestic governance and accountability relations and actors.

#### Joint Africa-EU Strategy

The JAES Partnership on Democratic Governance and Human Rights was established to promote comprehensive continent-to-continent dialogue and cooperation on aspects related to strengthening African governance initiatives, protecting human rights and promoting rule of law, among others. Indeed, the Partnership would ideally provide the right dialogue platform to discuss issues of complementarity between EU support to governance in African countries under the CPA/EDF and other EU instruments related to elections, human rights and democracy among others and continental governance processes such as the APRM.<sup>110</sup> However, for example, the link between the EDF governance initiative and the JAES Partnership on Democratic Governance and Human Rights is still

unclear.<sup>111</sup> Furthermore, dialogue has become difficult, due to the lack of common understanding of what 'governance' entails. While the EU is mainly result-oriented, focusing on combating corruption and realising accountable public finance management, the African side is more process-oriented, placing more emphasis on the accountability of states to their citizens and reinforcement and consolidation of democratic institutions.<sup>112</sup>

The JAES Partnership on Peace and Security is said to have contributed to better coordination between the EU and AU in their response to governance issues that threaten peace and security in Africa, be they unconstitutional change or the work of the ICC. This does not necessarily lead to a common EU-AU position. However, the EU claims to now systematically consult the AU on its positions, for example, in international contact groups before the EU discusses African crisis situations in its Peace and Security Committee. The JAES is also meant to improve coordination and coherence between the Article 96 consultations under the CPA and the EU's foreign and diplomatic relations with Africa, for example, in the context of international contact groups and military missions in Africa. In practice, however, the EU often does not speak with one voice, especially when it comes to crisis situations in African countries that have historical ties with a particular EU member state and when the EU is primarily struggling with internal conflicts of interests. The AU sometimes faces a similar issue with the RECs. In Madagascar, for example, there was disagreement, with SADC demanding the reinstatement of the former president while the AU wanted to avoid such a demand while condemning unconstitutional change of government.

### Economic Partnership Agreements

The 'essential elements' of human rights, democratic principles and rule of law apply to all signatories of the CPA, whether or not they have signed an EPA. Hence, based on Article 9 and 96 of the CPA, a violation of these essential elements could provide the grounds for suspending EU assistance and trade cooperation with the ACP country concerned. The only regional EPA, the CARIFORUM EPA, makes reference to promoting good governance as one of the objectives of the trade agreement.<sup>113</sup> In addition, good governance is a prerequisite for subscribing to certain trade arrangements with the EU. Given that non-signatories of EPAs fall under the GSP or GSP+, non-LDCs that have not signed an EPA have the possibility of adopting the GSP+, but only if they meet set criteria relating to 27 good governance and economic criteria and have ratified and implemented certain conventions.<sup>114</sup>

### 4.3.3 Emerging topics

A number of topics have been recognised as areas of cooperation under the CPA only since 2000. Two of these, peace and security and migration, highlight the increasing importance of the political dimension in the CPA. While allocation of EDF funds for these topics has increased over the years, the political dialogue guiding EU-Africa cooperation in these areas takes place in various forums and formats. The following sections raise some of the issues that arise from these parallel tracks of cooperation by way of example.

### Peace and security

The EU now contends that it has provided €1 billion of EU funding to support the African Peace and Security Agenda and Architecture.<sup>115</sup> From 2001 to 2008 a growing share of the development financing associated with the CPA through the EDF was devoted to conflict prevention and peacebuilding, rising from less than €50 million in 2001 to around €350 million in 2008, making a total of €1,584 million for the period.<sup>116</sup> Following lobbying from NGOs and others, conflict prevention and peacebuilding were included as new key focuses of the CPA in 2000.<sup>117</sup> This was primarily in recognition of the detrimental impact of conflict on development in the ACP, particularly Africa. According to a 2006 study, conflict costs more to development on the continent than the total amount of aid given.<sup>118</sup> Due to the events and consequences of the terrorist attacks of 11 September 2001, the 2005 revision of the CPA introduced an additional focus in Article 11 on the 'fight against terrorism' and 'cooperation in countering the proliferation of weapons of mass destruction'. This led to general concern within the development community that the Global War on Terrorism was beginning to negatively impact development priorities.

Peace and security were also a key focus of the first EU-Africa Summit in Cairo in 2000, and this was carried through to the second EU-Africa Summit in 2007. The JAES Partnership on Peace and Security became the first, and some would argue the most successful, part of the initial JAES action plan. Yet financial resources from the EU for addressing conflict, peace and security in Africa primarily come through the CPA, not the JAES. A significant part of the greater focus and spending on peace and security was the creation of the Africa Peace Facility.<sup>119</sup> In responding to a request from the AU Heads of State Summit in Maputo in 2003, Europe and the ACP set up this specific new funding mechanism to support the operations and capacity building of peace and security institutions on the continent. This was seen by many as an innovative and creative response to violent conflict. Others, however, saw it as an example of activities that would reduce the CPA's poverty focus.<sup>120</sup> However, most conflict prevention and peacebuilding activities supported in the ACP have been for 'peace consolidation and the prevention of violent conflict', followed by 'democracy, rule of law and civil society', with security sector reform activities making up only a small part of the total amount spent between 2001 and 2008.<sup>121</sup>

As the CPA covers only sub-Saharan Africa, it is somewhat insufficient as a mechanism to approach peace and security issues from a continent-to-continent perspective. The financing and even management considerations in EU support to the AU and the APSA, despite the JAES, are still primarily governed by CPA structures and EDF financial procedures. The specific Partnership on Peace and Security of the JAES sought to include in its priority areas those already implicitly the focus of EU-Africa collaboration that were viewed as in the interest of both Africa and Europe (see table 3 for a list of priority actions). There has been a critique that EU support through the JAES has been too focused on short-term peace support and crisis management rather than longer term conflict prevention and peacebuilding. Some attempts to address this have been made in the second Africa Peace Facility, established in 2008. Also, there is concern that such heavy EU support to and engagement in the APSA undermines African ownership and capacity development.<sup>122</sup>

Through the JAES, the EU has committed itself to align its approaches to the AU's and to strengthen the AU's role. The AU has a UN-recognised mandate for conflict prevention and mediation, which it frequently delegates to the relevant RECs. Yet there are often fundamental differences between the EU and AU positions, for example, on Zimbabwe, where the EU views sanctions as justified while the AU sees them as an obstacle to mediation, or on the International Criminal Court, whose actions the EU fully supports while the AU argues that they need to take more consideration of the political context. A large part of the differences on conflict, peace and security issues come from different conceptions of security and how best to achieve it (is it the human security of people or state security?). While there is no doubt that the topic remains of growing interest in Europe and Africa, and represents a significant part of EU-Africa dialogue, the question of whether it is positive for African development very much depends on how it is pursued.

## Migration

Technical cooperation between the EU and Africa on migration issues is funded from the EDF as well as the European Commission's thematic programme on migration. EDF cooperation programmes are guided by the framework of the CPA's Article 13, while the thematic programme is guided by the EU's 'Global Approach to Migration', which aims to manage legal migration, fight illegal migration and promote the migration-development nexus.<sup>123</sup> EDF migration funding is heavily focused on Africa, having provided €82 million under the 9th EDF. The largest share, 40% of all EDF migration funds, was programmed at the all-ACP level, mainly through the Intra-ACP Migration Facility aimed at building capacity for integrating migration into national and regional development plans (€25 million). Another programme which has received major funding (€10 million) is the migration information and management centre in Mali, set up in 2008. Other West African countries have included migration as an area of cooperation with the EU (ie. envelopes are reserved for migration in their NIPs). African countries are also eligible for funding under the thematic programme on migration and asylum. Coherence between EDF funding at the national level linked to national development plans and that at the intra-ACP level, and funding under the EC Development Cooperation Instrument (DCI) thematic budget line is not always ensured.

Political dialogue is occurring with the ACP under Article 13 of the CPA and with Africa under the JAES Partnership on Migration, Mobility and Employment. Not revised since 2000, Article 13 identifies specific subjects of concern which remain important: the treatment of ACP nationals in Europe, discrimination and xenophobia, illegal migration and trafficking. Regarding that last, the aim is to establish prevention policies, but also to agree on modalities for the treatment of such immigrants and for their readmission to their countries of origin. Perhaps most important, the nexus between migration and development is to be addressed with supporting strategies aimed at reducing poverty, improving living and working conditions, managing flows of remittances, creating employment, and developing training so as to contribute in the long term to normalising migratory flows and to ensuring migration is a positive force for development. Under Article 13 and as a follow-up to the Rabat and Tripoli Declarations on Migration and Development, the EU conducted a number of migration missions to African countries to discuss legal and illegal

migration and migration and development concerns.<sup>124</sup> The revised 2010 CPA includes a declaration on migration which provides for a comprehensive and balanced dialogue ranging from migration and development to illegal migration and legal migration and mobility. It will now be interesting to see how such a dialogue is established and how the balance between the three topics is respected.

The JAES Partnership on Migration, Mobility and Employment evolved from an EU-Africa common approach on migration and development agreed at the 2006 Ministerial Conference on Migration and Development in Tripoli.<sup>125</sup> Three priority actions were agreed in 2007:

- to implement the Declaration of the Tripoli Ministerial Conference on Migration and Development
- to implement the EU-Africa Plan of Action on Trafficking of Human Beings
- to implement and follow up the 2004 Ouagadougou Declaration and Action Plan on Employment and Poverty Alleviation in Africa

As yet, little progress has been made in implementing the partnership's roadmap. There was disagreement in relation to the so-called 'Tripoli Fund for Migration Issues' agreed at the 2006 Ministerial Conference. African participants have insisted that such a fund would allow for easy access and coherent programming. The European side has argued that sufficient funds are allocated to migration in the various EC instruments which can be tapped for the Partnership. Meanwhile, the EC has allocated funds from its DCI to support the implementation of the Partnership. These resources are expected to help intensify political dialogue and engage stakeholders.

The ACP Group holds a meeting on migration every two years but is otherwise rather reactive in this area. While there is significant funding for migration in the EDF, migration does not seem to be a key political concern for the Group, which partly stems from the fact that context and interests differ significantly across the ACP regions. Many African countries lying on the migratory route to the EU find it more beneficial to pursue political dialogue through the Rabat process or bilaterally with individual EU member states rather than work through the ACP (or AU) framework. The EU, for its part, seems most interested in organising its work on migration along migratory routes, with a strong focus on West Africa. Tensions remain between the Rabat and Tripoli frameworks on migration and development and between the EU and Africa. Whereas the two processes comprise basically the same content, their geographical coverage differs, which raises questions of coherence and complementarity. The Rabat framework, based on the Ministerial Conference in Rabat in 2006,<sup>126</sup> covers West, Central and North African countries with a focus on the West African migratory route. The Tripoli framework includes all AU member states plus Morocco. The AU insists that the pan-African Tripoli process should be the subject of cooperation under the JAES, while key EU member states and others involved in Rabat, such as Morocco, are not willing to let go of this framework. There are few incentives to establish stronger links between the AU and the ACP frameworks. This will likely lead to missed opportunities in terms of creating synergies between political dialogue and technical cooperation on the issue of migration.

## 5 How can Bond members engage in EU-Africa relations

### 5.1 Cotonou Partnership Agreement<sup>127</sup>

The CPA strongly emphasises participation of non-state actors (NSAs)<sup>128</sup> as a fundamental principle of cooperation (Article 2). There is a separate chapter on the 'actors of partnership' (Articles 4-7), defining basic principles, roles and responsibilities, and eligible actors. Access to resources is envisaged under the national and regional indicative programmes.

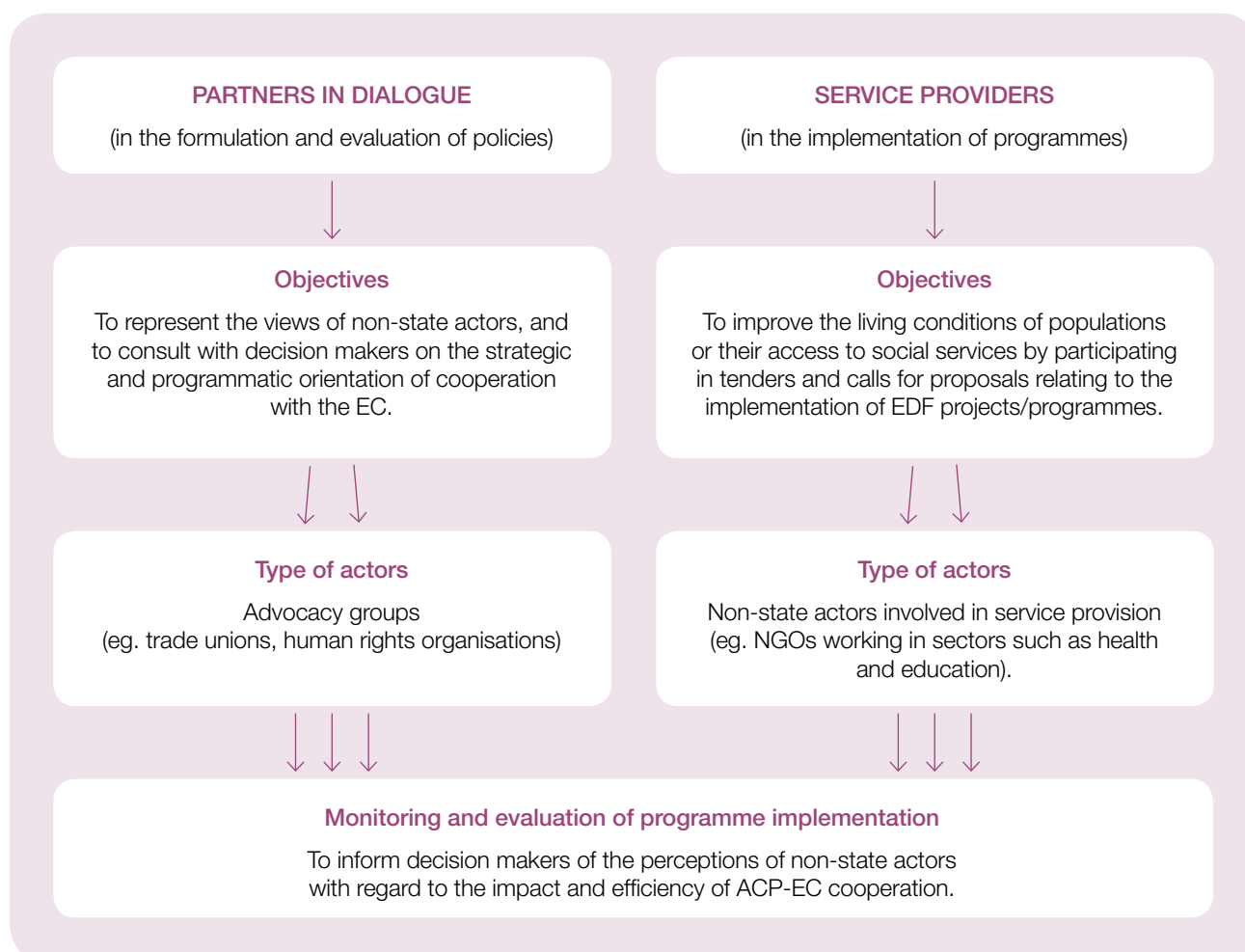
Opportunities for participation are in political dialogue, policy formulation and implementation, as well as in mid-term and end-of-term performance reviews.<sup>129</sup> In fact, a dual role is recognised for civil society: as service providers and as dialogue partners (figure 2). The 'new' actors are expected to participate in public policy processes, to voice development needs and to demand (downstream) accountability. It is positive to note that the principle of participatory development is not limited to national-level policy processes, but extends to the local, regional and global levels of ACP-EU cooperation as well.

However, the record in terms of the quality of participation has been mixed. There is still a long way to go before participation of NSAs, local governments and, since 2010, national parliaments are properly mainstreamed in an effective and sustainable way.<sup>130</sup>

European NSAs are not included in the formal definition of the 'actors of partnership'. This is consistent with the overall philosophy of the CPA, which puts local actors in ACP countries at the centre of their own development process. However, the CPA recognises the support that European NSAs can provide, and it stresses the need for partnerships between NSAs from the ACP and those from the different EU member states (box 8).

The final revision of the CPA in 2015 will be an important opportunity for CSOs to contribute to setting the course of EU-Africa relations post-Cotonou.

Figure 2: The dual role of civil society organisations in the CPA



Source: ACP Secretariat. 2003. The Cotonou Agreement. A User's Guide for Non-State Actors, p 30



### Box 8: The 'Cotonou Working Group'

The European NGO Confederation for Relief and Development (CONCORD) has a 'Cotonou Working Group'. The overall objective of the working group is to push for the translation of the CPA into actions that advance poverty eradication in the ACP and contribute to the achievement of the MDGs, as well as to promote a genuine participation of civil society at all levels of policy dialogue, trade negotiations, and EDF programming and implementation. The working group meets at least twice a year and more often if needs emerge. In addition, there are taskforce meetings with specific assignments (eg. preparing for participation at that Joint ACP-EU Parliamentary Assembly). Between meetings, the activities of the working group are carried out via communication on the group's list serve.

For further information contact the CONCORD Secretariat ([www.concordeurope.org](http://www.concordeurope.org)).

## 5.2 Joint Africa-EU Strategy

On paper, the JAES offers more substantive CSO participation than the CPA. The JAES founding document emphasises the need to give an 'appropriate and prominent place' to non-state actors.<sup>131</sup> With one of the aims of the JAES being the promotion of a 'broad-based and wide-ranging people-centred partnership', the strategy goes beyond recognising CSOs as important development actors, to integrating them into the formal and informal institutional dialogue in the Joint Expert Groups, among others.<sup>132</sup> Yet, while CSOs are welcome to attend the Joint Expert Groups and other informal meetings when invited, they have no decision-making power.



On the African side, the AU ECOSOCC is the main representative body for African civil society and is the main channel for CSO participation in the JAES. Created formally by the AU in 2008, this civil society forum is an official advisory body to the AU. ECOSOCC members are nominated and elected by a specific process. The Council's creation represents a significant step forward in the involvement of civil society in the body politic of the pan-African organisation. The AU ECOSOCC can serve as a network of expertise and thus be a catalyst for incorporating the values, knowledge and ideas of African civil society into AU policy processes. On the European side, CSOs have formed the EU CSO Steering Group,<sup>133</sup> a 28-member group comprised of predominantly Brussels-based development NGOs, specifically dedicated to supporting the implementation and monitoring of the JAES.

The JAES document encourages 'twinning' arrangements that would allow CSOs from Africa and the EU to exchange experiences and partner to achieve the objectives of the JAES partnerships. Civil society has sought to organise itself and promote a structured dialogue between European and African CSOs. On the European side, such efforts have been carried out by the EU CSO Steering Group. Leading on the African side has been the AU CSO Steering Committee, a 21-member group composed of members and non-members of the AU ECOSOCC. These two steering groups were due to partner in order to jointly contribute to the JAES agenda. However, dialogue between them has faced a number of challenges. Initial tensions around the issue of legitimate representation blocked the two groups from meeting to discuss their joint involvement in the JAES. In the course of 2010, some exchanges between them have taken place, culminating in a tentative agreement to hold joint meetings, including a civil society forum ahead of the 2010 EU-Africa Summit. Despite some progress, it is as yet unclear how civil society can be involved in the JAES. Looking forward, a number of questions can be raised regarding the role of civil society. CSOs should reflect on these in order to maximise their involvement in the JAES:

- How to reduce the fragmented nature of civil society involvement in the JAES in order to avoid confusion as to the relevant interlocutor?
- What type of role can be foreseen for civil society in the JAES while ensuring a clear division of tasks between CSOs and other actors?
- At what level can civil society be involved in the JAES in order to ensure that CSOs still have an added value, for example, by participating in the informal Joint Expert Groups or rather by monitoring the process from the outside?

The EU-Africa Summits in 2010 and 2013 will be important moments for CSOs to engage with the JAES process and work towards more effective CSO involvement in the future. Box 9 presents an overview of information resources on ACP-EU partnership and cooperation issues.

## Box 9: Information resources

| Organisation or Information Source                        | Url/Web Address                                                                                         | Type of Resource                                   |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <b>Cotonou Partnership Agreement</b>                      |                                                                                                         |                                                    |
| ACP Secretariat                                           | <a href="http://www.acpsec.org/">http://www.acpsec.org/</a>                                             | Official institution                               |
| European Commission (DG Dev)                              | <a href="http://ec.europa.eu/development/index_en.cfm">http://ec.europa.eu/development/index_en.cfm</a> | Official institution                               |
| CONCORD's Cotonou Working Party                           | <a href="http://www.concordeurope.org/en">http://www.concordeurope.org/en</a>                           | EU NGO umbrella group                              |
| European Centre for Development Policy Management (ECDPM) | <a href="http://www.ecdpm.org">http://www.ecdpm.org</a>                                                 | Independent analysis                               |
| <b>Joint Africa-EU Strategy</b>                           |                                                                                                         |                                                    |
| JAES Official Website                                     | <a href="http://www.africa-eu-partnership.org/">http://www.africa-eu-partnership.org/</a>               | Official information                               |
| African Union                                             | <a href="http://www.africa-union.org">http://www.africa-union.org</a>                                   | Official institution                               |
| European Commission (DG DEV)                              | <a href="http://ec.europa.eu/development/index_en.cfm">http://ec.europa.eu/development/index_en.cfm</a> | Official institution                               |
| EU External Action Service                                | <a href="http://www.eeas.europa.eu/">http://www.eeas.europa.eu/</a>                                     | Official institution                               |
| Europafrica.net                                           | <a href="http://www.europafrica.net">http://www.europafrica.net</a>                                     | Independent and official information, run by ECDPM |
| Title                                                     | Focus                                                                                                   | Frequency                                          |
| <b>Electronic newsletters</b>                             |                                                                                                         |                                                    |
| WECO                                                      | EU development and external relations policy                                                            | Weekly                                             |
| Europafrica E-Bulletin                                    | EU-Africa relations                                                                                     | Monthly                                            |
| ACP-EU Trade                                              | ACP-EU trade                                                                                            | Monthly                                            |

Sign up to any of these newsletters at: <http://www.afflux.com/ECDPM/subscriptions/>

### 5.3 EU external relations

With the ToL entering into force, CSOs interested in engaging with the EU on development issues face new opportunities, yet also a new level of complexity. There will be more actors to engage with than before and an increasing number of subject areas. In particular, it will be key to establish systematic dialogue with the EEAS and with the European Parliament on more topics than before. CSOs will also have an increasing role to play in other EU external policy areas, such as foreign and security policy, and in monitoring that these new actors fully respect the specificity of development cooperation, in terms of both objectives (poverty focus) as well as in terms of methods (partnership).

The reform of the EU's budget – the so-called 'financial framework' – for external relations in 2011 may be a key process to engage in. The EU's funding instruments are likely to be rationalised and the budgetisation of the EDF will probably be negotiated in this process, which may prove to be the first major test of the space for development concerns in the new EU external relations.



## 6 Concluding analysis: Challenges and opportunities in a dynamic environment

The co-existence of multiple schemes with different definitions of regional counterparts raises several questions on how to avoid incoherence and fragmentation and promote complementarity among them.

**Regional integration**, in both the political and the economic spheres, is a shared core theme of the various frameworks that govern overlapping aspects of EU-Africa relations, as highlighted by a comparison of their objectives. In terms of economics, the EPA negotiations have brought about a division rather than an integration. Hence, the CPA is increasingly irrelevant for regional integration, with the notable exception of the financial support provided to the RECs through the RIPs of the EDF. In the political dimension, the increasing prominence of the AU as a partner for the EU, including through the JAES, has implications for the strategic role of the ACP Group as a political interlocutor for the African regions vis-à-vis the EU. The recent revision of the CPA highlighted this to some extent, recognising as it did the role of the AU in political dialogue on peace and security under Article 8, yet without specifying the division of roles and mandates between the ACP and the AU.

From the pan-African perspective, the question arises of how to respect the political commitment made under the JAES to 'treat Africa as one', given the geographical areas covered by the CPA.

From the perspective of the ACP Group, the cohesion of the Group is being threatened by internal and external dynamics, bringing to the fore an increasing divergence of interests and needs. A combination of three factors raises questions on the ACP Group's added value and complementarity with other regional groupings and the AU in the future.<sup>134</sup> In terms of the trade pillar of the CPA, the new joint EPA institutions are envisaged to guide implementation and monitoring of the anticipated new regional trade agreements. In terms of development cooperation, the re-emergence of the debate on budgetisation of the EDF, stemming from the entry into force of the Lisbon Treaty, could reshape relations with the EU and may eliminate one of the ACP Group's current core tasks, which is the management of all-ACP cooperation programmes. In the political dimension, the AU has largely become the main interlocutor for the EU in Africa. Realisation of these dynamics reached a new level within the ACP recently with the new Secretary General of the Group, who took office in March 2010, openly calling for a discussion on the future of the ACP Group.<sup>135</sup>

"The question of the ACP Group's existence beyond 2020 is an issue that we should openly discuss and today's anniversary should allow us some leeway for reflection. It is no secret that the answer to this question rests with the Group. ... It is my firm personal belief that we have the inner strength and willpower to readjust ourselves today so that we are better positioned to meet the demands of tomorrow.... We must not forget the principal objectives for our existence, as stipulated in the Georgetown Agreement, and they are the eradication of poverty, sustainable development and the smooth and gradual integration of ACP States into the global economy... As a Group, we

need to think critically about our efforts and ways in which we can perform and advance our cause."

All of the main frameworks for EU-Africa relations share a certain **commitment to partnership**, yet this takes very different forms. The revisions of the CPA and the emergence of the ENP and the JAES somewhat reflect the increasing ambitions of the EU to develop a common foreign policy and to speak with one voice in global affairs since the Balkan wars in the 1990s. Within the EU's external relations, a trend can be observed away from development cooperation as a relationship centred around aid, essentially a donor-recipient relationship, towards a more international relations perspective that integrates development cooperation within the political relations of the EU. This has led to an increasingly political nature of the EU's partnerships with developing countries. In practice however, the spirit of partnership has often been perceived as faltering, and asymmetry of power and capacity in the relationship has often led to EU dominance. Examples of this can be found in all of the frameworks, but perhaps the most publicised one is the EPA negotiations.

The multiplicity of joint **institutions** dealing with different aspects of the same topics and duplication of various dialogue structures, working groups and expert meetings, that exist in the CPA, the JAES and other processes (such as the EPAs) are a cause for concern in the context of scarcity of resources, both financial and human. Rationalisation – or at least a clarification of division of tasks – may be needed to avoid parallel or competing dialogue processes, to ensure coherence with the mandates of the various players and to reduce transaction costs.

In terms of **funding**, the lack of clarity on how the JAES and the CPA interrelate may raise questions – notably among AU member states – on the added value of a JAES framework deprived of financial resources. The absence of a clear added value may lead to a lack of interest in engaging with the JAES. Defining such an added value is clearly crucial to sustain the interest of the Caribbean and Pacific partners who might feel that Africa is receiving an undue share by using more CPA financial resources than they are entitled to in order to implement the JAES.

Overall, it can be said that the CPA remains the key relationship when it comes to development cooperation and implementation, as its institutions control the lion's share of the funding available for EU-Africa cooperation. Yet the power of the institutions is being challenged by many processes, including the increasing prominence of the AU as the EU's partner on a multitude of issues. The JAES lacks the financial resources that the CPA provides. At the same time, the AU has in practice become the EU interlocutor in important areas of political dialogue, especially on peace and security. In the area of trade, the joint EPA institutions will replace the ACP-EU institutions, while Aft funding is still governed largely by the CPA. This demonstrates the dilemma of African states. They are confronted with two imperfect options: the CPA, which often does not provide the best institutional framework to deal with African issues, especially at the political level, and the JAES, which relies on a new organisation, the AU, a



genuinely African political project, yet lacking the ACP's 25 years of experience in managing and implementing cooperation programmes. In the short term, African countries and regions have to spread scarce human resources over a number of institutional structures. For a new framework like the JAES, this may mean that there will be limited incentives and investment of resources from African partners to fully engage to make this partnership work.

**In the coming years, there are a number of opportunities** to reduce the current incoherencies, to create synergies, and to ensure that the frameworks are adapted to the needs of stakeholders in Africa and Europe and are relevant for addressing the global challenges of tomorrow. They include:

- the **EU-Africa Summits in 2010 and 2013**
- the falling into place of the **new EU institutions in external relations in 2011**
- the negotiations of the **reform of the EU's forthcoming budget** – the so-called 'multi-annual financial framework (2014-2020)' – for **external relations in 2011**
- the **final revision of the CPA in 2015**

These are some of the processes through which CSOs can play an important role in the coming years, contributing to shape the future of EU-Africa relations.





# Annex I: List of ACP member states, their membership in regional economic communities (RECs) and their EPA groupings

## Regional economic communities in the ACP regions

- Caribbean Forum of African, Caribbean and Pacific States (CARIFORUM)
- The Economic and Monetary Community of Central Africa (CEMAC)
- Common Market for Eastern and Southern Africa (COMESA)
- East African Community (EAC)
- Economic Community of Central African States (ECCAS)
- Economic Community Of West African States (ECOWAS)
- Pacific Islands Forum (PIF)
- Southern African Development Community (SADC)

## ACP countries and their memberships

| Country                     | Regional Economic Community (REC) | EPA Grouping     |
|-----------------------------|-----------------------------------|------------------|
| 1 Angola                    | COMESA, ECCAS, SADC               | SADC-EU EPA      |
| 2 Antigua & Barbuda         | CARIFORUM                         | Caribbean-EU EPA |
| 3 Bahamas                   | CARIFORUM                         | Caribbean-EU EPA |
| 4 Barbados                  | CARIFORUM                         | Caribbean-EU EPA |
| 5 Belize                    | CARIFORUM                         | Caribbean-EU EPA |
| 6 Benin                     | ECOWAS                            | ECOWAS-EU EPA    |
| 7 Botswana                  | SADC                              | SADC-EU EPA      |
| 8 Burkina Faso              | ECOWAS                            | ECOWAS-EU EPA    |
| 9 Burundi                   | COMESA, ECCAS, EAC                | EAC-EU EPA       |
| 10 Cameroon                 | ECCAS, CEMAC                      | CEMAC-EU EPA     |
| 11 Cap Verde                | ECOWAS                            | ECOWAS-EU EPA    |
| 12 Central African Republic | ECCAS, CEMAC                      | CEMAC-EU EPA     |
| 13 Chad                     | ECCAS, CEMAC                      | CEMAC-EU EPA     |
| 14 Comores                  | COMESA                            | ESA-EU EPA       |
| 15 DR Congo                 | COMESA, ECCAS, SADC               | CEMAC-EU EPA     |
| 16 Congo Brazzaville        | ECCAS, CEMAC                      | CEMAC-EU EPA     |
| 17 Cook (Iles)              | Pacific Islands Forum             | PACP-EU EPA      |
| 18 Cote d'Ivoire            | ECOWAS                            | ECOWAS-EU EPA    |
| 19 Cuba                     | CARIFORUM                         | –                |

| Country |                        | Regional Economic Community (REC) | EPA Grouping     |
|---------|------------------------|-----------------------------------|------------------|
| 20      | Djibouti               | COMESA                            | ESA-EU EPA       |
| 21      | Dominica               | CARIFORUM                         | Caribbean-EU EPA |
| 22      | The Dominican Republic | CARIFORUM                         | Caribbean-EU EPA |
| 23      | East Timor             | –                                 | –                |
| 24      | Equatorial Guinea      | ECCAS, CEMAC                      | CEMAC-EU EPA     |
| 25      | Eritrea                | COMESA                            | ESA-EU EPA       |
| 26      | Ethiopia               | COMESA                            | ESA-EU EPA       |
| 27      | Fiji                   | Pacific Islands Forum             | PACP-EU EPA      |
| 28      | Gabon                  | ECCAS, CEMAC                      | CEMAC-EU EPA     |
| 29      | Gambia                 | ECOWAS                            | ECOWAS-EU EPA    |
| 30      | Ghana                  | ECOWAS                            | ECOWAS-EU EPA    |
| 31      | Grenada                | CARIFORUM                         | Caribbean-EU EPA |
| 32      | Guinea                 | ECOWAS                            | ECOWAS-EU EPA    |
| 33      | Guinea Bissau          | ECOWAS                            | ECOWAS-EU EPA    |
| 34      | Guyana                 | CARIFORUM                         | Caribbean-EU EPA |
| 35      | Haiti                  | CARIFORUM                         | Caribbean-EU EPA |
| 36      | Jamaica                | CARIFORUM                         | Caribbean-EU EPA |
| 37      | Kenya                  | COMESA, EAC                       | EAC-EU EPA       |
| 38      | Kiribati               | Pacific Islands Forum             | PACP-EU EPA      |
| 39      | Lesotho                | SADC                              | SADC-EU EPA      |
| 40      | Liberia                | ECOWAS                            | ECOWAS-EU EPA    |
| 41      | Madagascar             | COMESA, SADC                      | ESA-EU EPA       |
| 42      | Malawi                 | COMESA, SADC                      | ESA-EU EPA       |
| 43      | Mali                   | ECOWAS                            | ECOWAS-EU EPA    |
| 44      | Marshall Islands       | Pacific Islands Forum             | PACP-EU EPA      |
| 45      | Mauritania             | AMU                               | ECOWAS-EU EPA    |
| 46      | Mauritius              | COMESA, SADC                      | ESA-EU EPA       |
| 47      | Micronesia             | Pacific Islands Forum             | PACP-EU EPA      |
| 48      | Mozambique             | SADC                              | SADC-EU EPA      |
| 49      | Namibia                | SADC                              | SADC-EU EPA      |
| 50      | Nauru                  | Pacific Islands Forum             | PACP-EU EPA      |
| 51      | Niger                  | ECOWAS                            | ECOWAS-EU EPA    |
| 52      | Nigeria                | ECOWAS                            | ECOWAS-EU EPA    |
| 53      | Niue                   | Pacific Islands Forum             | PACP-EU EPA      |
| 54      | Palau                  | Pacific Islands Forum             | PACP-EU EPA      |
| 55      | Papua New Guinea       | Pacific Islands Forum             | PACP-EU EPA      |
| 56      | Rwanda                 | COMESA, ECCAS, EAC                | EAC-EU EPA       |

| Country |                              | Regional Economic Community (REC) | EPA Grouping     |
|---------|------------------------------|-----------------------------------|------------------|
| 57      | St. Kitts et Nevis           | CARIFORUM                         | Caribbean-EU EPA |
| 58      | St. Lucia                    | CARIFORUM                         | Caribbean-EU EPA |
| 59      | St. Vincent & the Grenadines | CARIFORUM                         | Caribbean-EU EPA |
| 60      | Samoa                        | Pacific Islands Forum             | PACP-EU EPA      |
| 61      | Sao Tome et Principe         | ECCAS                             | CEMAC-EU EPA     |
| 62      | Senegal                      | ECOWAS                            | ECOWAS-EU EPA    |
| 63      | Seychelles                   | COMESA, SADC                      | ESA-EU EPA       |
| 64      | Sierra Leone                 | ECOWAS                            | ECOWAS-EU EPA    |
| 65      | Solomon Islands              | Pacific Islands Forum             | PACP-EU EPA      |
| 66      | Somalia                      | –                                 | –                |
| 67      | South Africa                 | SADC                              | SADC-EU EPA      |
| 68      | Sudan                        | COMESA                            | ESA-EU EPA       |
| 69      | Suriname                     | CARIFORUM                         | Caribbean-EU EPA |
| 70      | Swaziland                    | COMESA, SADC                      | SADC-EU EPA      |
| 71      | Tanzania                     | EAC, SADC                         | EAC-EU EPA       |
| 72      | Togo                         | ECOWAS                            | ECOWAS-EU EPA    |
| 73      | Tonga                        | Pacific Islands Forum             | PACP-EU EPA      |
| 74      | Trinidad and Tobago          | CARIFORUM                         | Caribbean-EU EPA |
| 75      | Tuvalu                       | Pacific Islands Forum             | PACP-EU EPA      |
| 76      | Uganda                       | COMESA, EAC                       | EAC-EU EPA       |
| 77      | Vanuatu                      | Pacific Islands Forum             | PACP-EU EPA      |
| 78      | Zambia                       | COMESA, SADC                      | ESA-EU EPA       |
| 79      | Zimbabwe                     | COMESA, SADC                      | ESA-EU EPA       |

# Annex II: Additional Reading

## Official texts of agreements and action plans

*EU and ACP parties (11 March 2010) Second Revision of the Cotonou Agreement – Agreed Consolidated Text*, [http://ec.europa.eu/development/icenter/repository/second\\_revision\\_cotonou\\_agreement\\_20100311.pdf](http://ec.europa.eu/development/icenter/repository/second_revision_cotonou_agreement_20100311.pdf)

*EU-Africa Summit (December 2007) The Africa-EU Strategic Partnership – A Joint Africa-EU Strategy*, [http://ec.europa.eu/development/icenter/repository/EAS2007\\_joint\\_strategy\\_en.pdf](http://ec.europa.eu/development/icenter/repository/EAS2007_joint_strategy_en.pdf)

*EU-Africa Summit (December 2007) First Action Plan (2008-2010) for the Implementation of the Africa-EU Strategic Partnership*, [http://ec.europa.eu/development/icenter/repository/EAS2007\\_action\\_plan\\_2008\\_2010\\_en.pdf](http://ec.europa.eu/development/icenter/repository/EAS2007_action_plan_2008_2010_en.pdf)

## Other analysis of policy frameworks and issues

### Cotonou Partnership Agreement

ACP Secretariat (2003) *The Cotonou Agreement: A User's Guide for Non-State Actors*, [www.acpsec.org/en/nsa/nsa\\_users\\_guide\\_en\\_rev1.pdf](http://www.acpsec.org/en/nsa/nsa_users_guide_en_rev1.pdf)

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### Joint Africa-EU Strategy

Bossuyt, J. and Sherriff, A. (March 2010) *What next for the Joint Africa-EU Strategy: Perspectives on revitalising an innovative framework* (ECDPM Discussion Paper 94), [www.ecdpm.org/dp94](http://www.ecdpm.org/dp94)

Sherriff, A. and Tywuschik, V. (February 2009) *Beyond Structures? Reflections on the implementation of the Joint Africa-EU Strategy* (ECDPM Discussion Paper 87), [www.ecdpm.org/dp87](http://www.ecdpm.org/dp87)

Oladiran Bello (May 2010) *The EU-Africa partnership: At a strategic crossroads* (FRIDE, Policy Brief, No. 47), [www.fride.org/publication/766/a-crucial-moment-in-eu-africa-relations](http://www.fride.org/publication/766/a-crucial-moment-in-eu-africa-relations)

ECDPM (April 2010) *Europafrica interview with the AU Ambassador to the EU H.E. Mahamat Annadif*, <http://europafrica.files.wordpress.com/2010/04/annadif-europafrica-interview-english1.pdf>

### Trade

Bilal, S. and C. Stevens, (eds) (2009) *The Interim Economic Partnership Agreements between the EU and African States: Contents, challenges and prospects* (Policy Management Report 17)

Faber G. and J. Orbie (ed) (2009) *Beyond Market Access for Economic Development. EU-Africa relations in transition*, Routledge Studies in the European Economy.

Jones, E. and D.F. Marti (eds) (2009). *Updating Economic Partnership Agreements to today's global challenges*, Washington DC: German Marshall Fund: 33-44'.

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- 14 Ibid.
- 15 Hackenesch, C. 2009.
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- 17 Due to insufficient information on China's aid to Africa, the UNCTAD 2010 report estimates the figures based on China's 2006 pledges to double its assistance to Africa by 2009.
- 18 UNCTAD. 2010.
- 19 The figure is based on an average of UN 2008 estimates of India's total aid to developing countries for 2006, approximately between \$504 million and \$1 billion. This amount is multiplied by Africa's share, estimated to be 1.5 per cent in 2006.
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- 26 TEU, Art. 26, paragraph 2.
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- 28 *The Cotonou Agreement – Historical Note by the European Commission*, available at [www.acpsec.org/en/conventions/cotonou/cotonou\\_historical\\_note\\_e.htm](http://www.acpsec.org/en/conventions/cotonou/cotonou_historical_note_e.htm)
- 29 European Commission, The Cotonou Agreement, available at [http://ec.europa.eu/development/geographical/cotonouintro\\_en.cfm](http://ec.europa.eu/development/geographical/cotonouintro_en.cfm)
- 30 Second Revision of the Cotonou Agreement, Agreed Consolidated Text, 11 March 2010 ([http://ec.europa.eu/development/center/repository/second\\_revision\\_cotonou\\_agreement\\_20100311.pdf](http://ec.europa.eu/development/center/repository/second_revision_cotonou_agreement_20100311.pdf))
- 31 a.o. under fundamental principles in Article 2
- 32 Article 1: "...Regional and sub-regional integration processes which foster the integration of the ACP countries into the world economy ... shall be encouraged and supported. ..."
- 33 Article 2: "... Particular emphasis shall be placed on regional integration, including at the continental level." This article previously merely referred to the 'regional dimension' in terms of differentiation according to a partner's level of development, needs, its performance and its long term development strategy under the heading 'differentiation and regionalisation'.
- 34 Article 8(3): "... including issues pertaining to regional and continental integration."
- 35 Article 29(a): "...the promotion and development of a regional political dialogue in areas of conflict prevention... human rights... democratization..." As mentioned above, regional organisations also receive specific recognition under Article 8(5).
- 36 Article 38 and 38 bis
- 37 Annex IV, Article 13.2
- 38 Article 6(1b): "The actors of cooperation will include: ACP regional organizations and the African Union... the notion of regional organizations or levels shall also include sub-regional organizations or levels."
- 39 Article 8(5): "Broadly based policies to promote peace and to prevent, manage and resolve violent conflicts shall play a prominent role in this dialogue... The dialogue in this context shall fully involve the relevant ACP regional organizations and the African Union, where appropriate."
- 40 Article 58(1b)
- 41 Article 6(1a): "The actors of cooperation will include... ACP national parliaments"
- 42 Annex IV, Article 2 and Article 8(1)
- 43 Annex IV, Article 3(2)
- 44 Article 8(4)
- 45 Article 9: Essential elements: human rights, democratic principles and the rule of law; fundamental element: good governance;
- 46 Article 96: Provides for consultations on the essential elements, where political dialogue under Articles 8 and 9(2) of the Cotonou Agreement has been exhausted. In cases where a signatory to the Agreement fails to fulfil an obligation in relation to the essential elements, the EU the ACP State will enter into consultations 'that focus on the measures to be taken or to be taken by the Party concerned to remedy the situation'. If consultations fail, 'appropriate measures' such as aid suspension could follow.  
Article 97: Establishes a procedure to deal with the violations of a fundamental element of the Agreement, regarding good governance/ corruption. Serious cases of corruption should give rise to consultations between the Parties.
- 47 The Rome Statute of the International Criminal Court (A/CONF.183/9) is the treaty that established the International Criminal Court, which prosecutes individuals for genocide, crimes against humanity, war crimes or acts of aggression (Art. 5(1)). By signing and ratifying it states are obliged to hand those accused of these acts over to the ICC in cases where (1) the accused is a national of a state party (Art. 12 (2b)), (2) the alleged crime took place on the territory of a state party (Art. 12(2a)) or (3) a situation is referred to the court by the United Nations Security Council (Art.13(b)). The ICC is meant to intervene only when national courts are unwilling or unable to investigate or prosecute such crimes (Art.17(1a)).
- 48 Article 11(6)
- 49 Article 12 CPA, as revised in 2010 (amendments in bold): "Coherence of Community policies and their impact on the implementation of this Agreement. **The Parties are committed to addressing policy coherence for development in a targeted, strategic and partnership oriented way, including strengthening dialogue on issues of policy coherence for development. The European Union acknowledges that Union policies – other than development policy – can support the development priorities of ACP States in line with the objectives of this Agreement.** On this basis the European Union will enhance the coherence of those policies with a view to attaining the objectives of this agreement. Without prejudice to Article 96, where the Community intends, in the exercise of its powers, to take a measure which might affect the interests of the ACP States, as far as this Agreement's objectives are concerned, it shall inform in good time the ACP Group of its intentions. Towards this end, the Commission shall **regularly inform the Secretariat of the ACP Group of planned proposals and communicate simultaneously its proposal for such measures.** Where necessary, a request for information may also take place on the initiative of the ACP States. At their request, consultations shall be held promptly

- so that account may be taken of their concerns as to the impact of those measures before any final decision is made. After such consultations have taken place, the ACP States **and the ACP Group** may, in addition, transmit their concerns in writing to the Community as soon as possible and submit suggestions for amendments indicating the way their concerns should be met. If the Community does not accede to the ACP States' submissions, it shall advise them as soon as possible giving its reasons. The **ACP Group** shall also be provided with adequate information on the entry into force of such decisions, in advance whenever possible."
- 50 Second revision of the Cotonou Agreement: Draft ACP Negotiation Mandate.
  - 51 Koeb, E. and H. Hohmeister. 2010. *The revision of Article 13 on Migration of the Cotonou Partnership Agreement. What's at stake for the ACP?* (Briefing Note). Maastricht: ECDPM.
  - 52 Declaration III 'Joint Declaration on Migration and Development (Article 13). Available at: [www.eu2010.es/export/sites/presidencia/comun/descargas/inmigraci.pdf](http://www.eu2010.es/export/sites/presidencia/comun/descargas/inmigraci.pdf)
  - 53 Cotonou Partnership Agreement 2010, Article. 35.2
  - 54 Article 37(8)
  - 55 Article 36(3)-(4), of several paragraphs in Article 37 (which was incidentally substantially amended) and of Annex V and related Protocols and Declarations;
  - 56 Article 37(3), previously 37(5)
  - 57 E.g. 2010 CPA, Article 34(2)
  - 58 Previously covered by Annex V and Articles 36(4) of the 2005 CPA
  - 59 Second revision of the Cotonou Agreement: Draft ACP Negotiation Mandate.
  - 60 Article 37(bis)(1) stipulates that "liberalization may lead to the erosion of preferences granted to the ACP states and affect their competitive position in the EU market, as well as their development efforts, which the EU is concerned to support" – a relevant provision given the recent developments regarding EU bilateral trade agreements .
  - 61 European Parliament resolution of 20 January 2010 on the second revision of the ACP-EC Partnership Agreement, 2009/2165(INI) ([www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0004+0+DOC+XML+V0//EN](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0004+0+DOC+XML+V0//EN))
  - 62 Article 36(1)
  - 63 The revised CPA implicitly recognises however that ACP States might not all be Parties to such agreement. See formulation of the new Article 36 (7).
  - 64 Article 38 bis
  - 65 Bilal S, and R. Grynberg. 2007. EPAs make sense only if they foster development: A broad overview. In: *Navigating new waters: A reader on ACP-EU trade relations, Volume 1*, S. Bilal and R. Grynberg (eds.). London: Commonwealth Secretariat.
  - 66 Article XXIV and the enabling clause of the GATT
  - 67 Bilal S, and R. Grynberg. 2007.
  - 68 Ibid, or see also for instance Bilal, S. and F. Rampa. 2006. *Alternative (to) EPAs. Possible scenarios for the future ACP trade relations with the EU*. (Policy Management Report 11). Maastricht: ECDPM
  - 69 The six ACP regional groupings used as a basis for negotiations were originally CEMAC+, ECOWAS+, ESA, CARIFORUM, SADC-minus and the Pacific ACP states.
  - 70 The CARIFORUM EPA group consists of the Caribbean Community and Common Market (CARICOM) states and the Dominican Republic. The CARIFORUM states have signed a comprehensive EPA, including provisions on investment and trade in services.
  - 71 See Bilal, S. and C. Stevens, (Eds.) 2009. *The Interim Economic Partnership Agreements between the EU and African States: Contents, challenges and prospects*. (Policy Management Report 17). Maastricht: ECDPM
  - 72 Outstanding issues are those issues which are covered under the *rendez-vous* clause of the interim EPAs and still need to be negotiated. These include trade in services, investment and private sector development, trade facilitation, sanitary and phyto-sanitary (SPS) measures, technical barriers to trade (TBTs), competition policy, intellectual property rights and government procurement.
  - 73 Contentious issues are those which have been agreed upon in interim EPAs but whose provisions in the text have been questioned after 2007 by signatories and/or non-signatories and are therefore under negotiation in the context of the full EPAs. An official list of contentious issues was agreed upon by the Ministers of Trade and Finance of the African Union at their meeting in Addis Ababa in April 2008. This *non-exhaustive* list includes the definition of 'substantially all trade', the transitional periods for tariff liberalisation, export taxes, national treatment, free circulation of goods (within ACP regions), bilateral safeguards, infant industries, the most-favoured nation (MFN) clause and the 'non-execution' clause which provides for the possibility of trade sanctions in the event of violations of the essential elements of the CPA. For more information, see Lui, D., and S. Bilal. 2009. *Contentious issues in the interim EPAs Potential flexibility in the negotiations*. (Discussion Paper 89). Maastricht: ECDPM.
  - 74 Among the contentious issues that are likely to require political solutions are the interpretation of the requirements of 'substantially all trade' and a 'reasonable length of time' of the article XXIV of GATT, the MFN clause and the non-exclusion clause.
  - 75 European Commission. 2007. *Economic Partnership Agreements*. COM (2007) 635 final.
  - 76 Cotonou Partnership Agreement. 2010. Article 37.5
  - 77 Bilal, S. and C. Stevens, (eds.) 2009.
  - 78 For example: South Centre. 2010. EPAs: The Wrong Development Model for Africa And Options for the Future. Analytical Note SC/TDP/AN/ EPA/23. March 2010, available at [www.southcentre.org/index.php?option=com\\_docman&task=doc\\_download&gid=1807&Itemid=182&lang=en](http://www.southcentre.org/index.php?option=com_docman&task=doc_download&gid=1807&Itemid=182&lang=en); or: *Open Letter on undue pressure on Namibia to sign an interim EPA*, to Commissioner De Gucht, signed by Marc Maes, Trade Policy Officer, 11.11.11 – Coalition of the Flemish North-South Movement, on behalf of the a group of NGOs, available at: <http://epawatch.files.wordpress.com/2010/06/namibia-ngo-letter-100618.pdf>
  - 79 for details on these see: Lui, D., and S. Bilal. 2009.
  - 80 The Africa-EU Strategic Partnership. A Joint Africa-EU Strategy. 2007. See under "Shared Vision", par. 4
  - 81 Ibid. See under Institutional Architecture and Implementation, par. 98
  - 82 Ibid. See under "Principles", par. 6
  - 83 Ibid. See under "Principles", par. 6
  - 84 Ibid. See under "New Approaches", par. 9 (f)
  - 85 Bossuyt, J. and A. Sheriff, A. 2010. *What next for the Joint Africa-EU Strategy? Perspectives on Revitalizing an Innovative Framework*. (Discussion Paper, 94), March 2010. Maastricht: ECDPM. See also, Bello, O. 2010. *The EU-Africa partnership: At a crossroads*. (Policy Brief, 47).. May 2010. Madrid: FRIDE.
  - 86 Ibid.
  - 87 ECDPM. 2002. *Cotonou Infokit: Participating in Programming* (9). Maastricht: ECDPM
  - 88 Gavas, M. and E. Koeb 2010. *Setting up the European External Action Service: building a comprehensive approach*. ECDPM and ODI
  - 89 DSW. 2010. The Mid-Term Review of the 10th EDF. Available at: [http://www.euroresources.org/fileadmin/user\\_upload/In\\_the\\_Loop/DSW\\_MTR\\_Overview.ppt#1](http://www.euroresources.org/fileadmin/user_upload/In_the_Loop/DSW_MTR_Overview.ppt#1)
  - 90 Frederikson, J. 2003. *Mid-Term Reviews: Performance-based partnerships in ACP-EU cooperation*. (Policy In Brief No. 5.) Maastricht: ECDPM.
  - 91 For the background and history on the debate on budgetisation of the EDF please refer to Mackie, J. Frederiksen, J and C. Rossini. 2004. *Improving ACP-EU Cooperation Is 'budgetising' the EDF the answer?* (Discussion Paper 51). Maastricht: ECDPM.
  - 92 There are two aspects to financing the implementation of the JAES: first, the JAES process, and second specific activities associated with the JAES Action Plan under each of the 8 thematic partnerships. For the moment, funding for African participation in the JAES process has been taken mostly from the funds dedicated to support the AU's institutional and capacity development under the pan-African allocation of the Intra-ACP envelope of the EDF. Funding for specific activities implemented under the JAES Action Plan currently come mostly from the EDF and partly from EU member states. (For details see ECDPM (2009) "General state of play and proposed areas for further discussion" Paper III prepared for the Resources seminar held at the African Union, October 2009)
  - 93 The relationship between the Cotonou Agreement and the EPA is defined. In case of inconsistency, the provisions on economic and trade cooperation in the Cotonou Agreement are superceded by the EPA, whereas the political dimension of Cotonou consultation procedures prevail over the EPA.
  - 94 EU Regulation 1528/07 for the IEPA, full EPA in the Caribbean, GSP, GSP+ and EBA;
  - 95 European Parliament resolution of 20 January 2010 on the second revision of the ACP-EC Partnership Agreement (the "Cotonou Agreement"), available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0004+0+DOC+XML+V0//EN>
  - 96 FIRST ACTION PLAN (2008-2010) FOR THE IMPLEMENTATION OF THE AFRICA-EU STRATEGIC PARTNERSHIP, available at: [http://ec.europa.eu/development/center/repository/EAS2007\\_action\\_plan\\_2008\\_2010\\_en.pdf](http://ec.europa.eu/development/center/repository/EAS2007_action_plan_2008_2010_en.pdf)
  - 97 Colin, S and M. Bouye (forthcoming) *The Trade, Regional integration and Infrastructure Partnership of the Joint Africa-EU Strategy*. (ECDPM Discussion Paper), Maastricht: ECDPM
  - 98 Ibid.
  - 99 Aid for trade is generally considered to encompass the following six categories identified by a WTO Task Force in 2006: (i) trade policy and regulations, (ii) trade development, (iii) trade-related infrastructure, (iv) building productive capacity, (v) trade-related adjustment and (vi) other trade-related needs. See for more information: WTO. 2006. *Recommendations of the Task Force on Aid for Trade*. Geneva: WTO. Available at: <http://docsonline.wto.org/imrd/directdoc.asp?DDFDocuments/t/WT/AFT/1.doc>
  - 100 Tywuschik, V. and S. Colin. 2009. Shortfalls and Opportunities: The Implementation of the Africa-EU Trade, Regional Integration and Infrastructure Partnership, *Trade Negotiations Insights*, 8, Issue (7): 10-11.

- 101 Laporte, G. 2007. *The Cotonou Partnership Agreement: what role in a changing world? Reflections on the future of ACP-EU relations*. (Policy Management Report 13). Maastricht: ECDPM. Available at: [www.ecdpm.org/pmr13](http://www.ecdpm.org/pmr13)
- 102 Article 9(3): "Good governance, which underpins the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute a fundamental element of this Agreement"
- 103 Laporte, G. 2007.
- 104 Laporte, G. 2007.
- 105 CPA, revised 2005, Annex IV, Article 3 (1b)
- 106 The three countries are Rwanda, Ghana and Kenya. The support was provided as budget support so the link between the GiT and support to the APRM is not necessarily clear.
- 107 7 countries do not have a Country Strategy Paper (Equatorial Guinea, Eritrea, Fiji, Guinea, Nigeria, Sudan and Zimbabwe) and as a result do not benefit from the GiT. Out of those countries, which do have a Country Strategy Paper, 2 did not receive a GiT, namely Cote d'Ivoire and the Bahamas.
- 108 "Comments on the EC Staff Working Paper – Review of the Governance Initiative", January 2009, ECDPM Background Note "The EC Governance Initiative and the African Peer Review Mechanism", An ECDPM Working Document, March 2009
- 109 European Commission (2009). *Supporting Democratic Governance through the Governance Initiative: A Review and the Way Forward*. Commission staff working paper SEC (2009) 58 final. Brussels: EC. Available at [http://ec.europa.eu/development/center/repository/CSWP\\_SEC\\_2009\\_0058\\_governance\\_en.pdf](http://ec.europa.eu/development/center/repository/CSWP_SEC_2009_0058_governance_en.pdf), Council of the European Union (2009), *Council Conclusions on Support to Democratic Governance*, Towards an enhanced EU framework. Brussels 19 May 2009
- 110 Although the GiT claims to provide support for the APRM, the financial envelope is introduced to the country in the form of budget support, which may or may not help strengthen the APRM agenda within the country.
- 111 Concord Cotonou Working Group Briefing Paper on Governance, at the ACP-EU Joint Parliamentary Assembly, Port Moresby (Papua New Guinea), 24-28 November 2008. Available at [http://www.acp-programming.eu/wcm/dmdocuments/jpa\\_ljublj\\_brief\\_gover\\_en.pdf](http://www.acp-programming.eu/wcm/dmdocuments/jpa_ljublj_brief_gover_en.pdf)
- 112 Valigy, I. *Governance and Africa-Europe Relations*. Available at: <http://www.ieei.pt/files/10IsmaelValigy.pdf>
- 113 CARIFORUM-EC Economic Partnership Agreement available at <http://www.oas.org/dsd/environmentLaw/EnvlawDB/Agreements/CARIFORUM-EU%20ECONOMICPARTNERSHIPAGREEMENT.pdf>
- 114 Conventions to be ratified available at: <http://trade.ec.europa.eu/doclib/html/136097.htm>
- 115 European Commission, *Africa-EU relations – key facts and figures*, memo/10, Brussels, 6th June 2010.
- 116 ADE, *Thematic Evaluation of the European Commission support to Conflict Prevention and Peace Building – Preliminary study: scoping and mapping – Final report* – Ref.: EuropeAid/122888/C/SER/Multi, (Particip, ADE, ECDPM, GDI, DRN, ODI, July 2009).
- 117 Article 11
- 118 IANSA, Oxfam, and Saferworld. 2007. *Africa's missing billions International arms flows and the cost of conflict*, (Briefing Paper 107). London. Available: [http://www.oxfam.org/en/files/bp107\\_africas\\_missing\\_billions\\_0710.pdf](http://www.oxfam.org/en/files/bp107_africas_missing_billions_0710.pdf)
- 119 For further discussion around related themes see, Hohmeister, H., E. Koeb, E. and A. Sherriff. (forthcoming), 2010., *The Nature and Consequences of EU support to African Peace and Security Architecture*. In: *State of the Union 2030: Security Threats and Responses*. Shamaro, R. and C. Ayangafac (eds.). Pretoria: Institute for Security Studies
- 120 This sentiment has been expressed and re-expressed by CONCORD see, CONCORD, *The Revision of the Cotonou Partnership Agreement (CPA)*, CONCORD Cotonou Working Group Briefing paper, February 2010.
- 121 ADE, *Thematic Evaluation of the European Commission support to Conflict Prevention and Peace Building – Preliminary study: scoping and mapping – Final report* – Ref.: EuropeAid/122888/C/SER/Multi, (Particip, ADE, ECDPM, GDI, DRN, ODI, July 2009), p. 45.
- 122 Hohmeister, H., E. Koeb, E. and A. Sherriff. (forthcoming), 2010., *The Nature and Consequences of EU support to African Peace and Security Architecture*. In: *State of the Union 2030: Security Threats and Responses*. Shamaro, R. and C. Ayangafac (eds.). Pretoria: Institute for Security Studies
- 123 "Adopted in 2005, (the Global approach) illustrates the ambition of the European Union to establish an inter-sectoral framework to manage migration in a coherent way through political dialogue and close practical cooperation with third countries. The approach therefore addresses three equally important thematic dimensions: the management of legal migration, the prevention and reduction of illegal migration, and the relation between migration and development." (European Union. 2008. *Strengthening the Global Approach to Migration*. MEMO/08/613.) The first document European Union. 2005. *Priority actions for responding to the challenges of migration: First follow-up to Hampton Court COM* (2005) 62. was followed by several revisions: European Union. 2006. *The Global Approach to Migration one year on: Towards a comprehensive European migration policy*. COM (2006) 735.; European Union. 2007. Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union.COM (2007) 247; European Union. 2008. *A Common Immigration Policy for Europe: principles, actions and tools*. COM/2008/0359.
- 124 Cape Verde, Ghana, Mauritania, Senegal, Ethiopia, Nigeria, South Africa, Tanzania and Kenya (2007-2009);
- 125 Joint Africa-EU Declaration on Migration and Development. Tripoli, 22-23 November 2006. [http://ec.europa.eu/justice\\_home/doc\\_centre/immigration/docs/AU-UE-22.11.06.pdf](http://ec.europa.eu/justice_home/doc_centre/immigration/docs/AU-UE-22.11.06.pdf)
- 126 Euro-African Partnership for Migration and Development: Rabat Declaration, 2006. [http://www.maec.gov.ma/migration/Doc/RABAT%20DECLARATION\\_EN.pdf](http://www.maec.gov.ma/migration/Doc/RABAT%20DECLARATION_EN.pdf)
- 127 This section freely quotes from the following ECDPM publications: Laporte (2008), ACP Secretariat (2003) and Sherriff and Tywuschik (2008);
- 128 The concept of 'non-state actors' under the CPA refers to a wide range of actors: "the private sector, economic and social partners, including trade union organisations and civil society in all its forms" (article 6). This open-ended definition has helped ACP-EC policy-makers and practitioners to look beyond the world of (urban-based) NGOs and to recognise the huge diversity and dynamism of civil society.  
18 'Local governments are included under the category 'state actors'. In both the text and spirit of the CPA (especially since the 2005 revision) they are considered as a 'new' actor to be integrated in ACP- EC cooperation processes (as an actor with a distinct identity, role and added-value).
- 129 Examples from ACP Secretariat (2003), p 43: "6 possible avenues for participation in development cooperation  
1. the formulation of national/ regional development policies ad strategies  
2. the preparation of Country Strategy Papers (programming);  
3. the definition of sector strategies;  
4. the implementation for programmes and projects included in the National Indicative Programme;  
5. the implementation of specific programme sin support of non-state actors,  
6. the reviews of progress achieved in implementation for the Country Strategy Paper (annual mid-term and end-of-term), as well as evaluations of projects and sector programmes;"
- 130 See for example a recent report: European Court of Auditors. 2009. *The Commission's management of non-state actors' involvement in EC Development Cooperation*. Special Report No 4/2009. Available at: <http://eca.europa.eu/portal/pls/portal/docs/1/2722293.PDF>
- 131 The Africa-European Union Strategic Partnership document, June 2008, pg 52
- 132 There are six entry points for CSOs, to ensure the effective implementation and monitoring of the JAES and to enable them to become part of the institutional architecture. Accordingly, the EU and Africa have agreed:  
– "to establish mechanisms for closer cooperation and dialogue between the PAP and the EP, as well as between the AU, AU ECOSOCC and the EESC,  
– "to map existing European and African civil-society networks,  
– "to organise a platform (EARN) for European and African research institutes and think-tanks to provide independent policy advice  
– "to facilitate consultations with CSOs ahead of key policy decisions,  
– "to invite representatives from civil society in Europe and Africa to express themselves ahead of the Ministerial troika meetings, and  
– "to establish joint expert groups on all priority actions identified in the Action Plan in which CSOs can participate.
- European Commission (2008). Entry Points for civil-society organisations intervention in the implementation and monitoring of the Joint Africa-EU Strategy.
- 133 The EU CSO Steering Group is coordinated on an ad-hoc basis by its members whereas membership as such is flexible and changes. Usually every active member of the group attends meetings. Members of the group are Coalition for the International Criminal Court (CICC), African Diaspora Civil Society Centre , European Peacebuilding Liaison Office , CBM, European Trade Union Confederation, European Foundation Centre , European Youth Forum , European Network of Political Foundations, Friedrich Ebert Foundation, Climate Action Network Europe, Climate Action Network Europe, ITUC/ International Trade Union Confederation, Heinrich Boell Foundation, CNCD – Belgian Platform, VENRO – German Platform, Plan International, WWF European Policy Office, Konrad Adenauer Foundation, European Foundation Centre, Open Society Institute, APRODEV / CONCORD, Helpage International, APRODEV Vanpeperstraete, European Youth Forum, Bond – UK platform, HelpAge International, IPPF, CICC.
- 134 Laporte, G. 2008. *The 2010 Revision of the Cotonou Partnership Agreement*. Trade Negotiations Insight, 7, Issue (8). Geneva: ICTSD. Available at <http://ictsd.org/i/news/tni/30640/>
- 135 ACP Press Statement. June 7 2010. Secretary-General Dr. Chambas calls for open discussion on the future of ACP Group. Available at: [www.acpsec.org/en/sg/chambas2010/sg\\_press\\_release\\_acpday.html](http://www.acpsec.org/en/sg/chambas2010/sg_press_release_acpday.html); However, the ACP had established a Group of senior Ambassadors to lead a process of preparation for the future of the ACP Group already in 2006.

As the membership body for UK international development organisations, Bond unites the sector by inspiring members to work, learn and take action together.

The network has 370 members that represent the sector ranging from large organisations with a world-wide presence to smaller, more specialist organisations working in specific regions or with specific groups of people. Together they represent an annual spend of around £2 billion.

Bond is a member of CONCORD, the European confederation of non-governmental organisations working in international development, emergency relief and development education, representing over 1600 NGOs which are supported by millions of citizens across Europe.

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The European Centre for Development Policy Management (ECDPM) aims to improve international cooperation between Europe and countries in Africa, the Caribbean, and the Pacific.

Created in 1986 as an independent foundation, the Centre's objectives are:

- to enhance the capacity of public and private actors in ACP and other low-income countries; and
- to improve cooperation between development partners in Europe and the ACP Region.

The Centre focuses on three interconnected thematic programmes:

- Development Policy and International Relations
- Economic and Trade Cooperation
- Governance

The Centre collaborates with other organisations and has a network of contributors in the European and the ACP countries. Knowledge, insight and experience gained from process facilitation, dialogue, networking, infield research and consultations are widely shared with targeted ACP and EU audiences through international conferences, focussed briefing sessions, electronic media and key publications.

For more information: [www.ecdpm.org](http://www.ecdpm.org)

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