

# The Rationales Behind the EU-OACPS Agreement: Process, Outcome, Contestations

Maurizio CARBONE<sup>\*</sup>

*This article examines the rationales of the European Union (EU) and the Organisation of African, Caribbean and Pacific States (OACPS) in the preparations and negotiations of the successor to the Cotonou Agreement, paying particular attention to contested issues. It argues that the EU-OACPS Agreement constitutes a fundamental break from past practices, at least apparently: with regards to form, it introduces an unprecedented framework for cooperation, articulated in a common base with three distinct regional pillars; in terms of substance, it proposes a list of equally important strategic priorities, thus going beyond the previous focus on development. Furthermore, unlike its predecessor but like many other agreements signed by the EU with third states, it sets out a comprehensive political partnership for mutually beneficial outcomes. This article, importantly, unravels sources of tensions between and within the two sides. It also shows that negotiations were more symmetrical than in previous instances, not least because contentious issues such as aid volumes and trade cooperation fall outside the remit of the EU-OACPS Agreement, and less participatory, as they were largely conducted by a small number of official representatives, with limited involvement of other stakeholders.*

**Keywords:** EU-OACPS Agreement, Cotonou Agreement, post-Cotonou, ACP Group, African Union, EU development policy

## 1 INTRODUCTION

On 3 December 2020, the chief negotiators from the European Union (EU) and the Organisation of African, Caribbean and Pacific States (OACPS)<sup>1</sup> reached a political deal on the successor to the Cotonou Agreement. The conclusion of the negotiations came after more than two years of intense talks involving an array of policy experts, ambassadors, and ministers. The EU-OACPS Agreement constitutes a fundamental break from its predecessor, at least apparently: with regards to

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<sup>\*</sup> Professor of International Relations and Development, and Jean Monnet Professor of EU External Policies, School of Social and Political Sciences, Glasgow. Email: Maurizio.Carbone@glasgow.ac.uk.

<sup>1</sup> The Organisation of African, Caribbean and Pacific States (OACPS) was created by the revised Georgetown Agreement adopted at the ACP Summit of Dec. 2019 in Nairobi as a successor to the ACP Group established in Feb. 1975 by the Georgetown Agreement. It came into force in Apr. 2020, once one third of the members of the ACP Group ratified or acceded to the revised Georgetown Agreement. For sake of simplicity, the term OACPS is used in this article also to refer to the ACP Group, which engaged and then negotiated the EU-OACPS Agreement for most of the negotiating period.

form, it introduces an unprecedented framework for cooperation, articulated in a common base with three distinct regional pillars; in terms of substance, it proposes six equally important objectives, thus going beyond previous emphasis on development. Furthermore, it openly states that the overarching goal, like many other agreements signed by the EU with third states, is that of forging a political partnership for mutually beneficial outcomes – whereas the main objective of preceding agreements between the EU and the African, Caribbean and Pacific (ACP) Group of States was that of promoting the economic, social, and cultural development of ACP countries, with poverty eradication taking a central role. The absence of a specific financial instrument is also noteworthy, as the European Development Fund (EDF), which historically served to fund projects and programmes in ACP countries, has been integrated into the EU budget.<sup>2</sup>

This article, accordingly, examines the different rationales behind the EU-OACPS Agreement, drawing on primary sources (both published and unpublished documents), different types of secondary sources (including specialized press), and direct engagement with the two negotiating sides from December 2015 to December 2020. The first part delves into the lengthy preparatory and negotiation processes, exploring sources of tensions between and within the two sides. In particular, it shows that negotiations were more symmetrical than in previous instances, not least because divisive issues such as aid volumes and trade cooperation fall outside the remit of the new agreement, and less participatory, being controlled by a small number of official representatives, with limited involvement of other stakeholders. The second part concentrates on the outcome, analysing the main components of the EU-OACPS Agreement. Specifically, it discusses objectives and principles, the revised institutional framework, the widening of political dialogue, the controversial consultation procedure in case of breach of the agreement, the new emphasis on international cooperation, and the generic provisions on means of cooperation. Then, it touches upon the six strategic priorities, exploring key changes and areas of contention in the General Part of the Agreement as well as in the three Regional Protocols.

## 2 PROCESS: MORE SYMMETRICAL, LESS PARTICIPATORY

The context in which the EU-OACPS Agreement was concluded is very different from its predecessors. In the case of the Lomé Convention (1975), negotiations were instigated by the expiration of the Yaoundé Convention but principally by

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<sup>2</sup> The EU-OACPS Agreement discussed in this article refers to the *Partnership Agreement between the European Union, of the one part, and Members of the Organisation of Africa, Caribbean and Pacific States, of the other part*, which is due to be signed at the end of 2021.

the necessity to bring onboard a number of Commonwealth members as a consequence of the United Kingdom's accession in 1973. The EU proposed several options, which generated an intense preparatory process involving national politicians as well as policymakers from international organizations, particularly the Organization of African Unity and the United Nations Economic Commission for Africa, aimed at coordinating the group of ACP states. Indeed, the ACP states negotiated with a high degree of cohesion and unexpected skills, which surprised EU negotiators, so much so that they obtained many favourable provisions. In subsequent revisions of the Lomé Convention (from Lomé II in 1980 to Lomé IV-bis in 1995), the EU was more assertive, whereas the ACP Group was less organized and solidarity between its members was no longer at its peak – and thus, unsurprisingly, negotiations were rather asymmetrical.<sup>3</sup> In the case of the Cotonou Agreement (2000), the publication of a Green Paper by the European Commission (EC), calling for profound changes in EU-ACP relations, was followed by a participatory preparatory process involving not only official actors, but also a wide range of non-state actors (e.g., civil society, business sector, think tanks) in Europe and across the ACP Group. In the negotiations, the EU managed to impose its material and normative interests by blending ideas of consent (e.g., dialogue, partnership, ownership) and coercion (e.g., trade liberalization, aid conditionality). The ACP Group, confronted with significant structural constraints (notably, dearth of political leadership and a weak ACP Secretariat), failed to effectively forge common positions on many issues as solidarity between its members was at a low ebb, and instead sought to preserve the status quo. It ultimately had no other choice but to largely accept what was on offer, with its success measured only by its ability to soften the EU's offensive interests in a few areas. In subsequent revisions of the Cotonou Agreement (in 2005 and 2010), the few changes introduced, specifically on security and political dialogue, largely reflected the EU's preferences, with the ACP Group managing to resist some provisions on gender equality and migration.<sup>4</sup>

<sup>3</sup> The literature on the Lomé Convention is vast. See e.g., J. Ravenhill, *Collective Clientelism: The Lomé Conventions and North-South Relations* (Columbia University Press 1985); E. Grilli, *The European Community and the Developing Countries* (Cambridge University Press 1993); W. Brown, *The European Union and Africa: The Restructuring of North-South Relations* (I.B. Tauris 2002).

<sup>4</sup> For a review of the Cotonou Agreement, see O. Elgström, *Lomé and Post-Lomé: Asymmetric Negotiations and the Impact of Norms*, 5(2) Eur. Foreign Aff. Rev. 175–195 (2000); G. Forwood, *The Road to Cotonou: Negotiating a Successor to Lomé*, 39(3) J. Com. Mkt. Stud. 423–442 (2001); M. Farrell, *A Triumph of Realism Over Idealism? Cooperation Between the European Union and Africa*, 27(3) J. Eur. Integ. 263–283 (2005); S. H. Hurt, *Co-operation and Coercion? The Cotonou Agreement Between the European Union and ACP States and the End of the Lomé Convention*, 24(1) Third W. Q. 161–76 (2003); *The European Union and the Developing Countries: The Cotonou Agreement* (O. Babarinde & G. Faber eds, Brill 2005); A. Hadfield, *Janus Advances? An Analysis of EC Development Policy and the 2005 Amended Cotonou Partnership Agreement*, 12(1) Eur. Foreign Aff. Rev. 39–66 (2007).

## 2.1 PREPARATIONS

The expiration of the Cotonou Agreement in February 2020 generated a lively debate on whether the EU-ACP partnership was still relevant or whether it was just a relic of history and whether the existing cooperation framework had to be preserved in its entirety or in part. The declining or lack of interest of many EU Member States, the scepticism of some African states about the performance of the ACP Group, and the intensification of regionalization across the three constituent parts of the ACP Group cast doubt upon the post-Cotonou. Such reservations were sustained by the adoption of joint cooperation strategies between the EU and Africa and between the EU and the Caribbean, and the fact that various initiatives – for instance, the contentious negotiations of the Economic Partnership Agreements (EPAs) and the launch of ad-hoc processes on migration and mobility – implied that some crucial policy areas fell outside the remit of the EU-ACP partnership. The patchy record of the Cotonou Agreement, particularly with regards to economic growth, meant that business as usual was not an option. The two sides thus engaged in parallel preparatory processes on how best to govern their post-2020 relations.<sup>5</sup>

*The debate within the European Union.* The formulation of the EU's negotiating position consisted of two distinct phases. The first phase, officially, began with the appointment of Neven Mimica as Commissioner for International Cooperation and Development in the EC presided by Jean-Claude Juncker. His predecessor Andris Piebalgs had refrained from making public statements on the future of the EU-ACP partnership, but the mission letter from President Juncker set the parameters of his mandate: 'preparing and launching negotiations for a revised Cotonou agreement'. As a follow-up, several initiatives were taken, all recommending a radical overhaul of EU-ACP relations, notably: a series of roundtables with experts; an official consultation on the basis of a joint paper prepared by the EC and the High Representative; an official evaluation of the Cotonou Agreement; and an impact assessment discussing different alternatives and recommending the most suitable option. These initiatives were followed by a communication proposing 'the building blocks' for a 'modernised partnership' with ACP states and a series of meetings in selected EU Member States conducted by Commissioner Mimica and senior EC officials and by two facilitators (Louis Michel and Pascal Lamy) in several ACP states, aimed at testing the waters and building support for the EC approach.<sup>6</sup> This intensive period of preparation

<sup>5</sup> M. Carbone, *Rethinking ACP-EU Relations After Cotonou: Tensions, Contradictions, Prospects*, 25(5) J. Int'l Dev. 742–756 (2013); *The ACP Group and the EU Development Partnership: Beyond the North-South Debate* (A. Montoute & K. Virk eds, Palgrave Macmillan 2017).

<sup>6</sup> N. Keijzer & G. Schulting, *What Role for the Rotating Presidency in European Development Policy? The Case of ACP-EU Relations*, 41(5) J. Eur. Integ. 657–673 (2019); M. Carbone, *The Calm After the Storm: Plurilateral Challenges to the Post-2020 EU-ACP Partnership*, 57(S1) J. Com. Mkt. Stud. 141–151 (2019).

resulted in the proposal adopted by the EC in December 2017, which recommended major changes to both form and substance of the post-Cotonou agreement.<sup>7</sup> The logic underpinning the EC proposal was that of moving away from North-South dynamics and giving more prominence to interests – for instance through enhanced investment and private sector development and through more stringent provisions against irregular migration – and to cooperation in international settings. Even more radically, the EC proposed a new framework for cooperation, consisting of two interlinked components: a common base with all ACP countries, setting out general objectives and principles, to be operationalized in three separate regional pillars with distinct governance systems. In doing so, the EC attempted to strike the right balance between those Member States that supported the continuation of a special partnership with the ACP Group (e.g., France, Italy, Portugal, Spain) and those that wished to abolish it and replace it with three regional partnerships (e.g., Denmark, Germany, Sweden, the Netherlands) – and it should be added that even within the EU institutions there were divisions, as some units of the European External Action Service (EEAS) seemed more eager to fully regionalize EU-ACP relations, whereas (the Directorate General (DG) for Trade pushed for a framework agreement with all ACP states in order to guarantee a link between the EPAs and the so-called ‘essential elements’ of the Cotonou Agreement (i.e., promotion of democracy, human rights and rule of law, and countering the proliferation of weapons of mass destruction)).<sup>8</sup>

The second phase involved thorough and at times contentious discussions of the EC proposal within the EU Council of Ministers, which culminated in the adoption of the negotiating directives in June 2018.<sup>9</sup> Negotiations took longer than expected, not just because each Member State wanted to add detailed provisions to limit the margin of manoeuvre of the EC, but mostly because Hungary (supported by Poland) held the EU hostage with its security-oriented stance on migration. In the end, the positive aspects of legal migration were toned down and the risks of irregular migration were emphasized. Other substantial changes concerned the duration of the agreement (twenty years with a possibility

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<sup>7</sup> European Commission, *Recommendation for a Council Decision Authorising the Opening of Negotiations on a Partnership Agreement Between the European Union and Countries of the African, Caribbean and Pacific Group of States*, COM (2017) 763 final (Strasbourg 12 Dec. 2017); European Commission, *Annex to Recommendation for a Council Decision Authorising the Opening of Negotiations on a Partnership Agreement Between the European Union and Countries of the African, Caribbean and Pacific Group of States*, COM (2017) 763 final Annex (12 Dec. 2017).

<sup>8</sup> M. Carbone, *Purposefully Triggering Unintended Consequences: The European Commission and the Uncertain Future of the EU-ACP Partnership*, 54(1) *Int'l. Spectator* 45–59 (2019).

<sup>9</sup> European Union, *Negotiating Directives for a Partnership Agreement Between the European Union and Its Member States of the One Part, and with Countries of the African, Caribbean and Pacific Group of States of the Other Part*, ST 8094 2018 ADD 1 (Brussels 21 June 2018).

of extending it, instead the indefinite duration proposed by the EC) and the further weakening of the joint institutions at EU-ACP level (namely abolition of the EU-ACP Summit and the Joint Parliamentary Assembly, and a reduced frequency for the meetings of the EU-ACP Council of Ministers). The overall thrust of the EC proposal, however, was not altered. Interestingly, discussions took place not only in the ACP Working Party of the EU Council of Ministers, but also involved a few sessions of the Coreper: this was unusual but necessary to resolve the most contentious issues. More generally, the preparatory process was driven by a small taskforce operating within DG Development in close cooperation with the EEAS, with limited involvement of civil society organizations and a few sessions held in the European Parliament.<sup>10</sup>

*The debate within the OACPS.* Discussions on the post-Cotonou started in the early 2010s and were intertwined with the question of the future of the ACP Group. The ACP negotiating position emerged from two Summits of Heads of States and Government, different sessions of the Council of Ministers and numerous meetings of the Committee of Ambassadors held between 2012 and 2018 – as well as some seminars held in various ACP regions. Throughout this period, ACP states reaffirmed their determination to stay united as a group and to build on the existing EU-ACP partnership. Three strategic areas for cooperation were identified, in continuity with the Cotonou Agreement: trade, investment, industrialization and services; development cooperation, technology, science, innovation and research; political dialogue and advocacy. The guiding principles for the negotiations with the EU were also spelt out: negotiating as one block; embracing the single undertaking approach; securing a legally binding agreement; maintaining the Cotonou acquis.<sup>11</sup> The ACP negotiating mandate, adopted by the Council of Ministers in Lomé in May 2018, was rather conservative: besides the objectives and principles that had been previously agreed on, it proposed to protect the geographical integrity of the ACP Group, making almost no references to regional specificities; to maintain the existing institutional architecture; and to preserve the EDF or introduce a similar financing instrument devoted solely to the pursuit of development in ACP states.<sup>12</sup>

The formulation of the ACP negotiating position, however, was halted by the decision taken in March 2018 by the African Union (AU), which stipulated that Africa's relations with the EU should be governed by 'a single framework for cooperation from Union to Union/continent to continent, independently of the

<sup>10</sup> Euractiv, 28 May 2018; Agence Europe, 21 June 2018; Agence Europe, 23 June 2018; Euractiv, 31 Aug. 2018.

<sup>11</sup> M. Carbone, *Common and Intersecting Interests: EU-Caribbean Relations and the Post-Cotonou EU-ACP Partnership*, 109(5) Round Table 526–541 (2020).

<sup>12</sup> African, Caribbean, and Pacific Group of States, *ACP Negotiating Mandate for a Post-Cotonou Partnership Agreement with the European Union*, ACP/00/011/18 Final, 107th Session of the ACP Council of Ministers (Lomé 30 May 2018).

ACP-EU framework' and that new partnerships based on South-South cooperation principles would be concluded between the AU and Pacific and Caribbean states.<sup>13</sup> The adoption of the AU decision, which was a direct attack on the ACP Group's alleged dependence on the EU and ability to best represent the interests of its members, was far from consensual: it was skilfully orchestrated by the AU Commission, led by its chair Moussa Faki Mahamat, and by the AU Presidency chaired by Paul Kagame, but was resisted by the majority of AU Member States, particularly those in West Africa, which opposed the supranational ambitions of the AU and instead preferred to operate within the intergovernmental ACP Group. A subsequent AU Summit held in July 2018 in Mauritania did not solve the impasse caused by the conflicting decisions of two groups of ministers representing the same countries – that is, ministers of foreign affairs in the AU context and ministers of finance or development in the ACP context. A solution was eventually found in a joint meeting of ministers in charge of EU and ACP matters in September 2018 and then formalized in November 2018, with African states opting for a two-track process for their relations with the EU: one through the AU, focusing on political relations at continent-to-continent level; the other through the ACP Group, focusing on development aspects, mostly at bilateral level.<sup>14</sup> This compromise, with the AU backtracking from the decision taken six months earlier, run counter to the 'one-Africa approach' advanced by the EU, and represented a setback on Africa's agency.<sup>15</sup>

## 2.2 NEGOTIATIONS

Negotiations were publicly launched by the two chief negotiators, Commissioner Mimica for the EU and Togo's Minister of Foreign Affairs Robert Dussey for the OACPS in New York in the margins of the UN General Assembly at the end of September 2018. In that context, it was decided that discussions would take place at two complementary levels: 'policy level', involving experts on specific policy areas and meetings of senior officials and ambassadors in Brussels; 'political level', headed by the two chief negotiators to resolve outstanding issues and provisionally endorse different sections of the emerging agreement. It was also decided that negotiations would follow two tracks: first the General Part of the Agreement,

<sup>13</sup> African Union, *Decision on the African Common Position for Negotiations for a New Cooperation Agreement with the European Union*, Decisions of the Eighteenth Extraordinary Session of the Executive Council, Ext/EX.CL/Dec.1 & 2(XVIII) (Kigali 19 Mar. 2018).

<sup>14</sup> Euractiv, 24 May 2018; Euractiv, 30 Aug. 2018; Africa Confidential, 14 Sept. 2018; Africa Confidential, 26 Oct. 2018; Euractiv, 18 Dec. 2018; Euractiv, 8 Feb. 2019; Euractiv, 17 May 2019.

<sup>15</sup> M. Carbone, *Caught Between the ACP and the AU: Africa's Relations with the European Union in a Post-Cotonou Agreement Context*, 25(4) *South African J. Int'l Aff.* 481–496 (2018); S. Hurt, *African Agency and EU-ACP Relations Beyond the Cotonou Agreement*, 16(2) *J. Contemp. Eur. Res.* 139–162 (2020).

involving all, and then the three Regional Protocols, involving the EU and representatives of the respective ACP regions – though the OACPS formally endorsed the hybrid cooperation framework, which was not foreseen in its negotiating mandate, in December 2018.<sup>16</sup> Negotiations proceeded more slowly than expected, in part because initially the OACPS had to further develop aspects of its negotiating mandate and in part because of the outbreak of Covid-19, so much so that transitional measures prolonging the effects of the Cotonou Agreement beyond February 2020 had to be adopted twice, first until December 2020 and then until November 2021.<sup>17</sup>

*General Part of the Agreement.* Discussions commenced with the six strategic priorities, and proceeded smoothly on five of them – human and social development; environment and climate change; peace and security; democracy, human rights and governance; economic growth and development – with some notable exceptions in which the positions of the two sides collided. In particular, the OACPS opposed any reference to sexual orientation and gender identity (SOGI) and some aspects of sexual and reproductive health and rights (SRHR); role of the International Criminal Court (ICC) in cases of serious crimes of international concern; death penalty; link between EPAs and political norms. The EU rejected language on external interference in the domestic affairs of other states; shrinking of space for civil society; restitution of cultural goods; some aspects of ocean governance with regards to seabed mining and maritime boundaries; tax good governance. Particularly divisive were the talks on the sixth strategic priority, migration and mobility: the EU sought to introduce actionable procedures for return and readmission of irregular migrants, whereas the OACPS was not willing to include very detailed provisions in a framework agreement, and instead wanted the matter to be regulated by bilateral agreements.<sup>18</sup> As for the remaining sections of the General Part (i.e., international cooperation, institutional framework, means of cooperation and implementation, final provisions), three matters were particularly contested: firstly, the OACPS sought to preserve a major role of for EU-OACPS joint institutions, whereas the EU proposed to move the centre of gravity of the agreement to the three Regional Protocols; secondly, on the procedure in case of breach of the agreement, particularly with regards to the ‘essential elements’ and in the event of serious cases of corruption, the EU wished to preserve, and even deepen, the scope of existing provisions, whereas the OACPS tried to emphasize the virtue of cooperation and dialogue rather than the threat of sanctions; thirdly, on means of cooperation, the OACPS consistently stressed the need for a financial instrument

<sup>16</sup> Agence Europe, 2 Oct. 2018; Agence Europe, 17 Oct. 2018; IDN-InDepthNews, 26 Dec. 2018.

<sup>17</sup> Euractiv, 4 Dec. 2020; Agence Europe, 5 Dec. 2020.

<sup>18</sup> IDN-InDepthNews, 26 Dec. 2018; IDN-InDepthNews, 23 May 2019; DevEx, 23 July 2019.

devoted to EU-ACP relations only (including the principles of co-decision and management) and sought reassurance on the level of financial commitments to be made available by the EU.

*Regional Protocols.* Negotiations of the three Regional Protocols were facilitated by high-level consultations conducted at ministerial level in February 2019 in Samoa, in April 2019 in Jamaica, and in May 2019 in Eswatini, which had been selected to lead negotiations for their respective regions.<sup>19</sup> In all cases, there was broad convergence on the strategic priorities, with most of the unresolved issues in the General Part also affecting the negotiations of the three Regional Protocols. In the case of the African Regional Protocol, the two sides converged on the fact that all priorities had to be aligned to the AU's Agenda 2063 and had to build on EU-AU existing initiatives arising from the November 2017 Abidjan Declaration.<sup>20</sup> As in the General Part, the pace of negotiations varied, and this in part reflected the different arrangements that the three ACP regions had set out to engage with the EU. Specifically, Caribbean and Pacific negotiators relied on close communication with their capital-based officials and with the Cariforum and the Pacific Islands Forum, supported by two policy experts in Brussels.<sup>21</sup> In the case of Africa, the uncertainty caused by the clash between the AU and the ACP Group affected Africa's agency: the AU Commission did not send any technical experts as anticipated, so a small group of ambassadors based in Brussels, supported by the OACPS Secretariat, was in charge of concluding the African Regional Protocol.<sup>22</sup>

*Outstanding issues.* The last phase of the negotiations was devoted to those issues that had not been solved in previous rounds. It involved various meetings of a restricted group of ACP ambassadors and senior EU officials, a format which was effective on all issues except for migration, though it also generated a few complications: in fact some compromises had to be re-tabled as they were not endorsed by the OACPS or by the EU Member States. The discussion on migration and mobility was very controversial, with the two sides taking months to finally find a solution – to the point that Commissioner Jutta Urpilainen, the new EU chief negotiator (appointed Commissioner for International Partnerships in the European Commission headed by Ursula von der Leyen on 1 December 2019), issued a sort of ultimatum, which 'did not go down well' with many members of

<sup>19</sup> Euractiv, 19 May 2019; Agence Europe, 24 May 2019.

<sup>20</sup> Two important initiatives deserve to be mentioned. In May 2018, the EU and AU adopted a Memorandum of Understanding on Peace, Security and Governance. In Sept. 2018, the European Commission launched an Africa-Europe Alliance for Sustainable Investment and Jobs, which was endorsed by EU Member States.

<sup>21</sup> J. Lodge, *A Perspective on Caribbean Post-Cotonou Negotiations*, Shridath Ramphal Centre (SRC) Trading Thoughts (17 Dec. 2019).

<sup>22</sup> Africa Confidential, 26 Oct. 2018; Euractiv, 6 Mar. 2020.

the OACPS.<sup>23</sup> A political deal was eventually reached on 3 December 2020, yet further adjustments had to be introduced as a result of institutional battles within the EU: first the European Parliament threatened not to approve the EU-OACPS Agreement if the Joint Parliamentary Assembly (JPA) was not maintained as one of the EU-OACPS joint institutions;<sup>24</sup> second, the EU Member States opposed the EC proposal for an ‘EU-only agreement’ and instead insisted on the EU-OACPS Agreement being a ‘mixed agreement’ like its predecessor, which entailed ratifications by national parliaments.<sup>25</sup>

### 3 OUTCOME: A POLITICAL PARTNERSHIP BEYOND DEVELOPMENT

The evolution of EU-ACP relations since the 1970s is characterized by a deepening in policy scope and ambitions, but also fragmentation across different cooperation frameworks, notably the joint strategies between the EU and Africa and between the EU and the Caribbean or with regards to trade, security, or migration policies. The Lomé Convention rested on two interlinked pillars, both conceived as tools for development: first, significant aid volumes, to be allocated for a period of five years based on ACP needs; and second, trade cooperation, with ACP states benefiting from non-reciprocal access to the EU market with the exception of some sensitive goods. It was envisaged as a partnership, underpinned by a set of joint institutions for structured dialogue and decisions. With time, the more optimistic observers, who had celebrated the Lomé Convention as a model for North-South relations, were outnumbered by critics, who continued seeing it as an instrument for the EU to promote its interests, eventually joined by those who lamented the erosion of trade preferences and the imposition of aid conditionality on ACP states.<sup>26</sup> The Cotonou Agreement introduced some fundamental changes, which were deemed to represent a ‘triumph of realism over idealism’, changing the nature of the partnership from ‘cooperation into coercion’. Specifically, it was agreed that trade relations would be governed by separate EPAs, resting on trade liberalization and regional integration, whose difficult negotiations added strain to EU-ACP relations, and that aid allocations would be based not only on needs but also on performance. Furthermore, a political dimension was added, reflecting the more prominent emphasis in the EU’s external relations on issues such as human

<sup>23</sup> DevEx, 10 July 2020.

<sup>24</sup> Politico, 3 Dec. 2020.

<sup>25</sup> DevEx, 14 Jan. 2021.

<sup>26</sup> Brown, *supra* n. 3; *EU Development Cooperation: From Model to Symbol* (K. Arts & A. K. Dickson eds, Manchester University Press 2004).

rights, democracy, good governance, migration, and peace and security – with the latter being strengthened in subsequent revisions of the Cotonou Agreement.<sup>27</sup>

### 3.1 FRAMEWORK FOR COOPERATION

The EU-OACPS Agreement, in many of its provisions, looks remarkably similar to other framework agreements signed by the EU with third states. Indeed, unlike its predecessors, it states explicitly that the overarching goal is that of establishing a ‘political partnership’ so as ‘to generate mutually beneficial outcomes on common and intersected interests’. It is however the hybrid framework for cooperation which constitutes the most important change and which is unprecedented.

*Objectives and principles.* The EU-OACPS Agreement includes six broad strategic priorities, with no ranking order between them and no express focus on ACP states – whereas the main objective of the Cotonou Agreement was to promote and expedite the economic, cultural and social development of ACP states, particularly poverty reduction. The provisions on the principles reflect the attempted shift from donor-recipient dynamics into a ‘genuine partnership’ and set out the commitment to taking actions at the most appropriate level and to promoting multi-stakeholder partnerships. Regional integration and cooperation, seen as a tool to address different types of transnational challenges and opportunities, assumes greater importance, considering the revised structure of the agreement. However, there seems to be little space for all-ACP cooperation in this agreement vis-à-vis its predecessors (which reflects the EU’s negotiating position), whereas the three Regional Protocols indicate explicitly how regional integration can help achieve peace and prosperity and build sustainable and resilient economies in the respective regions. Some considerations are in order with regards to the commitment to developing friendly relations among nations, respecting the principle of sovereign equality among all states, and the political independence of all states: this provision reproduces one of the principles of the UN Charter, but it was introduced as a compromise to placate the insistence of the OACPS on the risks of external interference.

*Actors and institutions.* The general approach presented in the EU negotiating directives is preserved, with a few adjustments. The OACPS aversely accepted a reduced frequency of the meetings of the EU-OACPS Council of Ministers – from annual into ‘every three years and whenever it is necessary’. Conversely, the EU reluctantly agreed to keep the Joint Parliamentary Assembly as a distinct institution – and in this case, there was convergence between the European Parliament and the OACPS.<sup>28</sup> As for the governance of the three

<sup>27</sup> Carbone, *supra* n.5; Farrell, *supra* n. 4; Hurt, *supra* n. 4; Hadfield, *supra* n. 4.

<sup>28</sup> DevEx, 10 July 2020; Agence Europe, 5 Dec. 2020.

Regional Protocols, a set of new joint institutions was established, replicating the composition and functions of the joint institutions at EU-OACPS level. One of the most contentious issues, however, concerned the role of the AU in the African Regional Protocol. Facing resistance by African ambassadors in Brussels who feared a potential transfer of power to African ambassadors at the AU in Addis Ababa, the EU eventually obtained that, in their cooperation and in the implementation of the African Regional Protocol, 'The Parties shall take account of the strategic and political guidance of the AU-EU Summits': this was the closest possible to the 'one-Africa approach' pursued by the EU since the start of the negotiations. Interestingly, the AU is no longer explicitly mentioned as one of the 'actors of the partnership' as it was in (the second revision of) the Cotonou Agreement, but its role is subsumed into a generic reference to how different types of supranational organizations can help to achieve the objectives of the agreement. The EU-OACPS Agreement has kept language on 'the important role and contributions of stakeholders', giving less visibility to civil society but maintaining the substance of the separate articles provided for in the Cotonou Agreement: such actors should be informed and consulted in all policies, enabled to provide inputs into dialogue processes and to participate in the implementation of cooperation programmes, and receive capacity building support.

*Partnership dialogue and fulfilment of obligations.* The two sides reiterated their commitment to engaging in regular and comprehensive dialogue. However, there was agreement to move away from existing practices focused mostly on political norms and instead to engage in all areas of cooperation – and this shift was marked by a change of wording, from 'political dialogue' into 'partnership dialogue'. Importantly, it was agreed that if divergences between the parties persist and a state is charged with a breach of the agreement, then a formal consultation process could be launched, which may conclude with the imposition of 'appropriate measures'. This was indeed one of the most controversial matters in the negotiations, as the OACPS lamented the asymmetries in the consultations under the Cotonou Agreement and the coercive use of sanctions. The novelty of the EU-OACPS Agreement is the extension of consultations to all areas of cooperation, resulting however in two slightly different procedures: one for violations of any of the 'essential elements' or in serious cases of corruption, and another for all other obligations – though in the event of special urgency (essentially, coup d'état or grave violations of human rights), 'appropriate measures' could be imposed without prior consultations. An important innovation is the introduction of a joint committee, consisting of an equal number of representatives of the EU and the OACPS, which is meant to provide advice and assist in the solution of disputes in relation to the violation of the 'essential elements': this served to appease the OACPS, but was a return to the past, in that the Lomé Convention (as revised in 1995) contained similar provisions.

*International cooperation.* One of the novelties of the EU-OACPS Agreement vis-à-vis its predecessor concerns international cooperation, with the two sides pledging to coordinate positions, and possible voting, in international settings, and to build alliances to address global challenges, including through the establishment of appropriate mechanisms. This innovation is a consequence of the eagerness of the OACPS to enhance its global actorness, thus responding to those critics who cast doubts upon its significance on the world stage.<sup>29</sup> At the same time, it reflects the EU's attempt to capitalize on relations with a long-standing partner – which disposes of seventy-nine votes in the United Nations – in the pursuit of its international agenda. With multilateralism being a shared value, the two sides pushed for and obtained language on their respective priorities: the OACPS insisted on a reference to the reform of multilateral institutions to make them more representative, democratic, and accountable; the EU sought reassurance from ACP states on the ratification and domestication of key international treaties and conventions. Curiously, the commitment to multilateralism and alliance building is repeated in the Caribbean Regional Protocol and the Pacific Regional Protocol, but not in the African Regional Protocol, where the shadow of the growing actorness of the African Union loomed over negotiations.

*Means of cooperation and implementation.* The EU-OACPS Agreement, for the first time since the adoption of the Lomé Convention in 1975 (and even before that), does not have a financial protocol attached to it. The EC proposal to subsume all development cooperation instruments into the Neighbourhood, Development and International Cooperation Instrument (NDICI) of the Multiannual Financial Framework (MFF) for 2021–2027 was discussed by the Council and the European Parliament for the entire period of the EU-OACPS negotiations. The OACPS manifested unhappiness about the budgetization of the EDF and sought, in vain, to influence the European Parliament. The section of the EU-OACPS Agreement devoted to means of cooperation and implementation, thus, was largely devoid of any significance, with the two sides agreeing to make joint but differentiated efforts to mobilize resources to meet the objective of the agreement. Upon insistence of the OACPS, the EU committed, in a unilateral declaration, to contributing to the expenses associated with the organization of the meetings of the joint institutions and, most importantly, to the operating costs of the OACPS Secretariat – something which had been previously opposed by most EU Member States. At the end of the very contentious negotiations of the MFF in December 2020, the EU decided to allocate at least EUR 29.18 billion for Sub-Saharan Africa, EUR 8.48 billion for Asia

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<sup>29</sup> M. Carbone, *There Is Life Beyond the European Union: Revisiting the Organisation of African, Caribbean and Pacific States* (unpublished manuscript 2021).

and the Pacific, and EUR 3.39 billion for the Americas and the Caribbean, with the possibility of using other funds for OACPS-related initiatives.<sup>30</sup>

*Duration and revisions.* The duration of the EU-OACPS Agreement, as proposed by the EU, is at least twenty years, but a substantial revision is foreseen after the expiration of the 2030 Agenda for Sustainable Development. Of particular significance is the procedure to amend the three Regional Protocols. Despite resistance from some ACP states who saw in it the EU's veiled intention to weaken the OACPS, there was agreement on the simplified procedure proposed by the EU: decisions would be taken by the Regional Councils of Ministers, which could be opposed by the EU-OACPS Council of Ministers only if such decisions are inconsistent with the EU-OACPS Agreement as a whole - thus establishing a clear hierarchy between the General Part and the Regional Protocols. The logic behind the EU proposal was to ensure that the Regional Protocols be adapted more easily to changing circumstances, instead of reverting to the rigid procedure used for changes to the General Part.

### 3.2 STRATEGIC PRIORITIES

The EU-OACPS Agreement contains six strategic priorities, which are (further) operationalized in the three Regional Protocols, with some slight differences: peace and security and migration and mobility, as expected, are more prominent in the African Regional Protocol, whereas the Caribbean Regional Protocol and the Pacific Regional Protocol highlight the importance of ocean governance and of the blue economy. Interestingly, new topics such as digitalization, protection of personal data, space and geospatial technology, ocean governance, maritime security, cybersecurity, and sports have entered the EU-OACPS discourse. The list of areas of cooperation is long, however, making it difficult to detect priorities.

*Human rights, democracy and governance.* The EU-OACPS Agreement consolidates existing provisions on human rights, democracy and rule of law, but includes new commitments on gender equality, right to development, good governance, and inclusive and pluralistic societies. A major bone of contention concerned the issue of sexual orientation and gender identity; the EU insisted on a specific reference to SOGI as one of the grounds for non-discrimination; the OACPS rejected any such reference, which was said to clash with the cultural norms of most ACP states, and proposed to subject it to national laws and contexts. Eventually a solution was reached, with a commitment by all to the promotion

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<sup>30</sup> European Commission, *European Commission Welcomes Political Agreement on Future €79.5 Billion for a New Instrument to Finance the EU External Action and Lead the Global Recovery Through International Partnerships* (Brussels 18 Dec. 2020).

of human rights ‘without discrimination based on any ground including sex, ethnic or social origin, religion or belief, political or any other opinion, disability, age, or other status’, the reference to ‘other status’ implicitly intended as covering the rights of lesbian, gay, bisexual, and transgender (LGBT) persons, and a commitment to ‘fighting ... all forms of violence and discrimination, including all instances of advocacy of hatred’: this compromise, as noted by an observer, will most likely disappoint human rights activists.<sup>31</sup> A second major clash occurred in relation to the issue of tax good governance: the OACPS proposed language barring EU unilateral measures leading to the blacklisting of ACP states, which was deemed to be an infringement on the spirit of partnership.<sup>32</sup> Eventually, it was agreed that the parties would ‘engage in timely partnership dialogue at bilateral and international levels on tax matters’, which was however complemented by an official statement from Commissioner Urpilainen reiterating the EU’s intention to keep its unilateral procedure on the list of non-cooperative jurisdictions separate from the procedure for non-fulfilment of obligations under the EU-OACPS Agreement. A third divide concerned the role of civil society as a key component of pluralistic and inclusive societies. The OACPS was lukewarm on the role that civil society could play in overseeing the activities of governments and as promoter of human rights and democratic practices, the main fear being that international NGOs, whose actions could not be easily kept under their control, would undermine state authority. Eventually, a pledge to ‘preserve and broaden an enabling space for civil society’ was accepted by both sides, with the proviso that all non-state actors should be transparent and accountable. Finally, an important novelty concerns the commitment to engage in dialogue and cooperation on the death penalty at bilateral level, with the EU scaling down its ambitions to introduce language on a moratorium, due to the strong and very vocal resistance of some ACP states.

*Peace and security.* The EU-OACPS Agreement includes general commitments to promoting an integrated approach to conflicts and crises, to countering the proliferation of weapons of mass destruction, to combatting terrorism and violent extremism, and to addressing all forms of transnational crime, notably threats to maritime security and cybersecurity. The three Regional Protocols do not go much beyond the provisions set out in the General Part – and this applies also to the African Regional Protocol, which reproduces language of the Memorandum of Understanding signed by the EU and the AU in May 2018, whereas in the case of the Caribbean Regional Protocol significant emphasis is placed on citizen

<sup>31</sup> J.-C. Boidin, *ACP-EU Relations: The End of Preferences? A Personal Assessment of the Post-Cotonou Agreement*, ECDPM Discussion Paper No. 289 (Dec. 2020); DevEx, 1 Dec. 2020.

<sup>32</sup> Lodge, *supra* n. 21.

security and the fight against illicit drugs. A contested issue was the reference to the role of the ICC in cases of serious crimes of concern to the international community (i.e., genocide, crimes against humanity, and war crimes): the OACPS claimed that the ICC disproportionately targets African leaders and instead proposed to emphasize the role of national and regional mechanisms to address the most severe international crimes,<sup>33</sup> whereas the EU requested full cooperation by all with the ICC in line with the principle of responsibility to protect (and remarkably, this principle was accepted by the OACPS). Eventually, it was decided that all parties to the EU-OACPS Agreement should ‘fully cooperate with national, regional and international criminal justice mechanisms, including the International Criminal Court’, with the EU obtaining that ‘The Parties are encouraged to ratify and implement the Rome Statute and related instruments’, and the OACPS achieving a commitment for cooperation to ‘further enhance the effectiveness of the International Criminal Court’.

*Human and social development.* This strategic priority in large part replicates language of the Sustainable Development Goals (SDGs), specifically on education, health, water and sanitation, housing, and food security. More ambitious, yet of dubious implementation, are the references to the transformative role of social protection policies – notably with regards to the creation of policies enabling more equitable distribution of wealth and the institution of progressively universal social protection systems – and to the achievement of full employment and decent work for all. Of relevance is the reference to the pursuit of an ‘integrated approach that minimizes the challenges and maximizes the benefits of the demographic dividend’, considering the different patterns in population growth in the EU and the OACPS: in fact, the solution advanced, expectedly, is to increase economic opportunities for youth and women as well as to promote women’s empowerment, particularly in the African Regional Protocol. In this regard, the discussion on SRHR was very divisive. On the one hand, the EU pushed hard to impose the same language of its negotiating directives, which went beyond the reference to sexual and reproductive health of the SDGs to include also sexual rights and not only of women, notably ‘the right of every individual to have full control over, and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence’. On the other hand, the OACPS opposed any such references, accepting at best the SDGs language. Eventually, a compromise was found, with a commitment in the General Part to ‘the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome of their review conferences’ and ‘to sexual and

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<sup>33</sup> IDN-InDepthNews, 24 Jan. 2019.

reproductive health and rights, in this context' (with 'in this context' excluding anything beyond what is agreed on in international settings) and some further details in the three Regional Protocols, depending on progress made across the OACPS (with more progressive language in the Caribbean Regional Protocol and in the Pacific Regional Protocol). Another area of contestation was that of culture and cultural cooperation. The EU placed emphasis on the role of culture to enhance people-to-people contacts, whereas for the OACPS, and this is more evidently reflected in the Caribbean Regional Protocol, it is a major tool for economic growth. More heated was the discussion on return and restitution of cultural property: initially, the EU negotiators accepted language on this aspect of cultural cooperation upon strong insistence of the OACPS, but following pressure from some of its Member States, they reneged on it; eventually a compromise was found, which indeed referred to taking 'measures to prevent and combat illicit import, export and transfer of ownership of cultural property' and to pursuing 'international co-operation and continuous dialogue to promote access to cultural heritage'.

*Economic growth and development.* Under this strategic priority, the main objective for the two sides has become that of 'strengthening their economic relations in their mutual interest and for mutual benefit' – unlike the Cotonou Agreement, which aimed at 'fostering the smooth and gradual integration of ACP countries into the world economy'. Besides trade cooperation – which is given limited attention, considering that the trade regime governing EU-OACPS relations is set out in the EPAs or in the EU's Generalized System of Preferences – investment and private sector development are identified as the two key engines for growth. Indeed, mobilization of investment has become more prominent than ever, and this goal should be pursued not only by adopting the necessary economic and institutional reforms and policies to create a conducive environment, but also by enabling increased access to financing through blending and guarantees and other innovative financial instruments. Other traces of neoliberalism can be seen in the emphasis on the protection of intellectual property rights, the provisions on sound competition policies and elimination of subsidies and on the liberalization of maritime transport services, and the novel inclusion on cooperation for transparent, competitive, and predictable procurement systems (though the initial EU proposal was to simply liberalize public procurements). This neoliberal agenda is tempered by references to sustainability and protection of labour rights, increased policy space for ACP states in relation to economic diversification, industrialization and value added in manufacturing, some forms of protection against foreign competition, commitments to transfers of technology, and trade facilitation measures.<sup>34</sup> These overarching principles are covered in the General Part, whereas the three

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<sup>34</sup> Lodge, *supra* n. 21.

Regional Protocols delve into different sectors. One of the most debated areas concerned extractive resources: on the one hand, the EU obtained a reference to ‘fair and undistorted access’, whereas the OACPS insisted on the preservation of a country’s right over its natural resources and the need to ensure that natural resources be used to promote the sustainable development of local economies. Negotiations on other economic sectors were less contentious: indeed, for each sector, there is emphasis on increased investment (European investors and entrepreneurs being the main target), together with references to sustainability and ‘local beneficiation’ (thus reassuring OACPS members).

*Environment and climate change.* This strategic priority reflects shared concerns over the challenges posed by environmental degradation and climate change, and unsurprisingly, negotiations were in large part consensual. Thus, the EU-OACPS Agreement contains commitment to taking urgent action on mitigation and adaptation to climate change in accordance with the Paris Agreement, reducing pressure on seas and oceans, and supporting conservation and management of natural resources. Different emphasis, expectedly, is placed on different issues in the three Regional Protocols: in the case of the African Regional Protocol, detailed provisions are included on land management and land degradation, droughts and desertification, forests, wildlife, and water; in the case of the Caribbean Regional Protocol and the Pacific Regional Protocol, the accent is on ocean governance and marine resources. An area of contention was the issue of seabed mining: the OACPS (with the Caribbean in the lead) saw it as an opportunity for economic growth, whereas the EU was very circumspect, highlighting its negative consequences, notably in terms of loss of biodiversity and negative impact on marine ecosystems. Eventually, the EU’s cautious stance prevailed, with a reference added in the three Regional Protocols pointing to the obligation to use the best available science and apply the precautionary principle.<sup>35</sup> Similarly, the EU was very hesitant about the insistence of some OACPS members (especially in the Pacific) on the consequences of climate change and environmental degradation for security, migration, and maritime boundaries, with its cautious line eventually prevailing.

*Migration and mobility.* This was undoubtedly the most sensitive topic for both sides, who sat at the negotiating table with diverging views on how to address it. The OACPS sought to capitalize on the issues of legal migration and mobility (that is, migration from OACPS members into the EU) and of migration and development (that is, EU support to OACPS members to prevent migration), before engaging in the more controversial matter of return and readmission. In theory, there was agreement for ‘a comprehensive, coherent, pragmatic and balanced approach’, taking into account that only ‘well managed migration’ can have a

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<sup>35</sup> Jamaica Observer, 5 Dec. 2020.

‘positive impact on sustainable development’ and that irregular migration has ‘negative impacts’ on all countries involved. Nevertheless, the type of language used – more aspirational in the sections that primarily refer to the EU, more stringent in the sections that primarily refer to the OACPS – exemplifies negotiation dynamics. On the one hand, the EU committed to working to develop legal pathways for migration and mobility, to streamlining requirements for admission and residence, to considering schemes for circular migration, to cooperating to improve transparency and comparability of qualifications, to making efforts to adopt effective integration policies for regular migrants, to seeking to engage diaspora and facilitate remittance flows, to addressing challenges related to South-South migration, and to taking account of the nexus between environmental degradation and climate change and migration and mobility. On the other hand, the two sides (read, the OACPS) agreed to accept return and readmission of irregular migrants ‘without further formalities’ than the verification duty and with a timetable for the documents to be produced timely, which are detailed in a legally binding annex. They also agreed that failure to comply with these obligations within the internationally agreed time limit (set out as no more than thirty days by the Convention on International Civil Aviation) may result in some sort of sanctions (‘proportionate measures’). Furthermore, they committed to stemming migration flows and to increasing joint efforts to prevent smuggling of migrants and combat trafficking in persons. The discussion of all these elements in the General Part rendered redundant and repetitive the sections of the three Regional Protocols devoted to this strategic priority – though the African Regional Protocol contains more specifications on intra-Africa mobility and the Caribbean Regional Protocol and Pacific Regional Protocol on diaspora and remittances.<sup>36</sup>

#### 4 CONCLUSIONS

The adoption of the EU-OACPS Agreement constitutes another step, perhaps the last, towards the full normalization of relations between the EU and its former colonies in Africa, the Caribbean, and the Pacific. Interestingly, the two inter-linked pillars which had symbolized the Lomé Convention signed in February 1975 (aid and trade cooperation) are now both outside the remit of the new agreement. The preferential trade regime had been dismantled with the signature of the Cotonou Agreement in June 2000 and the subsequent negotiation, not always successfully, of various EPAs. The integration of the EDF into an instrument of the EU budget devoted to cooperation with all developing countries has

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<sup>36</sup> IDN-InDepthNews, 9 Nov. 2018; Euractiv, 2 Sept. 2020; Euractiv, 4 Dec. 2020; Agence Europe, 5 Dec. 2020.

largely emptied the section of the EU-OACPS Agreement on means of cooperation and implementation. The absence of these two controversial aspects from the negotiations has resulted, with some notable exceptions, in an aspirational agreement, with the EU and the OACPS making their best endeavours to address common challenges and reap benefits from strengthened cooperation. The celebratory language used by the two chief negotiators – for Commissioner Urpilainen the new agreement ‘marks a step towards a new era for the EU, Africa, the Caribbean and the Pacific’, whereas for Minister Dussey, it ‘paves the way for a modern and more committed partnership at the national, regional and international levels’<sup>37</sup> – demonstrates that both sides found reasons to be satisfied with the outcome, in spite of the long and intense negotiation process. In essence, the OACPS managed to gain some policy space for economic development and to counter threats to its survival, showing that it was capable of successfully negotiating a complex and comprehensive agreement with its historical partner; the EU succeeded in strengthening provisions on investment and on migration, particularly on the thorny issue of return and readmission.

The process leading to the adoption of the EU-OACPS Agreement was tortuous, but was less asymmetrical than in earlier instances, with the most significant clashes occurring within rather than between the two sides. On the one hand, the EU continued to be divided between a minority of Member States who wanted to preserve the EU-ACP cooperation framework and the majority who wanted to dismantle it, though their approaches did not converge, as some of these wished to focus only on Africa and others proposed a framework open to all developing countries. Furthermore, the EU was conditioned, and certainly held hostage during the preparatory process, by the need to accommodate the specific demands on migration and a few other issues from its Member States. As for the EC, institutional inertia may have once again prevailed, yet the hybrid cooperation framework was a necessary compromise between two divergent positions, offering at least the appearance of a partnership that preserved the idea of a group of ACP states, and offsetting any institutional and reputational damage. On the other hand, the OACPS faced the usual structural problems linked to reduced human resources and limited engagement by national leaders, particularly the heavyweights, so much so that negotiations were conducted by a small group of skilled ambassadors of small states, supported by a low number committed officials from the OACPS Secretariat. The decision of the AU in March 2018 was an attempt to enhance African agency but, in the end, it weakened the negotiation position of African ambassadors in the conclusion of the African Regional Protocol.

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<sup>37</sup> European Commission, *Post-Cotonou: Negotiators Reach a Political Deal on a New EU/Africa-Caribbean-Pacific Partnership Agreement*, Press release (3 Dec. 2020).

In terms of outcome, while there may still be some lingering sense of responsibility by the EU to its former colonies, the EU-OACPS Agreement appears to be one of the many partnerships that the EU has with third states. Overall, the EU-OACPS Agreement has a robust normative component, but also a neoliberalist tone in various provisions. Its political dimension is significantly strengthened, but not just because issues such as human rights, good governance, or migration have assumed greater relevance: political partnership is intended as a compact between actors that accept to go beyond donor-recipient dynamics, acknowledging that on some aspects they have common interests and on others their interest intersect, but they are willing to engage in regular dialogue, also at the international level, to address them. The prospects of the EU-OACPS Agreement, ultimately, depend on the commitment of the two sides to implement it. The OACPS may have been revamped with the adoption of the revised Georgetown Agreement in December 2019, though no major follow-up actions have been taken to fulfil the new ambitions, or have been postponed due to the outbreak of Covid-19. The EU, after its partly failed attempt to promote a 'one-Africa approach' through the African Regional Protocol, has manifested a stronger determination to place Africa at the centre of its external action, with the AU as its natural partner, at least for continent issues. It therefore appears that some dark clouds may have started gathering over the relevance of the EU-OACPS Agreement beyond that of governing relations between the EU and individual ACP states.

