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The calm after the storm: plurilateral challenges to the post-2020 EU-ACP partnership

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Introduction

The Cotonou Agreement, governing relations between the European Union (EU) and the Group of African, Caribbean and Pacific States (hereafter ACP Group), is set to expire in February 2020. Preparations proceeded somehow smoothly until early 2018, when both sides were hit by a storm, which protracted for a good part of the year before calm eventually returned. This article, accordingly, investigates different types of challenges posed to the renegotiation of the EU-ACP partnership. Firstly, it sketches the rationale behind the proposal made by the European Commission (EC) in December 2017 for an innovative framework consisting of a general part applicable to all ACP countries and three regional pillars applicable to countries respectively in Africa, the Caribbean and the Pacific. Secondly, it delves into the process resulting in the adoption of the EU negotiating mandate in June 2018, including the rows between EU Member States over the duration of the future agreement, the institutional set-up, and the issue of migration. Thirdly, it examines the preparatory process in the ACP Group, particularly the adoption of its negotiating mandate in May 2018, but also the problems generated by some contradictory pronouncements made by the African Union (AU), first entailing the abolishment of the ACP Group and then recommending a ‘two-track process’, one for EU-ACP relations and the other for EU-AU relations. Fourthly, it touches upon the initial phases of the EU-ACP negotiations, characterised by delays and complications, which are attributable to the form rather than the substance of the future agreement.

I. To renew, or not to renew: the proposal of the European Commission

The adoption of the Cotonou Agreement in June 2000, which succeeded the Lomé Convention (1975-2000), was hailed as the last step before the full normalisation of relations between the EU and its former colonies. Broader in scope than its predecessor – a third pillar on political dialogue was added to development and trade cooperation – it was meant to deliver on the fight against poverty and contribute to the integration of ACP countries into the world economy, whilst reflecting the politicisation of the EU’s external action with a new or stronger emphasis on democracy, human rights, and good governance, as well as security and migration. Over the course of its implementation, however, these expectations were met only in part. Importantly, relations between the two sides became strained because of the controversial negotiations of the Economic Partnership Agreement (EPAs), set to replace the trade regime resting on non-reciprocity applied across all ACP countries with a new system based on free trade agreements to be concluded with different sub-regions. The adoption of the Joint Africa-EU Strategy (JAES) in 2007, which brought together countries in both North

and sub-Saharan Africa, with the AU playing a leading role, and of the Joint Caribbean-EU Partnership Strategy in 2012 added concerns on whether the EU-ACP cooperation framework was fit for purpose (Carbone 2013; Bossuyt et al., 2016; Montoute and Virk, 2017).

With negotiations between the EU and the ACP Group due to start by the end of August 2018, the European Commission, together with the High Representative of the Union for Foreign Affairs and Security Policy, engaged in an extensive preparatory process, instigated by the adoption of a discussion paper (October 2015) and followed by consultations of different stakeholders (October-December 2015) and an impact assessment evaluating several scenarios resulting in a communication that presented the building blocks of the future EC proposal (November 2016). The starting point was whether the EU-ACP partnership should be preserved in its entirety or for the most part, given its contractual and comprehensive nature. Linked to this was the idea of anchoring future relations with the ACP Group into a legally binding framework, in line with the EU's approach to adopt broad framework agreements with third countries. The alternative was that of adopting three separate agreements, one per region: Africa, the Caribbean, the Pacific. In the case of Africa, one point of contention concerned the role of North African countries in the new framework, considering that each of them had signed association agreements with the EU under the European Neighbourhood Policy (ENP) (Kühnhardt, 2016; Keijzer and Schulting, 2018; Carbone, 2019).

The culmination of this preparatory process was the recommendation adopted by the European Commission on 12 December 2017. The EC proposed to have a single agreement, with unlimited duration, consisting of a general part applicable to all ACP countries complemented by three distinct regional compacts, in the form of protocols. The EC proposal stipulated that the general part of the future agreement would list overarching objectives, principles, priorities, and streamline the institutional set-up: the EU-ACP Summit and the EU-ACP Council of Ministers would take place on ad-hoc basis and the Joint Parliamentary Assembly (JPA) would be replaced by a joint meeting of the three regional assemblies to be held only if necessary. The regional protocols, governed by more regular summits, councils of ministers, and parliamentary assemblies, would become the centre of gravity for action, reflecting the growing importance of regionalism and regional actors, as well as the increased differentiation in challenges and needs among the three regions. The EC also proposed to finally deliver on the 'one Africa approach', somehow involving countries in North Africa, possibly by granting them the status of observers (EC, 2017).

In terms of substance, the EC reaffirmed its ambition to promote political norms in relation to peace and security, human rights, democracy and good governance, or proposed to integrate into the future agreement relevant goals on human development and environmental sustainability of the 2030 Sustainable Development Agenda and the Paris Agreement on climate change. Importantly, the EC was much bolder than previous occasions about the promotion of EU economic interests, specifically with regard to the generation of business opportunities for European entrepreneurs and investors; furthermore, it placed strong emphasis on the prevention of and fight against irregular migration, including the adoption of an effective mechanism aimed at strengthening the legal obligation of countries of origin to readmit and reintegrate irregular migrants. The addition of a new part on international cooperation, building on the decisive contribution of the EU-ACP alliance for the adoption of the Paris Agreement, was an absolute novelty: the aim was that of joining forces to tackle global challenges, thus boosting the EU (and the ACP) diplomatic clout in international settings, considering that the two sides represented over 1.5 billion people and more than half

of the United Nations membership (EC, 2017; Carbone, 2018). A potentially controversial aspect of the EC proposal – vis-à-vis the demands of the ACP Group – was the short section devoted to means of cooperation. The motivation lied in the attempt to finally depart from donor-recipient dynamics, with previous attention paid mostly to development cooperation being replaced by the new mantra of a comprehensive political partnership. Moreover, the future of EU external assistance was being discussed in a different forum, precisely in the context of the negotiations for the upcoming Multiannual Financial Framework (2021-2027): the plan was that of incorporating the European Development Fund (EDF) into the EU budget and allocating resources separately for sub-Saharan Africa, for Americas and the Caribbean, and for Asia and the Pacific, rather than for the ACP Group as a whole (EC, 2018).

II. The bumpy road to the EU negotiating mandate

The EC proposal was subject to numerous sessions of the ACP Working Party of the EU Council starting from mid-January 2018 and a few meetings of the Coreper in May and June before the negotiating mandate was adopted in June 2018. The initial aim of the Bulgarian Presidency was to finalise the EU negotiating mandate in time for the EU-ACP Council of Ministers of May 2018 and entrust the European Commission with starting negotiations soon afterwards (Agence Europe, 23 January 2018).¹ However, this scenario did not materialise, largely because of disagreements over migration and a few other issues.

A first bone of contention concerned the architecture of the future agreement. There was broad convergence among EU Member States on the fact that the centre of gravity should move to the three regions, whereas positions on the merit of the EU-ACP dimension diverged. In this regard, two distinct matters, duration of the future agreement and EU-ACP institutional set-up, were dealt with together, the aim being that of striking a compromise between competing pressures. A group of Member States, led by France (and supported by countries in Southern Europe), endorsed the EC proposal: unlimited duration of the agreement and preservation of the EU-ACP institutional set-up. Another group, led by Germany (and with all Nordic countries being very vocal), insisted on limiting the duration of the agreement by introducing a sunset clause² and proposed to abolish the EU-ACP Summit and the Joint Parliamentary Assembly and to reduce the periodicity of the EU-ACP Council of Ministers to ad-hoc meetings: clearly, their intention was to dismantle the EU-ACP framework at the earliest opportunity. Following intense consultations, some taking place between representatives of the two camps beyond the negotiation table, a compromise was found: duration of the agreement would be 20 years with a possible extension of 5 years and a midterm review to take place in 2030 at the expiration of the Sustainable Development Agenda; the EU-ACP Summit and the JPA would be abolished and the meeting of the EU-ACP Council of Ministers would take place every three years or when needed (EU 2018, Agence Europe, 19 May 2018; Euractiv, 28 May 2018; Keijzer and Schulting, 2018).

A second controversial matter concerned the EU's relations with Africa, specifically the link between the EU-Africa Protocol of the post-Cotonou Agreement and the Joint Africa-EU

¹ Note that the ACP Working Party as well as the Working Party on Development Cooperation continue to be chaired by the Presidency in spite of the entry into force of the Treaty of Lisbon, whereby that role should have been taken up by the European External Action Service.

² Duration of the future agreement would range from 7 years (linked to the upcoming Multiannual Financial Framework) to 20 or 25 years (in line with previous EU-ACP partnerships).

Strategy. The EC proposal was not very specific, as a result of divergences between different stakeholders within the EC: some wished the EU-Africa Protocol to replace the JAES and give a prominent role to the AU; others casted doubts upon the involvement of North African countries. Similar divisions arose among the EU Member States. At one side there were those (Germany *in primis*) who supported the ‘one-Africa approach’ and saw the legally binding nature of the EU-Africa Protocol as a straightjacket, preventing the full involvement of countries in North Africa. At the other side there were those who perceived the EC proposal as a threat to the ENP: some (with Spain and Portugal being very vocal) were cautious about its implications for the EU’s privileged relations with North Africa; others (specifically the Baltic states and some countries in Eastern Europe) were concerned about the consequences for the eastern dimension of the ENP. These divergences, however, did not significantly affect the EC proposal, not least because the AU and the 48 African members of the ACP Group had to yet consolidate their position – as explained in the following section. Thus, the final text indicated that the EU-Africa Protocol would not “replace and upgrade” the JAES as envisaged by the EC proposal but instead would “build on, reinforce and upgrade” it (Euractiv, 28 May 2018; Keijzer and Schulting, 2018; De Groof and Medinilla, 2019).

A third divisive issue was migration. The Bulgarian Presidency opted first to address all other parts of the EU negotiating mandate and then concentrate on the migration chapter, which did not turn out to be a wise choice. The starting point was the balanced and comprehensive approach proposed by the EC, which was endorsed, with some marginal changes, by all EU Member States except Hungary. The government led by Viktor Orbán sought to downplay the benefits of legal migration and to give more emphasis to the fight against irregular migration, which in their view was not adequately signalled as a security threat to Europe (Agence Europe, 19 May 2018). The adoption of the EU negotiating mandate planned for the end of May 2018 was delayed as no agreement could be found in various meetings of the Coreper that could accommodate the demands of Hungary and be acceptable to all (Agence Europe, 29 May 2018). A compromise was brokered only after some tense negotiations took place beyond the official negotiating table, involving the Cabinet of Commissioner Mimica, the Bulgarian Presidency, and a small group of EU Member States belonging to the two camps (Hungary was somehow supported by Poland). The final text toughened the language on irregular migration (one of the objectives of the future agreement became that of “stemming migration”), deleted references to the benefit of migration, and introduced a clear separation between national and supranational competences. This new approach, reluctantly accepted by the rest of EU Member States, was the price paid to Hungary for the sake of launching the negotiations on time (Euractiv, 28 May 2018; Agence Europe, 23 June 2018; Keijzer and Schulting, 2018).

A few additional changes were made to address specific concerns of some EU Member States but did not alter the substance of the EC proposal – showing that, lacking experience and a clear vision on EU-ACP relations, the main concern for the Bulgarian Presidency was that of acting as a honest broker and achieve a workable compromise before the end of its term at the helm of the EU. A new section on sexual reproductive health and rights (SRHR) was added as the result of a prolonged discussion between those (mostly in Northern Europe) who sought to expand women rights and those (notably Hungary, Malta, Poland) who manifested concerns about the link between SRHR and abortion – which led Poland to place a last-minute reservation on the EU negotiating mandate, eventually lifted thanks to the inclusion of a unilateral declaration in the official minutes stating that any measure on SRHR would not impact on national legislation (Agence Europe, 21 June 2018). More emphasis, in response to

pressure coming from France and the Netherlands, was given to the EU's Overseas Countries and Territories (OCTs), foreseeing their greater involvement in political and implementation processes and the possible granting of the status of observers. Same treatment could be reserved, in a post-Brexit scenario, to the United Kingdom – whose departure from the EU did not obstruct the EU's preparation for the post-Cotonou Agreement (EU, 2018; Agence Europe, 25 May 2018; Euractiv, 26 March 2018).

The adoption of the EU negotiating mandate on 22 June 2018 attracted limited public attention.³ More generally, its preparation involved a small circle of senior officials and policy experts, in the Taskforce set up by the EC and the European External Action Service (EEAS) and in the ACP Working Party of the EU Council of Ministers. European NGOs were invited to periodical consultations with the EU Taskforce, organised some public events, and produced a few policy papers, which had a very limited impact, if any at all, on the EU's position.⁴ One of their key concerns, which they shared with the European Parliament (EP), was the approach on migration, whereby too much attention was paid to return and readmission of migrants vis-à-vis legal pathways for regular migration. Expectedly, NGOs complained about the fact that development, from being the main objective of the Cotonou Agreement, had become just one of the six strategic objectives of the post-Cotonou Agreement. The EP and the NGOs also joined forces in seeking to preserve the JPA, which over the years had played a crucial role not only in enhancing accountability in the EU-ACP partnership but also on cultivating democratic practices across ACP countries (Euractiv, 26 March 2018; Agence Europe, 28 April 2018; Euractiv, 17 June 2018).

III. The EU's interlocutors: clashes between ACP Group and the AU

The adoption of the ACP negotiating mandate by the ACP Council of Ministers in Lomé (Togo) on 30 May 2018 was the result of a lengthy preparatory process, including two Summits of Heads of State and Government, several meetings of the ACP Council of Ministers, and numerous sessions of the ACP Committee of Ambassadors.⁵ The general view was that the EU-ACP partnership had produced significant results, yet some changes were deemed essential, specifically to ensure that equality between the parties, achievement of the sustainable development goals, and promotion of inclusive growth in ACP countries would be enshrined in the future agreement (Gomes, 2013; Montoute and Virk, 2017). Moreover, ACP representatives consistently reaffirmed the intention to negotiate as one block, secure a legally binding agreement, and build on the positive experiences of the Cotonou Agreement. These guiding principles did inform the ACP negotiating mandate, which also stipulated that the future agreement should consist, in line with the Cotonou Agreement, of three pillars: trade, investment, industrialisation and services; development, technology, science and research; political dialogue and advocacy, including peace and security and migration. Surprisingly, there was limited reference, if any, to aspects of human development and

³ The rush to adopt the EU mandate on the fringe of the Ecofin Council of 22 June, rather than in the context of the General Affairs Council of 26 June, should be seen against the risks presented by the AU summit in Mauritania starting on 25 June, which may have made the EU adoption of a negotiating mandate redundant.

⁴ Position papers on the post-Cotonou Agreement were also presented by the business community and the trade unions, but also in this case their impact was limited.

⁵ The summits were held in Equatorial Guinea in December 2012 adopting the Sipopo Declaration and in Papua New Guinea in May-June 2016 adopting the Waigani Communiqué.

environmental sustainability apart from health, oceans and seas, and climate change. Of particular significance – which led some observers to criticise the rather conservative approach taken by the ACP Group – were the sections on institutions and development cooperation: the recommendation was to maintain the existing institutional architecture, acknowledging some differences between the three regions; to preserve the European Development Fund or create a dedicated multi-annual financial instrument reserved to only ACP countries; to increase intra-ACP funding as a way to strengthen the role of the ACP Secretariat and the ACP Committee of Ambassadors, both based in Brussels (ACP, 2018; Carbone, 2018).

The renegotiation of the post-Cotonou Agreement was also discussed in the AU context, where the ACP Group was perceived as an obstacle to the AU's supranational aspirations and more generally to pan-Africanism, whereas the AU was seen as the only true voice that could legitimately represent African instances to global powers. The uncertainty in the EC proposal that the JAES – seen by the AU, perhaps instrumentally, as a genuine partnership based on the respect of African unity and the promotion of continent-to-continent dialogue – be subsumed into the post-Cotonou Agreement generated apprehension in some African capitals and certainly within the AU Commission (Carbone, 2018). Still, the decision adopted by the AU in March 2018, stipulating 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 ACP-EU framework” (AU 2018), caught many by surprise. Interestingly, it eventually emerged that its consequences had not been fully appreciated by all AU Member States. Indeed, one intense minority – consisting of the then AU Chair Paul Kagame and the AU Commission Chair Moussa Faki Mahamat, their countries of origin Rwanda and Chad, and few others – had managed to impose its preferences on the rest. Their claim was that Africa's bargaining power is in its unity and to achieve more favourable outcomes it would be necessary to strengthen the role of AU supranational institutions. By contrast, a vast majority of AU Member States were cautious about the risk of pulling national sovereignty and instead felt more comfortable to operate within the ACP context (Africa Confidential, 26 October 2018; ISS, October 2018; De Groof and Medinilla, 2019).⁶

The intention of the AU, or specifically the AU Commission, was to discuss the AU decision in the context of the ACP Council of Ministers of May 2018 in Lomé. The request to allow Faki Mahamat to formally present it before the ACP ministers was denied – the legalistic reason being that the Georgetown Agreement governing the ACP Group did not entrust the AU with any official role in the EU-ACP partnership. Thus, the AU decision was only presented by the AU Commissioner for Economic Affairs Victor Harison in a consultation session organised on the fringe of the ACP Council of Ministers to enable all regional organisations to express their position. In this venue, as admitted by Faki Mahamat, some African states took the floor recommending adherence to the ACP structure, which “demonstrated lack of unity on the African side” (Faki Mahamat, 2018). The scenario in front of the EU was unprecedented, having two groups of ministers representing the same countries taken two decisions that seemed difficult to reconcile: in March, the Ministers of Foreign

⁶ Interestingly, in the same context, 44 countries signed the African Continental Free Trade Agreement (AfCTA), set to become the world's largest free trade area and boost intra-African trade by more than 50 percent. This was a further signal, together with the ambitious plans to reform the AU's institutional architecture and ensure its financial sustainability respectively proposed by Paul Kagame (President of Rwanda) and Donald Kaberuka (former President of the African Development Bank), that Africa wanted to become a stronger and more effective actor in the international arena (Carbone, 2018; ISA, 31 August 2018).

Affairs in the AU context proposed to abolish the EU-ACP framework and instead have the AU negotiate a new AU-EU agreement; in May, the Ministers of Finance in the ACP context adopted a negotiating mandate for a renewed ACP-EU agreement. The EU opted to take a ‘wait-and-see’ approach, yet it sought to convey the message that the AU decision was compatible with the EC proposal for strong regional pillars of the future EU-ACP Agreement, with the AU playing a leading role in managing the EU-Africa Protocol (Carbone, 2018). A solution to this impasse, it was hoped, could come only from the meeting of AU Heads of State and Government scheduled in Mauritania in early July 2018. Surprisingly, the AU Summit was inconclusive and instead reverted the issue back to the ministerial level, that is a meeting of the AU Executive Council, this time enlarged to include Ministers in charge of ACP matters. It also asked the EU and the ACP Group to postpone the start of the negotiations until all African states and the AU had time to consolidate their position (Euractiv, 7 February 2019; De Groof and Medinilla, 2019).

IV. Negotiating at last

The extraordinary AU ministerial meeting of September 2018 did not produce an outcome document, yet it informally emerged (via the tweets of some African ambassadors) that the EU-ACP framework would not be abolished, and that the AU would have to play a prominent role in a future EU-AU partnership. This resolution, backtracking from the decision taken six months earlier, was made public at the AU extraordinary Summit of November 2018, where it was specified that the post-2020 negotiations with the EU would follow a ‘two-track process’: one through the AU, with regard to continent-to-continent relations; the other through the ACP Group, focusing mostly on development aspects. The AU resolve for a ‘two-track process’ run counter the ‘one-Africa approach’ proposed by the EU, whose aim was to streamline different, and often competing, processes.⁷ Yet, some commentators claimed that, “ironically, much of the lobbying for the ACP to represent Africa was done by the European Commission” (Africa Confidential, 26 October 2018). Similarly, Carlos Lopes, appointed AU High Representative for the AU-EU negotiations, indirectly blamed the EU: “my view is that the Africans got confused because they were taking the European mandate as the basis for discussion... the moment this was clarified there was no problem” (Euractiv, 21 December 2018).⁸

Having adopted their negotiating mandates, in August 2018 the EU and the ACP Group agreed to launch the negotiations through an exchange of letters, but only to comply with the deadline set by the Cotonou Agreement (Agence Europe, 30 August 2018). Meanwhile, negotiations had been publicly opened in New York on 28 September 2018, in the margins of the UN General Assembly, by the two chief negotiators: the European Commissioner in charge of International cooperation and Development Neven Mimica; the Minister of Foreign Affairs of Togo Robert Dussey. In that context, it was agreed to structure negotiations into

⁷ It should be noted that the EU was accused of sending potentially mixed messages about the future of the EU-ACP framework and the role of the AU. In May 2018, an AU-EU Memorandum of Understanding on Peace, Security and Governance was signed, reinforcing the existing cooperation with the AU aimed at the objective of ‘African solutions to African problems’. In September 2018, President Juncker launched the Africa-Europe Alliance for Sustainable Investment and Jobs, with the aim of boosting trade and investment in the whole African continent (De Groof and Medinilla, 2019).

⁸ It was agreed that the AU Commission would extend technical support to the African Members of the ACP negotiating team for their negotiations with the EU (Euractiv, 21 December 2018).

two main rounds: focus would be first on the general part of the agreement, to be concluded by the end of 2018, before attention would shift in early 2019 to the three regional protocols. It was also decided that negotiations would be conducted mostly at technical level in Brussels, with political meetings of the chief negotiators taking place alternatively in Brussels or in an ACP country to resolve outstanding issues (Agence Europe, 17 October 2018). The ambition of both sides was to conclude negotiations by the summer of 2019, not just to ensure that the new EU-ACP Agreement could enter into force by the deadline of 1 March 2020, but more importantly to avoid any potential negative consequence linked to the elections of the EP of May 2019 (Agence Europe, 2 October 2018).

Technical negotiations started in mid-October 2018, with a significant amount of time spent on the ‘skeleton’ of the general part of the future agreement, specifically the titles of the various articles associated to the six strategic priorities: sustainable and inclusive economic development; human and social development; human rights, democracy and governance; peace and security; migration and mobility; environment and climate change.⁹ By the first political meeting in December 2018, less progress than expected was achieved, with the chief negotiators being able to note only broad convergence on the structure of the future agreement and agreeing on the need to intensify talks in the new year (IDN News, 26 December 2018). At the second political meeting held in April 2019 in Ndjamena (Chad), the first round of negotiations was (declared) concluded – in fact, various issues remained outstanding. Furthermore, the technical teams were tasked to start engaging on the regional protocols. Some high-level consultations were conducted in early 2019 in Samoa and Jamaica, showing significant alignment between the EU and the Pacific and Caribbean regions on the needs and priorities to be addressed in the next decade or less. Similar broad convergence between the EU and Africa was apparently recorded in the consultations conducted in May 2019 in eSwatini, yet in this case the process promised not to be so smooth (Euractiv, 19 May 2019).

Conclusion

This article has identified three phases in the preparation for the renewal of the partnership between the EU and the ACP Group. At the beginning of 2018, all seemed on track to conclude the negotiations for a successor to the Cotonou Agreement on time. The EC proposal for an innovative framework consisting of a general part and three distinct regional pillars was accepted by all EU Member States, albeit reluctantly by some. The ACP Group, on its part, had agreed on a number of general principles and priorities to guide the drafting of its negotiating mandate. By mid-2018, matters got complicated. The EU faced an impasse over the issue of migration, which delayed the adoption of its negotiating mandate and risked compromising its credibility. Even more dramatically, the ACP Group suffered a major blow: African ministers meeting in the AU context adopted a very controversial decision that implied the dismantlement of the EU-ACP framework, yet soon afterwards the ACP Council of Ministers rushed to unanimously adopt an unfinished ACP negotiating mandate. Towards the end of 2018, calm returned after these storms. The EU was eager to start negotiations, yet it was not clear who its interlocutors would be, at least in relation to Africa. A solution was

⁹ The technical experts of the ACP Group were led by Ambassadors in the lead and the ACP Secretariat in a supporting role, whereas for the European Union it was a joint effort between the European Commission (with DG Devco in the lead) and the EEAS.

eventually found, with the AU agreeing on a two-track process, one for EU-ACP relations and the other for EU-AU relations, and the ACP Group accepting the idea of action-oriented regional pillars, in which the AU could take a prominent role.

These preparatory phases revealed a number of tensions, within rather than between the two sides. In the EU camp, there was the traditional cleavage between ‘regionalists’, which sought to preserve the EU-ACP partnership as a unique and comprehensive framework in the EU external action, and ‘globalists’, which sought to dismantle it, either by opening it to all developing countries or proposing to concentrate on Africa as a whole. Interestingly, the European Union was held hostage over the issue of migration by one of its Member States, which had little stake in ACP countries and provided small amounts of foreign aid, exposing the increased politicisation of EU-ACP relations. In the ACP camp, there was a battle over survival and visibility between the ACP Group and the AU, with the EU caught in between. The ACP Group and the AU, projecting alternative views on the nature and achievements of the EU-ACP partnership, competed over who would best represent the interests of Africa when engaging with the EU. The AU sought to use the post-Cotonou process to boost its profile as an international actor and its credibility vis-à-vis its Member States, in line with its supranational aspirations. The ACP Group reacted effectively to threats to its existence, capitalising on its intergovernmental nature and the experience gained in negotiations with the EU, and eventually succeeded.

These tensions affected both the start and the pace of the EU-ACP negotiations. Though the official launch took place through an exchange of letters in August 2018 and in a public ceremony in September 2018, negotiations on the substance of the post-Cotonou Agreement effectively started only at the end of October 2018, much later than expected. Moreover, the unfinished ACP negotiating mandate entailed extending preparatory rounds before ACP representatives could sit at the negotiating table. As for the substance, no significant disagreements could be anticipated over the general principles covered in the chapters on environment and climate change, human and social development, peace and security, and democracy and human rights. By contrast, the chapters on economic development (specifically, investment and trade cooperation) and migration (particularly the issue of irregular migration and readmission measures), looking at the two mandates as well as clashes emerging from various fora, promised to be contentious. Even more divisive could be expected to be the talks on the institutional framework – with the ACP Group seeking to preserve a major role of all-ACP institutions (e.g., ACP Secretariat, ACP Council of Ministers, Joint Parliamentary Assembly) and the EU emphasising the devolution of responsibility to actors in the three regions – and on the means of cooperation, whereby the ACP Group consistently stressed the need to keep a financial mechanism devoted only to EU-ACP relations and sought reassurance on the level of financial commitments from the EU. A similar degree of uncertainty surrounded the talks on the regional pillars, not least because the ACP negotiating mandate did not contain any discussion on the priorities for the three regions – in fact, initial consultations revealed broad convergence between the EU and the Pacific and Caribbean regions, whereas some hard negotiations on the operationalisation of the commitments on migration and on human rights and democracy could be expected for the EU-Africa Protocol. All this, ultimately, meant that not only the ambitious goal to conclude the future agreement by October 2019 was impracticable, but even the possibility to have a new treaty by the expiration of the Cotonou Agreement did not sound realistic.

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