

Beyond the Heaven–Hell Binary and the One-Way Traffic Paradigm: The European Union, Africa and Contested Human Rights in the Negotiations of the Samoa Agreement

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Abstract

This article, drawing on Third World Approaches to International Law (TWAIL) and embracing the decentring agenda in European Union (EU) external relations, discusses the substance of human rights promotion in the negotiations of the Samoa Agreement. It documents how the EU has concentrated on civil and political rights, whereas Africa has advanced an innovative approach to economic, social and cultural rights underpinned by the right to development. More importantly, going beyond the ‘heaven–hell binary’, which draws neat lines between the good North and the bad South, and the ‘one-way traffic paradigm’, which claims that human rights flow from the North to the South, it shows that the human rights corpus may be slowly evolving from its paradigmatic western orientation towards a truly universal project: the EU and Africa have started recognising each other as being holders of diverse yet legitimate perspectives on human rights.

Keywords: decentring; EU–Africa relations; human rights; Samoa Agreement; TWAIL

Introduction

When the European Union (Council of the EU, 2018) began negotiations for the successor to the Cotonou Agreement, one of its main objectives was to ‘protect and fulfil human rights and fundamental freedoms’. The task at hand was not easy: its counterpart, a bloc of 79 states in Africa, the Caribbean and the Pacific (ACP, 2018), barely mentioned human rights in its negotiating mandate, having on various occasions complained that the EU was simply seeking to impose a rather narrow view of human rights, with emphasis on civil and political (CP) rights and marginal attention, if any at all, paid to economic, social and cultural (ESC) rights (e.g., Sahle, 2019; Uwazuruike, 2020; Voss, 2020). After almost 2 years of intense negotiations, ‘the logic of compromise led the two parties to common views’, to quote Robert Dussey, Togo’s Minister of Foreign Affairs and Chief Negotiator for the Organisation of African, Caribbean and Pacific States (OACPS)¹: in his view, Africa, which traditionally has been more vocal on and sensitive to these matters than its Caribbean and Pacific allies, saw its ‘red lines fully respected’ and its priorities related to sustainable growth and development ‘globally taken into account’ (*Jeune Afrique*, 18 December 2020).² Indeed, the Samoa Agreement, signed in Apia on 15 November 2023, contains progressive commitments on various CP rights, complemented

¹In April 2020, the OACPS succeeded the ACP Group established by the Georgetown Agreement in June 1975 (Carbone, 2021b).

²In this article, Africa refers to the 48 states in sub-Saharan Africa that are members of the OACPS. South Africa withdrew from the OACPS in September 2022 after the initialling of the Samoa Agreement.

by some innovative approaches to ESC rights and the acknowledgement of the right to development (EC and OACPS, 2023).

Against this background, this article asks what type of human rights the EU seeks to advance in its external action before interrogating to what extent it is willing to genuinely listen when it engages with African states. The starting point was the literature on the EU as a diplomatic actor in the field of human rights. Much academic work has been produced on the reasons and the instruments that the EU uses to promote human rights (e.g., Arts, 2000; King, 2011; Lerch and Schweltnus, 2006; Manners, 2002; Smith, 2015; Wouters and Ovádek, 2021). Less explored is the substance of human rights promotion. More fundamentally, a large part of this literature is prone to Eurocentrism. Thus, with a view to addressing the limitations of these studies, not only does this article embrace the decentring agenda in EU external relations (Fisher Onar and Nicolaïdis, 2013; Keukeleire and Lecocq, 2018) but also, most importantly, it draws on Third World Approaches to International Law (TWAIL), which provides a set of analytical tools to expose the use of international law as an instrument to subordinate non-Europeans to Europeans and to unearth the allegedly altruistic mission of universal human rights, which in fact draws binary lines between the ‘good North’ and the ‘bad South’ (e.g., Anghie and Chimni, 2003; Barreto, 2013; Baxi, 2008; Gathii, 2022; Mutua, 2016; Okafor and Agbakwa, 2001).

These conceptual points are elaborated in the first part of the article, which, besides introducing the analytical framework, touches upon research methods. The second part delves into the negotiations of the Samoa Agreement, which is set to govern relations between the EU and the OACPS for at least 20 years and which can be traced back to the Lomé Convention (1975–2000) and the Cotonou Agreement (2000–2023). The concluding part reviews the argument and suggests some avenues for further research. In brief, this article contends that the provisions on human rights contained in the Samoa Agreement are the result of constructive dialogue between the EU and the OACPS, which, despite their different visions, were willing to listen and learn from each other more than they had done on previous occasions. In doing so, it contributes to two strands of literature: first, drawing on TWAIL, it challenges the ‘one-way traffic paradigm’, which posits that the promotion of human rights flows from the North to the South; second, it adds evidence towards a true decentring approach in the analysis and practice of EU external relations that does not seek to surreptitiously recentre the EU.

I. Conceptual Foundations: Understanding North–South Divides Over Human Rights

Even though human rights are widely endorsed in the abstract, there are significant variations in how different states promote different human rights. Indeed, existing research (e.g., Donnelly and Whelan, 2020; Terman and Búzáz, 2021; Voss, 2020) has documented a North–South divide at the United Nations (UN) (both in the General Assembly and in the Human Rights Council) where the North largely concentrates on CP rights (e.g., right to life, to freedom of expression, to freedom of association, to freedom of religion and to vote and take part in the conduct of public affairs) whereas the South pays more attention to ESC rights (e.g., right to an adequate standard of living, to education, to health and to take part in cultural life and enjoy the benefits of scientific progress and its applications),

as well as to so-called third-generation (TG) rights (e.g., right to development, to peace and to a healthy environment).³ Interestingly, even the triad of universality, indivisibility and interdependence, which undergirds the system of international human rights, has been instrumentalised in different periods by the North and by the South, often against each other. The remainder of this section expands on these matters, exposing the different logics underpinning the promotion of human rights by the EU and Africa.

Decentring the EU's External Action and Human Rights Promotion

Human rights promotion has garnered significant academic attention in analyses of the EU's external action. A first strand of the literature has examined the reasons behind the EU's different initiatives (the 'why' question), with the dichotomy of norms versus interests, although increasingly called into question, dominating the debate. On the one hand, the EU is presented by some as a value-based community, and the external promotion of human rights reflects the norms it promotes internally and its (self-proclaimed) identity of 'force for good'. On the other hand, it could be possible to conceive of a virtuous cycle between human rights and security, with the EU's prosperity best guaranteed by a world in which human rights are respected, or to claim that the promotion of human rights may serve to support the EU's commercial interests (e.g., Jenichen, 2022; Keukeleire et al., 2021; King, 2011; Manners, 2002; Smith, 2015; Staeger, 2016). A second strand of the literature has investigated the various types of activities that the EU has used to promote human rights, multilaterally or bilaterally, through coercion or persuasion, and the various factors shaping their effectiveness (the 'how' question). In this respect, much attention has been paid to the lack of coherence in the EU's response in the event of human rights violations, particularly by resourceful and strategic states, and the EU's hypocritical behaviour, preaching to others but ignoring that human rights are not always respected in and by (some of) its Member States, notably in relation to migrants and different minorities (e.g., Arts, 2000; Lerch and Schweltnus, 2006; Smith, 2010; Wouters and Ovádek, 2021).

Conversely, analysis of the substance of human rights promotion (the 'what' question) is patchy: some important work has been devoted to specific CP rights, most recently gender equality and rights of minorities (e.g., Saltnes, 2022; Thiel, 2022), largely reflecting the fact that, in its external action, the EU has focused on this category of rights more than on ESC rights. In this regard, it is indicative that respect for human rights is always associated with democracy and the rule of law, leaving aside the fact that the record of some EU Member States on ESC rights at the domestic level is far from exemplary (Egan et al., 2018). Another, more critical, shortcoming of the literature on, as well as the practice of, EU human rights promotion is its Eurocentrism, which refers to a systematic distortion of knowledge that portrays Europe (or the West) not just as being historically, economically, culturally and politically distinctive but also as superior in relation to others, non-European and non-western, in both material and moral

³While CP and ESC rights were codified in two separate covenants in 1966, the cluster of TG rights has not yet been incorporated into a legally binding instrument at the global level. The African Charter on Human and People's Rights (which came into effect in 1986) is the only legal instrument that, together with CP rights and ESC rights, includes references to TG rights. The European Convention on Human Rights (1953) contains provisions on CP rights, and the European Social Charter (1965) protects economic and social rights, while TG rights are not codified (Donnelly and Whelan, 2020; Sahle, 2019; Uwazuruike, 2020).

terms — and this has contributed to legitimising the political and economic dominance of Europe (or the West) in global affairs (e.g., Barreto, 2018; Sabaratnam, 2013; Tolay, 2021). Interestingly, even the concept of normative power can be interpreted as yet another version of a Eurocentric narrative, which, through a ‘universalistic imposition of European-defined norms’, ‘struggles to accommodate non-European norms and African agency’, and thus, it ‘does the EU’s post-imperial aspirations a great disservice’ (Staeger, 2016, p. 986). These charges exemplify a general trend in analyses of EU–Africa relations, in which African states are often not taken on their own terms but are mostly treated as passive recipients of EU policies (Carbone, 2023; Haastrup et al., 2020).

A possibility of transcending Eurocentrism, as this article seeks to do, is to embrace the decentring approach to the EU, which calls for a paradigm shift in both the study and practice of the EU’s external action through a three-step process (Fisher Onar and Nicolaidis, 2013; see also Carbone, 2023; Keukeleire and Lecocq, 2018; Wolff et al., 2022). The first step is to provincialise the EU, recognising the limitations of accounts of world affairs that privilege western standpoints, the particularistic rather than universal nature of European perspectives and agendas and the reproduction of coloniality of power by EU institutions and Member States in their interactions with the rest of the world. The second step is to engage with non-European viewpoints more directly, not only to be aware of external perceptions of the EU but also to appreciate alternative facts and values and learn from how others experience and respond to challenges. The third step is to reconstruct the EU’s external action after having addressed existing pitfalls. Thus, applying the decentring approach to the negotiations of human rights promotion between the EU and Africa means considering the EU’s proposals and actions from the perspective of Africa; exposing colonial legacies and the risks of neo-colonial behaviour that require African states to converge with EU preferences and practices, including the belief that human rights are, essentially, CP rights; challenging the representation of African states as weak, thus taking African agency seriously; and engaging in constructive dialogue to integrate African perspectives on human rights promotion without necessarily resorting to cultural and moral relativism (e.g., Haastrup, 2020; Keukeleire et al., 2021; Kinnvall, 2021; Sebhatu, 2020). These are also some of the premises behind the emergence of TWAIL.

TWAIL and Human Rights Promotion

Originated as an alternative to the Eurocentrism that has pervaded international law, TWAIL is not a theory but can be characterised as ‘a school of thought’ (Okafor, 2005, p. 176), which, despite significant differences between generations of scholars (Anghie and Chimni, 2003), shares a ‘commitment to centre the *rest* rather than merely the *west*’ (Okafor, 2005, p. 177) and ‘to understand, deconstruct and unpack the uses of international law as a medium for the creation and perpetuation of a racialised hierarchy of international norms and institutions that subordinate non-Europeans to Europeans’ (Mutua, 2000, p. 31). In this regard, the notion of the Third World is neither anachronistic due to the end of the Cold War nor without purchase due to the significant diversity between countries in terms of wealth and cultural heritage (Chimni, 2006). In fact, it is ‘historicised as part of a strategic paradigm of resistance and liberation’ that binds people

from Africa, Asia and Latin America (Mutua, 2000, p. 36), and therefore, it can be used interchangeably with other denominations such as the developing world or the South (Eslava and Pahuja, 2011; Gathii, 2022).

TWAIL provides important analytical tools for unveiling the diverse logics or the various tensions that characterise the evolution of the international human rights system (Badaru, 2008). More specifically to this study, it helps shed light on the approach to human rights advanced by Africa and, consequently, on the outcome of the negotiations resulting in the Samoa Agreement. In fact, it purports that after the decolonisation process, the primary concern for Africa was, and continues to be, the recognition of the principle of self-determination, entailing not only political but also economic independence, exemplified by the defence of the notion of 'permanent sovereignty over natural resources' and the fight for the recognition of the 'right to development'. This optimism about international human rights law as a means of alleviating human suffering is to be complemented by more radical views of mainstream international human rights law, instrumentally employed by Europe and more generally the North, to dominate over and 'civilise' Third World people, most notably in Africa (Anghie and Chimni, 2003; Chimni, 2006; Mutua, 2016). In this regard, TWAIL denounces the emergence of a 'heaven–hell binary': the North (and thus Europe) is portrayed as 'heaven' where human rights are respected, and the South (and thus Africa) is depicted as 'hell' where human rights are violated. This pernicious dichotomy 'creates the impression, conscious or unconscious, that in the area of human rights, the Western world has nothing to learn from the Third World' and at the same time prevents the creation of positive synergies across North–South (or Europe–Africa) human rights divides and 'hampers good faith attempts to construct a truly cosmopolitan human rights ethos' (Okafor and Agbakwa, 2001, p. 575).

TWAIL goes beyond simply exposing the shortcomings of this artificial 'one-way traffic paradigm', and, by upholding the validity of Third World visions of human rights, it sets out the conditions for constructive dialogue between the EU and Africa (Barreto, 2018; Mutua, 2016). First, it assumes the moral equivalency of cultures against the tendency of mainstream international human rights law to promote universalism and European values without adequately taking into account non-western inputs and specificities (Badaru, 2008; Mutua, 2000; Okafor, 2005). Second, it rebukes the emphasis placed by the North, including the EU, on CP rights as a tool to advance, if not impose, the liberal version of a global order that does not adequately respond to the needs of the South, including Africa; instead, it supports a holistic approach to human rights that pays equal attention to CP and ESC rights and highlights the importance of TG rights, most notably the right to development to underpin all human rights (Chimni, 2006; Mutua, 2016; Okafor and Agbakwa, 2001). Third, it sets out a people-centred human rights agenda, giving voice to individuals and groups from the South who, especially in Africa, may have to not only confront the abuses and violence of authoritarian rulers but also pay the consequences of a hostile international system that reproduces neo-colonial structures and legitimises harmful neo-liberal practices (Chimni, 2006; Rajagopal, 2006). Fourth, it advocates the representativity of all voices, particularly non-governmental, but warns against civil society organisations (CSOs) from the North, particularly Europe, as well as CSOs from the South if their funders are entirely or largely international, as often these set out human rights priorities that are extraneous and insensitive to local contexts, especially in Africa (Baxi, 2008; Mutua, 2016).

Research Methods

The empirical part of this article focuses on the negotiations of the Samoa Agreement, which is set to provide not only the political basis for all co-operation initiatives but also the legal foundation for political dialogue, especially on human rights, between the EU and the members of the OACPS. To gain in-depth knowledge of EU–OACPS negotiations, this article triangulates data using three types of sources (Bryman, 2021; Halperin and Heath, 2020; Silverman, 2019). The first type of source is official documents produced by the EU and the OACPS, which are crucial in ascertaining what the two sides sought to pursue in the negotiations: some of these documents (including the two negotiating mandates and the final text of the agreement) are in the public domain, whereas a large majority (including internal briefings, summary records of all negotiation rounds and of different types of preparatory meetings within the EU and the OACPS, drafts of the various parts of the emerging Samoa Agreement) are not publicly available.

The second type of source is participant observation. Between December 2015 and April 2021, the author served as policy advisor to the EU Taskforce on Post-Cotonou; for most of this period, he also provided informal technical advice on specific issues to the OACPS Secretariat and various ACP ambassadors who were part of the OACPS negotiating team. To be sure, the scope of participant observation was not to develop an ethnographic study of the behaviour of international negotiators but to document, through rigorous note-taking during or after meetings, how different actors represented and justified different policy positions.

The third type of source is elite interviews. Between May 2021 and April 2023, the author carried out a total of 78 interviews with people directly involved in the negotiation process: (1) for the EU, 18 officials were from several Directorates General (DGs) of the European Commission, 11 from the European External Action Service and 19 from various Member States operating in the Council; (2) for the OACPS, 24 diplomats were from 20 ACP states, 10 officials and diplomats were from the Secretariat and 4 officials were from the African Union (AU). In selecting the interviewees, the author was facilitated by the fact that he had previously engaged with a large majority of them throughout the negotiation process. The format for the interviews, which served to both corroborate emerging understandings from documents and participant observation and acquire different appreciations of the negotiation process, was of two kinds: some were semi-structured interviews, with general questions on the negotiation process followed by targeted questions on specific topics, whereas a few were unstructured, resembling a conversation between friends or colleagues. Confidentiality and anonymity were guaranteed to all research participants, even when some explicitly gave permission to reveal their identity.

Qualitative content analysis was employed to make sense of the collected data. It was chosen because it is a highly interpretative form of analysis concerned with exposing meanings, norms, values, motives and purposes embedded within texts; moreover, it is particularly useful in unveiling different perspectives on the same topic by different people. The text under scrutiny was the Samoa Agreement, together with provisional draft versions of it and the preparatory documents produced by the EU and the OACPS; interview material was used to provide context and unveil latent meanings that may have resided between the lines. The selection of categories to guide the analysis was not made a priori but through an interactive process of going back and forth between data and

concepts. Finally, the data was examined to isolate patterns and insights relevant to the objective of the study, with illustrative quotations used as the primary mode of presentation (Bryman, 2021; Halperin and Heath, 2020; Silverman, 2019).

II. Empirical Analysis: Human Rights Promotion in the Negotiations of the Samoa Agreement

Whilst the AU has gradually emerged as an important interlocutor for the EU in the field of human rights, the legal framework for dialogue and co-operation with African states has been provided by subsequent EU–ACP co-operation agreements. The Lomé Convention (1975–2000), following an initial reluctance to deal with these matters, linked human rights to development: if the outcome of the third revision of the Lomé Convention (1985) reflected ACP preferences that development should be prioritised over human rights, in the case of the fourth revision (1990), the EU's posture that human rights promotion is an autonomous goal and not the by-product of the development process prevailed (Arts, 2000). The Cotonou Agreement (2000–2023) strengthened the political dimension of human rights by further tying their promotion to democracy, the rule of law and good governance; however, it was the ensuing conduct of annual dialogues and the erratic imposition of sanctions for violations of democratic principles and human rights that contributed to eroding the EU–ACP partnership (e.g., Carbone, 2013; Del Biondo, 2020; Saltnes, 2022). These grievances emerged in the OACPS negotiating mandate for the successor to the Cotonou Agreement, which was replete with words like 'mutual respect', 'reciprocity', 'sovereignty' and 'without conditionalities' (ACP, 2018). Interestingly, the internal negotiating briefing warned ACP negotiators to 'guard against the introduction of certain elements that are foreign to ACP values and cultural practices (e.g. the issue of sexual orientation and gender identity)' and to 'argue strongly for economic, social and cultural rights, as opposed to just [civil and] political rights' (OACPS, 2021). Following a lengthy and at times heated negotiation process, the Samoa Agreement (2024–) gives stronger prominence to and widens the scope of human rights promotion, covering not only CP rights but also ESC rights and acknowledging, unexpectedly, the right to development (Carbone, 2021a).⁴

Civil and Political Rights

The Samoa Agreement contains progressive language on CP rights, namely, on fundamental freedoms and rights of women, children and indigenous people, as well as the pursuit of inclusive and pluralistic societies. On these issues, it reflects the EU liberal vision of human rights, which was readily endorsed by African negotiators, with some notable exceptions, and here, TWAIL is of great help in understanding the EU's propositions and Africa's objections: first, when the EU proposals challenged traditional and widely held values in African states, notably with regard to sexual rights and the abolition of the death penalty, they were opposed by Africa on grounds of cultural relativism; second,

⁴Two other matters, both related to the process rather than the substance of human rights, were sources of discord: role of the International Criminal Court (ICC) to end impunity for the perpetrators of the most serious crimes of concern to the international community and procedures in cases of violations of human rights, democracy and the rule of law (see Carbone, 2021a).

when the legitimacy of African governments could be called into question by foreign-funded CSOs, the issue in question became external interference (see also Leino, 2016).

Sexual Rights

The EU has regularly lamented continued discrimination and abuses faced by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in several African states (Saltnes, 2022; Thiel, 2022; Voss, 2020). For the post-Cotonou Agreement, therefore, it proposed to explicitly mention sexual orientation and gender identity (SOGI) amongst grounds for non-discrimination (Council of the EU, 2018). As it met resistance from African states, it strived to, at least, obtain a commitment to the fight against ‘all forms of violence targeted at individuals because of their sexual orientation and gender identity’ (EU, 2021). The group of African negotiators, irrespective of blatant internal differences as some African states have adopted very progressive legislation (Ojilere, 2024; Uwazuruike, 2020), incessantly repeated that ‘an explicit reference to SOGI would be against our cultural values and religious beliefs’ (Interview 49) and that the new agreement would at least have to include an ‘in accordance with the national context’ proviso if sexual rights were overtly mentioned or even alluded to (OACPS, 2021). This proposition was not accepted by EU (2021) negotiators, who maintained that ‘the protection against violence and the promotion of this basic human right should never be subject to unspecified, arbitrary restrictions at any level, including national or local’. A compromise was eventually found, with reference to any ‘other status’ added to the list of non-accepted grounds for discrimination (EC and OACPS, 2023) – which was still welcomed positively within the EU (2021), the presumption being that ‘UN treaty bodies and procedures, as well as ruling of some international Human Rights courts, already interpret other status as inclusive of SOGI’ (see also *DevEx*, 1 December 2020; Interviews 6, 10, 42 and 43), but disappointed in part some European activists (Boidin, 2020; Concord, 2021). Furthermore, it was agreed to add a sentence stipulating that every state should fight ‘all instances of advocacy of hatred’ that constitute incitement to discrimination, hostility or violence (EC and OACPS, 2023) – which again was saluted positively within the EU (2021), as it was seen as ‘making room for covering broader categories that might be granted protection, with the evolution of the list of international standards’ (see also Interviews 6 and 10).

Similar dynamics characterised the discussions on sexual and reproductive health and rights (SRHR). The matter at stake was not the elimination of harmful practices affecting the reproductive lives of women, such as child marriage and female genital cutting/mutilation or the commitment to improved health services to prevent unnecessary morbidity and mortality (Interviews 6, 10, 31, 55 and 69). The source of discord was the EU’s proposal to extend sexual rights to all individuals, implicitly hinting at LGBTI persons. African negotiators referred, skewedly, to internationally agreed language, which recognises the rights of women (but not all individuals) to have full control and decide freely on matters related to their sexuality, and thus proposed to limit provisions only to sexual health and reproductive health and rights, but not to mention sexual rights (Interviews 51 and 65; see also Durojaye et al., 2021). A compromise was also found in this case, which linked progress on SRHR to commitments made in the context of the UN or relevant

international conventions (EC and OACPS, 2023; *Agence Europe*, 5 December 2020), and interestingly, ‘the full SRHR acronym was avoided because it was considered too loaded’ (Interview 3). Even more controversial was the EU’s insistence on including a provision ensuring ‘universal access to quality and affordable comprehensive sexual and reproductive health information and education’ (EC and OACPS, 2023), which African negotiators wanted to, at least, qualify by adding ‘age appropriate’ or ‘culturally sensitive’ with the aim of respecting different value systems (Interviews 52, 55 and 56): this addition was perceived by the EU (2021) as an attempt to ‘justify or introduce more restrictive curricula and to link sexuality education to parental guidance alone, therefore failing to meet the standards and objectives of comprehensive sexuality education’ and thus was rejected despite objections coming from some African states (Interviews 52, 55 and 56; *Africa Confidential*, 23 February 2023).⁵

Death Penalty

Whilst most OACPS members have abolished capital punishment or stopped executions, a small number of African and other ACP states still apply the death penalty, and indeed, the number of executions has not declined since 2000 (e.g., Uwazuruike, 2020). The EU, for its part, has been a staunch supporter of its abolition (Kissack, 2020; Lerch and Schwellnus, 2006; Manners, 2002), and for the post-Cotonou Agreement, it aspired to, at least, include a commitment by all to ‘dialogue and cooperation on the abolition of the death penalty’ (Council of the EU, 2018). Interestingly, at the start of the negotiations, it adopted a very ambitious position, calling retentionist states ‘to consider a moratorium on executions’, ‘progressively restrict the use of the death penalty’, ‘promote alternative sentences to capital punishment’ and ‘ensure adherence to international minimum standards’ (EU, 2021). The OACPS, with some African states in the lead, initially refused to even engage, lamenting the EU’s attempt to interfere in their domestic affairs, not least because in retentionist states the death penalty is foreseen in national legislation, leaving aside the argument that it may be supported by citizens (Interviews 55 and 71). Indeed, OACPS (2021) negotiators did not want to go beyond a reiteration of ‘the principle that everyone has the right to life’ and were only prepared to concede that ‘the sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime’ (see also Interviews 55 and 71). An accord was found when it was decided to ‘reduce the issue to its essence’ (EU, 2021), that is, ensure that the abolition of the death penalty could be included amongst issues to be discussed during periodic political dialogue meetings between the EU and individual ACP states and guarantee adherence to due process and internationally agreed minimum standards when the death penalty is still provided for in national legislation and is still applied (EC and OACPS, 2023). EU (2021) negotiators nonetheless considered this an important achievement, as it gave ‘an entry point to put pressure on retentionist states towards the abolition of the death penalty’ (see also Interviews 3, 25 and 32).

⁵The issue of sexual rights was mentioned as one of the reasons for the veto placed by Hungary and Poland on the signature of the Samoa Agreement after being initialled in April 2021 (*Euractiv*, 20 April 2023; *Agence Europe*, 4 May 2023; *Politico*, 18 July 2023). It was also one of the reasons why various ACP states (e.g., Ghana, Jamaica, Nigeria and Uganda) initially refused to sign the Samoa Agreement in November 2023 (*Africa Intelligence*, 21 November 2021; *The Gleaner*, 14 December 2023).

Space for Civil Society

An increasing raft of African states has since the mid-2000s passed legislation limiting the operations of CSOs, particularly those operating in the field of human rights (Sahle, 2019; Uwazuruike, 2020). The EU (2021), which traditionally has been very active in supporting human rights defenders, throughout the post-Cotonou negotiations sought to persuade African states to accept a provision establishing a commitment to ‘preserve and broaden an enabling space’ for CSOs as ‘promoters’ of human rights and democratic principles and entrusting them with an ‘oversight role’ in the activities of national governments. For African negotiators, the key function of CSOs was that of ‘providing specific services in order to foster social inclusion’ and human development (OACPS, 2021), whereas the task of promoting human rights must rest with national governments, which are directly accountable to their citizens (see also Interviews 55, 59 and 70). In fact, their initial proposal was that the activities of CSOs should be subject to ‘applicable national and local laws’, the intention being that of allowing the operations of only registered, ‘democratically and transparently managed’ ‘local CSOs that are not subject to foreign funding and which do not interfere in the domestic affairs of [ACP] Member States’ (OACPS, 2021). The EU strongly opposed anything that could, even implicitly, shrink the policy space of CSOs (Interviews 3 and 18). Eventually, a compromise was achieved: the EU (2021) accepted that the ‘enabling space’ should be ‘preserved and broadened’ but for ‘transparent’ CSOs, though the meaning and implications of ‘transparent’ were not defined; the OACPS (2021) obtained that, whilst preserving the role of national governments, CSOs can only ‘contribute’ to the promotion of human rights (see also Interviews 55 and 70).

Economic, Social and Cultural Rights and Third-Generation Rights

The OACPS, with African negotiators in the lead, sought to advance a holistic vision of human rights, predicated on the view that ESC rights deserve the same attention as CP rights, an approach that was latently challenged by the EU (see Sahle, 2019; Uwazuruike, 2020). This divide over the prioritisation of human rights can be understood using a TWAIL perspective on human rights, which has indeed exposed the marginality of ESC rights, not to mention TG rights, in the (western-led) international human rights system. The Samoa Agreement does include detailed references on health, education, food, shelter and water, as well as on social security, based on the Sustainable Development Goals (SDGs), yet the EU managed to move all references to anything that could somehow be linked to ESC rights away from the section devoted to ‘human rights’ into the sections devoted to ‘human and social development’ and ‘inclusive and sustainable growth’. In doing so, it implicitly projected the view that the promotion of ESC rights in its external action is to be treated as, mostly if not entirely, a policy objective. Surprisingly, the EU accepted to acknowledge the right to development, thus making an important contribution to the evolution of international human rights discourses.

Right to Development

Human rights and development, in policy and academic discourses, have been linked in two major ways: the first, which is advanced through the so-called rights-based

approaches to development, maintains that human rights are integral to sustainable development, whereas the second, which was advanced by TWAIL against the backdrop of decolonisation and has since been a matter of great controversy, considers development as a human right in and of itself. In fact, one of the characteristics that sets the right to development apart from other human rights, besides the fact that its recognition is both an individual and collective entitlement, is that responsibility for its promotion rests not only with states but also with the international community, thus challenging the asymmetry of global economic relations and the different inequalities between the North and the South (Ibhawoh, 2011; Marks, 2004; Sahle, 2019). It is therefore not surprising that its operationalisation has been the object of contentious debates at the UN for several decades, with the EU and African states finding each other in two opposing camps (Terman and Búzáz, 2021; Voss, 2020). The post-Cotonou context became another setting for how to link development and human rights: the EU (2021) supported the view that human rights 'are prerequisites to achieve sustainable development' and that 'shortcomings towards the achievement and fulfilment' of human rights would 'hinder sustainable development'. The OACPS, conversely, claimed that development takes precedence over (CP) human rights, and human rights are more acceptable if they help promote development, but when the two clash, development must prevail (Interviews 55, 60 and 66). The solution, eventually, was to agree solomonically that 'respect for democracy, human rights, fundamental freedoms, the rule of law and good governance is an integral part of sustainable development' (EC and OACPS, 2023).

A more intense discussion took place in relation to the link between the right to development and development assistance (Interviews 2, 7, 61 and 66): for the North (including the EU), development assistance is at best an act of generosity; for the South, it is an entitlement and a central component of the right to development (Leino, 2016). The initial OACPS (2021) proposal posited that the right to development is 'an inalienable right' and that 'every human being and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised'.⁶ It also postulated that, for the realisation of the right to development, it would be necessary to guarantee not only access to social services (i.e., education, health, food and housing) but also a fair distribution of income and resources (OACP, 2021). The EU at first objected to any such references to it but then accepted to 'acknowledge the right to development' and 'support measures for the enhancement of the right to development' (EC and OACPS, 2023), though it put forward a formulation that 'embedded it into the system of human rights, which are inalienable' (Interview 30). Most importantly, throughout the post-Cotonou process, EU negotiators managed to delink the right to development from development assistance: the EU's decision to incorporate the European Development Fund (EDF) into its multiannual budget was presented to the OACPS as largely fait accompli, decided by its Member States in other settings (Interviews 49, 57, 65 and 66). The OACPS, thus, had no other choice but to accept, yet its remissive attitude could be justified by the growing importance that its representatives attach to economic self-determination beyond development assistance (Interviews 55 and 64).

⁶Most of the language proposed by the OACPS came straight from the 1986 UN Declaration on the Right to Development, which the EU has never endorsed.

Right of Economic Self-Determination

African negotiators sought to advance an unconventional view of economic rights, linked to the right of economic self-determination and the notion of permanent sovereignty over natural resources to be used for the benefit of their people. This vision met with some resistance from the EU, and three examples best illustrate this divide. The first example refers to the extractive sector. On the one hand, the EU (2021) pushed to ensure ‘fair, responsible and undistorted access to extractive resources’, which was objected to by African negotiators (Interviews 55, 64 and 75), who instead sought to include a provision guaranteeing some ‘preference to local economic operators, with respect to subcontracting, to promote the transfer of skills and technology’ (OACPS, 2021). The EU’s (2021) insistence on ‘undistorted access’ (evidently aimed at facilitating the penetration of European investors into foreign markets) was accepted (Interviews 3, 21, 55 and 75), yet it was somehow tempered by the commitment to respect ‘the sovereignty of countries over their natural resources and upholding the rights of affected communities’ (EC and OACPS, 2023). The second example concerns the issue of local content requirements (LCRs) related to foreign direct investment (FDI) (Olawuyi, 2021), which for the OACPS (2021) would help generate benefits for their economies, for instance, in terms of domestic employment creation, skills development or procurement of locally sourced goods and services (Interviews 60, 64 and 73). Conversely, EU (2021) negotiators claimed that LCRs would reduce the attractiveness of a country for investors and would be detrimental to the flow of FDI, and in fact most bilateral and multilateral investment treaties expressly prohibit their use, albeit with some caveats. In this event, the EU refused to listen, and its stance eventually prevailed (Interviews 14 and 15). The third example is with regard to public procurement. The EU (2021) proposed to include a provision calling on the parties to ‘promote effective, reciprocal and gradual opening of their respective procurement markets’ and ‘establish an effective, impartial, transparent and competitive public procurement system’. The OACPS (2021), conversely, claimed that there was a ‘need to give preferences to certain vulnerable sectors of society, and to avoid imposing an administrative burden by demanding transparency’ (see also Interviews 60 and 74; *Caricom Today*, 17 December 2019). Eventually, it agreed to highlight the importance of establishing transparent public procurement systems without however yielding to their gradual liberalisation (EC and OACPS, 2023), which within the EU was still seen as a way of ‘opening the door for future cooperation’ in a sector very dear to European investors (Interview 11).

Right to Cultural Heritage and Return of Cultural Goods

The link between human rights and culture has been characterised by long-standing quarrels between the EU and Africa. The EU has been preoccupied with the possibility that cultural practices might be used to justify violations of universal human rights. African negotiators have been concerned with protecting but also reclaiming cultural heritage, most notably objects removed during colonialism. Indeed, it is estimated that about 90% of the cultural artefacts from sub-Saharan Africa are kept elsewhere, as claimed in a 2018 report commissioned by French President Emmanuel Macron to French art historian Bénédicte Savoy and Senegalese economist Felwine Sarr, who recommended the permanent return to African countries of cultural goods taken during colonialism (Christofolletti and Botelho, 2021).

In the post-Cotonou negotiations, besides supporting the promotion of culture as an engine for economic growth (a view endorsed by the EU), African negotiators made a proposal to ‘acknowledge the inalienability of heritage in the identity and cultural life of communities’ and to ‘resolve to address the return, restitution and conservation of cultural property through continuous dialogue, capacity building, and collaboration among cultural heritage professionals, source communities, memory institutions, and governments concerned’ (OACPS, 2021; see also *DevEx*, 23 July 2019). Furthermore, they proposed that ‘in the case where the cultural properties cannot be returned to their countries of origin, the host country shall share the income generated through the exploitation of these properties with the concerned country of origin’ (OACPS, 2021): put differently, if not returned, cultural goods should at least generate revenues for source countries. Interestingly, they repeatedly cited the Sarr-Savoy report, notably referring to the fact that return and restitution should be based on a ‘new relational ethics’ (OACPS, 2021): specifically, they lamented that ‘Europe wants a partnership of equals, but it is not ready to enter into a new relational ethics with its ACP partners that were once European colonies’ (Interview 10). EU negotiators were mostly on the defensive, and not just because EU Member States claimed that culture is a matter of national competence (Interviews 25, 34, 35, 39 and 41). After lengthy discussions, the EU suggested – a proposal that was accepted by the OACPS (Interviews 49, 56 and 71) – to replace the concepts of ‘inalienability of heritage’ and ‘return of cultural property’ with the notion of ‘ability to access and enjoy cultural heritage’ (EC and OACPS, 2023). Furthermore, upon the insistence of African negotiators (Interviews 49, 59 and 69), the EU (2021) accepted not only that ‘cultural heritage is an essential component for the identity and cultural life of communities, and as such its accessibility should be ensured regardless of heritage’s ownership and or/location’, but also that, for this purpose, a range of means could be foreseen and deployed, namely, ‘education and information, digitalisation of museum collections, staff and professional exchanges, increased dialogue between cultural institutions, capacity building and training, museum loans’. This outcome must not be underestimated, as it may mark another step towards the full recognition of the right to cultural heritage.

Conclusion

In October 2022, Josep Borell (High Representative for the EU’s foreign and security policy) depicted Europe as ‘a garden’ of freedom, economic prosperity and social cohesion, and most of the rest of the world as ‘a jungle’ requiring civilisation and development. This unfortunate metaphor attracted widespread criticism and indignation for its colonialist and Eurocentric connotations. If anything, it provided new evidence for an emerging strand of literature invoking a decentring turn in EU studies, aimed at recalibrating the analysis and practice of the EU’s external action after having redressed its main pitfalls related to provincialisation and engagement with non-European perspectives (Fisher Onar and Nicolaidis, 2013; Keukeleire and Lecocq, 2018). Interestingly, a similar ‘heaven–hell’ binary had previously been used by scholars advancing TWAIL to denounce the contradictions and injustices of mainstream international law, and human rights law in particular, accused of projecting some (in the South) as savages and others (in the North) as saviours (Anghie and Chimni, 2003; Barreto, 2018; Mutua, 2016). Besides misrepresenting reality, Borrell’s speech indirectly sustained the ‘one-way traffic paradigm’, which posits that the

promotion of human rights flows from those who have invented them (i.e., the North) to those who know very little about and hardly observe them (i.e., the South) (Okafor and Agbakwa, 2001).

These considerations have underlain the key research question that this article has sought to answer: precisely whether the EU is willing to genuinely listen to its counterparts when it negotiates human rights promotion or instead prefers to insist on its narrow vision, which emphasises CP rights and downplays ESC and TG rights. By focusing on the negotiation process leading to the Samoa Agreement, which is the latest iteration of the partnership between the EU and the OACPS that dates back to (at least) the mid-1970s, it has been shown that engagements between the EU and Africa, and more generally all members of the OACPS, over human rights promotion cannot be characterised as a ‘dialogue of the deaf’ (Arts, 2000), as was the case with the Lomé Convention (1975–2000) and the Cotonou Agreement (2000–2023). Indeed, it has transpired that there are now two interlocutors who are willing to listen to and recognise each other as being holders of diverse yet legitimate perspectives on human rights. True, the EU did try to advance its agenda on CP rights, including sexual rights, adequate policy space for civil society and the abolition of the death penalty. However, it accepted the logics (rooted in different value systems) behind the opposition of African states and acknowledged that respect for human rights is not necessarily a precondition for the pursuit of sustainable development, which shows the significance of the decentring approach in EU external relations. African negotiators, for their part, were able to advance the developmental orientation of the African human rights system, particularly in relation to the right of political as well as economic self-determination, notably with regard to the operationalisation of the notion of permanent sovereignty over natural resources and the thorny issue of cultural heritage, and this points to the relevance of TWAIL to appreciate Africa’s holistic approach to human rights.

This constructive dialogue between the EU and Africa may mean that, as augured by TWAIL (Barreto, 2018; Mutua, 2016), the human rights corpus is slowly evolving from its paradigmatic western orientation towards a truly universal project. This optimistic conclusion, however, requires further studies, as norm fragmentation continues to be seen as a key feature of the international human rights system (Terman and Búzáz, 2021; see also Keukeleire et al., 2021; Smith, 2010; Voss, 2020). It may be possible that, again optimistically, it signals a momentous change in EU–Africa relations, as for way too long the EU has treated Africa as an afterthought rather than a true partner or that, in this case somewhat cynically, the EU has opted to be pragmatic about values and principles – also as a consequence of the increased agency of African states, the rise of interest in Africa of new powers and/or the fear of (further) losing terrain in the defence of multilateralism and the, increasingly contested, liberal international order (Carbone, 2023; Haastrup et al., 2020). In this regard, it would be necessary to reconsider EU–Africa relations, being aware that the decentring approach may simply provide the EU with convenient epistemological leeway to use the coloniality of power to pursue its interests (Orbie et al., 2023). Employing TWAIL is only one of the various possibilities for avoiding the risk of recentring the EU in a veiled way, and fortunately, an emerging strand of academic work has undertaken to ‘decolonise’ and ‘disrupt’ EU studies (e.g., Bhambra, 2022; David et al., 2023; Haastrup, 2020; Kinnvall, 2021; Orbie, 2023). This links to another important aspect of the general literature on the EU’s relations with the developing

world, which has paid little attention to the actual impact of EU policies and initiatives on the lives of people in the South. Indeed, TWAIL can be employed not only to understand how states and international organisations engage in human rights promotion, as did this article, but also to advance a more human-centric approach to human rights and more generally on EU–Africa relations: this is a promising avenue for future research, a step further for a true decentring turn in EU studies.

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References

- African, Caribbean, and Pacific Group [ACP] (2018) ACP Negotiating Mandate for a Post-Cotonou Partnership Agreement With the European Union. *ACP/00/011/18 Final*, Lomé, 30 May.
- Anghie, A. and Chimni, B.S. (2003) ‘Third World Approaches to International Law and Individual Responsibility in Internal Conflicts’. *Chinese Journal of International Law*, Vol. 2, No. 1, pp. 77–103.
- Arts, K. (2000) *Integrating Human Rights Into Development Cooperation: The Case of the Lomé Convention*. The Hague: Kluwer Law International.
- Badaru, O.A. (2008) ‘Examining the Utility of Third World Approaches to International Law for International Human Rights Law’. *International Community Law Review*, Vol. 10, No. 4, pp. 379–387.
- Barreto, J.M. (2013) *Human Rights From a Third World Perspective: Critique, History and International Law*. Newcastle: Cambridge Scholars.
- Barreto, J.M. (2018) ‘Eurocentric and Third-World Histories of Human Rights: Critique, Recognition and Dialogue’. In Schippers, B. (ed.) *Critical Perspectives on Human Rights*. Lanham: Rowman & Littlefield.
- Baxi, U. (2008) *The Future of Human Rights*. Oxford: Oxford University Press.
- Bhambra, G.K. (2022) ‘A Decolonial Project for Europe’. *JCMS: Journal of Common Market Studies*, Vol. 60, No. 2, pp. 229–244.
- Boidin, J.C. (2020) ACP-EU Relations: The End of Preferences? A Personal Assessment of the Post-Cotonou Agreement, *ECDPM Discussion Paper 289*.
- Bryman, A. (2021) *Social Research Methods* (6th edition). Oxford: Oxford University Press.
- Carbone, M. (2013) ‘Rethinking ACP-EU Relations After Cotonou: Tensions, Contradictions, Prospects’. *Journal of International Development*, Vol. 25, No. 4, pp. 742–756.
- Carbone, M. (2021a) ‘The Rationales Behind the EU-OACPS Agreement: Process, Outcome, Contestations’. *European Foreign Affairs Review*, Vol. 26, No. 2, pp. 243–264.

- Carbone, M. (2021b) 'There Is Life Beyond the European Union: Revisiting the Organisation of African, Caribbean and Pacific States'. *Third World Quarterly*, Vol. 42, No. 10, pp. 2451–2468.
- Carbone, M. (2023) 'When Elephants Fight, It Is the Grass That Suffers: The Russo-Ukrainian Conflict and the Decentring-Recentring Conundrum in EU-Africa Relations'. *Journal of European Integration*, Vol. 45, No. 3, pp. 539–557.
- Chimni, B.S. (2006) 'Third World Approaches to International Law: A Manifesto'. *International Community Law Review*, Vol. 8, No. 1, pp. 3–27.
- Christofoletti, R. and Botelho, M.L. (eds) (2021) *International Relations and Heritage*. Cham: Springer.
- Concord (2021) *Concord's Analysis of the Post-Cotonou Agreement*. Brussels: Concord.
- Council of the European Union [EU] (2018) 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.
- David, M., Garcia, M., Haastrup, T. and Mattheis, F. (2023) 'Disrupting and Re-imagining European Studies: Towards a More Diverse and Inclusive Discipline'. *Journal of Contemporary European Research*, Vol. 19, No. 2, pp. 151–162.
- Del Biondo, K. (2020) 'Moving Beyond a Donor-Recipient Relationship? Assessing the Principle of Partnership in the Joint Africa-EU Strategy'. *Journal of Contemporary African Studies*, Vol. 38, No. 2, pp. 310–329.
- Donnelly, J. and Whelan, D.J. (2020) *International Human Rights* (6th edition). New York: Routledge.
- Durojaye, E., Mirugi-Mukundi, G. and Ngwena, C. (eds) (2021) *Advancing Sexual and Reproductive Health and Rights in Africa Constraints and Opportunities*. Abingdon: Routledge.
- Egan, A., Pech, L. and O'Connell, C. (2018) *Enhancing EU Actions on Economic, Social and Cultural Rights Within Its Human Rights Policy*, Study Commissioned by the European Parliament's Subcommittee on Human Rights. Brussels: European Parliament.
- Eslava, L. and Pahuja, S. (2011) 'Between Resistance and Reform: TWAIL and the Universality of International Law'. *Trade, Law and Development*, Vol. 3, No. 1, pp. 103–130.
- European Commission [EC] and Organisation of African, Caribbean and Pacific States [OACPS] (2023) *Partnership Agreement between the European Union and Its Member States, of the One Part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the Other Part*. 15 November.
- European Union [EU] (2021) *Negotiation Documents for the EU-OACPS Agreement* Unpublished. Brussels: European Union.
- Fisher Onar, N. and Nicolaïdis, K. (2013) 'The Decentring Agenda: Europe as a Post-Colonial Power'. *Cooperation and Conflict*, Vol. 48, No. 2, pp. 283–303.
- Gathii, J.T. (2022) 'The Agenda of Third World Approaches to International Law (TWAIL)'. In Dunoff, J. and Pollack, M. (eds) *International Legal Theory: Foundations and Frontiers*. Cambridge: Cambridge University Press.
- Haastrup, T. (2020) 'Critical Perspectives on Africa's Relationship With the European Union'. In Bigo, D., Diez, T., Fanoulis, E., Rosamond, B. and Stivachtis, A. (eds) *The Routledge Handbook of Critical European Studies*. Abingdon: Routledge. pp. 511–522.
- Haastrup, T., Mah, L. and Duggan, N. (eds) (2020) *The Routledge Handbook of EU-Africa Relations*. Abingdon: Routledge.
- Halperin, S. and Heath, O. (2020) *Political Research: Methods and Practical Skills* (3rd edition). Oxford: Oxford University Press.
- Ibhawoh, B. (2011) 'The Right to Development: The Politics and Polemics of Power and Resistance'. *Human Rights Quarterly*, Vol. 33, No. 1, pp. 76–104.

- Jenichen, A. (2022) 'The Politics of Normative Power Europe: Norm Entrepreneurs and Contestation in the Making of EU External Human Rights Policy'. *JCMS: Journal of Common Market Studies*, Vol. 60, No. 5, pp. 1299–1315.
- Keukeleire, S. and Lecocq, S. (2018) 'Operationalising the Decentring Agenda: Analysing European Foreign Policy in a Non-European and Post-Western World'. *Cooperation and Conflict*, Vol. 53, No. 2, pp. 277–295.
- Keukeleire, S., Lecocq, S. and Volpi, F. (2021) 'Decentring Norms in EU Relations With the Southern Neighbourhood'. *JCMS: Journal of Common Market Studies*, Vol. 59, No. 4, pp. 891–908.
- King, T. (2011) 'The European Union as a Human Rights Actor'. In O'Flaherty, M., Kędzia, Z., Müller, A. and Ulrich, G. (eds) *Human Rights Diplomacy: Contemporary Perspectives*. Nijhoff: Brill. pp. 77–100.
- Kinnvall, C. (2021) 'Postcolonialism'. In Bigo, D., Diez, T., Fanoulis, E., Rosamond, B. and Stivachtis, Y.A. (eds) *The Routledge Handbook of Critical European Studies*. London: Routledge. pp. 72–84.
- Kissack, R. (2020) 'The EU and Controlling the Use of the Death Penalty: An Organising Principle for Which Fundamental Norm?'. In Johansson-Nogués, E., Vlaskamp, M. and Barbé, E. (eds) *European Union Contested: Foreign Policy in a New Global Context*. Cham: Springer, pp. 17–33.
- Leino, P. (2016) 'Politics, Power and Good Intentions in the EU Development Policy'. In Ferreira, N. and Kostakopoulou, D. (eds) *The Human Face of the European Union: Are EU Law and Policy Humane Enough?*. Cambridge: Cambridge University Press. pp. 68–107.
- Lerch, M. and Schweltnus, G. (2006) 'Normative by Nature? The Role of Coherence in Justifying the EU's External Human Rights Policy'. *Journal of European Public Policy*, Vol. 13, No. 2, pp. 304–321.
- Manners, I. (2002) 'Normative Power Europe: A Contradiction in Terms?' *Journal of Common Market Studies*, Vol. 40, No. 2, pp. 235–258.
- Marks, S. (2004) 'The Human Right to Development: Between Rhetoric and Reality'. *Harvard Human Rights Journal*, Vol. 17, pp. 137–168.
- Mutua, M. (2000) 'What Is TWAIL?' *Proceedings of the Annual Meeting (American Society of International Law)*, Vol. 94, pp. 31–40.
- Mutua, M. (2016) *Human Rights Standards: Hegemony, Law, and Politics*. Albany: State University of New York Press.
- OACPS (2021) *Negotiation Documents for the EU-OACPS Agreement* Unpublished. Brussels: OACPS.
- Ojilere, A. (2024) 'Discrimination on Grounds of Sexual Orientation and Gender Identity: The Limits of Human Rights in Africa'. *Journal of Homosexuality*, Vol. 71, No. 3, pp. 803–827.
- Okafor, O.C. (2005) 'Newness, Imperialism, and International Legal Reform in Our Time: A TWAIL Perspective'. *Osgoode Hall Law Journal*, Vol. 43, No. 1–2, pp. 171–191.
- Okafor, O.C. and Agbakwa, S.C. (2001) 'Re-imagining International Human Rights Education in Our Time: Beyond Three Constitutive Orthodoxies'. *Leiden Journal of International Law*, Vol. 14, No. 3, pp. 563–590.
- Olawuyi, D.S. (ed) (2021) *Local Content and Sustainable Development in Global Energy Markets*. Cambridge: Cambridge University Press.
- Orbie, J., Alcazar III, A.S.M., Bougrea, A. et al. (2023) 'Editorial: Decolonizing Rather Than Decentring 'Europe''. *European Foreign Affairs Review*, Vol. 28, No. 1, pp. 1–8.
- Rajagopal, B. (2006) 'Counter-Hegemonic International Law: Rethinking Human Rights and Development as a Third World Strategy'. *Third World Quarterly*, Vol. 27, No. 5, pp. 767–783.
- Sabaratham, M. (2013) 'Avatars of Eurocentrism in the Critique of the Liberal Peace'. *Security Dialogue*, Vol. 44, No. 3, pp. 259–278.

- Sahle, E. (ed.) (2019) *Human Rights in Africa: Contemporary African Political Economy*. New York: Palgrave Macmillan.
- Saltnes, J.D. (2022) *The European Union and Global Development: A Rights-Based Development Policy?* London: Routledge.
- Sebhatu, R.W. (2020) 'Applying Postcolonial Approaches to Studies of Africa-EU Relations'. In Hastrup, T., Mah, L. and Duggan, N. (eds) *The Routledge Handbook of EU-Africa Relations*. Abingdon: Routledge. pp. 38–50.
- Silverman, D. (2019) *Interpreting Qualitative Data* (6th edition). London: Sage.
- Smith, K.E. (2010) 'The European Union at the Human Rights Council: Speaking With One Voice but Having Little Influence'. *Journal of European Public Policy*, Vol. 17, No. 2, pp. 224–241.
- Smith, K.E. (2015) 'The EU as a Diplomatic Actor in the Field of Human Rights'. In Koops, J.A. and Macaj, G. (eds) *The European Union as a Diplomatic Actor*. London: Palgrave Macmillan.
- Staeger, U. (2016) 'Africa-EU Relations and Normative Power Europe: A Decolonial Pan-African Critique'. *JCMS: Journal of Common Market Studies*, Vol. 54, No. 4, pp. 981–998.
- Terman, R. and Búzáz, Z.I. (2021) 'House Divided: Norm Fragmentation in the International Human Rights Regime'. *International Studies Quarterly*, Vol. 65, No. 2, pp. 488–499.
- Thiel, M. (2022) *The European Union's International Promotion of LGBTI Rights: Promises and Pitfalls*. London: Routledge.
- Tolay, T. (2021) 'Inadvertent Reproduction of Eurocentrism in IR: The Politics of Critiquing Eurocentrism'. *Review of International Studies*, Vol. 47, No. 5, pp. 692–713.
- Uwazuruike, A. (2020) *Human Rights Under the African Charter*. Cham: Palgrave Macmillan.
- Voss, M.J. (2020) 'The Global South and Norm Advocacy at the United Nations Human Rights Council'. *International Journal on Minority and Group Rights*, Vol. 27, No. 4, pp. 728–764.
- Wolff, S., Gazsi, D., Huber, D. and Fisher-Onar, N. (2022) 'How to Reflexively Decentre EU Foreign Policy: Dissonance and Contrapuntal Reconstruction in Migration, Religious and Neighbourhood Governance'. *JCMS: Journal of Common Market Studies*, Vol. 60, No. 6, pp. 1611–1628.
- Wouters, J. and Ovádek, M. (2021) *The European Union and Human Rights: Analysis, Cases, and Materials*. Oxford: Oxford University Press.