

ACP-EU relations beyond 2020

Twenty-eight European Union (EU) Member States and 78 African, Caribbean and Pacific (ACP) countries are legally bound by the provisions of the Cotonou Agreement, with its three intertwined pillars: a political dimension, development strategies and economic and trade cooperation. In February 2020, the Cotonou Agreement will expire and a new relationship has to be designed, taking into account the achievements and shortcomings of the agreement. The EU position is expected by May 2017. The European Parliament's consent will be required before a new agreement is concluded.

EU-ACP in the bigger picture

If the [Cotonou Agreement](#) ceased to exist, relations between the EU and the ACP countries would not be in a vacuum, but would its legacy be preserved? A unique preferential trade regime for all ACP countries, whatever their level of development, is no longer possible: **trade relations** are being aligned with WTO rules, through the – [still difficult](#) – negotiations of sub-regional [Economic Partnership Agreements](#) (EPAs). Countries that have not yet ratified an EPA are no longer granted trade preferences, unless their low level of development allows them to benefit from the EU's [Generalised Scheme of Preferences \(GSP\)](#). The EPAs could have been standalone agreements, but their human rights clauses refer to the 'Cotonou' mechanism, which might trigger [legal discussions](#) on their application after 2020. **Political cooperation** on critical issues such as security, migration or climate change now tends to take place at regional level, more specifically, in the framework of the [Joint Africa-EU Strategy \(JAES\)](#) with the African Union, or the [Joint Caribbean-EU Partnership Strategy](#) with the [Cariforum](#). These strategies, however, do not provide for joint institutions like the ACP-EU's Council of Ministers, Committee of Ambassadors, or [Joint Parliamentary Assembly](#). ACP-EU **development cooperation** has to meet the requirements of [policy coherence for development](#), and the objectives of EU external action, as presented in the [EU Global Strategy](#); it also has to be consistent with the [UN's 2030 Agenda](#) and its 17 Sustainable Development Goals (SDGs). Nevertheless, none of these frameworks reaches the level of detail of the Cotonou Agreement, which encompasses economic reform policies aimed at promoting regional integration, gender equality and the rights of children and young people, and natural resource management and climate change action, etc. What is also very specific to EU-ACP development aid is its funding model: its main financial source is the **European Development Fund (EDF)**, an instrument outside the EU budget. The 11th EDF (2014-2020) was allocated €30.5 billion through direct EU Member State contributions. The European Commission and the European Parliament are in favour of including it in the general budget ('[budgetisation](#)') along with other development instruments for reasons of simplicity and transparency, but this has yet to be achieved for want of unanimity among EU Member States. ACP countries can also turn to [donors that are less demanding](#) in terms of democratic governance, such as [China](#), but they are attached to the 'off-EU budget' EDF because it enjoys assigned and predictable, multiannual resources.

An asymmetric but valued partnership

The ACP states are heterogeneous in terms of development, migration to the EU and political violence. On the EU side, the [more recent Member States](#), without past colonial links to the ACP countries, have little interest in a privileged partnership. Over the years, the EU has strengthened its [differentiated approach](#). This trend is regarded with [concern](#) by the ACP states, which have little control over the allocation of resources despite the principle of shared ownership. The [evaluation](#) by the Commission and the European External Action Service (EEAS) acknowledges that in practice the EU, as the main donor, has [the greater influence](#) when setting priorities. The ACP regularly pledges to stay [united](#) as a group, despite difficulties finding a consistent approach towards the EU, for instance during the [EPA negotiations](#). Although the EU [values](#) the ACP-EU partnership, in international fora, [climate change](#) is one of the rare topics where a common position has been reached.



On **human rights and democratic principles**, the essential elements of when non-respect might be sanctioned are much more detailed, and the dispute settlement mechanism far more elaborate, in the Cotonou Agreement than in other agreements between the EU and third countries. But a [study](#) commissioned by the European Parliament shows that the political dialogue has not been successful in triggering human rights or democratic improvements in countries that do not share the same values as the EU, for example on [LGBTI rights](#), or concerning the [International Criminal Court](#). The involvement of local or non-state actors is ineffective in many countries owing to central power reluctance or weak governance, or because civil society organisations are not prepared to negotiate on technical dossiers. The Article 96 consultation procedure – applied when a government ceases to respect human rights, democratic values or the rule of law – has been launched [15 times](#) by the EU since 2000, but never by the ACP countries. [Research findings](#) indicate that invocation of Article 96 by the EU is inconsistent and can depend on the EU's own interests, but also on the likelihood of a positive outcome. These shortcomings are a point for discussion on whether these features should be skipped or strengthened in a new agreement.

How to renew the agreement?

According to the European Centre for Development Policy Management ([ECDPM](#)), the ACP-EU relationship after 2020 could be reconfigured around one of the following [scenarios](#).

1. *The existing ACP-EU architecture and institutions are kept.* Supporters argue that the current framework is still valid, provided its weaknesses, as regards political dialogue in particular, can be fixed. It could be extended to new members, but it might be tougher than in 2000 to reach an agreement on shared values.
2. *An umbrella agreement is kept.* This scenario acknowledges regional differentiation and tries to retain a binding all-ACP framework: an overarching ACP-EU agreement would address issues of common interest (such as climate change and human rights) and coexist with regional agreements (including the EPAs). The difficulty would lie in deciding on the levels at which provisions should be placed, whether there should be a subsidiarity principle, and how to redistribute the roles of the joint ACP-EU institutions.
3. *The ACP-EU partnership is regionalised.* Relations between the EU and the ACP countries would be defined by direct agreements with regional authorities, without an overarching structure. Under this option, several 'Cotonou' clauses would have to be renegotiated for each regional agreement, such as the institutional framework for political dialogue. Comprehensive and legally binding agreements might be difficult to negotiate with some regions. Caribbean and Pacific countries' clout might be reduced once they came under wider EU-Latin America and EU-Asia agreements.
4. *The ACP-EU partnership is replaced by a mix of regional and thematic partnerships.* The current EU-ACP partners would decide whether or not to join partnerships on strategic themes (such as climate change or migration management). This would ensure that values and interests were actually shared by the signatories, giving a more consistent approach in international fora. This architecture is in line with the [EU Global Strategy](#), which aims at 'making a difference' with like-minded partners. The scenario questions the continuity of the ACP-EU institutions, dispute settlement mechanisms, and specific funding.

The ongoing [revision of the European Consensus on Development](#) will also feed into key aspects of a revised ACP-EU partnership, such as the capacity to speak with one voice in international fora, the role of non-state actors and civil society, and the framing of criteria for differentiation.

State of play at the European Parliament

On 31 August 2016, Parliament's Committee on Development [approved](#) a [report](#) (rapporteur: Norbert Neuser, S&D, Germany) that calls for a **renewed ACP-EU framework with regional agreements, all equally binding**. Centred on the 2030 Agenda, the partnership should be based on a political project, rather than a donor-recipient relationship. A strong monitoring mechanism would also allow scrutiny over the EPAs. The report strongly advocates **reinforcing the role given to civil society and parliaments**. It also argues that the **EDF should be included within the EU budget**.

In [previous resolutions](#), Parliament insisted on keeping the reference to core values, adding [non-discrimination](#) based on sexual orientation or gender. Parliament advocated [reinforcing](#) the scrutiny role of ACP national parliaments and of the Joint Parliamentary Assembly. It expressed strong concerns that multilateral or bilateral agreements on economic partnerships or migration could [undermine coherence](#) among ACP countries and equal treatment of their nationals. On [several occasions](#), Parliament has asked to be given [powers of scrutiny over the EDF](#) through its inclusion in the EU budget, or through an interinstitutional agreement.