Symposium: ACP-EU Cooperation: Challenges and Opportunities for the Post-2020 Relationship

By:

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ACP-EU relations are at a crossroads. As the expiry of the Cotonou Partnership Agreement (CPA) approaches, the question remains what the future relationship between the ACP countries and EU Member States will look like beyond February 2020. The contributions to this symposium offer insights on the opportunities and challenges facing the parties as they continue to negotiate toward a renewed partnership. Today, the CPA links the EU to 79 countries across the ACP region, making it one of the largest global partnerships. It was the original intention of ACP-EU cooperation to bring together developed and developing countries in a progressive trade and development cooperation agreement underpinned by the principles of 'partnership' and 'equality' in a post-colonial era. However, the original benefits envisaged under the CPA have not materialised and the relationship between the parties is increasingly fragile. In part, this is a consequence of the asymmetry between the partners which has perpetuated the imperial values

from which this relationship was conceived. Modernising the ACP-EU relationship will require the parties to confront considerable global challenges together.

Over the past two decades, a number of factors have disrupted the Cotonou acquis. The opportunity to regenerate the ACP-EU relationship on new terms requires the parties to respond to challenges at the international, regional and domestic levels. At the global level, we have witnessed the declining influence of the USA and the EU on the international stage as emerging economies, like China and India, gain more economic and political power. As the EU's leverage is not as significant as it was when the CPA was signed almost twenty years ago, multipolarity may present an opportunity for the ACP countries to diversify their partnerships and forge new relationships with non-EU countries. Another significant shift has been the implementation of the 2030 Agenda. Development has been refashioned through the 17 Sustainable Development Goals (SDGs) and the 169 associated targets, which have been designed to promote a multistakeholder approach to the eradication of poverty. The priority for the 2030 Agenda is to ensure that 'no-one is left behind' and ACP-EU future relationship must be reimagined in a way that reinforces the spirit of the SDGs. Changes at the EU level have also disrupted the relationship. The EU has undergone further enlargement since the CPA was signed and closer ties between the EU's internal and external policies have been established under the Lisbon Treaty (2009). Furthermore, and to coincide with the 2030 Agenda, there have been a number of significant changes to EU internal and external policies.

The Global Strategy and new Consensus on Development (2017) situate EU values squarely within the 2030 Agenda and the future ACP-EU relationship will be guided by these values. It is expected that the new European External Investment Plan will have positive effects for growth in Africa while many ACP countries enjoy the strategic benefits of Aid for Trade initiatives. However, the Economic Partnership Agreements (EPAs) have disrupted existing regional groupings across the ACP region, which has added yet another layer of complexity to the future relationship. So, too, are there shifts taking place at the ACP level. African nations have concluded their negotiations toward an African Continental Free Trade Agreement (AfCFTA), and this agreement is due to enter into force on 30 May 2019 as the minimum threshold for ratification

has now been met. The AfCFTA reinforces the spirit of the African 2063 Agenda, which serves as the 'blueprint and masterplan for transforming Africa into the global powerhouse of the future – through the revival of Pan-Africanism and the African Renaissance.' The outcome of Brexit will also have an impact on the ACP countries.

In short, there are 'known unknowns' and 'unknown unknowns' facing the parties as they negotiate toward a future relationship. Ahmed Jelle, in his piece on the AfCFTA, explores the challenges and possibilities for Africa-EU cooperation in the post-2020 climate. Moving forward, he argues that securing political will on both sides is key to a successful and meaningful future partnership. In a Joint Communiqué (2016), the EU set out its vision for cooperation with the ACP post-2020, which promotes a hybrid approach to governance. Under this 'umbrella approach', the EU proposes to negotiate with the ACP countries at a general level and at sub-regional levels. At the general level, the EU proposes that the future relationship should be defined by common values, principles and objectives of the parties (the Cotonou acquis). This 'umbrella' of values will be accompanied by new mechanisms for cooperation in relation to global agendas, including the 2030 Agenda and EU Global Strategy. The general level of cooperation will be complemented by three regional partnerships which address the specific needs and priorities of the ACP sub-regional groups. Political cooperation and trade negotiations have taken place outside the context of the CPA for a long time and reinvigorating the partnership into this hybrid formula does acknowledge some of the shortcomings associated with the CPA. In response, the ACP have submitted their own negotiating position but do appear to be favourable to the umbrella approach set forth by the EU. Three pillars have been identified by the ACP Group as priority areas to the future relationship:

1. Trade, Investment, Industrialisation and Services
2. Development Cooperation, Technology, Science and Innovation/Research
3. Political Dialogue and Advocacy

In the Aide Memoire issued in 2017, the ACP countries call for a 'single negotiating framework' with a 'single legal undertaking' and a 'legally binding agreement'. This looks remarkably similar to the basis of the CPA and while the ACP have maintained that the status quo is not an option, their proposal for the

post-2020 relationship 'comes very close to it'. Nevertheless, the Eminent Persons Group of the ACP have set out of a vision of 'The ACP We Want' which envisages the ACP Group as a 'leading transcontinental organisation working in solidarity to improve the living standards of our peoples through South-South and North-South Cooperation'. Harnessing the capacity of the group is key. However, to do so will require a radical transformation of the existing negotiating machinery for beyond the exchanges with Brussels institutions there is very little in the way of meaningful intra-ACP cooperation.

Kai-Ann Skeete reflects on the Caribbean's experience of ACP-EU cooperation and calls for greater understanding of the many interests at stake in trade negotiations. She points to the lack of transparency surrounding the Caribbean-EU trade negotiations, which has no doubt inhibited the mobilisation of local constituencies, indigenous groups, and civil society organisations around trade debates. Securing better outcomes for ACP countries will require more effective advocacy from stakeholders across the sub-regional groupings. There have been calls for the ACP Group 'to be recognised by its own Members and the global community as a distinct international organisation' but there is little sense of how this will be achieved. To date, regional discussions have taken place in the Pacific (February 2019) and the Caribbean (April 2019) to focus on the specific needs and priorities of the ACP regions. The African meeting will take place in the near future in Eswatini (formerly Swaziland). At this point, the negotiation positions of each sub-regional grouping remains unclear. Patricia Achieng Ouma, in her piece on the East African region, addresses some of the structural issues facing the implementation of the EAC-EPA. She questions whether, and to what extent, the EPA experience should serve as a cautionary tale for the future of ACP-EU relations. Overall, the both the ACP and the EU have failed to present an innovative negotiating proposal that will radically transform the 'special relationship' it has shared with the EU for decades. Both the ACP and the EU share the vision that the post-2020 relationship should build on the Cotonou acquis in the context of Agenda 2030 and the SDGs. To avoid simply maintaining the status quo, the parties need to abandon the assumption that the ACP countries have a shared negotiating position, common needs, and one strategic vision for development. Of course, that does not mean that establishing a common voice should be abandoned. Rather, the EU must recognise the diversity and heterogeneity of the ACP. There are a number of

challenges facing the parties in relation to finance and resources, the negotiating machinery, and identifying synergies in their negotiating positions.

Yentyl Williams calls for a shift in the modus-operandi of ACP-EU cooperation away from the rhetoric of 'partnership' toward one of 'co-production'. In her piece on intellectual property innovation, she highlights the potential of geographical indications (GIs) as tools for development for the ACP region(s). In summary, the new relationship is being negotiated in the context of a complex environment where the intersection between trade, investment, services, labour, rights, and gender is becoming ever more pronounced. The lack of transparency surrounding the content of the discussions at the sub-regional levels makes it difficult to assess the merits of the arguments being presented by both the ACP and the EU. Moving forward, the parties should endorse a meaningful multi-stakeholder approach to the negotiations and one that draws in actors beyond traditional Brussels civil society networks. To present an effective response to global challenges the ACP-EU coalition will need to find common ground, and fast.

Contributions

Ahmed Jelle: With AfCFTA in Mind: New Dawn for Afro-EU Relations?

Kai-Ann Skeete: The Future ACP-EU Relationship: Whither CARIFORUM?

Patricia Achieng Ouma: The EU – EAC Economic Partnership Agreement Standoff: The Variable Geometry Question

Yentyl Williams: Post-Cotonou and Innovation? Lessons Learned from Intellectual Property provisions on Geographical Indications in the EU-ACP Economic Partnership Agreements

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