



Zentrum für Europäische Integrationsforschung
Center for European Integration Studies
Rheinische Friedrich-Wilhelms Universität Bonn

Discussion Paper

C235
2016

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Maturing beyond Cotonou: An EU-ACP Association Treaty for Development

A proposal for reinventing
EU relations with the African,
Caribbean and Pacific (ACP)
Group of States



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ISSN 1435-3288 ISBN 978-3-941928-68-8

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I. Time for a strategic maturation

The relationship between the European Union (EU) and the African, Caribbean, Pacific Group of States (ACP) is one of the most unknown, underperforming and underrated legal arrangements in the world. However, all things considered, the EU-ACP relationship has the potential to be of great value. It can be of growing importance if it is properly placed in the context of foreseeable global trends. For this, the European Union and its ACP partners need to be bold and forward looking, strategic and geopolitical. The EU-ACP relationship can become much more relevant for coping with a rising number of global issues. So much so, that it would need to be invented if it did not already exist today. Taken together, the 28 EU member states¹ and 79 ACP countries² constitute more than fifty

1 Austria, Belgium, Bulgaria, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.

2 Africa: Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, São Tomé and Príncipe, Senegal, Sierra Leone, South Africa, Tanzania, Togo, Uganda, Seychelles, Somalia, Sudan, Swaziland, Zambia, Zimbabwe;

percent of the 193 UN member states. They represent a wide range of states – from some of the strongest economies to some of the weakest; from some of the biggest states demographically to some of the smallest states on earth; from highly complex and resilient democracies and technologically advanced societies to some of the most vulnerable societies and residual states.

In its own way, the EU-ACP grouping is a mini-United Nations with three unique features:

- The EU-ACP grouping represents the transformation from an 18th and 19th century world of imperialist powers and peripheral colonies to a 21st century world of honest partnership between countries of the global North and of the global South.
- The EU-ACP grouping represents rule-based North-South relations as they have advanced in the course of the 20th century with a legally binding common agenda for development, trade and political dialogue.
- The EU-ACP grouping anticipates and paves the way towards legally binding interactions among the various state groupings in a multipolar and multilateral 22nd century.

Caribbean: Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba (did not sign the 2000 Cotonou Agreement), Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago;

Pacific: Cook Islands, Timor-Leste, Fiji, Kiribati, Marshall Islands, Federated States of Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu (see map on the next page).

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But in order to make use of its potential, the EU-ACP relationship has to be reinvented and substantially upgraded. It will either mature or perish. Such maturation of the grouping is desirable and possible. A maturation of the EU-ACP partnership can happen: “this paper suggests” that the current *Cotonou Agreement* should be replaced in 2020 by an innovative, strategic and legally binding *EU-ACP Association Treaty for Development*. A genuine association (and only a genuine, treaty-based association!) between the 28 EU countries and 79 or (if Cuba also signs a new treaty) 80 African, Caribbean and Pacific countries will have the potential to become an important pillar for a human-centered reinterpretation of geo-politics.

The EU-ACP grouping anticipates the global world order of tomorrow by representing the diversity of the global age of today. The world of tomorrow will be defined by a global order which includes the experience of the European Union and of many of the ACP states. The world order of tomorrow will be a world order looking for pillars of stability and for actors which can predictably generate norms and project leadership. To a great extent, the world order of tomorrow will be managed by the United States of America, by the EU and by China. They are the strongest economic actors and as such have a great responsibility to project stability in the service of human progress beyond their borders. For the EU, this requires advancing a treaty-based relationship with its principal economic and strategic partner, the US. The *Transatlantic Trade and Investment Partnership* (TTIP), currently being negotiated against the backdrop of controversial public debates, is meant to give meaning to this objective. Regarding China, the EU is – rightly so – advocating an ever increasing inclusion of the single most populated country on earth into the relevant global structures; instead of seeing China as a problematic competitor or even adversary, the EU considers China primarily as a partner in the search for multipolar stability and enhanced multilateralism. But the EU is not only involved with the United States and with China. The promotion of legally binding, norm-based and enforceable mechanisms of governance in other global partnerships is an essential test-case for the ability of the EU to project its claim of being a pillar of stability in a multipolar world. The

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relationship of the European Union with the ACP Group of States is the single most important test case for promoting the idea of a legally binding, norm based and multidimensional partnership across four continents.

In the age of globality – which is gradually turning the experience of globalization from a process into an unfinished reality – the world at large is experiencing a higher degree of interconnectedness than ever before. But the world is also experiencing a higher degree of contradictions between human promise and practical delivery, between success and failure, between rising opportunities and an enhanced sense of humiliation by those left behind, between global fusions and local identity clashes. The world is facing the challenges of unfinished globalization.

Growing forms of actor-ness across the globe underpin the long-term sociological discussion of individualization in Western societies: Today, almost every citizen of the earth can consider herself or himself an actor in their own right – including the ability to execute an enhanced potential of veto and destruction. More actors as agents of change provide more owners of the future of mankind, promoters of genuine interests and new forms of veto-capacity. As part of this trend, the rising actor-ness in former colonies is equivalent to the phenomenon of a decolonization of the post-colonial era. But these new realities also exacerbate the challenges which come with this long-term process: demographic trends, enhanced bargaining powers, expanding policy options and the tensions arising from incomplete and progress which is not sustained.

Against this backdrop, the time has come to graduate the EU-ACP relationship from a donor-recipient development aid policy relationship with post-colonial overtures to a political – in the true sense of the word: a geo-political-factor. Time has come to graduate the EU-ACP relationship into a viable contribution to advance the idea of a multipolar and multilateral global order which is inclusive and advances human dignity around the globe. This is easier said than done in light of the huge economic asymmetries between the two groupings: The European Union includes 7.3 percent of the global population (about 508 million people), accounting for 25.8 percent of the world's GDP and contributing 35.5

percent of global trade. The ACP Group of States includes 14 percent of the global population (about 933 million people), accounting for 1.9 percent of the world's GDP and contributing 4.7 percent of global trade. Traditionally, the EU-ACP relationship – the only legally-based regional arrangement stretching over four continents – is considered merely as a component of global development policies. At best, it is measured by each other's trade relevance: "In 2012, the ACP figured as the EU's fifth most important trading partner, loosely followed by ASEAN and far behind the USA, China, European Free Trade Association and Russia... For the ACP countries, the EU as a group remained the most important single trading partner, despite a dramatic increase of their trade with China."³ If the EU-ACP grouping wants to have any meaning in the future, it must become a leading contributor to a human-centered redefinition of geopolitics. The EU-ACP grouping must become geo-political in the true meaning of the word.

In order to do so, the EU-ACP grouping needs to be re-conceptualized in terms of its strategic relevance. This is the only way forward for the EU-ACP grouping to substantially contribute to a better world for all. The current frame for the EU-ACP relationship – the 2000 *Cotonou Agreement (EU-ACP Partnership Agreement)* – will expire on February 29, 2020. The time has come for a bold new reflection on the potential and the obstacles ahead for EU-ACP relations. The origins of this unique grouping – stretching over four continents and touching on practically every region and on any number of possible topics of global relevance – go back to 1975. Forty years later, as the world has changed almost beyond recognition, the actors of the EU-ACP relationship have to be ambitious enough to project their perspectives into the next forty years. Today, the EU-ACP grouping has to live up to its potential by charting the waters it will sail until 2055 and beyond. In the real world, the search for a new rationale will produce only gradual results. Yet, it must start with the recognition of each other's comprehensive actor-capacity. And it must start

3 Elisabeth Pape, An old Partnership in a New Setting: ACP-EU Relations from a European Perspective, in: Journal of International Development, Volume 25, Issue 5/2013, p. 736.

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with learning from one's own post-colonial past in order to harness the transformed global context of today.

The ACP Group of States started the process first: Since the ACP Summit in Malabo in 2012 ('Sipopo Declaration'), an Eminent Persons group of politicians and academics from the ACP regions has reflected on possible post-Cotonou options⁴ and developed a strategy for the renewal of the ACP aimed at strengthening its role as a global player; the final report of this ACP Eminent Persons group was published in 2014.⁵ Now, the European Union began to act, too: In autumn 2014, EU Commission President Jean-Claude Juncker gave the mandate to his Commissioner for International Cooperation and Development, Neven Mimica, for "preparing and launching negotiations for a revised Cotonou agreement".⁶ In the end, this will come down to the issue of financial commitment by the EU: For the period 2014 until 2020, the EU is financing most of the ACP infrastructure (including the Groups Secretariat in Brussels) and much of its activities

4 See Secretariat of the African, Caribbean and Pacific Group of States (ed.), Strategy for Renewal and Transformation 2011-2014, Brussels: Secretariat of the ACP Group of States, 2011, online at: www.acp.int/sites/acpsec.waw.be/files/Strategy%20for%20Renewal%20and%20Transformation%202011-2014.pdf; Miriam Van Reisen, Study on the Future Perspectives of the ACP Group, ACP Secretariat Report, 05/2014, online at: www.acp.int/sites/acpsec.waw.be/files/ACP27017%202012%20ENG%20VanReisen.pdf; see also: Andris Piebalgs, Challenges and opportunities ahead for the African, Caribbean and Pacific Group of States. Speech by EU Commissioner Piebalgs, delivered at the ACP Summit in Malabo, 13 December 2012, online at: www.eu-un.europa.eu/articles/en/article_12958_en.htm

5 Secretariat of the African, Caribbean and Pacific Group of States (ed.), Transforming the ACP Group into an Effective Global Player. Final Report of the Ambassadorial Working Group on the Future Perspectives of the African Caribbean and Pacific (ACP) Group of States, Brussels: Secretariat of the ACP Group of States, 2014, online at: www.acp.int/sites/acpsec.waw.be/files/WGFP%20Final%20Report_EN.pdf; for an substantial analysis of the global context in which the ACP Group of States has to be interpreted, see Guy Marcel Nono, The future of the ACP Group of States in a changing world: Challenges and future perspectives, in: African Journal of International and Comparative Law, 23.1(2015): 29-53.

6 Mission Letter of EU Commission President Jean-Claude Juncker to Commissioner for International Cooperation and Development, Neven Mimica, Brussels, November 1, 2014, online at: www.ec.europa.eu/commission/2014-2019/mimica_en.

across the three ACP regions. Roughly 31.5 billion euro is allocated to ACP-related activities through the 11th European Development Fund. But the EU-ACP relationship is more than a one-sided fiscal constellation. First and foremost, it is a political relationship and has to be assessed as such. Academic and political stock-taking has begun accordingly, primarily within the existing parameters of the current *Cotonou Agreement* signed in 2000.⁷

An innovative new approach must go beyond: The starting point for a strategic reinvention of the EU-ACP grouping must be thematic. Institutions tend to focus on institutional overhauls, at best. Pragmatism is on their side, as well as the weight of negotiation legitimacy. But an in-depth intellectual reflection on the future coordinates in which EU-ACP relations may thrive needs to go beyond the opportunities and constraints of an institutional overhaul. Such a reflection must look at topics, identify themes and project trends. This will give substance and perspective to policy negotiations and technical considerations. Before carving out such a broad picture for projecting into the EU-ACP future, it is imperative to recall the key parameters and experiences of the first forty years of EU-ACP relations.

7 Dietmar Nickel, Was kommt nach Cotonou? Die Zukunft der Zusammenarbeit zwischen der EU und den Afrika-, Karibik- und Pazifikstaaten. SWP-Studie S 13, Berlin: Stiftung Wissenschaft und Politik, 2012, online at: www.swp-berlin.org/fileadmin/contents/products/studien/2012_S13_nic.pdf; Deutsches Institut für Entwicklungspolitik (ed.), AKP-EU-Beziehungen nach 2020: Auf der Suche nach einer europäischen Haltung Bonn: Deutsches Institut für Entwicklungspolitik, 2013, online at: [www.die-gdi.de/CMSHomepage/openweb/cms3.nsf/\(ynDK_contentByKey\)/ANES98JE6T/\\$FILE/AuS%205.2013.pdf](http://www.die-gdi.de/CMSHomepage/openweb/cms3.nsf/(ynDK_contentByKey)/ANES98JE6T/$FILE/AuS%205.2013.pdf); Manuel Manrique Gil, ACP-EU relations after 2020: Review of options, Policy briefing, Brussels: European Commission, Directorate General for external policies, 2013, online at: [www.europarl.europa.eu/RegData/etudes/briefing_note/join/2013/491488/EXPO-DEVE_SP\(2013\)491488_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2013/491488/EXPO-DEVE_SP(2013)491488_EN.pdf).

II. Colonial and post-colonial legacies from Rome to Lomé

For the time being, EU-ACP relations are still organized in the shadow of their colonial and post-colonial beginnings.⁸ With the establishment of the *European Economic Community* in 1957, a formalized association was established between the emerging European common market and the overseas territories and colonies of its member states. France with its two colonial empires in Africa and the ongoing inclusion of Algeria as an integral part of the French republic, but also Belgium with its colonial rule over Congo and Italy with its trust-territory Somaliland demanded the association of their African possessions.⁹ Reluctantly, Germany accepted the association status while insisting on its preference for decolonization and self-determination. The *Treaties of Rome* (Article 131,1) laid the ground for the association of the EEC with the overseas territories of its member states, establishing the first *European Development Fund* (guaranteeing \$581 million for the period 1959-1964 in support of investment in the overseas territories), aimed at supporting the process of market development in the overseas territories, and facilitating access of African products into the emerging *European Economic Community*. Following the wave of independence movements across Africa during the late 1950s/early 1960s, the association approach came to an end. The *Yaoundé Agreement* of 1963¹⁰ (and its successor arrangement, the *Yaoundé*

8 David B. Abernethy, *The Dynamics of Global Dominance: European Overseas Empire 1915- 1980*, Yale: Yale University Press, 2000; Morten Broberg, *The EU's Legal Ties with its Former Colonies. When Old Love Never Dies*, DIIS Working Paper, No. 1, Kopenhagen: Danish Institute for International Studies, 2011, online at: www.subweb.diis.dk/graphics/Publications/WP2011/WP2011-02%20til%20tryk.pdf; Daniela Vogt, *Die Integration der ultra-peripheren Regionen in die Europäische Union. Wandel der europäischen Politik gegenüber den überseeischen Besitzungen von Rom (1957) bis Lissabon (2009)*, Baden-Baden: Nomos, 2011.

9 On the French discourse see Marie-Thérèse Bitsch/Gérard Bossuat (eds.), *L'Europe unie et l'Afrique. De l'idée d'Eurafricique à la Convention de Lomé I*, Bruxelles: Bruylant, 2005.

10 In force from 1964 to 1969 and signed with 18 independent African countries: Burundi, Dahomey, Democratic Republic Congo, Gabon, Cameroon, Congo-Brazzaville, Ivory Coast, Madagascar, Mali, Mauretania, Niger, Upper Volta, Rwanda, Senegal, Somalia, Togo, Chad, Central African Republic.

II Agreement of 1971¹¹) echoed the experiences of the first few years with the double objective of aid and trade, while giving more institutional structure to the EEC/EC¹²- (independent) Africa link: An Association Council, a Parliamentary Conference and an Arbitration Court could not however overcome the asymmetric trade and power relationship between the EEC and its independent partners tied together by customs free access to the European market. Colonial rule over much of Africa had come to an end and the association shifted toward post-colonial parameters, that is to say: formal independence for the African countries coupled with continued economic dependency and burning “underdevelopment” issues (extreme poverty and a lack of economic production beyond the level of subsistence). The transformation of France’s role in Africa is symbolized by the change in the meaning of the term *CFA* used for the African currency CFA franc to this day: From *Communauté Franco-Africaine franc* (established in 1945) to *Communauté Financière Africaine* (existing since 1994 as the West African CFA franc under the auspices of the *Economic and Monetary Community of West African States* (UEMOA) and as the Central African CFA franc under the auspices of the *Economic and Monetary Community of Central African States* (CEMAC).¹³ The

- 11 In force from 1972 to 1975 and additionally signed by Mauritius, while the planned membership of Kenya, Tanzania, Uganda (initiated with the Arusha Agreement of July 26, 1968 which was never ratified by the three member states of the East African Community) and of Nigeria (planned by the Lagos Agreement of Cooperation of July 16, 1966 but torpedoed by the effects of the Biafra War 1967-1970) did not work out as expected, in spite of the strong interest of Great Britain, who joined the EEC in 1973, to extend special relations to Anglophone countries in Africa.
- 12 The fusion treaties between the European Economic Community, Euratom and the European Community of Coal and Steel (ECCS) of 1967 turned the EEC into the EC (European Communities).
- 13 The literature on the CFA franc and the effect of being pegged to the euro is surprisingly limited: see David Stasavage, *The Political Economy of a Common Currency: The CFA Franc Zone Since 1945*, Aldershot: Ashgate, 2003; Pierre Van den Boogaerde/Tsangarides Charalambros, *Ten Years After the CFA Franc Devaluation: Progress Toward Regional Integration in the WAEMU*, Washington D.C.: International Monetary Fund, 2005; Ali Zafar, *The Impact of the Strong Euro on the Real Effective Exchange Rates of the Two Francophone African CFA Zones*, Washington D.C.: World Bank, 2005.

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transformation of the British role in Europe as well as in Africa was symbolized by British membership in the *European Community* (EC) in 1973 (along with Ireland and Denmark) and the expansion of the *Yaoundé Agreement* through a new arrangement with an initial 46 African, Caribbean and Pacific states in 1975.

Signed in the capital of Togo, Lomé, the preferential trade agreement of 1975 reflected not only changes in EC relations with former colonies, but also global North-South debates in the shadow of a growing awareness of the limits of growth (*Club of Rome Report*, 1972) and the oil crisis of 1973. One special feature of the effect of Franco-British reconciliation inside Europe was the establishment of the *Economic Community of West African States* (ECOWAS) in 1975, bringing together for the first time Francophone and Anglophone countries in Africa under the umbrella of one regional economic community. Another feature was the *Georgetown Agreement*, also signed in 1975 by the 46 African, Caribbean and Pacific signatory states to the *Lomé Convention*, thus founding the ACP Group of States.¹⁴ Commonwealth links ensured that six Caribbean and three Pacific states (the majority of them Anglophone and reasonably stable, Westminster-type democracies) extended the geographical scope of the EC-Africa policy by creating the ACP group; the ACP group, in turn, helped the EC to rationalize its partnership with the geographically widely spread group of former colonies and overseas territories. British EC membership was given the hope of a stronger free trade orientation in EC relations with the developing world, while in reality the protectionist French approach to the post-colonial relationship since the association under the Rome Treaties did not wither away. In fact, it continued to dominate EC-ACP ties: The *Lomé Convention* of 1975 (and subsequent *Lomé Convention* of 1980, 1985 and 1990) facilitated free trade between the EC and the ACP group, protecting European investment in the ACP region as much as guaranteeing free access for ACP goods into the European common market. The ACP grouping established its secretariat in

14 Georgetown Agreement on the Organization of the African, Caribbean and Pacific Group of States, 1975, online at: www.wipo.int/wipolex/en/regeco_treaties/details.jsp?group_id=24&treaty_id=200.

Brussels and a trade office in Geneva at the seat of GATT. Most ACP operations and programs were (and are) financed by the European Community through subsequent *European Development Funds*.

The artificial ‘coalition of the poor’, as the ACP Group of States likes to be seen, engaged with the European Community in a series of treaties which provided privileged aid and trade relations – as much in the interest of post-colonial elites across the developing world as in the interest of European investor and importing companies by enhancing the reliability of trade ties with former European colonies. The concept ‘not aid but trade’ was translated into a system of preferential import conditions from the ACP region into the European common market; stabilizing the market price of agricultural goods through STABEX (*Stabilization of Export Earnings*) and of mineral commodities through SYSMIN (*System for Stabilization of Export Revenues in Minerals*) which guaranteed stability of trading ties between European companies and their subsidiaries or partners across the ACP region. Over time, the counter-productive effects of these subsidy systems have become evident: Preferential EU-ACP trade relations prolonged post-colonial ties between raw or semi-raw material producers on the one hand and the benefits for value-chains located primarily in Europe on the other hand.¹⁵ The *Lomé Conventions* did not contribute to diversification, de-monopolization or industrial production across the ACP region. Between 1980 and 2000, the ACP share of exports from the EC/EU went down from 8.5 percent to merely 2.8 percent. At the same time, and in spite of unilateral trade preferences, the share of imports from the ACP group of countries to the EC/EU went down from 8.1 percent to 3.4 percent.¹⁶ Moreover, preferential trade conditions established under the *Lomé Conventions* antagonized other developing countries outside the ACP group. They demanded an end to these exclusive privileges which after all, the EC was only granting to a select number of developing countries. Honest stock-taking about the economic effects of EU-ACP trade relations

15 See Susanna Wolf, *Begrenzter Erfolg der Lomé-Abkommen. Eine empirische Untersuchung der Wirkungen der EU-Zollpräferenzen auf den Haushalt der AKP-Staaten*, Frankfurt am Main: Peter Lang, 1996.

16 Philipp Gieg, *Great Game um Afrika? Europa, China und die USA auf dem Schwarzen Kontinent*, Baden-Baden: Nomos, 2010, p. 85.

includes an assessment of the dilemma of asymmetric trade relations, post-colonial dependencies and the structural preservation of production-chains to the benefit of the EU. Overcoming the post-colonial donor-recipient-equation remains an ongoing challenge for any possible perspective post-2020.

III. Remnants of the Cold War: governance-issues and growing skepticism toward the West

A second set of issues has penetrated EC-ACP relations since the beginning and it intensified during the 1980s: the European demand to link economic development to good governance and human rights. After a decade of often ideological debates about a *New World Economic Order*, the Western world responded with a counter-strategy: ‘Political dialogue’ became a mantra for the growing demand in Europe (in parallel with similar policies of the World Bank and the IMF) not only for structural economic reforms, but also for political reforms in the developing world. This policy priority came as an indirect result of the Cold War and its Third World proxy wars. Progress in development was considered a function of good governance and human rights. While the incentives chosen to influence Third World partners were not often successful, sanctions were no more effective in easing Western frustration about the slow speed of governance reforms in developing countries. “Conditionality” became the key word of the third *Lomé Convention* (1985) and the fourth *Lomé Convention* (1990).¹⁷ With the end of the Cold War, the quest for political democratization and economic liberalization received an additional boost in the development agenda, with intensified neo-liberal structural adjustment policies executed

17 See Matthew MacQueen, After Lomé IV: ACP-EU trade preferences in the 21st century, in: *Intereconomics. Review of international trade and development*, 34/1999, No. 5: p. 223-232; Martin Holland, *The European Union and the Third World*, Hounds Mills: Palgrave, 2002; Nikki Slocum-Bradley/Andrew Bradley, Is the EU’s Governance ‘Good’? An Assessment of EU Governance in Its Partnership with ACP States, in: *Third World Quarterly*, Vol 31/No. 1, 2010: p. 31-49, and UNU-CRIS-Working Paper W 2010/1, Bruges: UNU-CRIS, 2010, online at: www.cris.unu.edu/fileadmin/workingpapers/W-2010-1_-_new_version.pdf.

by the World Bank and IMF, which echoed the EU's policy of conditionality.

But conditionality and the search for effective incentives to promote good governance were not the only Cold War legacies. The end of the Cold War coincided with an increasing debate about globalization.¹⁸ One of its features was the growing demand from non-ACP developing countries as well as other industrialized countries, including the United States, for the EU to abandon its preferential trade relations with the ACP Group of States in favor of a general and globalized free trade approach. This resulted in several GATT Panels where the EU was charged and whose rulings forced the EU to eventually re-consider its privileged subsidies and protective trade relations with ACP countries.¹⁹ Gradually, agricultural products (i.e. sugar, coffee, tea, bananas and cocoa) but also raw materials were considered to be protected in unacceptable ways against the interests of other players in the global economy. The issue of “blood diamonds”, especially in war-torn areas of Western and Central Africa, added to the moral de-legitimization of the privileged post-colonial relations of the EU-ACP arrangement.

Surprisingly enough, with the demise of the Soviet bloc – including the ramifications for Third World developments – a new wave of anti-Western sentiment emerged in the developing world. The EU was no longer the gentle normative power (as it loves to be perceived), providing the largest amount of development aid (which it does), but was considered a paternalistic bullying bloc with a tendency to become a trade fortress not ready to sufficiently open its markets for goods and products from developing countries. EU migration policies added to the list of frustrations, while the role of China was often exaggerated as a systemic

18 In the African context see: Fantu Cheru, African Renaissance: Roadmaps to the Challenge of Globalization, London/New York: Zed Books, 2002.

19 For a significant view see Peter Clegg, From Insiders to Outsiders: Caribbean Banana Interests in the New International Trading Framework, in: Stephen J. H. Dearden (ed.), The European Union and the Caribbean, Aldershot: Ashgate, 2002, p. 79-113.

alternative in terms of development model and geopolitical partnership.²⁰ Indeed, some of the EU's moral high ground during the immediate post-Cold War days was lost, with the growing presence of China across much of the developing world, offering a distinctly different set of trade relations without political conditions and lecturing on human rights and good governance. Yet, Chinese development aid came and comes with the danger of a new wave of indebtedness across ACP regions. But without a doubt, the new debate on development models and possible alternatives forced the traditional EU-ACP relationship onto the defensive.

IV. Post-Cold War stalemate: Cotonou and Economic Partnership Agreements

In 2000, the series of *Lomé Conventions* came to an end. The sequence of *Lomé Conventions* was replaced by the *Cotonou Agreement*, designed to cover a period of altogether twenty years until 2020.²¹ Quite uncommon for such an international cooperative agreement, the *Cotonou Agreement* structured EU-ACP long-term relations in a legally binding nature across three baskets: aid, trade and political dialogue. The aid approach coincided with and reinforced the 2000 *UN Millennium Development Goals*, while the trade agenda introduced a certain deconstruction of the ACP grouping with the focus on regional economic developments and political trends, thus taking into consideration the growing role of regional economic communities within the different sub-regions of the ACP grouping. Article 96 of the *Cotonou Agreement* became the notorious instrument for imposing sanctions against ACP countries who do not comply with EU

20 For the larger context of African relations with its global partners see: Ludger Kühnhardt, *Africa Consensus. New Interests, Initiatives, and Partners*, Washington D.C./Baltimore, Woodrow Wilson Center Press with Johns Hopkins University Press, 2014.

21 Partnership Agreement between the members of the African, Caribbean and Pacific group of states on the one hand, and the European Community and its Member States, on the other, signed in Cotonou on 23 June 2000, in: Official Journal of the European Communities, L317/3, 15.12.2000, online at: www.acp.int/content/acp-ec-partnership-agreement-cotonou-agreement-accord-de-partenariat-acp-ce-accord-de-cotonou.

political norms; *inter alia*, in the case of Fiji after a military coup in 2006. Less known (and used in its full sense) is Article 8, which also enables the ACP countries to invoke a political dialogue if they wish to discuss any pending EU policy matter.²²

The *Cotonou Agreement* was revised in 2005 and again in 2010. The first revision – concluded in Luxembourg on June 25, 2005 and entering into force on July 1, 2008 – introduced new issues related to security and the fight against terrorism (post 9/11) to the EU-ACP agenda; it also supported the recognition of the International Court of Justice.²³ The second revision of the *Cotonou Agreement* – signed on June 22, 2010 and entering provisionally into force on November 1, 2010 (still being subject to ratification in some countries which led to the cancellation of the plan for a third revision in 2015, which would have had to include South Sudan as a new country in the African ACP region) – included issues of climate change and food security, the problems of fragile states and matters related to an improved effectiveness of EU aid and trade policies. In the meantime, the ACP Group of States had grown to a membership of 79 states across Africa, the Caribbean and the Pacific.

More debated than anything else in the context of the *ACP-EU Partnership Agreement* (the formal name of the *Cotonou Agreement*) since it was agreed to in 2000, was (and still is) the concept of *Economic Partnership Agreements* (EPAs). The *Cotonou Agreement* stipulated that the negotiation of regional free trade arrangements between the EU and several ACP regional subgroups was to be concluded by 2007. The debate surrounding these *Economic Partnership Agreements* consumed most of the first decade

- 22 A rather self-critical assessment of the current instruments of political cooperation by the European Commission: European Commission. Directorate-General for External Policies, Political Dialogue on Human Rights under Article 8 of the Cotonou Agreement, Brussels: European Commission. Directorate-General for External Policies, 2014.
- 23 European Commission, Partnership Agreement ACP-EU. Signed in Cotonou on 23 June 2000. Revised in Luxembourg on 25 June 2005, Brussels: European Commission. Directorate-General for Development, 2006.

of the *Cotonou Agreement*.²⁴ While the EU insisted that bi-regional economic free trade arrangements were inevitable in order to bring the EU-ACP relationship in line with the requirements of the WTO (reciprocity, non-discrimination of third parties, rules of origin)²⁵, the officials of the ACP group felt almost betrayed by the pressure exercised on them by the EU. Solidarity among the “coalition of the poor” came under pressure too, as individual countries ended up negotiating free trade arrangements unilaterally with the EU instead of with their respective regional community. Further, the EU practiced cherry-picking by organizing regional groups of its own liking, not fully accepting the realities of regional integration as they have evolved across Africa, the Caribbean and

- 24 See Sanoussi Bilal, et al., Alternative to EPAs. Possible scenarios for the future. ACP trade relations with the EU, Maastricht: European Centre for Development Policy Management, 2006, online at: [www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/89C4101716533AD1C125799700402F12/\\$FILE/PMR11_e.pdf](http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/89C4101716533AD1C125799700402F12/$FILE/PMR11_e.pdf); Catherine Grant, Ongoing Trade Negotiations—EPA, Stellenbosch: Tralac, 2006, online at: epa.tralac.org/scripts/content.php?id=5103&print=1; Christopher Stevens, The EU, Africa and economic partnership agreements: unintended consequences of policy leverage, in: Journal of Modern African Studies, No. 44, Cambridge, 2006: 441–458, online at: www.journals.cambridge.org/download.php?file=%2FMOA%2FMOA44_03%2FS0022278X06001844a.pdf&coide=4aa15acd6b4c6fa55e74d9e8bd98cb77; Matthias Busse, et al., The institutional challenge of the ACP/EU Economic Partnership Agreements, HWWA Research Paper 2-3, Hamburg: Hamburger Welt-Wirtschafts-Institut, 2006, online at: www.hwwi.org/hwwi/Publikationen/Research/Paper/Handel_und_Entwicklung/HWWI_Research_Paper_2-3.pdf. Emily Jones/Marti Darlan, Updating Economic Partnerships Agreements to Today’s Global Challenges, Economic Policy Paper Series 09, Washington: The German Marshall Fund, 2009, online at: cis.politics.ox.ac.uk/research/Projects/Global_Trade_Ethics/Economic_Policy_Series_09.pdf; Linda Engel, EPAs als Entwicklungsinstrumente? Ideen und Diskurse in den Verhandlungen der Wirtschaftspartnerschaftsabkommen zwischen der EU und den AKP-Staaten. Marburg: Tectum Verlag, 2012.
- 25 Axel Borrman et al., The WTO Compatibility of the Economic Partnership Agreement between the EU and the ACP states, Eschborn: Deutsche Gesellschaft für Technische Zusammenarbeit, 2005; Eckart Naumann, Comparing EU free trade agreements – Rules of origin, in: ECDPM InBrief 61, Maastricht: European Centre for Development Policy Management, 2006, online at: www.ecdpm.org/Web_ECDPM/Web/Content/Content.nst.vw; Anne Genin, Von Lomé zu den Wirtschaftspartnerschaftsabkommen. Die Zukunft der gemeinschaftsrechtlichen Präferenzsysteme zugunsten der Entwicklungsländer im Rahmen der WTO am Beispiel der AKP-EG-Handelszusammenarbeit, Stuttgart: Boorberg, 2010.

the Pacific islands regions. By the 2007 deadline, only one EPA had been signed, between the EU and CARIFORUM, an artificial arrangement of most CARICOM countries plus the Dominican Republic and Cuba.²⁶ To the surprise of many, 2013 ended with the conclusion of negotiations on a second comprehensive EPA between the EU and ECOWAS.²⁷ Eventually, the EU extended the deadline for EPA negotiations to 2016, when the privilege of duty-free export to the EU for “everything but arms” was to expire. As of 2016, the overall ‘state of play’ of EPA negotiations was not impressive at all:

West Africa: West-Africa-European Union negotiations of an Economic Partnership Agreement were closed by Chief Negotiators on 6 February 2014 in Brussels. The text was initialed on 30 June and on 10 July 2014, ECOWAS Heads of State endorsed the EPA for signature. The signature process is currently ongoing.

Central Africa: Cameroon signed the interim EPA for Central Africa as the only country in the region on 15 January 2009. The European Parliament gave its consent in June 2013. In July 2014 the Parliament of Cameroon approved the ratification of the Agreement and on 4 August 2014 the agreement entered into provisional application. European and Central African negotiators have discussed at technical level on market access, services, cultural cooperation and accompanying measures. Progress has also been made on the text of the agreement. The negotiations are currently delayed because of the situation in the Central African Republic. The mandate of the Central African negotiators has been updated at the end of March 2014 and negotiations are still expected to resume on this basis.

26 For an assessment see Erika Günther, Regionale Integration und die Economic Partnership Agreements der EU. Das EPA mit der Karibik am Fallbeispiel CARICOM, Saarbrücken: VDM, 2011.

27 “EU seals free trade deal with West Africa”, Euractiv, February 7, 2014, online at: www.euractiv.com/development-policy/eu-seals-free-trade-deal-west-af-news-533293.

Eastern and Southern Africa: In 2009 Mauritius, Seychelles, Zimbabwe and Madagascar signed an Economic Partnership Agreement (iEPA). The Agreement is provisionally applied since 14 May 2012. The European Parliament gave its consent on 17 January 2013. The inaugural iEPA Committee was held in October 2012 in Brussels, and the latest, fourth, meeting took place in November 2014 in Zimbabwe. The Customs Cooperation Committee and the Joint Development Committee were also held alongside the iEPA Committee.

Eastern African Community: In June 2010, a Ministerial meeting held in Dar Es Salaam noted that EAC was not ready to sign the Framework EPA initiated in November 2007 and both sides agreed to seek a successor agreement to their framework (interim) agreement. The ministerial EPA meeting held in January 2014 was a key step towards conclusion of the negotiations and in three rounds Senior Officials resolved the few outstanding issues to bring the deal to conclusion on 16 October 2014. On 11 September 2015, both parties completed the legal scrubbing of the initiated EPA text.

South African Development Community: On 15 July 2014 the EPA negotiations were successfully concluded in South Africa. This ended ten years of negotiations and produced an Agreement that will replace the interim EPA signed by the EU and by Botswana, Lesotho, Mozambique and Swaziland in June 2009. That agreement was never ratified.

Caribbean: The CARIFORUM – EU EPA was signed in October 2008 and approved by the EP in March 2009. The agreement: opens up trade in services as well as in goods; seeks to spur more investment in the Caribbean; commits governments to other trade-promoting measures, like ensuring free and fair competition; promotes development that respects the environment and people's rights at work. The EPA also sets up several joint institutions, that have met regularly since 2010: The Trade and Development Committee (senior officials) held its fifth meeting in Georgetown, Guyana in July 2015: the Joint CARIFORUM-EU Council (ministers), that held its third meeting also in Georgetown in July 2015. These joint institutions review progress and issues so far in applying the EPA, and agree on next steps. The Consultative Committee representing civil society held its first meeting in Brussels on 13-14 November 2014.

Pacific: Signed by the EU and Papua New Guinea (PNG) on 30 July and by Fiji on 11 December 2009. EP ratified on 19 January 2011. EU ratification completed by Council on 15 February 2011. The third meeting of the Trade Committee established under the EPA took place in Brussels in July 2013. The Parliament of Papua New Guinea ratified the EPA on 25 May 2011. On 17 July 2014 Fiji decided to start provisionally applying the agreement. In negotiations on a comprehensive regional Economic Partnership Agreement, four technical rounds have taken place since October 2012, the latest one in Brussels from 24 June to 5 July 2013 on fisheries, trade in goods, development cooperation, sustainable development, and rules of origin. Moreover, an informal ministerial meeting with EU and Pacific region representatives to take stock of the current was held in the Solomon Islands on 12 December 2013. However, Papua New Guinea and Fiji did not attend this meeting.

In conclusion: *Economic Partnership Agreements* as a new core concept of EU-ACP relations and the EU's way of negotiating EPAs have been a failure.²⁸ Patrick I. Gomes, ACP Secretary General since 2015 (and formerly a highly respected Ambassador of Guyana to the European Union), summarized the ACP's stand in a nutshell: "Throughout the negotiations, the EU side failed to articulate an understanding of trade as an instrument of development. This was of course the overriding concern of ACP states and is alleged to be a reason why some turn to countries such as China for the requisite action where large infrastructure projects are needed."²⁹ The EPA legacy has left both sides traumatized.

While the EU felt disappointed that many of its traditional ACP partners did not accept the approach the EU had asked them to take without too

28 See Patrick Reich, EU-AKP Partnerschaftsabkommen – eine Bilanz. Das Abkommen von Cotonou zwischen Anspruch und Wirklichkeit, Hamburg: Führungsakademie der Bundeswehr, 2011; Luc De Benedictis/Luca Salvatici,(eds.), The Trade Impact of European Preferential Policies, Berlin: Springer, 2011; Oliver Morrissey, (eds.), Assessing Prospective Trade Policy: Methods Applied to EU-ACP Economic Partnership Agreements, London: Routledge, 2011.

29 Patrick I. Gomes, Reshaping an Asymmetrical Partnership: ACP-EU Relations from an ACP Perspective, in: Journal of International Development, Volume 25, Issue 5/2013, p. 721.

much arguing, most ACP countries became aware that EU interests and their own interests might clash more often than in the past. The idea of establishing unprotected free trade relations as the single most important step to an inclusive world economy between the powerful single market of 505 million consumers in 28 industrialized countries and several sub-regions of countries in Africa, the Caribbean and the Pacific, many of whom remain without any solid base of industrial production, remains a matter of intensive controversy; especially in the view of NGOs both in the EU and in ACP countries. 41 of the 79 ACP countries still figure as *Least Developed Countries* (LDC), 11 of them have reached the status of Lower Middle Income Countries, 23 of them the status of Upper Middle Income Countries and 4 of them the status of High Income Countries. For those *Least Developed Countries* among ACP states who did not sign an EPA in time, the preferential duty-free trade access to the EU market under the ‘everything but arms’ initiative remained a safe haven which did not force them to compromise beyond their preferences in negotiating with the EU. The result was some sort of a race to the bottom. It could not remedy the strong increase in mistrust and frustration both in the EU and among many ACP countries.

The 2010 mid-term evaluation of the EU-ACP relationship did not result in any convincing innovation.³⁰ In spite of the all-pervasive partnership rhetoric, the donor-recipient-relationship has not substantially changed. Most of the ACP is still dependent upon financial support from the EU – this holds true for the ACP headquarters and its infrastructure as much as for significant percentages of most ACP member state budgets. While growing regionalization in the ACP regions has contributed to the growing rise of region-building across the world, the EU obviously does not take the existing regional groupings as seriously as it pretends to. On the whole the ACP Group of States finds it difficult to convincingly demonstrate its readiness and capability of being a political partner for the EU in

30 Sven Grimm/Davina Makhan, Überarbeitung des Cotonou-Abkommens – nichts Neues unter der Sonne?, Bonn: Deutsches Institut für Entwicklungspolitik, 2010, online at: [www.die-gdi.de/CMSHomepage/openwebcms3.nsf/\(ynDK_contentByKey\)/MRUR-8739PT](http://www.die-gdi.de/CMSHomepage/openwebcms3.nsf/(ynDK_contentByKey)/MRUR-8739PT).

international fora. Moreover, the economic effect of the ACP Group of States on EU import and export figures remains suboptimal, some critics say: marginal.

V. New realities and key actors: parameters until 2019

Since the *Cotonou Agreement* was signed in 2000, the EU and the ACP countries have undergone manifold transformations. The EU has been enlarged in 2004, 2007 and 2013 to include eleven post-communist countries plus two former British colonies (Malta and Cyprus). None of whom entertain relations with ACP states comparable with those of the former West European colonial powers and Northern European development aid empires. For post-communist countries, the priority of catching up with the value chain of Western Europe and enhancing the competitiveness of their industrial potential in the global economy has been more of a priority than any reflection on the future of the South. The *Lisbon Treaty* (signed in 2007, in force since December 2009) does not mention the ACP Group of States as a special concern of the EU. It outlines foreign policy principles – and development policy objectives – but does not make any specific reference to the ACP Group of States.

The EU external trade agenda is dominated by ties to the US, to emerging markets – China in particular – and to other larger populations in the world with a relevant effect on EU trade patterns. The ACP Group of States clearly falls behind in terms of economic significance and hence is often neglected. The emotional ties of decades gone by do not play a significant role any more in the corridors of decision-making and policy-implementation in Brussels or in most EU member states – with the possible exception of special interests still represented and emotionally linked to policy circles in Paris and London. The ACP Group of States has observed the past twenty years of EU internal development with mixed feelings. On the one hand, the EU has been immersed in the post-communist transformation rhetoric of market-driven democratic change which also resonated in its development policy. On the other hand, the EU has redirected funds in support of its Eastern neighbors and its new

member states – to the detriment of its commitments to the ACP regions, or so they believe. Almost nostalgic sentiments to preserve preferential ties with France and the UK, as well as with Belgium, and for certain countries with The Netherlands, Italy and Germany (sometimes even, one must admit, romanticizing the brief German period of colonial rule before World War I) can be found across the ACP Group of States, especially among some of its political and diplomatic actors and intellectuals. These sentiments reflect uneasiness among ACP countries about the growing “Europeanization of EU policies”, which – so it seems to them – no longer considers preferential bilateral post-colonial ties an essential part of the EU identity. Others across the ACP Group of States worry about further “mega-blocs” emerging as a consequence of bi-regional trade negotiations, i.e. between the EU and the US under the umbrella of a *Trans-Atlantic Trade and Investment Partnership* (TTIP). They feel to be left-out, again, in the preparation of the next stage of industrial development (Industry 4.0) among leading industrialized countries. Echoing frustration about missed opportunities to industrialize in the global South in past decades.

The ACP Group of States neighbors the biggest emerging markets, especially the BRICS (Brazil, Russia, India, China, South Africa). But ACP relations with the BRICS and other emerging countries are a mixed bag.³¹ On the one hand, investment from China, India, Brazil, South Africa, Russia and elsewhere is welcome across ACP regions, especially in the absence of EU investment in future oriented infrastructure. On the other hand, the ACP group’s internal solidarity is not reinforced by the emergence of BRICS at all, but it is rather torn apart by it: South Africa is both an ACP and a BRICS state, without having any visible effect on the stature of the ACP in the world; its trade volume – accounting for a third of

31 See: European Centre for Development Policy Management (ed.), Global Changes, Emerging Players and Evolving EU-ACP Relations: Towards a common agenda for action? Maastricht: ECDPM 2011, online at: [www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/DE1C420CB6DEEC0B2C12579260037AA45/\\$FILE/PMR19-uk.pdf](http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/DE1C420CB6DEEC0B2C12579260037AA45/$FILE/PMR19-uk.pdf); with a focus on the Caribbean: Annita Montoute, Emerging players in the Caribbean: What implications for the Caribbean, their relations with the EU and the ACP?, ECDPM Discussion Paper, No. 116, Brussels: European Centre for Development Management, 2011.

all European Union trade with the 79 ACP countries³² – adds to the distortive asymmetries across the ACP regions. Some ACP countries have rushed to form new relationships with China. Others in turn are worried that too much Chinese influence and too much bilateralism with any emerging market may lead to a loss of autonomous decision making if the ACP Group of States is not going to stay together. Some ACP countries, after all, still maintain diplomatic ties with Taiwan, especially in the Pacific where the growing influence of mainland China is closest. Finally, new centers of gravity have emerged in each of the ACP regions – from the African *Regional Economic Communities* (RECs) and the *Caribbean Community* (CARICOM) with its common market, to the *Pacific Islands Forum* (PIF) and, most recently, to the *Small Island Development States* (SIDS) group of 36 ACP states which organized their third (and so far most visible) summit meeting in Samoa in 2014.³³

A new agreement between the European Union and the ACP Group of States will be shaped by the leadership currently in place on both sides. The European Union leadership as it emerged in 2014 will be in office until 2019 and hence will define the post – Cotonou process a great deal. It consists of a European Commission, committed to concluding a new agreement combining continuity with the *Cotonou Agreement* and cautious innovation along the lines of its claim to be first and foremost a political Commission: a European Parliament, more self-confident than ever, but under the pressure of Euro-sceptics – who tend to be protectionist, often look critically at migration from the ACP region and also at development aid in general – and led by a grand coalition of mainstream parties who

32 Elisabeth Pape, An old Partnership in a New Setting: ACP-EU Relations from a European Perspective, op.cit., p. 734.

33 Recognizing the pioneer role of Malta in promoting the oceans as common heritage of mankind (Speech of Arvid Pardo before the General Assembly of the United Nations in November 1967), the former Secretary General of the Pacific Islands forum, Tuiloma Neroni Slade, has outlined the specific role of small island states in promoting international law: Tuiloma Neroni Slade, The Making of International Law: The Role of Small Island States, Lecture at Temple University, April 1, 2003, online at: www.litigation-essentials.lexisnexis.com/webcd/app?action=DocumentDisplay&crawlid=1&srctype=smi&srcid=3B15&doctype=cite&docid=17+Temp.+Int'l+%26+Comp.+L.J.+531&key=4c18932b763c7b498a53761e369be0ab.

pursue traditional EU normative discourses – such as promotion of human rights, conditionality in development, or reciprocal trade advantages; and a European Council representing all 28 EU member states who have overcome a daunting period of soul-searching, yet are still heavily under pressure to mobilize jobs and growth for their own citizens instead of engaging too enthusiastically with the concerns and interests of distant places which, some fear, may even bring more instability to their doorsteps. This constellation may have two consequences for further EU deliberations with the ACP Group of States: Either the EU will remain restrained and thus tight to the well-known and established stakeholder community in development matters or it will have the courage to enlarge its circle of stakeholders substantially by also engaging with traditional foreign policy discourses, investment and innovation policies, the private sector and civil society. Neither of the two projections provides reassuring insights into the possible outcomes of the European reflection on the dialogue with the ACP Group of States.

The ACP Group of States needs to broaden its visibility across the three continents it claims to represent, all of which are engaged in their own complex agendas. It is weak in its negotiation powers and even weaker in its ability to project ACP positions toward a broader European public. If analyzed honestly, this starting point is not very promising. While the European Union is – in spite of all its weaknesses – a strong institutional arrangement, the ACP Group of States is not. Disagreement and criticism is widely spread, to the extent that the rhetoric of solidarity among ACP countries does not stand the test of time when individual national interests, somewhere across the vast ACP region, are touched upon. Size and numbers alone do not matter if it comes to pragmatic interests and the way they are organized. Harmonizing ACP interests and communicating them properly with EU representatives is essential for any ACP leverage over the next few years. In December 2014, the ACP Ministerial meeting held in Brussels elected Patrick Ignatius Gomes as the new ACP Secretary General, who will serve from March 2015 until February 2020. The long-standing Ambassador of Guyana to the European Union and member of the ACP Eminent Persons Group, Gomes authored a report of the group of

ACP Ambassadors to the EU on the prospects for restructuring the ACP Secretariat in Brussels. Gomes is an impressive personality as the coordinator of a huge variety of ACP actors and spokesperson of the common cause of the global South. However, his bargaining power is limited by the constraints of his office and the structure he operates in: With almost no exception, only Caribbean news media noted the election of Ambassador Gomes as ACP Secretary General (against two other Caribbean candidates). This media response across the global South was an indication of the deficit of a comprehensive perception of the meaning of the ACP Group of States across all three regions. But also this observation has to be added: With the election of Patrick Ignatius Gomes, the rotating system of the ACP has brought the Caribbean into the driver's seat ahead of formalized EU-ACP negotiations toward a post-*Cotonou Agreement*. Given the insider knowledge of Gomes and the smart way of Caribbean interactions with European affairs, the other ACP regions seem well represented by him. With his personal background and insider knowledge, a genuine Caribbean perspective and tone may not be to the disadvantage of the other ACP regions.

The European Union and all those involved in preparing and pursuing the forthcoming negotiations with the ACP Group of States should recognize a strong and coherent presence of the ACP under the coordinating leadership of Secretary General Gomes in line with their own interest: The EU will be better served in its global role if it reaches a good and lasting post-*Cotonou Agreement* with all ACP Group of State countries.

This remark points to the obvious: For the European Union, Africa is of greatest importance among the three ACP regions. The EU will have to connect its well-developed strategic partnership with the African Union, in existence since 2007, with the overall ACP perspective. It will also have to accommodate special features of the Northern African dimension, usually covered by the EU's *Neighborhood Policy*, yet an integral aspect of the *Africa-EU Partnership*. The Ocean economies in the Pacific resonate in the EU only when issues related to climate change are addressed. But distance and size minimize the moral high ground which is invoked when the survival of Pacific islands is mentioned. The EU needs to enhance its

engagement with the Pacific island states also in reaction to the increasing geopolitical and geo-economic interest of other players in the region, including Australia and New Zealand, China, India and the US. The Caribbean, finally, is no longer the geopolitical issue it was during the Cold War, when Cuba was highlighting the East-West divide. With the normalization of relations between the US and Cuba, the EU will be confronted with new competition over Caribbean markets, thus indirectly linking the post-2020 negotiations with the perspective of a *Transatlantic Trade and Investment Partnership* (TTIP), negotiated between the EU and the US. But for the EU, the Caribbean market or the resources in the Gulf of Mexico are not in any way comparable to the trade relevance of EU-US relations and of EU-Mercosur relations. On top of this, the possible global diplomatic capital for the EU that could be seen in the continuous existence of the ACP Group of States is minimized by rather sober experiences in past decades regarding the global support of EU positions – including the notorious reservation of CARICOM member states in 2010 to accept an enhanced observer status of the EU at the UN General Assembly (which was eventually accepted in May 2011 after some arm twisting and compromises, reducing the EU's claim for exceptionalism in its UN representation). Against this backdrop, the Caribbean leadership in the ACP Secretariat during the period of negotiations for a post-*Cotonou Agreement* may turn out to be a double-edged sword for some in the EU.

The possible merger of the *European Development Fund* with the general EU budget – due not before 2021 – is a continuing matter of concern among ACP representatives: They fear that although oversight rights of the European Parliament will enhance the African priority, the European Parliament will also demand more deliverables from the ACP Group in return for fresh EU money. Moreover, the problem of duplicating tasks which other national, regional or even global institutions can cope with in an effective way, looms large over the ACP Group of States. The negotiation position of the ACP Group of States on a future agreement with the EU is clear: it is the ACP's objective to preserve and to renew the EU-ACP relationship while its political content shall be deepened. At the same time, the ACP Group of States wants to broaden its scope of partnerships

beyond the EU; primarily, the ACP group of countries is interested in strengthening ties with the BRICS group of states as additional anchors helping the ACP countries to enhance their global presence and economic weight. As for the EU, the early reflections on a post-*Cotonou Agreement* were rather critical, questioning the economic benefit of the EU-ACP relationship; demanding more concrete actions and results on the side of the ACP; preferring regional approaches which seem to better reflect the diverse realities in Africa, the Caribbean and the Pacific. A serious cost-benefit analysis of EU-ACP relations covering all possible aspects is yet to be done.³⁴

Becoming recognized as a pole of global stability requires the ACP to practically reinvent itself – and this time neither as an appendix to the EU nor as the EU's nemesis. This might partly come about as a consequence of the result of future negotiations with the EU for a post-*Cotonou Agreement*. But it will take the ACP Group of States more than that to project its ambition for a continuing and growing global role. As for the EU, initial scholarly reflections on a post-*Cotonou Agreement* demand a clearer focus on principles and a better rationale for the very foundation and impact of a continued EU-ACP relationship.

The following chapters of this paper intend to outline a strategic road map ahead which can accommodate the interests of the European Union and

34 See eg. Miriam Van Reisen, The Old Man and the Seas: The Future of the EU-ACP Relationship, The Broker, No.25/Special Report, Leiden: 2011, online at: www.thebrokeronline.eu/var/broker/storage/original/application/f711797d7b545f8fbcab413889c4e336.pdf; Miriam Van Reisen, The future of the ACP-EU relationship, European Ideas, 29.05.2012, online at: www.europeanideas.eu/pages/Economics/international-trade/the-future-of-the-acp-eu-relationship.php; Geert Laporte, What future for the ACP and the Cotonou Agreement? Preparing for the next steps in the debate, Briefing Note, No. 34, April 2012, Brussels: European Centre for Development Policy Management online at: [www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/A80840C540D36BE8C12579D000311896/\\$FILE/BN34-What%20future%20for%20the%20ACP-FINAL.pdf](http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/A80840C540D36BE8C12579D000311896/$FILE/BN34-What%20future%20for%20the%20ACP-FINAL.pdf); Niels Keijzer et al., ACP-EU relations beyond 2020: Exploring European perceptions, Briefing Paper 11, Bonn: German Development Institute/Deutsches Institut für Entwicklungspolitik, 2013, online at: [www.die-gdi.de/CMS-homepage/openwebcms3.nsf/\(ynDK_contentByKey\)/ANES-975D3F?Open](http://www.die-gdi.de/CMS-homepage/openwebcms3.nsf/(ynDK_contentByKey)/ANES-975D3F?Open).

include sufficient overlap with the interests of the ACP Group of States. It is a forward-strategy which offers reflection beyond the usual parameters and limits of the EU-ACP agenda.

VI. The future (I): a stronger rationale and a wider thematic scope

The future arrangement between the European Union and the ACP Group of States needs to be comprehensive and strategic, convincing to all and forward-looking. The main advantages of past experiences have to be outlined and the value-added for the future must be formulated in clear terms. Five points are essential for preserving, maturing and upgrading the EU-ACP relationship in the years ahead:

1. The value of a contractual and legally binding EU-ACP relationship. The post-*Cotonou Agreement* must first and foremost advocate its global value. No political strategy, communique or diplomatic document can bring about what the current *Cotonou Agreement* is at its core: It is a legally binding contractual framework reinforcing political principles and norms of international law in a unique context. While international law so often is under pressure these days, the value-added of a legally binding, contractual EU-ACP relationship cannot be emphasized enough. Reciprocal commitments and predictability for all parties involved is unparalleled and should not be compromised for the sake of other, seemingly easier, options. The experience of the current *acquis* of EU-ACP relations must be identified and properly named (especially the value of legally binding rules, common institutions, guaranteed allocation of financial resources, and the mechanism of consultation concerning any emerging legislation which may affect each other's interests³⁵). A continuously contractual and legally

35 These points are strongly supported by Dieter Frisch, The Future of ACP-EU Relations Beyond 2020. An update of my personal reflections, ECDPM Discussion Paper No. 172, Brussels: European Centre for Development Policy Management, 2015, p. 2; see also the impressive and informative historic narrative by the same author: Dieter Frisch, The European Union's development policy, ECDPM Policy Management Report 15, Brussels: European Centre for Development Policy Management, 2008.

binding arrangement can serve as a model contribution to global governance. The untapped potential from the unique nature of this contractual arrangement between four regions of the world may over time also resonate in the evolution of international law.

2. The justification of a comprehensive EU-ACP agreement. The post-*Cotonou Agreement* must be more explicit about the mutual interests it serves. This can happen only if a comprehensive agenda of shared norms accommodates those aspects of the relationship which are predefined by the obvious asymmetries between the EU and its ACP partners, as well as among ACP countries and regions. The only way to move away from a hierachic donor-recipient-relationship is recognition of the equality of people living in all four EU-ACP regions and their shared desire to contribute to a better, more human world. Hence, the post-*Cotonou Agreement* must go beyond the traditional focus on development. Only by better connecting its purpose and objectives to the broader domestic agenda in each of the regions, can the EU-ACP post-Cotonou relationship reach out to constituencies beyond the traditional stakeholders in development policy. A comprehensive strategic association must be accompanied by a convincing and comprehensive cost-benefit analysis of all economic and non-economic aspects of the future EU-ACP relationship.

3. The objectives of a strong EU-ACP relationship. The post-*Cotonou Agreement* must be more explicit about its objectives than the current *Cotonou Agreement*. This can only be done by way of formulating the specific added value of its approach (legally binding, integral approach to development, trade, political norms; prioritizing values and good governance) and comparing it with the limits of other existing international frameworks or networks, including the *UN Sustainable Development Goals*. It is essential to better define incentives which help to make any set of intentional politics work.

4. The contradictions and ‘parochialisms’ of an exclusive EU-ACP agreement. The post-*Cotonou Agreement* must address upfront how it sees the grouping’s role vis-à-vis other international arrangements and fora, primarily the United Nations, the World Trade Organization, and the bi-

lateral and bi-regional relations of any other EU and ACP partners. The future EU-ACP Agreement must recognize possible contradictions between topics covered or affected by the agreement and other international obligations of EU-ACP partners. Finally, the future agreement must recognize the possibility of newly emerging interests within the EU-ACP grouping and of other international actors partnering with EU and ACP countries in a third context. The future agreement must simply state that all partners involved in the EU-ACP relationship have a legitimate interest in diversifying and multiplying the scope of their cooperation around the globe. In reality, this means that the ACP Group of Countries must accept the primordial importance of EU relations with the United States, while the European Union must become much more pro-active in including China – a preferential partner for many ACP countries – into tripartite forms of cooperation. On the other hand, a post-Cotonou Agreement would not serve any purpose if it would broaden its scope so much to include further regions or countries of the world (i.e. Latin America, North Africa).

5. The branding of a forward-looking future EU-ACP agreement. The EU and the ACP Group of States must admit that the past branding of their relationship did not reach beyond the development and trade community. Neither the acronyms related to the cities in which the consecutive treaties were signed (*Yaoundé Convention*, *Lomé Conventions*, *Cotonou Agreement*) or the very term ‘EU-ACP’ have become globally recognizable brand names. Moving beyond the misnamed *Economic Partnership Agreement*, the EU and the ACP Group of States should be ambitious enough to label their next arrangement *EU-ACP Association Treaty for Development*. For a future *EU-ACP Association Treaty for Development* to come about, the EU and the ACP Group of States must be willing to move from the promise of rhetoric partnership to the potential of serious association. Not the name of a city but rather a clearly distinguishable content can help in branding this ambition. And the EU should not stand first, but its partners across the global South, so often humiliated in history.

The original themes of the *Cotonou Agreement* will most likely surface again in a future *EU-ACP Association Treaty for Development*. It is hard to imagine that an existing and reasonably solid thematic structure will be

completely unraveled when so many actors and their interests have to be accommodated. It is all the more necessary to lobby for a better focus and a wider scope within the existing thematic parameters. This ought to entail:

1. *Development*: The original motivation of an association agreement between European countries (both former colonial powers and non-colonial countries) and African, Caribbean and Pacific countries was aid-driven, based on transforming notions of development. However, the path from aid to trade and from poverty alleviation to sustainable development has remained strongly influenced by rather abstract notions of policy-induced and socially engineered concepts of development.³⁶ With the evolution of the *UN Human Development Index*, the human-centeredness of development has been rehabilitated, at least partially. Given the normative ambition of the EU-ACP grouping, one should expect a genuine and pronounced commitment to ‘human dignity’ as being central to any future association and development strategy. As a consequence, human development must primarily focus on the different life phases of individuals and the related human needs to advance dignity, life chances and happiness. This implies priority for health and education issues, for jobs and economic independence, for social welfare (at least in a minimal sense) and a dignified life for the elderly. Translated into the space and language of politics, human-centered development must be understood as a universal strategy in support of human self-realization. Development strategies, by consequence, can never do more than provide an enabling frame. Subsidiarity, a concept originating in Catholic social doctrine, means exactly this: supporting people to strengthen themselves. The term ‘ownership’, widely popularized by the United Nations, covers the same idea. Hence, facilitating ownership is the meaning and purpose of social capital, public infrastructure, legal protection of property and private investment; of good governance, rule of law and capacity building in the service of a better functioning of state and society. Ownership serves human fulfillment and is not a purpose in itself.

36 See: Gilbert Rist, *The History of Development. From Western Origins to Global Faith*, London: Zed Books, 2008 (3. edition).

In financial and conceptual terms, development aid as the global tool to realize development cooperation is equivalent to global social aid – a welfare and redistribution scheme among regions and societies around the world. It will never be more than this. In recognition of all of the legitimate criticism of development aid, development financing should be preserved as an expression of global social aid. Development aid, understood correctly, translates the idea of human solidarity to the global level, primarily with the objective to strengthen individual ownership and let societies ‘develop’ according to their own objectives and concepts. Across the ACP regions, frustration runs high among policy actors and officials about the bureaucratic procedures of the EU. Without denying gratitude for the EU support, the question is raised whether the EU is interested in procedures alone or also in results being implemented. Some partners feel humiliated by arrogant EU behavior, not so much on a personal level but through the procedures EU partners are made to feel mistrust and, at times, even inferiority. The EU needs to better respect the dignity, ability and honesty of its ACP partners on all levels, including in the management of development projects and their often cumbersome administrative procedures.

Development aid, in the first place, should be interpreted by a future *EU-ACP Association Treaty for Development* as global social welfare in the service of the poorest and most marginalized groups in the world. Thus, development aid can gain new recognition through a combination of its human-centeredness with a clear priority for the poor and needy based on the shared responsibility of donor and recipient countries. The sanctions regime which has evolved around the concept of conditionality has not really been convincing in advancing the objectives it is meant to promote.³⁷ A future *EU-ACP Association Treaty for Development* must define a new balance of incentives and sanctions. The operational management of development-related projects should be left under the responsibility of individual ACP partner countries and kept outside the ACP structures.

37 See Clara Portela, Aid Suspensions as Coercive Tools? The European Union’s Experience in the African-Caribbean-Pacific (ACP) Context, in: Review of European and Russian Affairs, Vol. 3 (2007), pp. 38-53.

An updated concept of development must not only legitimize the transfer of development funds. It must also expand the very development matrix: preconditions for effective ownership, including policy structures and processes, have to be addressed. Criteria for resilient statehood and societal development must be included into the reasoning of a future *EU-ACP Association Treaty for Development* regarding the transfer of development aid resources. This is especially pertinent for matters of rule of law and of regulatory governance. Only enforceable mechanisms of regulatory governance can break those monopolies which prevent development progress from taking place. Monitoring resilience is as relevant for fragile states as it is for emerging states or states considered to be strong and stable. Early warning mechanisms more sensitive to the weakened resilience of any society and state could be a tool in support of the global recognition that all states and societies are developing – and not only those traditionally labelled (and often stigmatized) as developing countries. Matters of human security as well as those related to the classical monopoly of the legitimate use of force must be an integral part of any reasonable development concept for this century. It is here that a future *EU-ACP Association Treaty for Development* can truly add value through innovative approaches and criteria. The notion of development as a universal challenge makes *all* countries around the globe ‘developing’ countries. Such a universal and inclusive understanding ought to be promoted by the future EU-ACP relationship under the umbrella of an *EU-ACP Association Treaty for Development*.

The development concept for the 21st and 22nd century must include a strong maritime dimension. So far, sea routes and the need to protect them has played the central role, highly understandable as sixty per cent of all world trade uses ships for connecting production sites with respective markets. But sea lanes and security matters, including anti-piracy operations such as the one initiated by the European Union around the Horn of Africa (*Atalanta*) are only one aspect of a world rediscovering its maritime dimension. The new focus on international transport routes – such as the extension of the Suez Canal in 2015, the extension of the Panama Canal and the construction of the Nicaragua Canal (due in 2016), or the

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Northeast Passage around the ice-free Arctic Circle (substantially reducing trading costs between Europe and East Asia, used for the first time by two German commercial ships in 2009 and by a Danish cargo ship in the reverse direction in 2013) – demonstrate the growing need for functioning maritime activities.

There are fundamental maritime aspects which affect some of the weakest ACP countries, the small island states. Climate change may threaten the very survival of atoll states (Maldives, Kiribati, Tuvalu and Marshall Islands). But, paradoxically, climate change also increases ice and natural water in Antarctica. Could these resources be activated for the irrigation of dry areas in the world, including on the atoll countries who, for the time being, are struggling more with socio-economic challenges – including water shortage – than with the abstract fear of getting under water one day? Over time, the maritime dimension in all its aspects ought to be included into a comprehensive development matrix.

The *Exclusive Economic Zones* around the Pacific island states turn some of the smallest island states into big players when one thinks not only of current fishing activities but also the prospects for deep sea mining, from phosphates off the coasts of Oceania to manganese in the Indian Ocean. Kiribati, for example, owns the second biggest *Exclusive Economic Zone* of any country on earth. Yet, today the bargaining power of Kiribati is too weak to make better use of its resources vis-à-vis European and other fishing interests: the EU must better respect Kiribati interests in promoting the entry of Kiribati processed-tuna into the EU. France maintains sovereignty over a great number of uninhabited islands in the Southern Indian Ocean which may one day serve as the spring board for deep sea extraction of energy resources. The maritime dimension is surfacing at the intersection of ecological and economic issues with new strategic security constellations – from the Chinese expansion into the South China Sea to Brazilian, Indian or South African power projections through blue water marine activities in the South Atlantic and the Indian Ocean. Will the new geopolitical race for the Arctic Circle repeat itself one day in even stronger dimensions over the untapped resources of Antarctica, the world's third largest continent? The maritime dimension must be translated into a fresh

and broader understanding of maritime matters as part of the definition of human security. The future EU-ACP association could incorporate the complexity of maritime issues through a new institutional arrangement, an *ACP-EU Maritime Forum*.

2. *Trade*: The future EU-ACP trade agenda must honestly look at deficits and stereotypes which have hampered relations in the past. Three aspects are particularly salient.

First, EU-ACP relations cannot effectively advance the notion of global free trade if this concept is not coupled with the requirements of human development and social responsibility. The European model – so much lauded by EU leaders – combines market economy and social responsibility. No trade agenda encompassing the EU and the ACP Group of States should aim below this conceptual starting point: Free trade without recognizing its service for human and social development will not gain the legitimacy it requires both in the EU and across the ACP Group of States. Private market actors will always be the drivers of free trade. But policy frameworks and regulatory mechanisms must ensure that their preconditions and their consequences advance human dignity and social cohesion. This will have different implications in different contexts. But the principle idea – free trade in the service of development – must be an uncontested thematic commitment guiding a future *EU-ACP Association Treaty for Development*. No issue is more important in advancing this objective than the role of legal entitlements and of regulatory governance in advancing a development-favorable market economy. Both topics are highly undervalued and underestimated across most of the ACP Group of States. Yet, no international free trade can succeed without such a domestic basis: legal entitlements, including land owning rights, are often contested and more often underestimated in ACP states. And no development regionalism or national program will work without the proper understanding and sector-specific implementation of enforceable regulatory mechanisms of governance, including the establishment of independent agencies, anti-trust policies and agencies, and control mechanisms to prevent an excessive use of public subsidies; this is set of issues highly

underrated in most ACP countries although it is exactly in these fields where the EU is strongest in the pursuit of its own Single Market.

Second, a future *EU-ACP Association Treaty for Development* must not only be in accordance with WTO norms. It must also facilitate the promotion of multilateral solutions for development-conscious free trade arrangements. One of the test cases for the future impact of the EU-ACP grouping will be the degree to which it can promote inclusive multilateral solutions, unblocking barriers, prejudices and shadow debates among industrial as well as among emerging and poor countries. If the EU-ACP grouping can contribute to a factual graduation of global economic governance under the umbrella of the World Trade Organization it will truly serve the purpose of a better world for all. This would entail the need for the EU to ensure that any other trade arrangement it is advancing – especially the *Transatlantic Trade and Investment Partnership* (TTIP) – takes into consideration implications for its ACP partners. Both the EU and the ACP countries must formulate reciprocal assurances that any other trade deal each of them is pursuing bilaterally or in a regional context – including deals pursued with the US (by the EU) and with any of the BRICS countries (by any of the ACP countries) – is compatible with EU-ACP norms and objectives.

Third, a future *EU-ACP Association Treaty for Development* must step out of the shadow of the paranoia over *Economic Partnership Agreements* (EPA). Nothing has obsessed political actors and civil society activists more since the signing of the *Cotonou Agreement* than the EPA issue. Right or wrong, the myopic reduction of EU-ACP trade relations to the EPA's has deeply undermined credibility, trust and, most importantly, perspective in EU-ACP matters. A future *EU-ACP Association Treaty for Development* – paving the way towards 2050 in a multipolar world – must leave the EPA issue behind, along with the self-righteousness and the scars attributable to past debates over this concept. EU-ACP relations need to mature into a fully-fledged multi-regional association around a comprehensive, innovative and attractive agenda which puts trade into perspective with development and political dialogue. This is the only reasonable way forward and will liberate new potential among EU and

ACP partners. To activate this potential, EU-ACP partners need to engage their respective business communities. An *ACP-EU Business Forum* could serve this purpose. It could also be instrumental in advocating and implementing investment in partner countries and innovative forms of technology transfer, such as those subsumed under the concept of “reverse innovation”.³⁸ The bottom line is more than evident: All ACP countries need to facilitate private investment in clusters of technology-based innovation, value chains of production, vocational training and employment.

3. *Political dialogue:* A future *EU-ACP Association Treaty for Development* must graduate into a mature understanding of political dialogue. Until now, the concept is mainly a semantic cover-up for conditionality criteria through which the EU sanctions bad governance practices among ACP countries. Norms that are only sanction-based remain weak. Legitimizing strength will only rise if norms are ‘owned’. For a serious EU-ACP political dialogue this implies the need to be uplifted to the level of an honest dialogue on substantial and reciprocal political issues. No doubt, governance issues in ACP countries are relevant; so are matters of conditionality as far as development cooperation and financial transactions are concerned. EU citizens hold their own institutions to account for tax payers-money transferred towards ACP member states. But, political dialogue must be reciprocal. EU-ACP consultations need to include a mutually engaging exchange of experiences and trends on all political aspects beyond the classical development and bilateral agenda. Broadening the agenda – i.e. to health and education, competition and innovation, monetary and migration – would also broaden the stakeholder community both in the EU and in the ACP Group of States.

Why should EU home affairs experts not engage with their counterparts from the ACP Group of States under the umbrella of an *ACP-EU Home Affairs Forum*? Why should EU environmental activists not engage with their counterparts in the ACP under the umbrella of an *ACP-EU Environmental Forum*? Why should EU teachers, students and vocational

38 See Vijay Govindarajan/Chris Trimble, Reverse Innovation: Create far from home, win everywhere, Boston: Harvard Business School Publishing, 2012.

institutions not cooperate with partners among ACP states under the umbrella of an *ACP-EU Education Forum*? Why should EU inventors not compare notes with technology experts from ACP states under the umbrella of an *ACP-EU Innovation Forum*?

Political dialogue, if done properly, should be the easiest way to move away from a paternalistic donor-recipient relationship towards a serious partnership. There is nothing wrong with continuing election observer missions in ACP states, especially if these states are in the process of consolidating democratic procedures and rule of law. But – to give one practical example – what prevents the EU from inviting ACP election observers to accompany the campaign for the European Parliament or for any national election in EU member states?

By all standards, the EU-ACP political dialogue has to mature. This will require new formats in which EU and ACP policy makers, but also civil society and private sector representatives can exchange views on global political issues beyond the current frame of the *ACP-EU Parliamentary Assembly*. Its mandate remains confined to overseeing the implementation of the EU-ACP cooperation agenda, and rightly so. Beside the proposed sectoral fora, it might be a sensible idea to study the potential of a political EU-ACP human security format: Sharing strategic debates and comparing perspectives on global political issues could be initiated by academia. As a first step, an *ACP-EU Security Network* could bring together like-minded institutes and individual scholars from EU and ACP countries.

It is essential for any serious EU-ACP political dialogue to cover the broadest possible agenda of contemporary issues, both the challenges and opportunities for either side. This includes human migration with all its complex aspects as well as issues of technology innovation and dissemination. Circular learning processes can be advanced through interactions which bring together civil society, the private sector, media and academia, political institutions and officials on all possible levels wherever the meaning of North-South and South-South interdependency is recognized.

A future *EU-ACP Association Treaty for Development* should encourage such a multiplication of interactions and define the parameters to advance the avenues ahead. There can be no doubt that they will be filled with life over time. A future *EU-ACP Association Treaty for Development* must address the most urgent issue of our time: the use of violence for political or religious ends. The deplorable absence of a global dialogue on matters of religion and of socio-cultural issues impacting political action and development achievements must come to an end. The misuse of religious norms to advocate or execute acts of violence against other citizens must be condemned as blasphemy but also analyzed in terms of its negative effect on sustainable development across the world.

The EU and the ACP Group of States should be at the forefront of this debate – and bring it to the doorsteps of the United Nations. Religious extremism – today primarily deplorable in Muslim communities where radical interpretations of jihadi Islam have bred aggression and terrorism – is another form of political totalitarianism. Most EU and ACP societies have been victims of different forms of religious extremism. Hence, the EU-ACP grouping is well positioned to form a global alliance for non-violence in the pursuit of public and private goods.

VII. The future (II): accommodating regional particularities

A legally binding contractual frame for a future *EU-ACP Association Treaty for Development* beyond 2020 should be linked to regionalized political strategies. Nothing prevents a future *EU-ACP Association Treaty for Development* from advancing complementary forms of interaction on the bi-regional level. In line with the *Joint EU-Africa Strategic Partnership* of 2007³⁹ and the *Joint EU-Caribbean Strategy* of 2013⁴⁰ the European Union is currently seeking to progress relations with the Pacific ACP region. This effort should lead to a comprehensive *EU-Pacific Islands*

39 European Commission, Key Facts on the Africa-EU Strategy, online at: www.europa.eu/rapid/press-release_MEMO-13-367_en.htm; for documents and activities see: Africa-EU Partnership, online at: www.africa-eu-partnership.org/.

40 European Commission, EU relations with the Caribbean, online at: www.europa.eu/rapid/press-release_MEMO-13-798_en.htm.

Forum (PIF) Strategy, this time avoiding the time-consuming and mistrust-producing efforts to re-invent an artificial Pacific grouping of the EU's liking by trying to prevent the inclusion of Australia and New Zealand. It has already highly debatable whether or not it was a good idea to redesign the *Caribbean Community* by inventing CARIFORUM as an EU partner thus hoping to accommodate the Dominican Republic and the ever more emerging Cuba, both of which are not CARICOM member states. Likewise, EPA negotiations with artificially designed groupings across Africa have not helped the EU to conclude comprehensive regional trade arrangements in Africa. In the Pacific ACP region, the *Pacific Islands Forum (PIF)* is the most inclusive regional grouping at hand. Although it requires creativity, the EU should see PIF as its genuine partner grouping in the region without trying to side-line Australia and New Zealand.

The European Union is not going to advance its global presence if it continues to aspire for regional entities which are formed according to its own immediate liking without recognizing regions the way they want to be on their own. Actor-ness as it stands must be accepted if the EU wants to maintain credibility and exert long-term influence. China, the US, Brazil, Russia, the United Arab Emirates, India, Japan and Turkey are also involved in courting regional groupings around the globe. To be perceived as a genuine global player, the EU has to mature beyond the post-colonial underpinnings of its ties to the ACP regions. It must take the regional groupings around the world seriously as they exist. It must seek to empower them as a tool of developmental regionalism while at the same time the EU must reckon with the interests of 'developed' countries in any given region. As a consequence, the EU must accept existing groupings seriously if they want to pursue further partnerships with other global actors. The EU should avoid being artificially 'concerned' about this multiplication of interactions. In most cases such interactions rather advance the potential of a multipolar world order.

The European Union has pushed CARICOM to embrace the format of CARIFORUM (including Cuba and the Dominican Republic) as the partner for development policy dialogue with the EU. The incorporation of CARIFORUM as a directorate under the umbrella of the CARICOM

secretariat might be a pragmatic solution for the time being. But the EU should hardly be surprised if CARICOM were to initiate a somewhat similar bi-regional format with, i.e. the African Union or Mercosur. For CARICOM such a move might be an attractive way to increase options originating from its matured actor-capacity. Multiplying bi-regional formats will however confront any grouping with capacity-constraints, and not only in the Caribbean.

Fiji, a Pacific ACP partner country of the EU, has initiated a debate about the architecture of Pacific regionalism through its founding of the *Pacific Islands Development Forum* (PIDF). Fiji understands PIDF as a way of reducing the influence of New Zealand and particularly, of Australia, while bringing new partners to the region. The ambition of Fiji, to see Australia and New Zealand leave the *Pacific Islands Forum* (PIF) is not realistic and would be counterproductive for the region. Pacific island states have already expressed mixed reactions to the establishment of PIDF. The EU should be interested in supporting complementarity between PIF and PIDF and therefore the possible attachment of PIDF as a sub-unit of the Pacific Island Forum could be a useful option. The PIDF could then serve as hub for PIF development partners, not only established ones such as the EU, Australia, New Zealand, Japan, Taiwan, the US and Canada, but also new ones like India, China, Thailand or the United Arab Emirates. The EU should advocate PIDF membership for all of the Pacific overseas territories of EU member states (French Polynesia, New Caledonia, Wallis and Futuna, Pitcairn) if complementarity with PIF is to be achieved. However, any EU action should focus on strengthening the PIF as the key corner stone of Pacific region-building. In this context, the EU should make more use of existing good practices such as the *EU-New Zealand Energy Partnership for the Pacific* which has served several Pacific small island states since 2013.⁴¹ Technologically, it is a win-win situation for both the EU and New Zealand; it would also serve the interests of the European

41 See: European External Action Service, Rollout of renewable energy in the Pacific under EU-NZ Partnership, online at: www.eeas.europa.eu/delegations/new_zealand/press_corner/all_news/news/2014/20140422_01_en.htm.

Union in the Pacific as there is still uncertainty about the best possible incentives to enhance value for EU money in the Pacific.

Cooperation with the *Pacific Islands Forum* involves additional complexity because six of its member states recognize Taiwan while the other PIF member states recognize the People's Republic of China as their diplomatic partner. As for the EU, it must clarify its mind as to whether it will just remain a development partner (even if it is the most privileged one providing the biggest amount of money) or if it wishes to mature its relationship with PIF (and likewise with CARICOM) into a comprehensive political one. In doing so, the EU must avoid overburdening its resources and underperforming at the same time, with a presence reduced to symbolic politics plus big gesture donor-politics. The evolution of the Pacific regional architecture should be of higher political interest to the EU as it implicitly involves geopolitical complexities of long-term relevance.

Similar issues arise in Africa, particularly notable with regard to North Africa, especially the Maghreb region, currently the least integrated region in the world. For the EU, the only reasonable way forward is to follow the lead of the African Union in advocating sub-regional economic groupings across the continent ('building-blocks') even if this requires patience and flexibility for some time to come. But the EU needs to better recognize the actor-ness of these *Regional Economic Communities* (RECs) if it wants to remain in the driver's seat as a privileged partner of the African Union.⁴² Inter alia, this implies that the EU must take SADC seriously the way it is and search for ways to accommodate its industrial relations with South Africa which are complimentary to the general association with the other SADC members who are part of the ACP grouping. Tripartite cooperation between the EU, South Africa and SADC on technology matters should be the minimum possible form of innovative action.

42 The Regional Economic Communities officially recognized by the African Union in an effort to rationalize regional integration activities across the continent are: Economic Community of West Africa (ECOWAS), Southern African Development Community (SADC), East African Community (EAC), Common Market of Eastern and Southern Africa (COMESA), Intergovernmental Authority on Development (IGAD), Economic Community of Central African States (ECCAS), Arab Maghreb Union (AMU), Community of Sahel-Saharan States (CEN-SAD).

The right frame for bi-regional EU cooperation with individual ACP regional groupings is the concept of *Strategic Partnerships*. They can complement the legally binding contractual relationship between the EU and the complete ACP grouping under a future association agreement. Strategic Partnerships will remain largely political, more flexible and specifically targeted. But they shall operate on the understanding of supporting the overall set of norms and objectives which define the EU-ACP legal framework. In doing so, the different layers of a legally-binding contractual relationship with the overall ACP Group of States, specific regional strategic partnerships with CARICOM, PIF, the AU and possibly African *Regional Economic Communities*, and targeted bilateral relations with individual ACP countries can interlock and mutually support each other. The EU can demonstrate its capacity to activate a set of multidimensional policy instruments in the service of connecting legal solidity, political strategy, economic pragmatism and technical flexibility. Daily politics and unfolding events will almost inevitably generate inconsistencies and contradictions. But the tool box for comprehensively graduating the relationship with its 79 ACP partners and the realities in their respective regions has to be outlined and communicated by the EU first. Only then, can the EU listen in a meaningful way to what its ACP partners suggest, including the make-up of sub-regional groupings and the links they envisage in the future EU-ACP association. It may well be that CARICOM genuinely favors CARIFORUM as the right instrument to partially accommodate Cuba and the Dominican Republic in its own space without granting them full membership. Yet, given its size and economic potential, it is not inconceivable that Cuba (11 million citizens) may develop into an issue for CARICOM (16 million citizens) similar to what China has become for ASEAN – both a partner and a challenge. For the EU, instead of complaining about the rising role of China or any other country in any given ACP region, the priority must be on honesty, consistency and complementarity in its dealing with self-assured partners. The EU must simply accept that they are increasingly diversifying their options yet knowing quite well the prime importance of their ties with the European Union and its member states.

Here is a closer look at some specific issues relevant for EU relations with each of the ACP sub-regions:

(a) African ACP region: Five essential African realities have to be addressed by the *Africa-EU Partnership* to enhance its complementarity with a future *EU-ACP Association Treaty for Development*.

1. Africa has become a continent on the rise, however is still haunted by many challenges.⁴³ Among the essential challenges of the emerging Africa is the need to focus on enhanced agricultural production through the better use of modern technology and by addressing issues of land-owning rights and inheritance matters including; by making better use of African soil and by preventing post-harvest losses; by addressing issues of how to advance agro-industry and a better marketing of African products, locally, regionally and globally. But above all other issues looms one challenge: Without a focus on formal job creation, African economic growth is not going to have a transformative and sustainable effect. Migration flows will intensify. Infrastructure development is one key tool in facilitating market creation and job promotion. As important is the better use of technological innovations for genuine and sustained African progress.⁴⁴

2. Africa is experiencing a rising middle class. But in too many countries, it is a middle class uncertain of its longer term stability. Fearing the fragility of unconsolidated progress, the ambition to migrate is often stronger than the optimism to invest into the future of one's own society. The pull- and push factors of migration, their implication on Africa's future and on the relationship with the European Union require highest political attention and a much more substantial deepening of studies to better understand the multidimensional aspects of this complex issue.⁴⁵ The

43 Ludger Kühnhardt, *Africa Consensus. New Interests, Initiatives, and Partners*, Washington D.C./Baltimore, Woodrow Wilson Center Press with Johns Hopkins University Press, 2014.

44 See: Fondazione per la Collaborazione tra I Popoli/Foundation for World Wide Cooperation, *Poverty Alleviation: A Role for Technology and Infrastructure?*, Rome 2015.

45 An EU-AU high level summit was held on November 11 and 12, 2015 in La Valetta with a focus on discussing root causes and implication of migration inside Africa and towards Europe. The newly founded *African Regional Integration*

optimistic approach to migration is usually focusing on the positive effects of remittances for the maintenance of so many families across Africa. But remittances alone will not break the cycle of poverty, asymmetries and fragility. Remittances need to be used as a potential for investment and job creation in Africa.⁴⁶ At the same time, vocational training needs to be enhanced and investment promoted. But in the end, only solid, lasting and competitively paid jobs across Africa will turn the African middle class into a protector of African stability. Jobs are created by private investors and the market. Political frames, including those addressed by EU-ACP tools, can be only of a supporting or enabling nature. Much greater priority must be given to political mechanisms which facilitate job creation by the private sector across Africa.

3. African political transformation has focused too much on elections and not enough on the period between elections. However, it is during those days of normalcy that the deficits of African governance and regulation become pertinent. Political modernization of African orders needs to address the issue of leadership circulation (the *Mo Ibrahim Prize* is the most impressive private initiative to this day in this regard). It also must cope with problems of resilience in the pursuit of domestic orders of rule of law. One all-pervasive characteristic which is predominant across Africa: there are too many strategies and too little effort to implement them. The *Africa-EU Partnership* must better contribute to supporting implementation mechanisms across its priority areas.

4. Political modernization needs to prioritize the problem of residual statehood and the deficits in the realization of the monopoly of legitimate use of force in the most vulnerable and failed African states. Shared

Studies Association (ARISA) is currently conducting a multi-annual project on the different dimensions of migration.

46 See Olawale I. Maiyegun, Remittances: How to activate the potential of the Diaspora, in: Abiam Benjamin Akoutou, Rike Sohn, Matthias Vogl, Daniel Yeboah (eds.), *Migration and Civil Society as Development Drivers – a Regional Perspective*, WAI-ZEI Paper, No. 23, Praia: West Africa Institute/Bonn: Center for European Integration Studies, 2015, pp. 153-173; online at: www.westafricainstitute.org/index.php/en/2012-11-08-18-10-01/2012-11-15-18-40-40.

security concerns should be a priority of EU-ACP policies in respect to Africa. Since 2004, the EU has contributed more than one billion euro to the *African Peace and Security Architecture*. Further support, especially improving the operational capacities of AU peace keeping and intervention brigades, remains in the interest of the EU. The past two decades have demonstrated how much Africa owes to a peaceful and secure environment and how fast the promise of peace, stability and security can break down again. The speed at which a presumably stable constellation – in societal interactions as much as in the realm of structured politics – can break down is hardly as stunning anywhere else as in the African context.

5. The *Regional Economic Communities* under the umbrella of the African Union are meant to support the economic integration of Africa and to facilitate Africa's inclusion in the world economy. The *Africa-EU Partnership* needs to address understanding for the complexity of advancing economic and potentially also monetary integration (as aimed for by the *East African Community*). Too much rhetoric and too little sensitivity for obstacles and preconditions of regional integration cloud the EU-Africa documents. The EU and the AU must more intensively engage in a strategic economic reflection on the strength and flaws of the two currency unions in West (UEMOA) and Central (CEMAC) Africa. Both currency unions are idiosyncratic left-overs of French colonialism, representing monetary union without economic integration – untenable if Africa and its *Regional Economic Communities* want to acquire a fully self-determined and functioning space in the global economy. The ongoing upheavals and uncertainties in the Arab North African region cannot be excluded from the *Africa-EU Partnership*. Aside from breaking many taboos about homogeneity and transformation in the Arab world, the Arab upheavals have dismantled the perception of an artificial barrier dividing North Africa from sub-Saharan Africa – as much as migration pressure on Europe has dismantled the illusion of the Mediterranean being an unbreakable barrier between a fortress Europe and its unstable neighborhood. The EU-Africa relationship needs to recognize that the traditional boundaries between sub-Saharan Africa and North Africa have become permeable, of not superfluous. A more serious reflection needs to

take the unity in diversity of the whole African continent – including its North African component – into consideration without denying the specifics of each region of the continent.

Governance and security challenges do not differ too much in North Africa and in sub-Saharan Africa. Issues of identity and recognition are shared across the continent. The same is true for the need to enhance infrastructure, production chains and jobs. Instead of competing over relations with China, it would be helpful and mature to advance tripartite cooperation of the EU, its African partners and China in the promotion of production chains, vocational training activities, rule-based regulatory governance structures and sustainable job creation. Cooperation in Africa with the United States must recognize their abilities in fighting terror and enhancing security operations. At the same time, it will be useful to engage the US also in dialogue and cooperation over technology exchange and the agenda related to facilitate drivers of change and innovation across Africa.

(b) Caribbean ACP region: Five essential features of the Caribbean ACP region have to be addressed by the *Caribbean-EU Partnership* to enhance its complementarity with a future *EU-ACP Association Treaty for Development*.

1. Most of the Caribbean ACP countries are stable parliamentary democracies. Yet they are vulnerable because of size, geography, climate and economic structures. This is a particular challenge for the microstates organized in the *Organization of the Eastern Caribbean States* (OECS, ranging from St. Lucia with 175,000 inhabitants to Montserrat with 6,000 inhabitants). The *Caribbean-EU Partnership* must address the particular vulnerabilities of small island states which are affecting food security and health, education and job creation, and the overall enhancement of economic value chains. The focus must be on methods aimed at overcoming one-dimensional dependencies on tourism or export of raw materials. Regional economic integration and a more resilient inclusion into regional and global market chains are essential elements of a sustainable strategy for the region in coping with its particular vulnerabilities. Improving regulatory governance ought to be a key feature

in order to make better use of public and private sector potential across the member states of CARICOM and the OECS.

2. Cuba's transformation opens new avenues for cooperation across the Caribbean basin. Most Caribbean ACP countries have traditionally good and intensive ties with Cuba. They always appreciated Cuba's support in health and education matters. The end of the US embargo against Cuba is understood in most of the Caribbean as the correction of a historical wrong. Yet, the pan-Latin American orientation of Cuba – not the least defined by linguistic bonds – receives mixed feelings among CARICOM and OESC states. As much as they welcome the better use of cooperation with Latin America, Cuba included, they remain cautious not to end up in a situation where the specific conditions of their own island status are neglected.

3. No other ACP region includes so many EU overseas territories as the Caribbean.⁴⁷ The recent re-organization of the Dutch Antilles (Bonaire, Sint Eustatius, Saba and Sint Marten now EU territories as special communities of the Kingdom of the Netherlands, and Aruba and Curacao as autonomous countries [*landen*] of the Kingdom of the Netherlands) requires a comprehensive reconceptualization of the ‘neighborhood dimension’ of EU-Caribbean relations. Visa waiver decisions have already sensitized some Caribbean states to reflect on EU migration policies at large. But beyond the issue of circular migration or the control of external EU borders, matters of sustainable tourism, maritime research and technology transfer need to advance on the EU-Caribbean agenda.

4. The EU and its Caribbean ACP partners need to promote innovation throughout the wider region by initiating an *EU-ACP Innovation Forum* – preferably with a focus on energy – to also include private market actors from the US and Canada as well as from interested countries of Latin America. The objective must be to find innovative forms of production and its related service industries to substantially increase the integration of the Caribbean basin in the global economic value chain, along with a solid

47 France: Martinique, Guadeloupe, French Guyana, Saint-Barthélemy, Saint-Martin; Great Britain: Cayman Islands, Turks and Caicos, Bermuda, Anguilla, Montserrat, British Virgin Islands; Kingdom of the Netherlands: Aruba, Curacao, Bonaire, Sint Martin, Sint Eustatius, Saba.

increase in private investment into jobs in the Caribbean. It is here that the EU and its Caribbean partners will find ample room for cooperation with market actors of the US and private as well as public actors from China, but also from India and Brazil.

5. The Caribbean region is exposed to complex problems of infrastructure, both within its island states as well as between them. The particular challenges to enhance connectivity across the maritime region should be a priority for EU-Caribbean cooperation, reaching from hurricane disaster cooperation to regulatory norms for tariff-free maritime transportation across the Caribbean Common Market. The Caribbean region is the most appropriate area to emulate the positive effects of an *Integrated Maritime Policy* developed in the European Union under the leadership of former EU Commissioner Joe Borg (2004-2010). In this context (and in its own right), the legal structure of the Caribbean integration schemes – especially the role of the CARICOM Court of Justice – ought to be strengthened through a more focused strategic cooperation with the EU.

(c) **Pacific ACP region:** Five priorities for developments in the Pacific ACP region have to be addressed by a *Pacific-EU Partnership* to enhance its complementarity with a future *EU-ACP Association Treaty for Development*.⁴⁸

1. The Pacific islands diseconomies of scale require an applied use of technology and infrastructure to enhance life chances for its populations⁴⁹. Adequate Pacific islands fishing fleets and better forms of processing and marketing are of the essence, coupled with the readiness of the EU to open its market to tuna genuinely fished and processed by Pacific island countries. This strategy alone will generate more jobs and income

48 For a critical assessment of the current EU-Pacific ACP constellation see Geert Laporte/Gemma Piñol Puig, Reinventing Pacific-EU relations: with or without the ACP?, ECDPM, Briefing Note, No. 56, Brussels: European Centre for Development Policy Management, 2013.

49 On the overall situation of Pacific island states see: Graham Hassall, ‘Including the Excluded in Global Politics’: The Pacific Island Micro-states and global politics (2011), online at: www.academia.edu/564772/_Includung_Small_Iland_States_in_Global_Politics.

opportunities in Pacific island states. Smart new initiatives in the field of human development are also needed, such as medical ships regularly calling on all of the islands of Pacific island countries, where normally only the capital island benefits from more or less appropriate health facilities. The EU must target its development programs by better (and more efficiently) linking them to tripartite cooperation with New Zealand, Australia, Korea, Japan, the US, and China and Taiwan respectively. The EU should support the establishment and contribute to the consolidation of *Trust Funds* for the smallest and most vulnerable Pacific island states; it should also participate in the existing *US Trust Fund for Marshall Islands* (to expire in 2023) and the *Tuvalu Trust Fund*.

2. The EU ought to enhance its intellectual and physical presence in the region with the aim of better explaining the rationale for EU interests in the Pacific. As the EU provides roughly one billion euro per year to the Pacific island states, it can generally expect the support of the Pacific island countries on global political issues, including in the context of UN debates on crises such as in the Ukraine or in Syria. The EU presence in the Pacific ought to include intellectual dialogues on matters such as land rights or maritime resources and border management issues based on related EU experiences. If seen through the lens of their maritime economic and political potential, small island economies turn into big ocean states. The *Pacific-EU Partnership* must enhance the knowledge and understanding in Europe of ocean economies, beyond the usual focus on climate change. Underwater resources such as phosphate and manganese are of enormous relevance for the future of mankind; hence all maritime dimensions in the Pacific and Indian Ocean should become of greater interest to Europeans, including EU scientific and research activities.

3. Hardly any other region is so existentially affected by climate change. The atoll states of Kiribati, Tuvalu and Marshall Islands (along with the Maldives in the Indian Ocean) with a maximum height of two meters above current sea levels are most threatened by inundation and the inability to continue living on these islands. Often, it seems, the atoll countries have become famous for being soon-to-be-extinguished species. While it is true that Kiribati has already bought land in Fiji as a precautionary measure for

the possible relocation of its people⁵⁰, for the leadership of the atoll states relocation is no real option. Primarily, they want to use their new bargaining power concerning international climate change in order to enhance the resilience of their existing habitats through more and targeted international assistance, coupled with better access for their own and locally processed maritime products to global markets. Better life chances in the traditional environment are clearly favored in most Pacific island states. The EU must recognize and understand how sensitive the debate on ‘climate refugees’ could become. Local leaders in atoll countries feel humiliated when confronted with this term as they are not responsible for global climate change. Possible recipient countries of Pacific relocations also struggle with the implications of sovereignty matters, as it remains unclear whether or not relocated communities would properly integrate into local society or preserve their own identity (which is their prime interest) against the will of a possible recipient society such as Fiji. The simple creation of a new legal term under international law does not resolve the conceptual and possibly political implications.

4. The new geopolitical awakening regarding the nature and role of Pacific island states and their maritime exclusive zones – both as source of resources, as transit spaces and as a geopolitical spring board for strategic rivalries – cannot fail to be of interest to the EU. China’s rising ambition to expand trade and policy links across the region, paralleled by Indian ambitions of the same nature, led to a new geopolitical race for influence in the Pacific. EU-Pacific ACP partners could engage other actors in the wider region to contemplate a mechanism similar to the *ASEAN Regional Forum*; a *Pacific Regional Forum* under the umbrella of the *Pacific Islands Forum* with a focus on security and strategic matters, may enhance the perspectives of multilateralism in the region, whose Northern part suffers the most from the absence of any form of security architecture. All forms of possible cooperation between the EU, its Pacific partners, China, India, the ASEAN countries, Korea, Japan, the US, Australia and New Zealand should be explored to advance a stable and secure environment for peace and development.

50 See Guyon Espiner, To be Pacific, in: Listener, May 9, 2015, p. 30.

5. Contested regional concepts for Pacific region-building should be addressed and managed through proactive and flexible reactions of the EU and its Pacific ACP partners. Fiji's ambition to replace the *Pacific Islands Forum* (PIF) with a *Pacific Islands Development Forum* (PIDF) (without Australia and New Zealand, but with a genuine role for Pacific development partners, including the EU) should enhance the EU's interest, as a leading cooperation partner of the region, to raise its voice in favor of anything that strengthens the *Pacific Islands Forum*. The complimentary inclusion of the PIDF under the umbrella of the *Pacific Islands Forum* should be the option favored by the EU. This alone would be realistic, save resources and strengthen the actor-ness of the Pacific island states in their region and beyond. The focus of PIDF on the private sector and civil society participation could serve as a welcomed upgrading of the profile of PIF. Any efforts, however, to undermine PIF by way of promoting PIDF as alternative Pacific regional architecture would only be detrimental to both groupings. In order to reinforce this position, the EU should channel all of its development cooperation with the Pacific ACP countries through the *Pacific Islands Forum*.

(d) The European Union: Five priorities are essential if the EU wants to make better use of the new opportunities originating from a combined future *EU-ACP Association Treaty for Development* and EU-regional A and C and P strategic partnerships.

1. The EU needs to become more political in its language, more strategic in its outlook and more result-oriented in its ambition. For now, EU foreign policy strategies, development policies included, are too process-driven, too fluid in their language and anticipate too much global consensus rather than outlining EU interests. The EU needs to enhance the degree of complementarity and coherence between the different layers of its relations with the ACP Group of States, the ACP sub-groups and other relations affected directly or indirectly by EU-ACP policies (i.e. Australia, New Zealand, North African countries, Latin American countries, the US).
2. The EU needs to broaden stakeholder support for ACP and sub-regional activities through thematic engagement with respective professional and

public groups across the EU. The EU-ACP agenda (as much as the agenda of regional particularities with ACP sub-regional partners) needs to be broadened beyond the traditional community of development or regional experts and advocacy groups. This is the only way forward in times of populism and parochialism to generate new interest in the strategic importance and potential of cooperation with the diverse spheres of African, Caribbean and Pacific partner societies.

3. The EU must identify new thematic engagements with ACP sub-regions rooted in European enlightened self-interest. Neither the language of self-negation nor a bullish approach will serve the projection of EU reputation and presence around the globe. A sober formulation of self-interest is much more honest and will guarantee better links with the broader domestic agenda inside the European Union.

4. The EU needs to advance new contributions to global multilateralism through functioning regional arrangements which contribute to global public goods. To initiate a Pacific Security Architecture could serve this objective while simultaneously demonstrating the potential of the *Pacific-EU Partnership*. Regarding the *Africa-EU Partnership*, new impulses should be given to advance concepts of circular migration. As for the *Caribbean-EU Partnership*, new forms of tripartite cooperation with the US and/or Mexico on energy and environmental issues should be developed. In all the three ACP regions, smart joint cooperation with China – itself focusing on investment in infrastructure – should be sought proactively in order to contribute to sustainable forms of employment in the global South.

5. The EU's focus on bi-regional partnerships must be anchored in a clear set of universal norms and values. This is where the proposal for a new and bold *EU-ACP Association Treaty for Development* comes in. A future *EU-ACP Association Treaty for Development* needs to be based on commonly agreed norms, values and objectives in order to live up to the expectations of EU foreign policy making in general. Based on a legally binding contractual agreement, a future *EU-ACP Association Treaty for Development* will be a supportive element for the evolution of international

Maturing beyond Cotonou

law, so often under pressure in current times of uncertainty. A test-case for the coherence and added-value of this approach will be the way in which EU-ACP relations – jointly and through regional strategic partnerships – help to shape the new *UN Sustainable Development Goals*. These goals, agreed upon in September 2015 by the UN General Assembly, are a noble list of fine promises. But they lack focus and at times a reasonable sense of priority and clarification about ends and means. They are still radiating the spirit of social engineering instead of an honest political discourse about existing conflicts of aims and prevailing differences over policy preferences around the globe. The EU and the ACP Group of States should take issue with these deficits and contribute to a better focus, a more honest sense of obstacles and required preconditions to make the *UN Sustainable Development Goals* work in reality. The EU and the ACP Group of States should become advocates of an honest and forward-looking debate about the way ahead. Such a contribution would add global value to the very existence of a future *EU-ACP Association Treaty for Development*.

VIII. The future (III): prioritizing UN Sustainable Development Goals

The *UN Sustainable Development Goals* promulgated in September 2015 include a long and full set of nice, noble and important objectives.⁵¹ The main problem with the seventeen goals and their specifications is the absence of binding implementation mechanisms. Who does not wish for a better world without poverty and human suffering? But the United Nations has not reached any serious level of global governance with enforceable mechanisms facilitating the realization of the *UN Sustainable Development Goals*. Conflicting aims and clashing interests will continue to accompany the global community in the years and decades ahead. It is at this crossroads that a future *EU-ACP Association Treaty for Development* must do better to genuinely gain legitimacy, credibility and visibility. For decades, EU and ACP partner countries have experimented with the daunting search to prioritize global policy objectives, to streamline

51 Goal 1: End poverty in all its forms everywhere; Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture; Goal 3: Ensure healthy lives and promote well-being for all at all ages; Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all; Goal 5: Achieve gender equality and empower all women and girls; Goal 6: Ensure availability and sustainable management of water and sanitation for all; Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all; Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation; Goal 10: Reduce inequality within and among countries; Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable; Goal 12: Ensure sustainable consumption and production patterns; Goal 13: Take urgent action to combat climate change and its impacts; Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development; Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss; Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels; Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development. For further details see: United Nations Sustainable Development Knowledge Platform, online at: www.sustainabledevelopment.un.org.

implementation measures and to optimize monitoring. A future *EU-ACP Association Treaty for Development* must react to the mistakes made and the insights gained. It must address the need for enforceable regulatory governance mechanisms to make its own objectives come true. The first priority is to prioritize the right set of priorities instead of declaring every issue a priority. Five themes could be addressed in the preamble which would distinguish future EU-ACP policy objectives from the language and conceptualization of the *UN Sustainable Development Goals* if EU and ACP partners take their words, norms and experience seriously:

1. Human dignity has to be identified as the center of any legitimate and sustainable social order; the notion of human dignity is normatively superior to any abstract social modelling in the definition of development and any abstract notion of humankind's progress. By definition, the promotion of human dignity requires the unequivocal rejection of all forms of violence and political or religious extremism disrespecting the integrity of the life of others.
2. Rule of law has to be identified as the prime objective to succeed with the implementation of any public policy objective; the fact that rule of law depends on preconditions and is subject to interpretational diversity does not undermine its primacy over any other social order. Rule of law is meant to serve the weaker parts of the society by providing a binding frame against misuse, dominance and exploitation of any sort, including the preservation of any kind of economic, social or political monopolies.
3. Good governance has to be recognized as the principle public tool for enabling and supporting a flourishing and free society; the fact that good governance has become a shallow international mantra accommodating highly diverse implications does not belittle its importance. Good governance depends on those preconditions which allow societal pluralism to flourish based on mutual respect and reciprocal recognition of rights, especially those related to inalienable integrity of life, conscience and expression, including religious freedom.
4. Justice and fairness have to be identified as principle criteria for measuring a socially responsible market economy; a market economy can

be socially responsible only if it is framed by solid forms of regulatory governance in order to get policy objectives implemented in a complex and transnational environment. Multi-regional free-trade arrangements can contribute to a better use of the economic potential of all countries and societies around the globe. But those trade arrangements shaped by the leading industrialized regions in the world must show more sensitivity to the particular vulnerabilities of less developed and emerging economies.

5. Respect for the integrity of nature and the plurality of cultural identities have to be identified as preconditions for human survival and happiness; for the time being, ecological consciousness seems to be more universally accepted that the plurality of cultural (including religious and ethnic) identities.

A future *EU-ACP Association Treaty for Development* will only step out of the shadow of obscurity, being both relatively unknown and undervalued, if it can substantially contribute to the advancement of public goods for all. Thus it can dissolve barriers between the North and the South, the rich and the poor, the big and the small. In doing so, it will dismantle stereotypes about the deficits in human interaction under conditions of globality. Any such approach requires consensus on policy priorities. To move beyond a development-driven donor-recipient relationship, the EU and all ACP countries need to commonly identify public goods and political instruments which they together wish to advance for the sake of the global community. The five priorities outlined above should be promoted by a future *EU-ACP Association Treaty for Development* as universal in their meaning yet as particularly appropriate for application and specification in the context of all EU and ACP countries and societies.

Future EU-ACP cooperation in the framework of the United Nations may become the most important global presence of the association partners. In past decades, EU-ACP cooperation has not really affected their respective projection of interests and actions in the United Nations context. As much as a future *EU-ACP Association Treaty for Development* needs to get third parties involved for tripartite forms of cooperation on issues of relevance in a local or regional context, a strategic upgrading of the EU-ACP

relationship must translate into a more visible strategic presence in the United Nations system. In doing so, EU-ACP institutional mechanisms must be strengthened beyond the current primarily bilateral set up of meetings and summits. EU-ACP coordination within the UN system needs to find its own structure, possibly installing an EU-ACP coordination office in the premises of the EU Delegation to the United Nations. In doing so, the EU will have to accept the desire of ACP countries to independently engage with other partners worldwide, too. In support of this attitude, the EU should advocate an enhanced observer status in the United Nations of the leading regional groupings in the ACP regions – just along the lines of the upgraded EU observer status. The EU needs to develop much more strategic creativity in promoting topics and positions in the UN system which the EU shares with its ACP partners.

IX. What to realistically expect from the EU-ACP negotiations ahead?

Following the logic of the *Lisbon Treaty* provisions, the European Union is trying to somewhat balance representative and deliberative elements of democratic agenda-setting in the process of preparing and pursuing EU-ACP negotiations. On a political level, the prospects for a post-*Cotonou Agreement* were discussed for the first time in spring 2015 by all EU Commissioners dealing with external actions of the EU (including trade, development and foreign and security affairs). In 2015, the European Commission organized a *Consultation*, engaging stakeholders, scholars, NGO activists and others, primarily in several workshops and via the internet. This reflection process on a post-*Cotonou Agreement* was more public, transparent and serious than any efforts prior to previous negotiations between Europe and its ACP partners. It led to the publication of a *Final Report* in July 2015⁵², followed by a *Green Paper* in October

52 European Commission. Final Report: ACP-EU Relations after 2020: Issues for the EU in consultation phase 1 (July 2015), online at: www.eesc.europa.eu/?i=portal.en.rex-opinions.37215.

2015.⁵³ Because of shared competencies defined by the Lisbon Treaty, the EU-ACP dossier is handled jointly by the *DG Development and Cooperation (DEVCO)* and the *European External Action Service (EEAS)*. A *Communication* by the European Commission (indicating the way forward and probably the negotiation framework) will be followed by *EU Council Conclusions* and by a proposal for a *Council Decision* which will define the precise mandate for the formal opening of negotiations. By then, at the latest, the *ACP-EU Joint Parliamentary Assembly* and several committees of the European Parliament involved with different aspects of a post-*Cotonou Agreement* will – and hopefully must – become engaged, possibly with echoes in the wider public across the European Union.

As for the ACP Group of States, their 2016 Summit in Port Moresby paved the way for future negotiations with the EU. However, given the weak structure of the ACP Group of States, the influence and impact of the manifold positions across the wide spectrum of countries and their respective political preferences makes it unlikely to substantially redefine any parameters of negotiation once they are proposed by the European Union. The relationship between the EU and the ACP Group of States remains asymmetric and hence contradictory. All the more, the ACP Group of States needs advocacy support within the European Union.

Formal negotiations between the EU and the ACP Group of States may not commence before 2017 or 2018 (which some experts consider too late to seriously initiate a truly innovative agreement). This will leave only a short period of time for the successful conclusion of negotiations (including approval by the European Parliament and the EU Council, followed by the ratification process in all EU member states) before the beginning of the next election campaign to the European Parliament in early 2019 and the establishment of the next EU Commission in late 2019. Furthermore, the current financial base for EU-ACP relations will expire in late 2020, while a possible merger between the *European Development Fund (EDF)* – the

53 European Commission. High Representative of the Union for Foreign Affairs and Security Policy, Joint Consultation Paper. Towards a new partnership between the European Union and the African, Caribbean and Pacific countries after 2020 (October 2015), online at: www.ec.europa.eu/europeaid/node/103015.

main financial instrument for EU-ACP activities – and the general EU budget – which has been a long-standing demand by the European Parliament ('budgetization of the EDF') – needs to take place before the next fiscal frame for the period 2021-2027 can be formalized.

On the EU side, the EU bureaucracy will dominate the practical negotiations for a follow-up to the current *Cotonou Agreement* (which, as this paper advocates, should lead to an *EU-ACP Association Treaty for Development*): about twenty DGs and services were already involved in the first stages of the preparatory process in 2015, along with all member states who are party to a possible "mixed" agreement⁵⁴, and interested members of the European Parliament. It should be assumed that EU partner countries who are outside the *Cotonou Agreement*, but affected by it – such as the countries of Latin America and the remaining eight least developed countries who are not members of the ACP – will also want to be consulted. Until the last moment, the process will be as rigorous as it is daunting and complex. In order to be more visible, the EU-ACP agenda needs to be introduced to wider domestic political debates and ought also to become an issue for parliamentary debates on the EU level as well as in EU member states. Given the dynamics of institutional processes in the European Union, it is realistic to assume that the negotiating position of the institutions of the European Union on the future of EU-ACP relations beyond 2020 will remain tied to the three priorities currently defined by the *Cotonou Agreement*. For this reason it is all the more important to sharpen these categories substantially:

Aid: The classical Cotonou agenda still exists. Aid to remedy poverty remains an issue echoed by the 2015 *UN Sustainable Development Goals*. Nevertheless, the challenge for the EU and its ACP partners will be to add value to the very notion of development, beyond the simplistic focus on GDP and criteria such as those of the *Human Development Index*. After all, the industrialized Northern hemisphere also includes developing countries

54 Meaning that a post-Cotonou agreement will fall both under EU competencies in the area of trade and development aid as well as under national prerogative rights, thus requiring approval of the EU organs and ratification in all 28 EU member states.

in their own way. Only a universal and inclusive definition of development can be appropriate in the age of globality.⁵⁵

Trade: Bi-regional arrangements toward free trade can facilitate success in the global promotion of free trade and a return to structured multilateralism beyond the Doha round and the Bali process. Whether or not the ACP-EU format as such can contribute in any way to a consolidated and pragmatic multilateralism is debatable.⁵⁶ Certainly, regional groupings across the three ACP regions can play a growing role in the years ahead.⁵⁷ But whatever the practical conclusion for balancing ACP and ACP regional aspects, the EU must take existing regional groupings within the ACP regions more seriously just the way they are. Moreover, the EU and the ACP Group of States must jointly recognize the usefulness of bi-regional (TTIP) or multi-regional (TPP) trade agreements. In the absence of a global free trade agreement, such bi- or multi-regional activities contribute to setting norms and standards for a more liberalized world economy. In the end, this serves the poor of the world more than new forms of protectionism or ideological anti-capitalism. China, obviously, has a more pragmatic understanding of these matters than several countries of the ACP Group of States. Also therefore, tripartite cooperation with China on investment projects, infrastructure measures and efforts to generate sustainable employment is useful and constructive.

Political dialogue: The term is as broad as it is inconclusive. It could touch upon the classical notion and idea of development – including issues of

55 See Dayo Olopade, Forget ‘developing’. Fat nations must go lean, in: International New York Times, March 1-2, 2014, p. 6.

56 See Yenkong Ngangjoh-Hodu/Francis Shasha Matambalya (eds.), *Trade Relations between the EU and Africa: Development, Challenges and Options beyond the Cotonou Agreement*, London/New York: Routledge, 2010; James Nyomakawa-Obimpeh, Time for a New Generation of Trade Agreements between the EU and ACP Countries?, TEPSA Brief, Brussels: Trans European Policy Studies Association (TEPSA), 2012, online at: www.tepsa.eu/download/TEPSA%20brief%20by%20James%20Nyomakwa-Obimpeh_15022012.pdf.

57 Ludger Kühnhardt, *Region-Building*, Vol. I: The Global Proliferation of Regional Integration; Vol. II: The Documents, Oxford/New York: Berghahn Books, 2010; Mario Telò, *European Union and New Regionalism. Competing Regionalism and Global Governance in a post-Hegemonic Era*, Farnham: Ashgate, 2014.

good governance and their preconditions – but it could also go beyond and promote reflections on the management of a global order which includes freedom and authority, rule of law and basic rights, a human centered understanding of development, human security and sustainable peace. Whether the EU-ACP format can contribute to this reflection, again, depends on the readiness of both sides to engage in a bold joint political effort which goes beyond suspicion (translated into variants of conditionality on the EU side) and rhetoric grand-standing (with predictable alternative options on the ACP side).

In any case, the EU and the ACP Group of States need to broaden their stakeholder communities for a fresh beginning. The twofold dilemma which the EU and the ACP Group of States are facing is easier to describe than to overcome: The EU needs to broaden its stakeholder community beyond those active in the development community and its related civil society and academic activists if the debate on the global relevance of a future *EU-ACP Association Treaty for Development* is to have any impact under current political constellations across the EU. By the same logic, the ACP Group of States needs to engage more players – officials, the private sector and civil society activists – within and among countries across a huge territory and a vast set of agendas, in order to regain respect and be taken seriously by anybody beyond the donor community. Streamlining priorities internally, reaching out to a broader public and subsequently coming to terms with each other – nobody has ever suggested that the challenges ahead in advancing relations between the EU and the ACP Group of States would be easy. Whether or not the EU and the ACP can draw diplomatic capital and economic benefits from the potential opportunities of the future *ACP-EU Association for Development* depends on the leadership and political will of the actors involved in the upcoming negotiations. But the private sector, civil society groups and intellectuals have their role to play, too.

The end of the post-colonial era compels the EU to globalize its strategic orientation, linking traditional development concerns and trade interests with geopolitical and security considerations. A whole set of issues lies ahead of the EU; most importantly, currently, in terms of economic content

and strategic consequence is the positive outcome of negotiations with the United States on a *Transatlantic Trade and Investment Partnership* (TTIP). But the EU is well advised not to neglect other issues of long-term importance and substantial relevance for its global credibility. A renewed EU partnership with the ACP Group of States – and, moreover, efforts to achieve an *Association Treaty for Development* with the ACP Group of States – covers a substantial set of issues, regions and actors relevant for advancing a stable multipolar world order.

Trying to graduate the EU-ACP relationship from a post-colonial forum into a sincere element of global economic and political governance – compatible with the WTO and with the UN, and yet with a special focus on a human-centered development agenda – is worth the effort. The outcome of this process will define a substantial component in pursuing a new multipolar and stable world order. In the final analysis, a bold maturing of EU-ACP relations is of strategic importance for a world full of uncertainty.

For the time being, only one thing is certain: The *Cotonou Agreement*, the foundation for a structured multidimensional relationship between the European Union and 79 African, Caribbean and Pacific states will expire on February 28, 2020. It should be replaced by a bold, strategically revamped, legally binding and future-oriented *EU-ACP Association Treaty for Development*. The time is ripe for such maturing of relations between the global North and the global South.

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