SWP Research Paper
Stiftung Wissenschaft und Politik
German Institute for International
and Security Affairs

Dietmar Nickel

What after Cotonou?

The Future Cooperation between the EU and the African, Caribbean and Pacific (ACP) States

RP 9
July 2012
Berlin

SWP Research Papers are
peer reviewed by senior
researchers and the execu-
tive board of the Institute.
They express exclusively
the personal views of the
author(s).

SWP
Stiftung Wissenschaft
und Politik
German Institute
for International
and Security Affairs

Ludwigkirchplatz 3–4
10719 Berlin
Germany
Phone +49 30 880 07-0
Fax +49 30 880 07-100
www.swp-berlin.org
swp@swp-berlin.org

ISSN 1863-1053

Translation by
Sebastian Nickel, London

(English version of
SWP-Studie 13/2012)

Table of Contents

Dr. Dietmar Nickel is a Visiting Fellow in SWP's EU External Relations Division

What after Cotonou?
The Future Cooperation between the EU and the African, Caribbean and Pacific (ACP) States

At the end of 2020, the validity of the Cotonou Agreement, which regulates the relations of the EU with the African, Caribbean, and Pacific States (ACP States), will expire: According to Article 95, section 4 of the Agreement, the partners are to enter into negotiations eighteen months before the end of the total period of the Agreement in order to examine what provisions shall subsequently govern their future relations. The last line of this section expressly admonishes the actors in charge to devise transitional measures before the new Agreement comes into force. However, there are more and more signs that there may be no common agreement at all between the ACP States as a whole and the European Union (EU) after 2020:

- The Treaty on the Functioning of the European Union (TFEU), in the consolidated version of the Lisbon Treaty, has, in Article 209, deleted the previous section 3 of Article 179 of the Treaty on the European Union (TEU): "The provisions of this Article shall not affect cooperation with the African, Caribbean and Pacific countries in the framework of the ACP-EC Convention." This deletion appears to consistently implement a recommendation by the Working Group External Relations of the European Constitutional Convention, which has previously advocated communitising the European Development Fund (EDF). The deletion certainly did not reflect any intention to question the significance of relations with the ACP countries. Nevertheless, it has been interpreted as a downgrade of privileged relations of long standing on the ACP side and in development policy circles.
- The regulatory area of the Cotonou Agreement, namely the cooperation by and between the EU and the ACP countries, is being increasingly superimposed by bilateral and regional partnerships and agreements. It is altogether conceivable that all elements which are currently contained in the Cotonou Agreement are covered in the same or in better form by other strategies, partnerships, and economic partnership agreements (EPAs) or by the EU's general development policy.
- The newly created European External Action Service (EEAS) initially provided no directorate general

or unit that was to deal explicitly with ACP States. Rather, the three regional components were assigned to their respective continents (the African States to Africa, the Pacific to Asia, and the Caribbeans to America). Today, the Management Directorate VI of the EEAS, Global and Multilateral Affairs, in the Directorate General VI.A. for Multilateral Relations and Global Governance encompasses a Unit VI.A.3 for Development Cooperation under the leadership of Felix Fernández-Shaw. The combination of Africa, the Caribbean, and the Pacific could appear as an obsolete relic of history that ought to make room for a new and more rational arrangement of European external and development policy, satisfying functional criteria or criteria pertaining to specific areas of policy. The historical contingencies which decide whether a former colony should or should not accede to the ACP, would thus have been overcome. This would entail the breakup of the specific connection between the EU and the ACP States. Whether such a result is desirable from the perspective of both sides depends in part on whether other treaties, including ones that are yet to be concluded, can be designed in such a conceptually, institutionally, and instrumentally complete manner that the material content of the ACE-EU Agreement grown over decades can continue to be ensured.

The lead time of strategic decisions is very considerable. For that reason, a critical examination of the contents of the Cotonou Agreement requires that it be asked today – and not merely in 2018 – whether and how those contents can be covered by alternative strategies, partnership agreements, or in the context of general development policy. Even assuming that all the efficiency and legitimacy requirements will be met, it remains to be investigated whether there is a specific value to the ACP-EU cooperation in excess of those requirements that is worth preserving. It is, of course, possible that the two partners will come to different conclusions based on their analyses of their future relations. Nevertheless, they will eventually have to engage each other and take account of the world policy that is developing around them. Finally, the EU and the ACP States could come to conclude that a revision of the Cotonou Agreement as an interregional arrangement between the "blocs" beyond the year 2020 is necessary for defining a common platform from which to address the requirements of social and security policy that they are globally faced with.

The Cotonou Agreement: Background and Motivations

Since the formation of the European Economic Community (EEC) in 1957, European development policy has been under the "parallel powers" of the Member States and the European level. This means that both levels can act and are endowed with corresponding political and budgetary instruments. The first Yaoundé Convention of 1963 provided an intergovernmental instrument that offered a catch basin for the relations between the former colonies of the Member States and the EEC, plus extensive use of the European institutions.

When the ACP-EU Partnership Agreement that is valid to this day was signed on 23 June 2000 in Cotonou,[1] it appeared that cooperation of more than thirty years by and between the EU and the ACP States[2] had been given sustainable form that promised beneficial interaction through peaceful joint work in pursuit of a constant goal: to reduce and eventually eradicate poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy (Article 1, Section 2 of the Agreement). After the more modest Conventions of Yaoundé (I, valid from 1963 to 1969 and II, valid from 1969 to 1975), four Lomé Conventions followed, with a last extension which worked like a fifth convention (from 1975 to 2000 over all). Pursuant to Article 95, section 1, after the signing of the Cotonou Agreement, a period of 20 years lay before the partners. This agreed upon period of 20 years was to guarantee stability and was appreciated as an expression of mutual trust and confidence.

The Cotonou Agreement entered into force on 1 April 2003. In the first of the scheduled five-year revision periods (Article 95, section 3 of the Agreement), a further elaborated text was signed on 25 June 2005, which actually could react to a period of experience of only two years. The second revision took place on 19 March 2010.[3] The ratifications are expected to be completed by the end of 2012. In accordance with established practice, the text is currently provisionally applied. The possibility of a revision within five years provides the needed ability to react to rapid developments in the international environment of ACP-EU relations.[4] The process is thus characterised by a relatively lasting framework, combined with the possibility for an adjustment in the shorter term.

1 "Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000", *Official Journal of the European Communities* (OJL) L 317 from 15 December 2000, pp. 3–286, and the revised edition from 25 June 2005, OJL L 247 from 9 September 2006, both cited in accordance with the consolidated edition of the Office for Official Publications, Luxembourg 2006, ISBN 92-79-00567-7.

2 The number of States has since reached 78. Cuba, the 79th ACP country, is not integrated in the institutional link to the EU. The announced accession of the new state of South Sudan will bring this figure to 80. Of those 80, 49 are from sub-Saharan Africa, 16 (including Cuba) from the Caribbean and 15 from the Pacific region.

3 Like during the first revision, Sudan has announced that it would not ratify the text. As a result, it has no access to the 10th European Development Fund (EDF).

4 With the entry into force of the Lisbon Treaty, the capability of the European Parliament to exert influence on the negotiations of the third revision was changed drastically: Pursuant to Article 218, section 10 TFEU which stipulates that "The European Parliament shall be immediately and fully informed at all stages of the procedure." It remains to be seen what the Parliament and in particular its development committee which is responsible for this matter will ultimately do with these new possibilities for the preparation of its consent of the next revision.

State of Affairs: The Contents of the Cotonou Agreement

Broadly speaking, the Cotonou Agreement governs the economic and financial cooperation between the EU and the ACP countries.

As a framework for *political* cooperation, pursuant to Article 8, a flexible dialogue between the parties is put in place, into which the entire institutional apparatus as well as the ACP-EU Joint Parliamentary Assembly (JPA) may be involved. The dialogue is to broach human rights, but also democratic principles, the rule of law, and good governance. This institutionalised dialogue pursuant to Article 8 represents a preliminary step (to be skipped in urgent cases) to the consultations pursuant to Articles 96 and 97, which can lead up to the suspension of a party in case of failure to comply to the principles of the Agreement.

Concerning *economic* cooperation, Article 36 of the Cotonou Agreement in the version of 2000 provides that the non-reciprocal trade preferences, which were introduced by the Conventions of Yaoundé and Lomé, are to be replaced by agreed upon trade regulations that ought to be compatible with the provisions of the World Trade Organisation (WTO). Until the second revision that has since been completed, Article 37 of the Agreement provided the following steps for the period preceding the expiration of the WTO exemption[5] at the end of 2007: In the year 2002, negotiations regarding the conclusion of Economic Partnership Agreements (EPA) between the EU and the ACP States or their respective regional coalitions were scheduled to begin, and brought to a conclusion by the end of 2007 – that is, before the WTO exemption was to expire.

The Agreement's provisions concerning *financial* cooperation regulate the conditions for the financial viability of projects and programmes, the procedures for the cooperation between the partners, and in particular the role of the Commission and its inspections. Appendices I, IA, and IB contain the financial protocols for the Agreement, the implementation of which is ensured by the European Development Fund (EDF). For the period from 2008 to 2013, this is the 10th EDF, as documented in appendix Ib, which amounts to 21.966 billion Euro. Pursuant to that same appendix Ib, a loan of up to €2 billion is issued by the European Investment Bank in addition to the previous amount.

5 Cf. World Trade Organization (WTO) *DOHA WTO Ministerial 2001: THE ACP-EC Partnership Agreement*, WT/MIN (01)/15, 14 November 2001, http://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_acp_ec_agre_e.htm (retrieved on 20 April 2012). This is an exemption from the EC's duties laid out in Article 1, section 1 of the General Agreement on Tariffs and Trade (GATT), pursuant to which the imposition of unilateral preferential customs tariffs is prohibited.

Alternatives to Cotonou

Other partnerships

The ACP-EU partnership agreement is being superimposed by a growing number of other partnerships that the EU concludes with regions or individual countries of the ACP, and not only geographically but, to an increasing extent, also functionally.

Firstly, there is the strategic Africa-EU partnership, a joint strategy of the heads of state and of government of Africa and of the EU from 2007, that comprises the entire African continent, with the exception of Morocco.[6] Even before then, the EU had concluded a strategic partnership with South Africa, which consequently is connected with the EU in three interregional cooperation frameworks.[7]

Regarding the states of the Caribbean, the EU is currently developing a strategy for a partnership with the Caribbean Forum (CARIFORUM).[8] The conclusion of a joint strategy with the island countries of the Pacific Region is imminent.[9]

Trade cooperation

The EU has been negotiating since 2002 with seven[10] ACP regions on the conclusion of Economic Partnership Agreements. The data collection, which draws upon Articles 36 and 37 of the Agreement, was fixed under outside pressure: On 31 December 2007, the special case authorisation of the World Trade Organisation for the non-reciprocal preferential access of ACP countries to the EU markets expired (cf. supra, note 5).[11] However, no EPA was concluded at that time.[12] In this sense, there was a risk of the EU seeing itself pressured by the WTO to "discharge" the ACP States into a trade policy framework which would deny them any privileged access to the EU market. The EC-CARIFORUM EPA, signed in Bridgetown (Barbados) on 15 October 2008, was applied provisionally for the first time on 29 December 2009. All the remaining EPA negotiations have at best led to the conclusion of interim agreements with individual countries or groups of countries which are regularly limited to the movement of goods.[13]

6 The Sahrawi Arab Democratic Republic is a full member of the African Union (AU). On 27 February 1976 in Bir Lehlu, the Polisario declared the Sahrawi Arab Democratic Republic (SADR) on the territory of the former Spanish colony of Western Sahara. Subsequently, Morocco has annexed about two thirds of the Northern region of Western Sahara, while Mauritania has claimed the Southern third. Following Mauritania's retreat from Western Sahara in 1979, Morocco has annexed the Southern third as well. Due to this conflict, Morocco is not a member of the AU.

7 Council of the European Union, *The South Africa-European Union Strategic Partnership Joint Action Plan*, 9650/07 (in press 105), Brussels, 15 May 2007.

8 Auswärtiges Amt, *Die Beziehungen der EU zu Lateinamerika und der Karibik (LAK)*, http://www.auswaertiges-amt.de/DE/Europa/Aussenpolitik/Regionalabkommen/LateinAmerika_node.html (retrieved on 18 January 2012).

9 *Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Towards a Renewed EU-Pacific Development Partnership"*, JOIN (2012) 6 final, 21 March 2012.

10 Initially, the number of regions was six: Caribbean, Pacific, Western Africa, Central Africa, South Africa, as well as East and South Africa (ESA). The secession of the five countries of the East African Community (EAC) from the latter region raised their number to seven.

11 This is despite the WTO authorisation having been granted only after the conclusion of the negotiations in Cotonou. The granting of the exemption to the EU and the ACP States was delayed. See Yenkong Ngangjoh-Hodu and Francis Shasha Matambalya, "Contextualising the Debate of the Africa-EU Trade Relations beyond the Cotonou Agreement", in Yenkong Ngangjoh-Hodu and Francis A. S. T. Matambalya (eds.), *Trade Relations between the EU and Africa: Development, Challenges and Options beyond the Cotonou Agreement* (London and New York, 2010), pp. 3–10 (7).

12 To maintain market access for a further transition period for those ACP States which had initialled or signed an interim EPA, the Council of the EU adopted a Regulation to that effect no. 1528/2007 which expires at the end of 2013. See James Nyomakwa-Obimpeh, *Time for a New Generation of Trade Agreements between the EU and ACP Countries?*, TEPSA Brief (Brussels: Trans European Policy Studies Association [TEPSA], 15 February 2012).

13 For an overview from December 2010, see Bettina Rudloff and Clara Weinhardt, *WPAs der EU mit den Afrika-, Karibik- und Pazifikstaaten: Verhandlungsstand, Konflikte, Lösungen*, SWP-

The difficulty and partially deadlocked state of the ongoing negotiations has become particularly apparent at the third Africa-EU summit on 29/30 November 2010 in Tripoli. On that occasion, the EU was severely attacked for its insistence on the conclusion of further agreements, despite the Commission's having deliberately abstained from submitting a new road map, because it had not intended for this to be a summit issue of its own. The Commission's ambition to get the EU out of the line of fire could not be fulfilled. Despite the attacks, the Union can be expected to continue insisting on the conclusion of the agreements. The Council on External Relations had decided as much at its meeting of 10 September 2010. The introduction of new elements such as a limitation of the time given for negotiations and for duty-free access to the market by the ACP countries[14] should have an accelerating effect.

At this point, the question of whether and when further EPAs will be concluded appears to be wide open. Regardless, the present Article assumes that by the year 2020, the question will at least have been addressed in such a way that access to the EU market by the ACP States in accordance to the minimum requirements of the WTO will be ensured.[15] In anticipation of the impending imposition of temporal constraints, there were already calls for an enhanced dialogue and greater flexibility towards ACP countries at the Council of 10 September 2010. This shift towards a harsher tone includes the Commission's proposal of 30 September 2011 to maintain market access possibilities beyond 2013 only for those states that have taken required steps to ratify their EPA.[16]

The wording in the document of the second revision of the Cotonou Agreement, concluded on 19 March 2010, may be symptomatic of the sustained ambition to conclude EPAs: In the amended Article 37 thereof, there is only mention of the ongoing negotiations, and a way is opened to the utilisation of the multiannual financing framework for the implementation of agreements that have been concluded.

All in all, this will allow, by the end of the self-imposed deadline at the beginning of 2014 – a respectable six years after the expiry of the WTO exemption –, for a comprehensive overview of which EPAs have materialised and which ones are still in the process of negotiation or of ratification. The ACP States count 45 of the least developed countries (LDCs) among them that continue to have unrestricted access to the EU market through the "everything but arms" programme, which is integrated into the general tariff preference system of the EU.[17] Consequently, those countries have very little incentive to conclude an EPA. This aspect must be taken into account in the overall assessment. The attempt made by the authors of the Cotonou Agreement to replace non-GATT-compliant non-reciprocal preferential market access with EPAs may well prove misplaced in light of the considerable number of LDCs that would likely be excluded by such arrangements. Six years before the expiry of the Cotonou Agreement, it will be possible to draw the necessary conclusions.

A new European development policy?

With its Green Paper of 10 November 2010 entitled "EU development policy in support of inclusive growth and sustainable development – Increasing the impact of EU development policy"[18]), the Commission has initiated a public consultation procedure. At the end of the procedure, a comprehensive proposal for a revision of the development policy is to be laid down.

Aktuell 85/2010 (Berlin: Stiftung Wissenschaft und Politik, December 2010). A legal analysis of the problems encountered is provided by Amin Alavi, "EPAs, Cotonou and the WTO: Legal Dimensions", in Ndangjoh-Hodu and Matambalya (eds.), *Trade Relations between the EU and Africa* (see note 11), pp. 185–198 (185). For an overview that is up-to-date at the time of this writing, see the table at the end of Attachment I, pp. 22ff.

14 Cf. supra, note 12.

15 Cf. also Yenkong Ngangjoh-Hodu, "Development Agenda in the WTO Regional Processes: The EU-ACP Economic Partnership Agreement in Context", in Ngangjoh-Hodu and Matambalya (eds.), *Trade Relations between the EU and Africa* (see note 11), pp. 19–39 (32).

16 COM(2011) 598, 30 September 2011, and the account given in: *Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee "Trade, Growth and Development: Tailoring Trade and Investment Policy for Those Countries Most in Need"*, COM(2012) 22 final, 27 January 2012, p. 8.

17 Council Regulation (EC) No 416/2001 of 28 February 2001 amending Regulation (EC) No 2820/98 applying a multiannual scheme of generalised tariff preferences for the period 1 July 1999 to 31 December 2001 so as to extend duty-free access without any quantitative restrictions to products originating in the least developed countries. The rules favouring the LDC were most recently integrated into the Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004.

18 COM(2010) 629 final.

It was widely expected that the Commission would propose the integration of the Cotonou Agreement in the EU development policy, or at least the integration of the EDF in the general budget of the EU – known as the budgetisation of the EDF – in order to move toward a more uniform European development policy. For that matter, it had in the past joined the repeated calls from the European Parliament (EP) to incorporate the EDF in the general EU budget.[19] As described above (p. 5), the Working Group External Relations of the European Constitutional Convention on the Future of the EU has also followed this concept.[20] A corresponding proposal under the Commission's submission for the multiannual financial framework would have resulted in the distribution key for the EDF being included in the negotiations on the EU's next multiannual financial framework. Since the distribution key used on the EDF hitherto for the Federal Republic of Germany is considered more favourable than the calculation key for the general budget of the EU, such a development has traditionally been met with suspicion in Germany.

Upon closer scrutiny, however, the difference is not all that substantial: The contribution key for the cooperation with the ACP countries was last fixed by the European Council in December 2005. According to that key, the German share amounted to 20.5 percent. By way of comparison, the situation of the financing of the EU budget is more disparate: The Commission's financial report on the EU budget 2009 shows that the 2009 budget implemented had a volume of €112.1 billion (not the same as the budget approved in December 2008 or the revenue). Germany's own resources contribution to the budget amounted to €17.6 billion or €20.5 billion, if traditional own resources such as agricultural levies, sugar and isoglucose duties and other duties are taken into account (from which the amounts withheld by Germany to cover administrative costs had to be deducted). As a matter of proportion, the German "contribution to the budget" amounted to 19.7 percent (€17.6 billion) or 23 percent (€20.5 billion). If all revenues (€117.6 billion) and not only the implemented budget of the EU are taken into account, Germany's contribution is reduced to 18.6 or 18.8 percent.

Depending on the figure used for comparison with the general budget, the contribution to the EDF is at times lower and at other times higher. It is, however, never so dramatically higher as to make it inconceivable that negotiations on an overall package could result in an agreement that Germany could sustain. The coalition agreement between the CDU/CSU and the FDP from 2009 has assimilated this ascertainment and met the request of the European Convention on the Future of Europe (cf. supra, p. 5) by making the following provision: "We will [...], in the context of a new financial perspective, work toward the integration of the 11th EDF into the budget of the EU."[21]

The Commission, in its communication from 29 June 2011 on a budget for Europe 2020,[22] has not, at least for the time being, made a proposal for the budgetisation of the EDF. With regard to the expiry of the Cotonou Agreement in 2020 and a future integration of the EDF in the general budget, it is in point of fact considering bringing the EDF key closer to the key for the EU budget as a first measure.[23] In so doing, the Commission avoids a confrontation at this time with those Member States who are interested in maintaining the EDF key which is more advantageous for them.[24] The Commission has also managed to make the overall sum of the financial perspective appear more modest by marginalising the EDF amount, as it has done elsewhere, for example by excluding the ITER financing[25] and a series of other expense head-

19 In this respect, it has a long tradition to look back on: Its first budgetisation proposals date from 1973 and 1979 – Communications from the Commission to the Council SEC (73) 2149 final, and COM(79) 4 final, respectively –, a more recent proposal dates from 2003: COM(2003) 590 final.

20 Final Report of Working Group VII, CONV 459/02, cf. Bernd Martenczuk and Andreas Zimmermann, "Artikel 179 [Maßnahmen; AKP-EG-Abkommen]", in Jürgen Schwarze (ed.), *EU-Kommentar* (2. ed., Baden-Baden, 2009), Rn. 11.

21 "Entwicklungszusammenarbeit im Koalitionsvertrag von CDU/CSU und FDP", *ONE*, http://www.one.org/c/de/politische_analysen/3129/.

22 European Commission, *A Budget for Europe 2020*, COM (2011) 500 final, part 1 (Brussels, 29 June 2011).

23 Ibid, 5.8.1.

24 In light of the improved key from its point of view, France also seems inclined towards an integration in the general EU budget. Cf. Assemblée Nationale, sur *Aide au développement: quel équilibre entre multi-latéralisme et bilatéralisme?*, Rapporteure Mme Nicole Ameline, Rapport d'information par la Commission des affaires étrangères, no. 3074, p. 168. According to rumors, the United Kingdom has also shown itself open to the budgetisation. Should this be the case, suspicions would increase that what the Member States are after is an abatement in the endowment. To counter this concern, the EP has always maintained that the EDF resources were not to be affected by budgetisation ("ring fencing").

25 ITER (International Thermonuclear Experimental Reactor) is a joint research project for the development of a fusion reactor, in which Japan, the People's Republic of China, South

ings.[26] The manoeuvre is however so transparent, that it will play no role in the negotiations for the next multiannual financial framework.

The further building blocs for the revision of the development policy were presented by the Commission on 13 October 2011 in the form of two communications.[27] Those who expected statements about the EU's relations with the ACP were disappointed, however. Even the term ACP was sought in vain.[28] In point of fact, existing legal frameworks were mentioned nebulously alongside the EPAs and strategic partnerships. This absence of an explicit reference indicates that the Commission wanted to keep all doors open for the future of Cotonou. In light of this, it should not come as a surprise that the ACP countries and some development policymakers doubt that the Commission will support for the continuation of the partnership according to the Cotonou model beyond the year 2020.

A new European development policy after 2020 could comprise the 78 ACP States in partnerships involving two levels: a general level as in the Africa strategy, and a level geared mainly to commercial considerations as in the EPA. It is indicative that the African criticisms of the negotiations on the EPAs erupted on the 3rd Africa-EU summit in Tripoli, despite this summit having taken place, in the context of the Africa strategy, on a legal basis and with a circle of participants that depart from those of the criticised negotiations.

Korea, India, and the USA are involved alongside the European Atomic Energy Community.

26 Cf. European Commission, *A Budget for Europe 2020* (see note 22), p. 2.

27 *Increasing the impact of EU Development Policy: an Agenda for Change*, COM(2011) 637 final, and *The Future Approach to EU Budget Support to Third Countries*, COM(2011) 638 final, both from 13 October 2011.

28 It thus follows the model of the Lisbon Treaty, which left the mention of the ACP-EU Convention in Article 179, section 3 of the EU Treaty in the Nice version without replacement in the transposition in Article 209 of the TFEU. Cf. supra, p. 5. This deletion was a psychologically significant element, cf. e.g. Mirjam van Reisen, *The Old Man and the Seas: The Future of the EU-ACP Relationship* (Leiden, June–July 2011; The Broker, issue 25, Special Report), pp. 6 and 9. Cf. also Secretariat of the African, Caribbean and Pacific Group of States, *Strategy for Renewal and Transformation 2011–2014* (Brussels, April 2011), section 24, and *Renewal and Transformation, Elements of the ACP Secretariat's Strategic Plan 2011–2014* (Brussels, 8 November 2010), section 9.

A Renouncement of Cotonou?

Is there an added value that is specific to the Cotonou framework and which cannot be replaced in one or another form? To answer this question, the contents and implementation of the Cotonou Agreement will first be compared with the corresponding elements which already stand out today in the strategies, partnership agreements and in the EPAs. It is also necessary to take into account that the period from 2012 to 2020 still affords sufficient time for filling gaps and for further improvements.

Adherence to values

The preamble of the Cotonou Agreement makes extensive reference to foundational documents on International Law and Human Rights. The spectrum ranges from the principles of the UN Charter to the Universal Declaration of Human Rights and specific international conventions, and including the European Convention on Human Rights, the African Charter for Human and Civil Rights and even the American Convention on Human Rights. Article 9 lists in conceivably positive wording the significance of human rights and basic freedoms, democratic principles, the rule of law, and good governance.

The Africa-EU strategic partnership admittedly disposes over fewer specific references to international conventions, but is not inferior to the Cotonou Agreement in the list of concrete values. The corresponding sections of the Caribbean or Pacific association agreements and strategies are or will be in similar terms. The EPA with the CARIFORUM States refers directly to the Cotonou Agreement, but at the same time draws attention to human rights, democratic principles and the rule of law separately.

A detailed analysis would identify differences between the various instruments in the wording of the value criteria. These however are addressed by extensive cross-references. Some of the deviations are an expression of the development of the description of foundational values over the course of time. There is in any event a clear determination not to let any differences in the adherence to values become apparent. This does not eliminate the possibility of the contracting parties interpreting the same concepts in different ways. The treatment of homosexuality, for instance, can diverge decisively despite identical references to human rights. As described above,[29] Sudan decided not to ratify the second revision of the Cotonou Agreement either. This is essentially due to the fact that Sudan's estimate of the value of universal prosecution as implemented by the international criminal court and its work, is fundamentally different.

On the whole, a deterioration from the standpoint of the Cotonou system is therefore not evident nor expected.

The institutional structure

The joint institutions of the Cotonou Agreement and their tasks are described in Articles 15 to 17:

The *Council of Ministers* (Article 15) comprises, on the one hand, the members of the Council of the European Union and the members of the Commission and, on the other, a member of the government of each ACP State. The Council meets at least once a year.

The *Committee of Ambassadors* (Article 16) is composed, on the one hand, of the permanent representatives of each Member State of the European Union and a representative of the Commission and, on the other hand, the heads of the missions accredited to the EU of each ACP State. The Committee of Ambassadors meets regularly.

The *ACP-EU Joint Parliamentary Assembly* (JPA; Article 17) is composed of an equal number of members of the EP (MEPs) and of representatives from the parliaments of each ACP State. At present the assembly counts 156 members, 78 of which are Members of the European Parliament, and 78 being representatives of the ACP States. The Assembly meets twice a year alternately in the EU and in an ACP State. It also organises regional meetings in the different ACP regions, that are attended by one ACP representative per state and a corresponding number of members from the EP. These regional meetings have for some time been held bi-

29 Cf. note 3.

annually and are very popular because of the opportunity for concentrated exchanges that they provide.

The JPA has three committees – on political affairs; on economic development, finance and trade; on social affairs and the environment –, that meet four times a year, twice in Brussels and twice on the occasion of the plenary sessions. Finally, the assembly organises occasional joint election observation and "fact finding missions". Its work in the ACP States thereby attains a non-negligible concentration, which is of some significance as regards good governance in the states concerned. The intensive cooperation between European MEPs and representatives of the parliaments of the ACP States does not merely foster mutual understanding. It also has the effect, thanks to this understanding, of making the European representatives into the best defendants of the interests of ACP parliamentarians. Through this cooperation the ACP parliamentarians can, in return, exert a certain measure of influence on the works in the EP.

Within the framework of the Africa-EU strategic partnership, a summit at the level of heads of state and of government has been held every three years since the meeting in Lisbon in 2007, which is organised by the ministers. The presidents of the EU and AU Councils of Ministers, of the European Parliament and the Pan African Parliament (PAP), and of the European and the African Commission meet at regular intervals in six-party talks. The respective representations of the EU in Addis Ababa and in Brussels promote institutional contacts. Here, the EPA structures that are still in the course of development are already taken into account. Africa-EU Troika sessions are held twice a year and are attended, on the one hand, by the current and future presidency of the EU Council and the EU Council Secretariat (now probably the EEAS), and on the other hand, the current and future AU Council presidency, the AU Commission and lead states with high-level representatives. Meetings of foreign ministers from both sides are to be organised twice a year at Troika level, alternately in Africa and the EU. The two Commissions cooperate continuously at different levels and hold staff meetings once a year.

On the parliamentary level, the dialogue is conducted between the EP and the PAP. The EP has created an ad hoc parliamentary delegation for relations with the PAP that comprises twelve MEPs. The joint sessions are generally held once a year, alternately in the EU and in Africa. The EP delegation tries in particular to attend the biannual plenary sessions of the PAP. Immediately before each summit of heads of state and of government, the EP and PAP jointly organise parliamentary "pre-summits" where the precursor of an EU-AU parliamentary session can be clearly seen. Finally, cooperation between the EU's Economic and Social Committee and the AU's Economic, Social and Cultural Council is expressly planned.

The institutional provisions of the EPA CARIFORUM can be found in the Articles 227 through 232. These provisions establish a Joint CARIFORUM-EU Council which meets at least every two years. Here once again, the Commission is part of the EU delegation to no lesser extent than the EU Council members. The Joint Council is supported by a Trade and Development Committee (sic!), which is generally composed of senior officials. The CARIFORUM-EU Parliamentary Committee consists of 15 members of the European Parliament and 15 members of CARIFORUM State legislatures (one per State). The EP pushed through this cooperative small number in order to remain at the same manageable number of 78 delegation members, which currently constitute the delegation to the JPA, once all the planned EPAs have come into being. The meetings of this committee take place biannually, alternately in one of the CARIFORUM States and in the EU. Finally, there is a consultative committee, which is to ensure a broad representation of all interest groups.

If these young structures are extrapolated and projected to the year 2020, when the Cotonou Agreement is to expire, the following picture emerges:

If, at that point in time, EPAs have been concluded with all the seven ACP regions and have been ratified by the majority of the ACP States in the respective regional organisations, then very close contacts will be established, particularly of the executive side. On a more critical note, one might ask whether the national governments will be overwhelmed by their responsibility to appoint ministers for the many regular meetings,[30] especially given that the vast majority of EU States neither have an independent minister of development aid, nor an independent trade minister. Consequently, the representation of the interests of the Member States would be incumbent on the foreign or economic ministries, which, in turn, are tied up in structures of the Council of Ministers that are internal to the EU and hold meetings at

30 In the framework even of the current ACP-EU relations, this is a serious problem according to participants: For want of participation by a sufficient number of competent ministers, the Joint Council is often not capable during its sessions to deliberate on urgent questions and to take decisions, let alone see to their implementation.

unusually high rates. The schedule would be very tight for the Commission's representatives at the different levels as well. A solution for the remaining time could be sought by adapting the partnerships to the needs in practice, i.e. by streamlining their structures on the executive side.

The structure on the parliamentary side, on other hand, would be decimated compared with the current situation by the disappearance of the JPA and its committees. This would represent a considerable loss of parliamentary activity and, thus, of executive control – as well as of parliamentary legitimation of the executive branch –, especially considering that no corresponding efforts on the part the national parliaments of the Member States of the EU to control their governments is discernible in the aforementioned institutions and in their forums. Furthermore, the contribution of the diffused parliamentary customs, which should not be underestimated, and thus an essential component of good governance, would disappear. The EP could of course expand the parliamentary committees and increase the frequency of their meetings through an intensified cooperation with regional parliaments such as the PAP. This however would only be a unilateral parliamentary activity outside the Agreement to be concluded, which would not have the legal basis under international law that the Cotonou Agreement provides at this time. This would in turn attenuate the legitimacy of the parliamentary committee and in so doing reduce its legitimising capacity for the executive side. A solution, which would at least retain the current level, could be as follows:

- The Parliamentary committees of the EPAs could take over the function of the current regional meetings of the ACP-EU JPA. There is probably no risk of excessively narrow trade policy, given that the sole EPA that is currently in force (CARIFORUM-EU) attests to a very broad understanding of trade policy. The denomination and the mandate of its trade and development committee also bear witness to this.
- The strategic partnerships (one such partnership is in place with the AU, and further ones are to be entered into with CARIFORUM and the Pacific States) must have a fully-fledged parliamentary component that clearly surpasses the current level of the EP delegation for relations with the PAP. A joint parliamentary representation with one representative from each State of the partner organisation should be provided in a distinct legal document under international law as part of or as the basis for each partnership, for example with 54 AU representatives (55 after the full accession of South Sudan) and 54 (or 55) members of the European parliament. This assembly should meet at a frequency of twice a year and have the right to draw up its own rules of procedure. This will in turn enable the assembly to establish committees, which are indispensable for efficient parliamentary work on equal footing with executive bodies. The partnerships or associations with the Pacific and with Central America, which includes the Caribbean, do not yet have adequate parliamentary support with their own legal basis. The existing bilateral delegations are in this respect just as insufficient as the Euro-Latin America Parliamentary Assembly (EuroLat). The EP could make it clear already at this time that it would from now on refuse to approve a partnership agreement without an independent parliamentary component. The existing partnership agreement with the AU must be expanded with the corresponding rule, if a reduction of parliamentary participation is to be avoided when the Cotonou Agreement expires.[31]

ACP Solidarity

Even if the described requirements were met, a disappearance without replacement of the Cotonou Agreement would bring along the loss of a factor that has previously played an important role: the element of cross-continental, horizontally exercised solidarity, be it between ministers or representatives. This formation of solidarity typically hasn't spurred much enthusiasm on the European side, since the solidarity in question is generally between the representatives of the ACP States and in opposition to some suggestion put forth by the European side. The lesson that a united front will impress even the EU representatives, who, in the eyes of many an ACP state, seemed to wield excessive power, is reflected, for example, in the entering into the JPA's rules of procedure of the possibility of requesting a secret ballot. This constitutes an insurmountable barrier, which can be relied upon to prevent unwanted outcomes. This form of solidarity building is however not necessarily linked to a majority of represented continents. Such net-

31 Cf. Appendix II (p. 26) a schematic representation of the possible superimpositions of the existing and planned partnerships.

works of solidarity can be organised also in three parliamentary bodies that are independent of each other, if people wish to do so.

The cross-continental solidarity with the former European Economic Community was probably the decisive factor behind the ACP Group, which was brought to life by the Foundation Agreement in Georgetown (Guyana).[32] ACP States may nurture similar feelings in relation to the current EU. It is altogether possible, that in preparing for 2020, the ACP States will come to the conclusion that it is still in their interest to have a cross-continental structure at their disposal. The EU will have to adjust accordingly to such an eventuality.

32 *The Georgetown Agreement on the Organization of the African, Caribbean and Pacific Group of States*, 1975, http://www.wipo.int/wipolex/en/regeco_treaties/details.jsp?group_id=24&treaty_id=220 (retrieved on 20 January 2012).

Initiatives for the Further Development of the ACP and Considerations about a Deepening of the Dialogue with the EU

The ACP side has, on the proposal of its General Secretary, Mohamed Ibn Chambas, set up a committee at ambassador level, which is to determine the interests of the ACP States and make proposals toward further developments of the group.[33] The current chairman of the seven-member committee is the Ambassador Patrick I. Gomes from Guyana.[34] The international expert Mirjam van Reisen was assigned the task of elaborating an expert opinion,[35] which is financed by the United Nations Development Programme (UNDP) and was submitted on 9 April 2012.[36] It is yet to be published. The ACP Group's Council of Ministers is to consult on the appraisal's conclusion and examine the state of the negotiations about the EPAs and the EDF at a meeting in Vanuatu from June 10 to 15 of the current year. Finally, the new concept of an ACP Trade and Investment Bank will be tabled. This undertaking is meant to be erected jointly with the EU. The ACP Group would hold 51 percent of the shares, and private investors could also acquire stakes. A summit of ACP heads of state and of government in Equatorial Guinea in December 2012, in turn, is to go over the results of these meetings and decide on the organisation from the ACP side. The summits could however go further and also make proposals for the re-organisation of relations with the EU, and even beyond, i.e. the re-organisation of the worldwide framework. What cannot be processed in 2012, is to be completed at the latest by the next ACP summit in 2014, so that it can be submitted to old and new partners in the world.

The Committee of Ambassadors is evidently examining the following four options at this time:[37]

1. Cooperation with new strategic partners beyond the EU;
2. Opening the ACP Group to least developed countries and small and vulnerable regional economic areas;
3. Opening the ACP Group to the North African States so as to eventually represent the entire African continent;
4. Regional A-C-P pillars under one ACP umbrella which could be used to concentrate on regional needs, but also to broach general matters that concern all regions.

Many observers give a different account of the spectrum of possible scenarios:[38]

1. Continue as before;
2. give up the ACP configuration;
3. strengthen the ACP group, by giving consideration to the states of North Africa, Nepal, and possibly also states such as Brazil;
4. establish an ACP customs union.

The latter third option, a strengthening of the ACP group, is the one that is prevailingly discussed among

33 European Centre for Development Policy Management, *A Blog on the Challenges of the EU's International Cooperation*, http://www.ecdpm-talkingpoints.org/the-acp-and-europe (retrieved on 20 January 2012).

34 The committee on the "Future Perspectives for the ACP Group" had been appointed in January 2010, with the first chairman being ambassador Sutiawan Gunessee from Mauritius; cf. Secretariat of the African, Caribbean and Pacific Group of States, *Strategy for Renewal and Transformation 2011–2014* (see note 28), section 216.

35 Mirjam van Reisen is a professor at the University of Tilburg, as well as being the director of Europe External Policy Advisors (EEPA), a Brussels think tank. Cf. also van Reisen, *The Old Man and the Seas* (see note 28), and other pertinent publications by the same author, such as *EU "Global Player". The North-South Policy of the European Union*, Utrecht 1999, and her descriptions published over the course of many years in: Judith Randel and Tony German (eds.), *The Reality of Aid. An Independent Review of International Aid* (London: Earthscan, for International Council of Voluntary Agencies [ICVA], EURO-STEP, various years [1996–2002]).

36 These and the next items of information stem from an interview with Obadiah Mailafia, chief of staff of the ACP General Secretary, conducted on 9 March 2012.

37 Cf. Secretariat of the African, Caribbean and Pacific Group of States, *Renewal and Transformation* (see note 28), section 52, as well as *Strategy for Renewal and Transformation 2011–2014* (see note 28), sections 213–219. Cf. also *Global Changes, Emerging Players and Evolving ACP-EU Relations: Towards a Common Agenda for Action?*, ECDPM 25th Anniversary Seminar, September 2011, pp. 32ff, http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/DE1C420CB6DEC0B2 C12579260037 AA45/$FILE/PMR19-uk.pdf (retrieved on 26 May 2012).

38 Cited from the interview with Obadiah Mailafia, mentioned in note 36.

ACP ambassadors.[39] This and other options deemed realistic all rest on the assumption of a continuation of the ACP Group in a more or less altered form. The options can moreover be combined. In order to be successful, the following changes are going to be necessary in any event: The ACP secretariat in Brussels must be vested with independent powers, which have been sorely lacking hitherto; a competent general secretary must be vested with the necessary mandate and independence to exercise those powers; and the ACP headquarters must be made independent from EU (co-)financing. This would create an capable international interlocutor with whom the EU or other partners could cooperate efficiently. In order to implement these changes, the Agreement of Georgetown would need to be revised in any event. There also exists the very extensive prospect of making the ACP group into an independent community that is disengaged from its current fixation on the EU. This community could then expand its area of responsibilities and negotiate globally with alternating partners, not limited to the EU.

The first phase of the EPA negotiations, which involved all ACP States, and which were shaped decisively by the influential then General Secretary Goulongana, could be seen as an example of how to organise the headquarters. The ensuing upgrading of the headquarters would politicise the entire ACP union, which is redefining its weight in the world.

Should the ACP signals point in this direction, it will hardly be possible for the EU to do away with the arrangements that the parties on the other side wish to maintain. On the European side, the time should be used to engage in consultations as to whether something more can be made from this unique cooperation between North and South. A cooperation involving already 106 states, which is expanding globally, could represent a framework that could be used for purposes that go far beyond the hitherto core issues of development policy.[40]

The mistrust with which the USA, for instance, are following the activities of this organisation, to which it does not belong and on which it has no direct influence, speaks volumes. This may hold substantial potential that has been used little hitherto. The EEAS could be the right forum for conducting such consultation and implementing ensuing actions, even if its just created structures had to be adapted further for that purpose.

Two events should give the EU pause:

- After the entry into force of the Lisbon Treaty, the European Union engaged in an attempt to improve its status and in particular to expand its powers to represent the EU in the UN General Assembly. The venture all but failed in the year 2010, owing to resistance especially from the Caricom Group. The endeavour was then postponed, to be crowned with success only a year later, after better preparation.[41]
- After the collapse of the climate summit conference in Copenhagen in December 2009, where the EU had in vain put cooperation with the USA, China, and India to the fore, a near breakthrough was achieved in December 2012 at the 17th Conference of the Parties in Durban, thanks in large measure to the successful preparation with developing countries. It is indicative nonetheless, that the Durban Alliance did not emerge from direct negotiations by the EU with the ACP side, but had to be forged through arduous and numerous individual arrangements.[42] This is explained both by the lack of a negotiating partner vested with powers to speak for the ACP side, as well as by the position of South Africa, the host country, which was more inclined to assume the position of an emerging country, comparable to that of India.

Other topics for a deepening of cooperation at world level are available, for example in improving the effectiveness of the aid provided, in the field of food secu-

39 Elements of this can also be found on the blog of the European Centre for Development Policy Management, *A Blog on the Challenges of the EU's International Cooperation* (see note 33).
40 This is also discernible in the two cited documents by the ACP Secretariat. Those make reference, additionally, to the moral authority of the ACP group, which results from the fact that its 45 LDCs constitute a majority of the world's poorest countries: Secretariat of the African, Caribbean and Pacific Group of States, *Renewal and Transformation* (see note 28), sections 19, 20, as well as *Strategy for Renewal and Transformation 2011–2014* (see note 28), section 224.

41 United Nations General Assembly, *Resolution 65/276 on Strengthening of the United Nations System: Participation of the European Union in the Work of the UN* (New York, 3 May 2011).
42 Cf. the *Agence Europe* conference from 1 to 13 December 2011, pp. 14 and 15. An analytical presentation is provided by Susanne Dröge, *Climate Talks in Durban, Successful Diplomacy but no Progress on Climate Protection*, SWP Comments 6/2012 (Berlin: Stiftung Wissenschaft und Politik, February 2012), p. 3. The author makes it clear, among other things, that the "Durban Alliance" is an alliance between many developing countries concerned and does not rest on an institutional connection between the EU and the ACP.

rity, in the fight against the proliferation of land mines and in the efforts toward their disposal, in climate protection, in the sustainable extraction and processing of raw materials, in the tourism sector, and in the reform of international governance and the global financial architecture.[43] In 2015, an assessment of the efforts toward meeting the United Nation's Millennium Goals will be made. In a multilaterally organised world, the period particularly after 2015 will not be lacking issues for which careful preparation and cooperation by as great a number of states in the unique North-South dialogue, as it is currently taking place between the EU and the ACP, will be of the utmost importance.

An initial concrete measure has already been taken by the EU. Until recently, in the development committee of the EP, when it was asked of the EEAS's representative which positions within his service were responsible for matters related to the ACP, an awkward silence would ensue.[44] Today, an employee of the EEAS and the appointed Official of the Commission jointly chair an informal working group on the subject treated here, which was set up in September 2011. Additional members are appointed by the Commission and the Council Secretariat.[45]

43 Cf. Secretariat of the African, Caribbean and Pacific Group of States, *Renewal and Transformation* (see note 28), section 25, as well as *Strategy for Renewal and Transformation 2011–2014* (see note 28), section 139.

44 The original range of the EEAS was represented in a critical light in the document *Strategy for Renewal and Transformation 2011–2014* (see note 28), sections 25–27, because it contributed greatly to existing disconcertment. The reorganisation can be seen as a reaction to the cited criticisms as well as to the incomprehension of the Development Committee of the EP. The EEAS Unit is of considerable significance to the High Representative in its role as chairman of the Council for External Affairs, which also encompasses the previous Council formation Development Policy.

45 Interview with Elisabeth Pape, Official at the Commission in Directorate General Development and Cooperation (DEVCO), on 28 November 2011. She is the co-chair of the aforementioned working group who was appointed by the Commission. The Council Secretariat had actually ceded the tasks pertaining to this field to the EEAS when the latter was created. Nevertheless, the Member States apparently insisted on a participation by the Council Secretariat.

Conclusion and Recommendations

The Cotonou Agreement could simply be put to rest after its expiration in 2020, if a structure of equivalent quality is set up in its place by then. In this way, the historically emerged and to a large extent randomly organised relations between the EU and former colonies of EU Member States could be set on a new foundation, that is more logical with respect to its goal and geographically better organised.

The following steps must be taken in order to arrive at an equivalent structure:

- In connection with the negotiations for the next multiannual financial framework, the European Development Fund should be integrated in the EU budget (without using this as a pretext to cut funding).
- Relations with Africa, the Caribbean and the Pacific Islands are governed by two-tier agreements. A general framework is provided by strategic partnerships that are yet to be concluded or expanded upon, and a specific enhancement is provided by the EPAs that are currently in the process of negotiation (that should adhere to the rules of the World Trade Organisation).
- The strategic partnerships as well as the trade and association agreements must be provided with an adequate parliamentary component, at least equivalent to the current level achieved by the ACP-EU Joint Parliamentary Assembly.

The current developments in the countries of the Southern Mediterranean point to, among other things, the need to constantly review structures that were handed down through history. The North African and Arab revolutions and uprisings require rapid political reaction from Europe with lasting effects. The future of the Cotonou Agreement could be influenced by the re-organisation of relations of the EU in this part of the world.

There are however less dramatic reasons for a review of relations with the ACP States. Such a revision must in any event take account of the point of view of the ACP and should avail itself of hitherto untapped potential from the European view. Hereby the classic goals of the eradication of poverty and integration in the world economy must naturally continue to be pursued. Through intensified cooperation with a reformed ACP Group, the EU could further its relevance on the world stage. A new, well-founded global cooperation by the EU with a reformed ACP Group capable of acting on the international stage with capable, authorised representatives, would open up numerous new fields for worldwide cooperation.

Consequently, a successful reform of the ACP group is in the interest of the EU. Support for the reform efforts must not mean any relapse into paternalistic or colonial structures. In this respect, it is necessary to break with the past and to overcome many a negative experience through the offer of a real partnership. The preparation and the time selected for such an offer are very delicate matters. In addition to the persisting tasks and powers of the Commission for development, trade, and other policy, the European External Affairs Service would be given its own role in bringing the global and foundational level of the work ahead to bear. Should the current efforts on the part of the ACP not soon engender an intensification of the EU activities beyond the accompanying preparatory work by the informal working group anyway, then a deliberate political venture could animate the EU's engagement. The impulse for this could be given by European Parliament.

Appendices

Abbreviations

ACP	African, Caribbean, and Pacific states
AU	African Union
Caricom	Caribbean Community
CARIFORUM	Caribbean Forum
EAC	East African Community
EEAS	European External Action Service
EEC	European Economic Community
EC	The European Communities
ECDPM	European Centre for Development Policy Management
EDF	European Development Fund
EEPA	Europe External Policy Advisors
EP	European Parliament
EPA	Economic Partnership Agreement
ESA	Eastern and Southern Africa
EU	European Union
EuroLat	Euro-Latin America Parliamentary Assembly
GATT	General Agreement on Tariffs and Trade
ICVA	International Council of Voluntary Agencies
ITER	International Thermonuclear Experimental Reactor
JPA	Joint Parliamentary Assembly ACP-EU
LDCs	Least Developed Countries
MEP	Member of the European Parliament
PAP	Pan-African Parliament
Polisario	Frente Popular para la Liberación de Saguía el Hamra y Río de Oro
SADC	Southern African Development Community
SADR	Sahrawi Arab Democratic Republic
TEPSA	Trans European Policy Studies Association
TFEU	Treaty on the Functioning of the European Union
UNDP	United Nations Development Programme
WTO	World Trade Organization

Appendix I – State of the Economic Partnership (Interim) Agreements

Title and Partner States	State of Negotiations	Comments and Implementing Measures
Interim-EPA EC/SADC States Botswana, Lesotho, Mozambique, Namibia, Swaziland	▸ "European Parliament resolution of 25 March 2009 on an Interim Economic Partnership Agreement between the European Community and its Member States, on the one part, and the SADC EPA States, on the other part", OJL C 117E from 6 May 2010, pp. 124–128 ▸ "Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the SADC EPA States, of the other part", OJL L 319 from 4 December 2009, pp. 3–658	*Non-legislative Resolution With Minimum Requirements of the EP Regarding the Conclusion of a Definitive EPA:* "23. [...] any full EPA must also include provisions regarding a commonly accepted definition of good governance, transparency in political offices, and human rights, in accordance with Articles 11b, 96 and 97 of the Cotonou Agreement, as well as specific provisions for the most vulnerable groups such as local farmers and women."
EPA EC/CARIFORUM Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago	▸ "European Parliament legislative resolution of 25 March 2009 on the proposal for a Council Decision on the conclusion of the Economic Partnership Agreement between the Cariforum States, of the one part, and the European Community and its Member States, of the other part", OJL C 117E from 6 May 2010, p. 256 ▸ "Council Decision of 15 July 2008 on the signature and provisional application of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part (2008/805/ EC)", OJL L 289 from 30 October 2008, pp. 1–1012	*Approval Resolution of the EP. Implementation:* ▸ "Decision No 1/2010 of the Joint CARIFORUM-EU Council [...] of 17 May 2010 concerning the adoption of the Rules of Procedure of the Joint CARIFORUM-EU Council, the CARIFORUM-EU Trade and Development Committee and the Special Committees", OJL L 247 from 21 September 2010, pp. 66–75 ▸ "Decision No 2/2010 of the Joint CARIFORUM-EU Council [...] of 17 May 2010 concerning the adoption of the Rules of Procedure for Dispute Settlement and the Code of Conduct for Arbitrators and Mediators", OJL L 247 from 21 September 2010, pp. 76–84 ▸ "Invitation to academic institutions to express interest in involvement in the CARIFORUM-EC Joint Consultative Committee [...]", OJL C 312 from 25 October 2011, p. 10 ▸ "Invitation to non-governmental organisations to express interest in involvement in the CARIFORUM-EC Joint Consultative Committee [...]", OJL C 312 from 25 October 2011, p. 11 *Own-Initiative Opinion of the European Economic and Social Committee:* "The impact of the Economic Partnership Agreements on the outermost regions (Caribbean region)", OJL C 347 from 18 December 2010

Title and Partner States	State of Negotiations	Comments and Implementing Measures
Interim-EPA EC/Côte d'Ivoire	▸ "European Parliament legislative resolution of 25 March 2009 on the proposal for a Council Decision on the conclusion of the Economic Partnership Agreement between the Cariforum States, of the one part, and the European Community and its Member States, of the other part", OJL C 117E from 6 May 2010, p. 257 ▸ "2009/156/EC: Council Decision of 21 November 2008 on the signature and provisional application of the stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part", OJL L 59 from 3 March 2009, pp. 1–2, as well as ▸ "Stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part", OJL L 59 from 3 March 2009, pp. 3–273	
Interim-EPA EC/Central Africa Cameroon	▸ "European Parliament resolution of 25 March 2009 on the stepping-stone Economic Partnership Agreement between the European Community and its Member States, of the one part, and Central Africa, of the other part", OJL C 117E from 6 May 2010, pp. 141–146 ▸ "Council Decision of 20 November 2008 on the signature and provisional application of the interim agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part (2009/152/EC)", OJL L 57 from 28 February 2009, p. 1, as well as ▸ "Interim agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part", OJL L 57 from 28 February 2009, pp. 2–360	*Non-legislative resolution with minimum requirements of the EP concerning the conclusion of a definitive EPA:* "40. [...] the EPAs should include enhanced chapters on development for the achievement of the MDGs and for the promotion and strengthening of basic social and human rights".

Anlage I – Stand der Wirtschaftspartnerschafts-(Interims-)Abkommen (Fortsetzung)

Title and Partner States	State of Negotiations	Comments and Implementing Measures
Interim Agreement for the determination of a framework for an EPA EC/Partner States of East African Community Burundi, Kenya, Rwanda, Tanzania, Uganda	▸ "European Parliament resolution of 25 March 2009 on the agreement establishing a framework for an Economic Partnership Agreement between the European Community and its Member States, on the one part, and the East African Community Partner States, on the other part", OJL C 117E from 6 May 2010, pp. 135–140 ▸ "Council decision on the signature and provisional application of the agreement establishing a framework for an Economic Partnership Agreement between the European Community and its Member States, on one part, and the East African Community Partner States, on the other part", OJL Issue 17462/08 from 3 April 2009	*Non-legislative resolution with minimum requirements of the EP concerning the conclusion of a definitive EPA:* "24. [...] any full EPA [is] to account fully for the transparent management of natural resources and to outline the best practices necessary in order that the ACP countries make the maximum gains from such resources" and "25. [...] any comprehensive EPA must also include provisions regarding good governance, transparency in political offices, and human rights".
Interim Agreement for the determination of a framework for an EPA EC/States of Eastern and Southern Africa Comoros, Madagascar, Mauritius, Zambia, Seychelles, Zimbabwe	▸ "European Parliament resolution of 25 March 2009 on the Interim agreement establishing a framework for an Economic Partnership Agreement between Eastern and Southern Africa States on the one part and the European Community and its Member States on the other part", OJL C 117E from 6 May 2010, pp. 129–134 ▸ "Proposal for a Council Decision concluding the interim agreement establishing a framework for an Economic Partnership Agreement between Eastern and Southern Africa States on the one part and the European Community and its Member States on the other part", COM/2008/0861 final – AVC 2008/0251	*Non-legislative resolution with minimum requirements of the EP concerning the conclusion of a definitive EPA:* "17. [...] any full EPA [is] to account fully for the transparent management of natural resources and to outline the best practices necessary in order that the ACP countries make the maximum gains from such resources, including combating potential money laundering" and "31. [the comprehensive EPA is to include] a development cooperation chapter in the full EPA covering cooperation on trade in goods, supply-side competitiveness, business exchange infrastructure, trade in services, trade-related issues, institutional capacity building and fiscal adjustments".

Title and Partner States	State of Negotiations	Comments and Implementing Measures
Interim-EPA EC/Ghana	▸ "European Parliament resolution of 25 March 2009 on the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part", OJL C 117E from 6 May 2010, pp. 112–117 ▸ "Proposal for a Council decision concluding the stepping stone Economic Partnership Agreement between the European Community and its Member States, of the one part, and Ghana, of the other part", COM (2008) 441 final, 10 July 2008 – AVC 2008/0137	*Non-legislative Resolution With Minimum Requirements of the EP Regarding the Conclusion of a Definitive EPA:* "31. [...] any full EPA must also include provisions regarding a commonly accepted definition of good governance, transparency in political offices, and human rights".
Interim-Partnership Agreement between the EC and the Pacific States Papua New Guinea and Republic of Fiji	▸ "European Parliament resolution of 25 March 2009 on the Interim Partnership Agreement between the Pacific States, on the one part, and the European Community, on the other part" ▸ "Council decision on the signature and provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part", Council of the EU, Doc. Issue 5558/09 from 8 May 2009	*Non-legislative resolution with minimum requirements of the EP concerning the conclusion of a definitive EPA:* "15. [...] any full EPA [is] to account fully for the transparent management of natural resources and to outline the best practices necessary in order that the ACP countries make the maximum gains from such resources" and "43. [...] the full EPA agreement should include a revision clause and a global assessment impact, which should be carried out within three to five years after the signature of the agreement in order to determine the socio-economic impact of the agreement, including the costs and consequences of implementation; [...] the European Parliament and the Pacific States' Parliaments should be involved in any revision of the agreement".

Appendix II – Diagram
EU–ACP: Superimpositions of the existing and planned partnerships