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Drifting towards exhaustion? Historical institutionalist perspectives on recent efforts to modernise the EU's partnerships with African states

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Abstract

Since 2016, the EU has introduced several new initiatives to modernise its partnerships with African states. This article analyses endogenous changes in a matrix of institutions governing EU-Africa relations, consisting of budget and cooperation frameworks, by applying historical institutionalist concepts of drift, layering and exhaustion. Following an analysis of the formative decades of EU development policy, it describes how this matrix of institutions has affected two recent policy processes: the elaboration of a Joint-Africa EU Strategy and the negotiations of a successor to the Cotonou agreement. Incremental change in these institutions over time produces (un)intended changes in the cooperation practices and frameworks with Africa, which in turn has affected the extent to which both policy processes can reform Africa-EU relations in the ways desired by the EU.

Keywords

European Union; African Union; Africa, Caribbean and Pacific; partnerships; historical institutionalism; development policy

In April 2000, at the first Africa-EU summit in Cairo, participating heads of state and government committed to strengthening their “co-operation in our mutual interest and make it more beneficial to the two regions” (Council of the European Union 2000: 1). Two months later, the EU and its member states concluded an international agreement with the African Caribbean and Pacific states, the majority of which African, which sought to “reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy” (ACP-EC 2000: 7). In the two decades that followed, the EU’s development policy sought to reconcile pursuing mutual interest with promoting poverty reduction, or as a recent JCER special issue put it find a balance between its development policy being instrument of foreign policy and an expression of solidarity (see Furness et al. 2020).

In the Von der Leyen Commission, the development policy portfolio is led by a ‘Commissioner for International Partnerships’, whose mandate considers that ‘In an increasingly unsettled world, where different development models increasingly compete, the partnerships of equals we build are essential for our future’ (von der Leyen 2019: 4). The Commission President specifically instructed the Commissioner to contribute to the preparations of a comprehensive partnership with Africa, which ‘should create a partnership of equals and mutual interest’ (Ibid.). A similar level of ambition of radical reform was pursued under the Juncker Commission, yet the past six decades of EU-Africa relations are not characterised by revolution but by continuity and incremental change.

This paper argues that changes in EU-Africa relations over time can be explained and understood by focusing on changes to a matrix of institutions (Ackrill and Kay 2006), with institutions broadly defined as ‘formal and informal rules which influence political behavior’ (Cairney 2020: 75) or even simply as ‘rules’ (Steinmo 2008: 159). Its starting point is that the institutions for EU-Africa relations consist of closely linked on- and off-budget legal rules and a mix of cooperation frameworks. Historical institutionalist analysis (e.g. Hacker 2004; Mahony and Thelen 2010) suggests that the timing and sequencing of key moments and decisions, as well as the processes and structures through which these are made are key to understanding policy evolutions over time. Changes may occur through layering new initiatives within these and other existing institutions, by means of existing policies experiencing drift in response to changing circumstances, and by institutions experiencing exhaustion once they cease being effective yet may still be politically sustained (Hanrieder 2014; Busemeyer and Trampusch, 2013).

In order to better understand how this matrix of institutions concretely affects EU cooperation with Africa, the article specifically analyses two recent policy processes: (1) the negotiations and implementation of a joint Africa-EU strategy and (2) the preparation of the negotiations between the EU and the African, Caribbean and Pacific (ACP) states as to what should govern their cooperation after the expiry of the Cotonou Agreement in 2020 (‘post-Cotonou’). The analysis shows that incremental change in these institutions over time produces (un)intended changes in the cooperation practices and frameworks with Africa. This in turn has affected the extent to which both policy processes can reform Africa-EU relations in the ways desired by the EU, notably a shift from (aid-dependent) donor-recipient relations towards more equal relations. In addition to contributing to recent research on the evolving EU-Africa relations (Langan 2020; Hurt 2020), this article contributes to research on the evolution and governance of the European Union’s budget in relation to its resources dedicated to pursuing external policies (Ackrill and Kay 2006; Crowe 2017).

The article is based on a review of literature on the history on EU development policy and on the two cases concerned, in addition to EU policy documents as well as public communication in the form of press releases and selected social media channels. It is structured as follows. It first looks into the literature on historical institutionalism and an analysis of the origins and foundation of EU development policy. This is followed by a brief overview of the various types of EU partnerships that the EU has entered into with third countries and selection of specific EU institutions relevant to EU-Africa relations, after which

the two aforementioned partnerships are analysed in detail. The article closes with overall reflections and suggestions for further research.

HISTORICAL INSTITUTIONALISM AND EU DEVELOPMENT POLICY

A wide range of actors is involved in preparing, implementing and scrutinising the European Union's development policy. These actors collectively engage through as well as shape institutions, a concept that features in a variety of research disciplines and thus tends to be defined in different ways. Most of these definitions, though, consider institutions as 'relatively enduring features of political and social life (rules, norms, procedures) that structure behavior and that cannot be changed easily or instantaneously' (Mahoney and Thelen 2010: 4). This article considers institutions as 'formal and informal rules which influence political behavior' (Cairney 2020: 75).

In the context of the European Union, considered an 'unusually well-developed' international regime (Pierson 1994: 7), formal institutions are emphasised and range from legally binding texts to other forms of written agreement that are allotted a high degree of formality. This article's analysis focuses on formal institutions, yet acknowledges that much of the EU's rulebook remains informal and requires dynamic interpretation by the actors involved. It should also be noted that although the Commission, Parliament, Council and other European bodies are commonly referred to as 'EU institutions', they are of course considered as organisations in this article.

Historical institutionalism is an approach to studying politics that distinguishes itself 'by its attention to real world empirical questions, its historical orientation and its attention to the ways in which institutions structure and shape political behaviour and outcomes' (Steinmo 2008: 150). Its main focus is on explaining processes as opposed to outcomes of institutional development, and its main ambition is to describe and explain rather than predict such change (Steinmo 2008; Fioretos 2011). The borders between historical institutionalism and the other institutionalisms (including rational choice and sociological institutionalism) remain subject to debate (De Ville 2013: 620; Thelen 1999). Steinmo (2008: 162) considers that while these types of institutional analysis have compatible views on what institutions are, they differ in their understanding of the actors whose actions are structured by them. Historical institutionalist research observes that actors designing institutions do not do so purely in an instrumental manner, but instead frequently give priority to considerations of appropriateness over effectiveness (Pierson 2000).

As policy activity increases and accumulates over time, unintended effects of past decisions can be expected to increase (Pierson 1994). A key consideration in this regard is that new EU institutions enter a rather crowded field, hence in practice they are designed to add to and complement existing institutions – wholesale replacement is a rare occurrence (Hanrieder 2014; Fioretos 2011; Thelen 1999). A longstanding critique of historical institutionalism observes that it is convincing in explaining continuity, but finds itself at an analytical loss when confronted with fundamental institutional change (Steinmo 2008). This is in part because initial historical institutionalist research – which was adapted from the economics discipline and emphasised path dependence, positive feedback loops and 'lock-in' effects (De Ville 2013: 620) – explained such changes as coming from the outside and resulting from exogenous shocks (Schmidt 2010). The concept of the critical juncture, defined as a brief interval characterised by 'a substantially heightened probability that agents' choices will affect the outcome of interest' (Capoccia and Kelemen, 2007: 348), responded to this critique yet retained the idea that disruption of path dependence was somehow externally induced. Research applying the concept of critical junctures was moreover found to be less explicit about *how* institutional arrangements that are formed at such junctures are sustained over time (Thelen 1999: 392).

Responding to this critique, a group of researchers set out to analyse national economic policy change with a view to endogenising institutional change by describing how powerful actors emerged that challenged institutions from the inside. These scholars distinguished

a total of five distinct types of endogenous change: layering, conversion, drift, displacement and exhaustion (Thelen & Hacker 2004; Streeck & Thelen 2005; Mahoney and Thelen 2010). Since the authors use slightly different definitions for each, or fine-tuned them in subsequent publications, the following basic understandings provide a starting point (Steinmo 2008: 168-169):

- Displacement: one institution displaces another,
- Layering: new functions are added to an institution on top of existing ones,
- Drift: the environment of an institution changes, but the institution does not adapt in step wise fashion,
- Conversion: institutions take on new functions, goals or purposes,
- Exhaustion: institutional breakdown and failure.

Critiques of these types (or modes) of incremental change observe that layering and displacement are considered to be closely linked, and that the same applies to conversion and drift, which suggests that the concepts are not mutually exclusive. Exhaustion was seen as the odd one out and is not included in later works by the same leading authors (van der Heijden and Kuhlmann 2017). A different angle of critique observes that the concepts were derived from cases of national institutional change, and therefore may not all be appropriate to international organisations, or in this case to the European Union (Hanrieder 2014). Based on this critique, it was argued that layering and drift are the most pertinent types of institutional change for such organisations, since conversion and displacement requires a more constant degree of control by a central actor or coalition (Ibid.: 5-6). The nature of EU decision-making as described above supports a focus on drift and layering as comparatively less focused/directed types of change. In addition, the concept of exhaustion would seem relevant considering the degree of path dependence that can be expected from an institutional framework that emerged during the 1950s. The following more detailed definitions of the three concepts are presented in table 1.

Table 1: Defining the selected modes of endogenous institutional change

Layering Streeck and Thelen (2005: 31)	'New elements attached to existing institutions gradually change their status and structure' New layers/elements may 'grow faster' than old ones and may weaken support for old layers
Drift Hacker (2004: 246-247)	'changes in the operation or effect of policies that occur without significant changes in those policies' structure' Can happen more purposefully, but also naturally or even inadvertently
Exhaustion Busemeyer and Trampusch (2013: 294)	'a significant reduction in the performance and functioning of a given set of institutions that may nevertheless be politically sustainable' May entail involve cutting down on rules, showing an institution that gradually runs out of steam

Given the long time periods involved, the range of actors involved in EU decision-making processes and the unintended consequences that may occur in result, it is emphasised that these three modes of change do not represent purposeful choices or directions but rather describe possible consequences thereof. These expectations reflect historical institutionalism's central focus on timing and sequence, which Fioretis (2011: 371) summarises is expected to contribute to varying outcomes, difficulties to reverse course as time progresses, lasting effects of 'chance' events and inefficiencies caused by forgone alternatives.

In the case of EU development policy, the importance of timing and sequencing is shown by its evolution over time, 'rooted' in the Rome Treaty's association policy. From these

roots, the EU's development policy gradually branched out in terms of geographic scope, normative orientation and implementation approaches. The next section analysis the foundation of EU development policy and incremental changes over time, as a basis for the further analysis of the associated institutions and the two cases.

THE EU'S STARTING POINT: FROM ASSOCIATION TO DEVELOPMENT POLICY

The 1957 Treaty of Rome established the European Economic Community (EEC) and created the common market, which the six founding members agreed should extend to their overseas countries and territories (OCTs) in Africa. This 'association policy' represented aims and objectives not unlike development policy today, albeit with OCTs as the intended recipients. The idea of this policy was first proposed during the negotiations of the Schuman plan that preceded the creation of the European Coal and Steel Community in 1950 (Dimier 2014: 11). Following the adoption of the Treaty, the first European development commissioner referred to a Europe that

(...) approaches Africa afresh as a Community, offering association of the overseas countries with the Common Market – an association which may doubtless be considered as the first global approach to the problems of underdevelopment, since it covers simultaneously institutions and trade, investments and technical assistance (Lemaigen 1957: 2; emphasis in the original).

The year the Rome Treaty was signed coincided with the Ghanaian declaration of independence that triggered a wave of independence and liberation struggles across the continent (Kotsopoulos and Mattheis 2018). Commissioner Lemaigen (1957: 2) noted: 'scarcely had the Treaty of Rome been implemented before it was politically out of date overseas'. The Rome treaty defined the association policy towards the OCTs and served as a basis for financial support provided by the founding members. The association policy was agreed at a late stage during the treaty negotiations and was not strongly supported by all six founding member states, hence it was agreed to arrange for the financing of OCTs through the European Development Fund (EDF) – an intergovernmental fund with its own rules that was placed outside the regular EEC budget.

The Treaty-EDF combination provided the basis to fund capital infrastructure in the OCTs, yet by the early 1960s the EEC members realized that an EEC legal basis would not be appropriate for governing cooperation with independent states. This prompted the negotiations and subsequent conclusion of the Yaoundé Convention with 18 former African colonies in July 1963, while the EDF obtained a dual role of funding cooperation under the new Convention as well as continued financial support to the remaining OCTs. Grilli (1993: 336) referred to this layering of the EDF by linking it to both the treaty and a new international agreement as 'the passage from *association octroyée* to *association négociée*' (from granted to negotiated association).

The United Kingdom's accession in 1973 led to negotiations for a new partnership agreement between the EEC and a combination of the existing 18 Yaoundé signatories and those Commonwealth members considered similar by the EEC. In parallel to the negotiations of the first Lomé Convention which were concluded in 1975, the EEC members among themselves determined the size of the EDF. During this period as well as during negotiations of subsequent Lomé Conventions that followed, the ACP would at an early stage 'pitch' the amount of EDF resources they would welcome. This was followed by negotiations among EEC (and later EU) member states that resulted in a lower 'take it or leave it' figure for the ACP (Arts and Byron 1997).

The Lomé Convention stipulated that the Africa, Caribbean and Pacific states were in charge of determining priorities for the use of the EDF. In practice there were real limits to this ownership by ACP states, which was confirmed in research published in the early 80s. (Hewitt 1981; ODI 1983). Moreover, recent years showed that the EU felt it did not need

to seek prior approval from ACP states on using considerable EDF resources to fund new initiatives, which included the EU's Emergency Trust Fund for Africa (2015) and the European Fund for Sustainable Development (2017). The non-enforcement of these 'co-management' rules as enshrined in Lomé, in no small part due to the ACP states' lack of means to enforce them, constituted a form of drift, in terms of neglect of the rules laid down in the institution. The new EU-driven initiatives themselves can be considered forms of layering: EDF resources continued to be disbursed to the 'intended recipients' in ACP states, yet under new decision-making rules and structures set by the EU for both new initiatives. The new layers of decision-making were given greater priority by the EU's leadership, with the unintended effect of marginalising the existing rules for managing development cooperation.

While the long continuation of the EDF as an extra-budgetary fund represents a clear case of a path-dependent process, in the sense that the aforementioned early choices and events contributed to sustaining it over time, this continuation has been as much justified in terms of appropriateness as by effectiveness. Its proponents see it as a reflection of the continuing relevance of the partnership vis-à-vis the EU's relations with other states and regions in the global south, and consider the EDF an expression of the special status of the ACP-EU partnership vis-à-vis EU cooperation with other third countries and regions. The next section briefly further contextualises and defines the matrix of institutions that will be analysed in relation to the two cases.

A MATRIX OF INSTITUTIONS GOVERNING EU-AFRICA RELATIONS

Article 21 of the Treaty on European Union mandates the Union to 'develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles' that inspired the EU's own creation, and which it promotes through its external action. The EU prefers to govern such partnerships by legally binding arrangements covering economic cooperation, political dialogue, trade relations as well as other cooperation areas. These agreements have been concluded between the EU and many individual third countries worldwide and, depending on the areas of cooperation covered, include customs unions, association agreements, and partnership and cooperation agreements.¹ Due to the specific OCT-linked history of EU-Africa relations, as described above, the cooperation with Sub-Saharan African states differs from the rest and is governed by a collective association agreement with the ACP states.

Another key difference between the bilateral cooperation frameworks and the collective agreement with the ACP is that the latter is concluded in the form of time-limited agreements that are renewed over time. Time-limited agreements can be more specific about means of implementation, which as a result are discussed in more detail during their (re-)negotiation process. By comparison, the bilateral cooperation agreements are less specific on cooperation means, with the agreement providing general principles and the actual cooperation being funded through the EU's external financing instruments under its multi-annual budget.

As described above, the ACP-EU partnership is unique in terms of being funded by the EDF as a separate institution that also provides resources for cooperation with OCTs. Since both the partnership and the fund have had to be renewed over time, the negotiation process and timeline are influenced by the EU's own periodic budget negotiations that determine available resources. The EU is funded by means of a multi-annual financial framework (MFF), which determines the maximum expenditure per year for broad policy areas (headings) against an overall annual ceiling on payment and commitment appropriations. The EU's budget is determined through protracted negotiations all the way up to 'high politics' and today appears as 'a "galaxy" of funds and instruments, with variable participation of member states and a diverse range of decision making and accountability procedures' (Crowe 2017: 429).

Among the six rules for the MFF is the principle of annuality, which in part refers to the 'setting of time-limits for preparation, adoption and implementation of the budget' (Strasser 1992: 49).² The EDF exists outside the MFF and is not bound by this rule. Instead, unspent resources accumulate as reserves and remain available to be spent at any later point in time, such as on the two new EU initiatives introduced in the previous section. Since the early 1960s the successive EDFs were funded in five year cycles, which after 2000 were extended to seven years. This extension allowed the three most recent EDFs (cycles 9-11) to be negotiated in parallel with the EU budget cycles covering the same time periods, while the EDF's rules were also further harmonised with those of the budget. One example concerned the contribution key used to determine EU MS, with the difference between EDF and EU budget keys being reduced when the 11th EDF was agreed (see Kilnes et al 2012). Although primarily influenced by the overall negotiation dynamics within the European Council and the closely watched 'ceilings' of the budget, the Council's July 2020 political agreement on the 2021-2027 MFF agreed to incorporate the EDF into the budget and was influenced in this regard by the incremental institutional changes in the EU's relations with Africa discussed in the previous section (Council of the European Union 2020).

In their historical institutionalist analysis of the EU budget, Ackrill and Kay (2006) consider the EU budget as a 'matrix of interdependent institutions', where introducing new institutions or changing existing ones does not change the overall nature and trajectory of the institutional matrix as a whole. At the core of their argument and approach is that the budget should be viewed and analysed as a series (matrix) of inter-linked institutions, as opposed to as a single entity. Their analysis of the reforms to the budget over time shows that during the past decades, rather than reforming existing budget institutions, new institutions have been layered on top. In view of its historically interwoven financial and cooperation framework, EU-Africa relations can be considered as constituting a matrix of institutions of its own. Table 2 presents this matrix as consisting of EU budget rules including its eligible African recipient countries, which interlinks with the partnership agreements setting out goals, principles and rules for cooperation with these states.

Table 2: selected EU development policy institutions relevant to EU relations with Africa

EU budget related institutions	Partnership Agreements
<ul style="list-style-type: none"> - Relevant External Financing Instruments - European Development Fund - Recent EU development policy initiatives (EU Trust Fund for Africa, External Investment Plan) 	<ul style="list-style-type: none"> - Joint-Africa EU Strategy - ACP-EU Partnership Agreement - Bilateral agreements

The following descriptive sections will look into efforts to reform two interrelated EU partnerships with African states, respectively those seeking a 'continent-to-continent' relationship and those engaging Sub-Saharan African states as part of the ACP-EU partnership.

THE JOINT AFRICA-EU STRATEGY

In 2005, two years after the Cotonou Partnership Agreement had entered into force, the European Commission published a Communication setting out proposed priorities and approaches for its cooperation with Africa (EC 2005). The formulation of the partnership was prompted by the 2000 inaugural Africa-EU summit in Cairo, as well as the transformation of the Organisation for African Unity into the African Union (AU) in 2002, which in no small part had drawn inspiration from the EU in terms of its structures and

processes. A key outcome of the summit was the launch of a comprehensive and structured political dialogue between the EU and AU member states (later referred to as 'continent to continent'), representing a move away from the previous split between separate dialogues of the EU with ACP and non-ACP African states. Although the initiative to develop such a strategy was welcomed, the EU received criticism for unilaterally adopting this strategy as opposed to preparing it jointly with the region that it addresses (Del Biondo 2015).

The Commission took this criticism to heart, and in 2006 initiated a consultation process preparing a joint strategy with the African Union. The resulting strategy was broad in scope and ambition, sporting eight areas of partnership that ranged from promoting the Millennium Development Goals to space flight. The joint strategy, formally adopted in 2007 at the Africa-EU Summit in Lisbon, provided an overarching consultation framework with the aim to enhance the strategic and political partnership between the two continents. The framework sought to expand cooperation (1) beyond trade and aid to political cooperation, (2) beyond Africa to addressing global issues, (3) beyond official actors towards ensuring broad-based participation including civil society and (4) beyond fragmentation to determining regional and continental responses (Helly et al 2014: 10). In the words of the EU development commissioner, the strategy would allow the partnership to move beyond 'the outdated, threadbare relationship of "donor" and "beneficiary"' (Michel in Del Biondo 2015: 7).

Reflecting the 'equal partnership' committed to, the joint strategy refrained from setting out specific amounts of funding to implement the actions agreed to. The statement instead listed a range of EU instruments that would be used, with the EDF appearing first in the list, while complemented by EU and AU member state contributions when 'possible' (JAES 2007: 24). This prominent position of the EDF seems justified in that the large majority of AU members are also part of the ACP group, yet the 'internal agreement' between the EU member states explicitly that the fund serves to 'implement the ACP-EC Partnership Agreement and the Association Decision' (EU 2006: 1). The reference to the EDF in the joint strategy called for resources reserved for a different partnership and resulted in its layering: new roles were defined for the EDF, without changing its overall objective and purpose. Although formally existing to promote the ACP-EU partnership and financing the OCTs, the EU and its MS considered that they could decide independently on the use of the EDF for additional means. This suggests that layering can broaden the scope of a policy without fundamentally changing its direction.

During the negotiations, the African partners appeared under the impression that there was some relation between the level of ambition agreed and the availability of resources on the EU's side to further cooperation. The development of a separate action plan adopted together with the strategy at the second Africa-EU summit in Lisbon perhaps reinforced this expectation. The 2010 follow-up summit showed that progress since the strategy's adoption had been uneven, and registered that 'the African side was surprised by the lack of dedicated funding for the activities in the Action Plan' (Helly et al 2014: 22). The EU's response that the JAES would combine and draw from various existing financial sources and programmes was not deemed convincing as African states were expecting the JAES funding to be additional to these (Aggad-Clerx and Tissi 2012). Several studies noted the discrepancy between the equal footing discourse of the JAES and Africa's expectation of full EU funding (Bossuyt and Sherrif 2010; Helly et al 2014), which can be explained by the path dependence promoted by the earlier Lomé conventions and the Cotonou Agreement where the EU provided the means of implementation.

It however proved challenging for the EU to secure the resources at the level that was expected by its African counterparts, and to ensure adequate involvement of member states on both continents. Africa included 48 of the 78 members of the ACP group, yet also included Northern African states with their own association agreements with the EU (with the exception of Libya). Parts of the considerable resources for ACP-EU cooperation, at that time principally provided through the 9th and 10th EDF, could however not simply be re-routed to the African Union for implementing the strategy. Any resources for the

strategy had to be provided after prior agreement with the ACP states' diplomatic representatives in Brussels, which together with the EU decided on the use of the intra-ACP cooperation budget. The ACP representatives moreover disagreed with the EU's proposal to allocate additional funds for institutional capacity building of the AU from their EDF, despite having earlier agreed to allow the EDF to be used to fund the Africa Peace Facility (APF) in 2003, following the AU's request to the EU (Del Biondo 2015). The use of the EDF to provide substantial funding to the APF constituted another form of layering: the EDF had for historical reasons remained outside the EU's budget, and hence provided a legal loophole to the Treaty's limitation for using the EU's budget to finance military operations. As with the overall JAES funding no formal change in the EDF rules themselves was made or added. The associated objectives to support the African Peace and Security Architecture were instead simply informally added to all other cooperation priorities funded from the EDF, yet were neither foreseen in the EDF rules nor in the Cotonou agreement.

As the resourcing question was now putting the strategy's success at risk, the EU resolved to seek a direct funding source for the strategy (Aggad-Clerx and Tissi, 2012). In its legislative proposal for the Development Cooperation Instrument under the 2014-2020 MFF, the EU proposed a Pan-African Instrument of 1 billion Euro in total for this period. Although this provided a direct source of stable funding, directly linked to initiatives driven by Africa, it was observed that both the general involvement of EU member states and African states and their specific roles in relation to its day-to-day management remained unclear. More importantly, the EU legal basis for the funding was deemed to be at odds with the equal footing spirit behind the partnership (Helly et al 2014), more so than the EDF which according to the Cotonou agreement should be jointly managed by the EU and ACP states. The successful implementation of the joint Africa-EU partnership, which emphasised equal partnership with strong 'beyond-aid' branding, thus became officially dependent on the provision of EU aid.

POST-COTONOU NEGOTIATIONS

ACP-EU Cooperation is currently governed under the Cotonou agreement, which followed the series of Lomé Conventions and is set to expire at the end of December 2020.³ At the start of his term of September 2014, Commission President Juncker mandated the new Commissioner for International Cooperation and Development with preparing a revised Cotonou agreement (Keijzer and Schulting 2018). Following a number of expert roundtables in various EU member states during the first half of 2015, the EU initiated a public consultation titled 'Towards a new partnership between the EU and the ACP countries after 2020'.⁴ Accompanying the public consultation was a paper with the EU's take on the evolution and state of play of the partnership to accompany the public consultation questions, which suggested the following evolution in the relationship: 'The initial emphasis of the ACP-EU partnership was on development aid and trade matters, reflecting a donor-recipient relationship. As circumstances and the relationship have changed, the partnership has come to focus on pursuing common interests' (EC 2015: 2).

The EU's statement sought to put a positive 'spin' on the drift and exhaustion that the partnership had experienced since the turn of the century. Under the Cotonou Agreement that had been signed in 2000, the trade preferences provided by the EU to the ACP countries – and which were challenged in the WTO for discriminating against non-ACP states – were replaced by Economic Partnership Agreements and the EU's General System of Preferences. The Cotonou agreement still includes general provisions on economic and trade cooperation, yet the layering of new trade initiatives reduced the scope of the partnership to one focused on development cooperation (Keijzer and Bartels 2017). An evaluation of the Cotonou Agreement by the European Commission showed limited cooperation results beyond those through EDF-financed development cooperation (EU 2016c), with its findings thus suggesting a degree of institutional exhaustion in the partnership with ambitious political, trade and development dimensions.

Social media posts and statements by Commissioner Neven Mimica and by Director General Stefano Manservigi stressed the need to move away from a 'donor-recipient relationship' to a 'genuine partnership' or alternatively a 'political partnership'.⁵ Informed by the results of the public consultation and an ex-ante impact assessment, a joint Communication by the European Commission and External Action Service about a year later set out detailed suggestions for the substance and nature of a new agreement, but refrained from commenting on how it should be financed. Its 29 pages did not contain any references to 'funding', 'financing' or even 'development cooperation', which was in part due to the objective to emphasise a shift in the partnership to a 'multi-level, multi-stakeholder partnership' in support of sustainable development (EC 2016b: 26). At the subsequent publication of the proposed EU negotiating mandate in December 2017, the Commissioner again asserted that '[r]enewing our partnership with the ACP countries is a unique opportunity to shape a true partnership of equals, moving beyond traditional donor-recipient perceptions'. The accompanying press release emphasised that the proposed negotiating mandate set out 'the basis and the main orientations for a modernised political partnership between equals. The Commission's ambition is to strongly focus on common interests and values, and to go beyond development policy only.'⁶

The European Commission published the proposed EU negotiating mandate a year later and clarified the budgetary implications as follows: 'This initiative is not expected to have significant new budgetary implications – though it should be noted that the amount of resources available to finance EU external action will be decided upon in the context of the Multiannual Financial Framework (MFF) review' (EC 2017: 6). This statement clarified that the negotiating mandate would be limited to the negotiation of the substance of a new agreement, and that its available financial resources would be decided upon through a different process. The final EU negotiating mandate was adopted in June 2018, and only differed on minor details from the EU's proposal, with perhaps the most important difference with the Commission's original proposal being the choice to negotiate a time-limited agreement (Keijzer and Schulting 2018).

The ACP states took a fundamentally different view in their negotiating mandate. In contrast to the EU's push for a different kind of partnership altogether, the ACP states considered the current main objective of the Cotonou Agreement to remain fully relevant.⁷ The ACP states propose the essence of the future partnership to entail EU support to sustainable development within ACP states, as opposed to the EU and ACP promoting sustainable development together. The negotiating mandate is moreover explicit on the financing needs of ACP states, stressing the need for all ACP states to continue having access to development finance, including those that graduate(d) to middle income country status. It further calls for retaining the EDF as an off-budget instrument. In line with this, the ACP mandate calls for the final provisions of the new agreement to specify 'financial protocols every seven years in keeping with the European Union Multi-annual Financial Framework' (ACP 2018: 41). The July 2020 decision by the European Council to incorporate the EDF into the overall EU budget removed this possibility. Along with many other reasons including the Covid-19 pandemic and contentious negotiation aspects (notably migration), the EU's intention to budgetise the EDF was a key factor explaining why the post-Cotonou negotiations which had been launched in September 2018 encountered delays and missed several deadlines suggested by the EU. The chief negotiators eventually reached a political deal on a new agreement on 3 December 2020, which necessitated a second extension of the Cotonou agreement to 31 November 2021 to ensure sufficient time for the subsequent process of approving, signing and ratifying the agreement (EC 2020).

This brief overview shows the difference in expectations between the EU and the ACP states, both in terms of the substance and process of negotiations. This can in part be understood by recent history, given the Cotonou agreement's financial protocol's function to prepare the EU's subsequent EDF financing decisions. Yet the call for financial protocols in the ACP mandate serves to underline both the need for and importance of providing adequate development finance. The EU, in turn, proposed a Neighbourhood, Development and International Cooperation instrument (NDICI) in June 2018, the same month when it

finalised its ACP-EU negotiating mandate. This proposal (EC 2018) included substantial resources proposed for cooperation with African, Caribbean and Pacific countries as part of regional budgets for geographic cooperation, with the effect of incorporating the EDF into the EU multi-annual financial framework. The NDICI proposal's explanatory memorandum in fact states that the proposed EU budget instrument would 'constitute the framework for implementing the successor partnership to the current Cotonou Agreement' (Ibid.: 3). This emphasises the separate process through which the partnership and its resourcing are decided. This separation reflects the EU's apparent desire to 'decouple' the partnership agreement and the EDF, which due to the incremental changes described above had become a less dramatic change in the status quo and was indeed concluded in the form of the European Council's political agreement on the MFF (Council of the European Union 2020) and subsequently reached a joint political agreement with the Parliament on 10 November 2020. Yet similar to the JAES case, the EU's wish for decoupling cooperation means and financial means was not shared by its ACP counterparts, which subsequently complicated the post-Cotonou negotiations.

CONCLUSIONS

Drawing from historical institutionalist research, the article presented a long-term perspective and looked into to what extent concepts of layering, drift and exhaustion may facilitate understanding of the incremental changes in the EU's development policy towards Africa over time. It observes that the decision to create the extra-budgetary EDF and the associated partnership agreement has been key in the shaping EU-Africa relations during the past decades. The 2007 Joint Africa-EU Strategy and ongoing post-Cotonou negotiations were used to further examine how the EU's matrix of financial and partnership institutions affects its cooperation ambitions towards Africa.

In the first case, the lack of dedicated EU financial resources failed to manage African countries' expectations and put the strategy at risk. As a coping strategy, the EU drew on the EDF's resources, despite this fund being linked to the implementation of Cotonou agreement. This drift of the EDF ensured the means of implementation for the strategy until a dedicated instrument was created, yet also contributed to exhaustion of the Cotonou agreement given the EDF's formal role of furthering that agreement.

The more recent post-Cotonou negotiations are held in a setting where evolving circumstances have introduced considerable exhaustion in the EU-ACP partnership. The partnership has 'shrunk' in coverage to an almost exclusive focus on development cooperation, particularly after the Cotonou agreement's role in governing economic cooperation and trade was moved into separate free trade agreements and EU trade frameworks. The introduction of new initiatives that used EDF-reserves while bypassing established ACP-EU decision-making processes particularly caused the institution to further drift from its function to further the Cotonou agreement.

Looking across these two processes, both show that the EU's interlocutors – respectively African states and the larger ACP group – did not reciprocate the EU's discourse calling for a move away from donor-recipient relationships and for decoupling cooperation agendas from (EU) financial means. For the JAES, the expectation was that additional resources to those earmarked under the ACP-EU partnership would be made available to African states. During the ongoing post-Cotonou negotiations, ACP states called for preserving the north-south nature of the partnership by pushing to retain the Cotonou agreement's existing objectives. Both examples show the considerable path dependence generated after successive decades of cooperation, and have themselves also been affected by more recent and short-term focused changes in the EU's development policy in relation to migration and external investment.

In conclusion, rather than EU-Africa relations being directly affected by the introduction of new EU plans and strategies, incremental change in EU-Africa institutions over time produces (un)intended continuity and changes in the overarching cooperation relationship.

Learning more about these unintended changes and accepting these for what they are could helpfully inform further efforts by policy makers to reform EU-Africa relations in the desired direction of change. Finally, although in part appearing in this article as a consequence of drift and layering than a self-standing type of endogenous change, the findings would suggest that there is scope for further exploring the relevance of exhaustion as a specific type of institutional change.

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ENDNOTES

¹ An overview of existing EU agreements with third countries is available here: <https://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/>

² Strasser (1992) defines six rules and one key principle for the EU budget: the rules of unity, universality, annuality, specification, equilibrium between revenue and expenditure, and unit of account, as well as the principle of sound financial management. Discussing these is beyond the scope of this article.

³ The agreement was initially set to expire at the end of February 2020, but was extended to coincide with the end of the 11th EDF on 31 December 2020 to ensure sufficient time for concluding negotiations on a new agreement. As part of a political deal reached on 3 December, preparations for a second extension of the agreement to 30 November 2021 were prepared at the time that this article was finalised.

⁴ https://ec.europa.eu/europeaid/public-consultation-eu-acp-new-partnership_en

⁵ Twitter search function for “donor-recipient relationship” on @mimicaEU and @europeaid, with results also including other social media accounts (27 February 2018).

⁶ Both quotes: http://europa.eu/rapid/press-release_IP-17-5223_en.htm

⁷ This overall objective is ‘the reduction and eventual eradication of poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy’ (ACP 2018: 6).

REFERENCES

ACP-EC (2000). Cotonou Partnership Agreement. Online: <http://www.acp.int/sites/acpsec.waw.be/files/story-pdf/en/cotonou-agreement-en.pdf>

ACP (2018). ACP Negotiating Mandate for a Post-Cotonou Negotiating Mandate with the European Union, 30th of May. Lomé. Online: http://www.acp.int/sites/acpsec.waw.be/files/acpdoc/public-documents/ACP0001118_%20ACP_Negotiating_Mandate_EN.pdf

Ackrill, R.W. and A. Kay (2006). Historical Institutional Perspectives on the Development of the EU Budget System. *Journal of European Public Policy*, 13(1): 113-133.

Aggad-Clerx, F. and N. Tissi (2012). ‘Can the Pan-African Programme revitalise the JAES? Background document for the informal meeting on the proposed Pan-African Programme for the financing of the Joint Africa EU-Strategy (JAES).’ Briefing Note (No. 42). Maastricht: ECDPM. Online: <https://ecdpm.org/wp-content/uploads/2013/10/BN-42-Pan-African-Programme-Revitalise-JAES-2012.pdf>

Arts, K. and J. Byron (1997). ‘The mid-term review of the Lomé IV Convention: Heralding the future?’ *Third World Quarterly*, 18(1): 73-92.

Bossuyt, J. and A. Sherriff. (2010). 'What next for the Joint Africa-EU Strategy? Perspectives on revitalising an innovative framework A Scoping Paper.' Discussion Paper 94. Maastricht: ECDPM.

Busemeyer, M. and C. Trampusch (2013). Liberalization by Exhaustion. *Zeitschrift für Socialreform*, 59(3): S291-S312.
Cairney, P. (2020). 'Institutions and New Institutionalism'. In: Cairney, P. *Understanding Public Policy 2nd edition*. London: Red Globe Press: 75-93

Capoccia, G. and R. Kelemen (2007). 'The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism'. *World Politics*, 59(3), 341-369. doi:10.1017/S0043887100020852

Council of the European Union (2000). Cairo Declaration. Africa-Europe Summit under the Aegis of the OAU and the EU, 3-4 April 2000. EUCO 10/20. Online: https://africa-eu-partnership.org/sites/default/files/pres-00-901_en_0.pdf

Council of the European Union (2018). Negotiating directives for a Partnership Agreement between the European Union and its Member States of the one part, and with countries of the African, Caribbean and Pacific Group of States of the other part. 8094/18 ADD 1, 21st of June. Brussels. Online: <http://data.consilium.europa.eu/doc/document/ST-8094-2018-ADD-1/en/pdf>.

Council of the European Union (2020). European Council conclusions, 17-21 July 2020. Online: <https://www.consilium.europa.eu/media/45109/210720-euco-final-conclusions-en.pdf>

Crowe, R. (2017). 'The European Budgetary Galaxy.' *European Constitutional Law Review*, 13(3): 428-452.

Del Biondo, K. (2015). 'Moving beyond a Donor-Recipient Relationship? Assessing Partnership in the Joint Africa-EU Strategy.' *KFG Working Paper* (No. 63). Berlin: Freie Universität Berlin. Online: https://www.polsoz.fu-berlin.de/en/v/transformeurope/publications/working_paper/wp/wp63/WP-63-del-Biondo.pdf.

De Ville, F. (2013). 'The Promise of Critical Historical Institutionalism for EU Trade Policy Analysis'. *Journal of Contemporary European Research*, 9(4): 618-632.

Dimier, V. (2014). *The Invention of a European Development Aid Bureaucracy Recycling Empire*. New York: Palgrave Macmillan.

European Union (2006). 'Internal agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multiannual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies'. https://ec.europa.eu/europeaid/sites/devco/files/internal-agreement-10edf-2006_en.pdf

European Commission (2005, 12th October). 'EU Strategy for Africa: Towards a Euro-African pact to accelerate Africa's development'. SEC(2005)1255/COM(2005)489 final. Brussels. Online: https://ec.europa.eu/europeaid/sites/devco/files/communication-eu-strategy-for-africa-com2005489-20051012_en.pdf

European Commission (2015). Towards a new partnership between the EU and the ACP countries after 2020: Joint Consultation Paper. JOIN(2015)33 final, 6th of October. Strasbourg. Online: https://ec.europa.eu/europeaid/sites/devco/files/joint-consultation-paper-post-cotonou_en_0.pdf

European Commission (2016a). Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy. Brussels. Online: http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

European Commission (2016b). A renewed partnership with the countries of Africa, the Caribbean and the Pacific. JOIN (2016) 52 final, 22nd of November. Strasbourg. Online: https://ec.europa.eu/europeaid/sites/devco/files/joint-communication-renewed-partnership-acp-20161122_en.pdf

European Commission (2017). Recommendation for a Council Decision authorizing the opening of negotiations on a Partnership Agreement between the European Union and countries of the African, Caribbean and Pacific Group of States. COM (2017) 763 final, 12th of December. Brussels. Online: https://ec.europa.eu/europeaid/sites/devco/files/pc-com-2017-763-final-act-20171212_en.pdf

European Commission (2018). Proposal for a Regulation of the European Parliament and the European Council: establishing the Neighbourhood, Development and International Cooperation Instrument. COM(2018) 460 final, 14th of June. Brussels. Online: https://ec.europa.eu/commission/sites/beta-political/files/budget-may2018-neighbourhood-development-international-regulation_en.pdf

- European Commission (2020). Post-Cotonou: Negotiators reach a political deal on a new EU/Africa-Caribbean-Pacific Partnership Agreement. Press release, 3 December 2020. Brussels. Online: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2291
- Fioretos, O. (2011). 'Historical Institutionalism in International Relations'. *International Organization*, 65(2): 367-399
- Furness, M., L. Ghica, S. Lightfoot and B. Szent-Iványi (2020). 'EU development policy: evolving as an instrument of foreign policy and as an expression of solidarity', *Journal of Contemporary European Research* 16 (2): 89-100. <https://doi.org/10.30950/jcer.v16i2.1156>
- Grilli, E. (1993). *The European Community and the Developing Countries*. Cambridge University Press.
- Hacker, J. (2004). 'Privatizing Risk without Privatizing the Welfare State: The Hidden Politics of Social Policy Retrenchment in the United States'. *American Political Science Review*, 98(2): 243-260.
- Hanrieder, T. (2014). 'Gradual change in international Organisations: Agency theory and historical institutionalism'. *Politics*, 34(4): 324-33.
- Helly, D., E.A. Bekele, S. El Fassi and G. Galeazzi, G (2014). 'The implementation of the Joint Africa Europe Strategy: Rebuilding confidence and commitments'. Study commissioned by the European Parliament. EXPO/B/AFET/2013/42. Online: <https://ecdpm.org/wp-content/uploads/2014-European-Parliament-Study-Implementation-Joint-Africa-Europe-Strategy.pdf>
- Hewitt, A. (1981). 'The Lomé Conventions: Myths and Substance of the Partnership of Equals.' In N. Buxton and M. Cornell (eds.) *Europe and Africa: Issues in Post-colonial Relations*. Noel Buxton Lectures 1980. London: Overseas Development Institute: 21-42.
- Hurt, S.R. (2020). 'African Agency and EU-ACP relations beyond the Cotonou Agreement', *Journal of Contemporary European Research* 16 (2): 139-162. Online: <https://doi.org/10.30950/jcer.v16i2.1075>
- Joint Africa-EU Strategy (2007). *The Africa-EU Strategic Partnership*. 16344/07 Presse. Brussels: Council of the European Union. Online: https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/97496.pdf
- Keijzer, N. and L. Bartels (2017). 'Assessing the legal and political implications of the post-Cotonou negotiations for the Economic Partnership Agreements'. DIE Discussion Paper 4/2017. Bonn: German Development Institute / Deutsche Institut für Entwicklungspolitik (DIE).
- Keijzer, N. and G. Schulting (2018) 'What role for the rotating Presidency in European development policy? the case of ACP-EU relations.' *Journal of European Integration*, 41(5): 657-673, DOI: 10.1080/07036337.2018.1546303
- Kilnes, U., N. Keijzer, J. van Seters and A. Sherriff (2012). More or less? A financial analysis of the proposed 11th European Development Fund (Briefing Note 29). Maastricht: ECDPM.
- Kotsopoulos, J. and F. Mattheis (2018). 'A contextualisation of EU-Africa relations: Trends and drivers from a reciprocal perspective.' *South African Journal of International Affairs*, 25(4): 445-460.
- Langan, M. (2020). 'A New Scramble for Eurafica? Challenges for European Development Finance and Trade Policy after Brexit', *Journal of Contemporary European Research* 16 (2): 218-233. Online: <https://doi.org/10.30950/jcer.v16i2.1074>
- Lemaigen, R. (1957). *The association of the overseas countries with the common market*, by Robert Lemaigen, Member of the Commission of the European Economic Community. Online: <http://aei.pitt.edu/57970/1/Lemaigen.association.pdf>
- Mahoney, J. and K. Thelen (2010). *Explaining institutional change: Ambiguity, agency and power*. Cambridge: Cambridge University Press.
- ODI (1983). 'EEC Development Policy after Lomé'. *ODI Briefing Paper*. London: Overseas Development Institute.
- Pierson, P. (1994). 'The Path to European Integration: A Historical Institutional Perspective'. *Program for the Study of Germany and Europe Working Paper No. 5.2*. Online: http://aei.pitt.edu/63633/1/PSGE_WP5_2.pdf
- Pierson, P. (2000). 'The Limits of Design: Explaining Institutional Origins and Change'. *Governance*, 13(4): 475-499.
- Schmidt, V. (2010). 'Taking ideas and discourse seriously: Explaining change through discursive institutionalism as the fourth "new institutionalism"'. *European Political Science Review*, 2(1): 1-25.

Steinmo, S. (2008). 'Historical Institutionalism'. In D.Della Porta and M.Keating (eds.) *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*. Cambridge: Cambridge University Press: 118-138.

Strasser, D. (1992). *The Finances of Europe*, 7th edition (3rd English edition). Luxembourg: OOEPEC. Online: <https://op.europa.eu/en/publication-detail/-/publication/b8828cd1-c8bb-4828-bb3b-a74657e43998>

Streeck, W., & Thelen, K. (2005). Introduction: institutional change in advanced political economies. In W. Streeck, & K. Thelen (Eds.), *Beyond continuity: institutional change in advanced political economies* (pp. 1-39). Oxford et al.: Univ.Press. Online: <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-194981>

Thelen, K. (1999). 'Historical institutionalism in comparative politics'. *Annual Review of Political Science* 2: 369-404.

Van der Heijden, J. and J. Kuhlmann (2017). 'Studying Incremental Institutional Change: A Systematic and Critical Meta-Review of the Literature from 2005 to 2015.' *Policy Studies Journal* 45(3): 535-554. doi:10.1111/psj.12191