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**REPORT BY CHAIRPERSON MOUSSA FAKI MAHAMAT ON THE  
AFRICAN COMMON POSITION ON THE ACP, POST-2020**

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### I. INTRODUCTION

1. Executive Council's Decision EX.CL/Dec. 986 (XXXII), adopted at its 32<sup>nd</sup> Ordinary Session, held in Addis Ababa, on 26 January, 2018, on the *Future of the Post-2020 Cotonou Agreement*, requested the Permanent Representatives Committee (PRC), in close collaboration with the Commission and the Group of Ambassadors in Brussels to finalize an *African Common Position on the future of the African, Caribbean and Pacific (ACP) Group and the Post-2020 Cotonou Agreement (The Position)*. It further requested for the draft resulting from the consultations to be submitted to the consideration of an Extraordinary Session of the Executive Council, held in Kigali, on 19 March 2018. The submitted draft was adopted through Decision Ext/EX.CL/Dec. 2 (XVIII), with the caveat of allowing one extra month of consultations to further enrich the draft with comments from African Member States and regions.

2. This report elaborates on the steps taken to finalize the Position, and concludes with recommendations for the subsequent steps required for a good negotiation process.

### II. BACKGROUND

3. Africa and Europe are linked by common History, mutual interests and economic links. They also share common values, based on the rule of law and democracy, respect for human rights, human exchanges and the right to development, a basis for constructing a prosperous common future.

4. The relations between the two regions have been regulated through a series of agreements starting with the Yaoundé I Convention (1963) and the Yaoundé II Convention (1969), through the Lomé Conventions and the Cotonou Partnership Agreement (2000) up to the adoption of the Joint Africa-EU Strategy (2007). The relations have been influenced by significant world changes that have altered the geo-political and commercial interests of both regions that face each other through the Mediterranean Sea.

When the 79 ACP member States and the European Union (EU) signed on 23 June 2000 the Cotonou Partnership Agreement (CPA) for a period of 20 years, they entered into a legally binding treaty that covered trade, development cooperation and included a political dimension. With the end of the current arrangements approaching fast Africa has a unique opportunity to build a new framework for cooperation with Europe. Africa's political, economic and institutional landscape has changed considerably over the past 18 years, making the imperative of continental integration much more pressing and precise.

5. As clearly reaffirmed in the deliberations of the AU-EU Summit that took place in Abidjan on 29-30 November 2017 the call for a new "paradigm shift to an even stronger, mutually beneficial partnership in the spirit of shared ownership, responsibility, reciprocity, respect and mutual accountability and transparency" is understood by both sides.

6. The EU recognized that traditional aid, which forms a key premise of the current Cotonou Agreement, has shown its limits. It has not increased investment commensurate with the growth and development needs, and neither has it been able to respond to the job creation pressures. The EU has launched new innovative assistance instruments, directly supporting private sector promotion and investment in response to the identified limitations of traditional ODA. Such instruments were welcomed by the AU-EU Declaration in Abidjan. The European Union's multi-annual financial framework (2021 – 2027) published in May 2018, whose External Action component is identified as the source for the partnerships with Africa and other regions, explicitly acknowledges the need for “a major restructuring of the external action instruments” and a greater focus on themes of priority and geographic regions of importance, namely Africa, the Neighborhood and the Balkans.

7. In preparation for negotiations of a post-Cotonou agreement, the AU Executive Council adopted a series of decisions mandating the PRC, in collaboration with the Commission, relevant AU Organs, Regional Economic Communities (RECs), African experts, and working closely with the African Group of Ambassadors in Brussels, to elaborate an *African Common Position* on its relations with Europe, Post-2020. It specifically called for such a Position to take into account the new realities of the continent since the Cotonou Agreement was signed 18 years ago. The latest deliberation related to the matter was the Executive Council Decision Ext/EX.CL/Dec.1 (XVII), adopted at its Extraordinary Session in Addis Ababa, October 2017, forming a Task Force to prepare the draft Position. Subsequently, Executive Council Decision EX.CL/Dec. 986 (XXXII) on the *Future of the Post-2020 Cotonou Agreement* requested the PRC, in close collaboration with the Commission and the Group of Ambassadors in Brussels, to accelerate the work of the Task Force and to finalize the Position and to submit it for consideration by another Extraordinary Session of the Executive Council.

8. The Task Force, in collaboration with the Commission and the African Group of Ambassadors in Brussels, produced the draft of Position. The same was adopted by the Executive Council Decision Ext/EX.CL/Dec.2(XVIII), in Kigali, on 19 March, 2018, with the caveat of allowing one extra month of consultations to further enrich the draft with comments from African Member States and regions. In addition to comments made at the Executive Council meeting in Kigali, comments were received in writing from Morocco, Comoros, Mauritius, and Egypt; as well as from the Southern Africa Development Community and the West African Group of Ambassadors in Brussels. In line with the timeline approved the Position was finalized by the Commission following a formal Task Force meeting, on 17 May, 2018, in Addis Ababa.

### III. THE AFRICAN COMMON POSITION

9. The African Common Position gives an unambiguous signal that the successor to the Cotonou Agreement cannot be based on a linear extension of the current arrangements thematically and geographically. It puts forward African priorities in a post-Cotonou Agreement, which recognize the evolution in Africa, Europe, and the world, since the Cotonou Agreement was signed. Some of the major factors to bear in mind include:

**i. Promotion of Peace, Security, Good Governance and Stability:**

10. Since peace and security of Africa and Europe are closely intertwined, a post-Cotonou Agreement should build on ongoing collaborative efforts. It should foster closer AU-EU cooperation in the promotion and maintenance of peace and security and promote the development and implementation of joint activities. It should facilitate, whenever appropriate, AU-EU coordination and cooperation with other multilateral institutions, such as the United Nations.

11. According to the multiannual financial framework directive, issued by the EU in May 2018, Europe plans to raise its budget for security by 22 folds in the period 2021-2027, when compared to 2014-2020. A Post-Cotonou era should appreciate a similar urgency to Africa's own security. African peace and security priorities include boosting the capacity of the African Peace and Security Architecture (APSA); addressing the root causes of conflict; and upgrading Africa's capacities for early warning, early response, crisis management, conflict resolution, resilience, security sector reform, stabilisation, mediation and fight against impunity; supporting national, regional and pan-African initiatives contributing to the advancement of maritime security; furthermore, strengthen the capacities to address climate-related security threats as they relate to peace and security, ; and finally comprehend that the role of women in peace and security, requires such dimensions being attached to early warning, mediation, conflict resolution and peace building efforts.

12. Africa lends high priority to preventing and countering terrorism, violent extremism and radicalization, as well as combating all forms of organized crime and criminal networks through elimination of root causes. Priorities include promoting criminal justice responses to terrorism and international organized crime; countering the financing of terrorism; strengthening border security, removing terrorist content from the internet and social media. Any new agreement should enhance AU-EU cooperation in those areas, and promote political dialogue and joint action.

13. The AU has been active in developing instruments that ensure good governance, such as its own Constitutive Act; the African Charter on Democracy, Elections and Governance; the African Charter on Human and Peoples' Rights; and the architecture governing implementation of the above. Those African instruments should serve as the reference points for the coverage that any new agreement dealing with such subject areas. Africa's priorities for inclusive governance include strengthening democratic institutions and promotion of good governance, including the fight against corruption, international organised crime and illicit financial flows through information sharing, cooperation on judicial and law enforcement capacity building and technical assistance; promoting synergy between the APSA and the African Governance Architecture (AGA); eliminating all forms of sexual and gender-based violence; and full implementation of the African Charter of Human and Peoples' Rights.

14. The AU is active in the sphere of global governance. It pledges to make Africa's voice heard through its active support to multilateralism. In that regard, Africa will promote dialogue and political solidarity with like-minded regions, including Europe, the Caribbean and Pacific regions.

15. On the humanitarian front the Position calls for the protection and assistance of IDPs, the facilitation of voluntary return, reintegration and resettlement. It also calls for the enhancement of early warning action and preparedness for emergency humanitarian situations. The Position should call for the strengthening of the AU capacity in those areas.

16. Europe in recent years has put in place programs and instruments to manage migration flows. Africa has developed its own. Both sides have already agreed to revitalize the migration and mobility dialogue, which forms a critical piece of the AU-EU partnership. The Position should bridge existing gaps between the two approaches.

#### **ii. Regional integration and People-Centered development:**

17. Africa gives priority to regional economic integration, an objective that has seen substantial progress over the last few years. The Position has to recognize the need to solidify and build on gains made under flagship projects of Agenda 2063, such as the Programme for Infrastructure Development in Africa (PIDA), the Comprehensive Africa Agriculture Development Programme (CAADP), the Accelerated Industrial Development for Africa (AIDA), the Single African Air Transport Market (SAATM), the African Commodities Strategy, the African Mining Vision and the African Continental Free Trade Area (AfCFTA).

18. Any new agreement should safeguard the gains achieved by the AfCFTA and take into account that AfCFTA provides for a continent-wide free trade area, which creates equal obligations and rights for all AU Member States. A new Agreement should, therefore, ensure alignment of economic partnership arrangements with the continental integration agenda, paving the way ultimately for one harmonized EU-AU trade framework. Analysis conducted by the United Nations Economic Commission for Africa (UNECA) of the African Common Position and the ACP negotiating mandate concluded that the Common African Position protects Africa's trade and trade-related interests better than the ACP Negotiating Mandate.

19. Africa places high priority on inclusive growth, through structural transformation, requiring accelerated industrialization, increased agriculture productivity and modernization of its tertiary sector. These developments should bear in mind the opportunities to address climate change impact. In turn such an agenda has to be built with gains on human capital formation. The poverty reduction challenge is considered a challenge that cannot be met without quality growth that generates decent jobs, inclusive societies where women and youth find their central role, by the reduction of socio-economic disparities.

20. Based on the above the African Common Position had to contain the following principles:

- **A United Africa, which is Interdependent and Indivisible, Speaking with One Voice:** A post-Cotonou Agreement should treat Africa as one consolidated entity in respect for its institutional and political choices. Such choices, obviously, preserve the sovereign rights of each one its States, which possess the privileges to enter into non-conflicting bilateral agreements. The immense strides made by Africa in its quest for regional integration should be considered irreversible.
- **AU-EU Dialogue based on a Continent-to-Continent approach:** A post-Cotonou agreement should be concluded independently of the ACP Group and based on a commitment to a strong and sustainable continent-to-continent partnership between the two Unions, reaffirming the specific links between Africa and Europe and their adherence to political dialogue based on the principles of equality, equity, mutual respect and shared responsibility. Continent-to-Continent relations do not preclude the promotion of South-South Partnerships, particularly with the Caribbean and the Pacific regions. However, the same way relations between Europe and the Caribbean or the Pacific do not necessitate association with Africa, Africa's relationship, solidarity and partnerships with the Caribbean and the Pacific should not be regulated through an agreement with Europe..
- **Reconciling interests and achievements made by all regions and countries:** The new agreement should accommodate the interests, specificities and achievements of each African region and country, including previous association agreements with Northern Africa, the arrangements in place to support Small Islands Developing States and Least Developed Countries. Therefore, it should not jeopardise existing legal frameworks or financial and political mechanisms with Europe in support of such specificities.
- **Institutional and Financial Frameworks:** A Post-Cotonou Agreement should reaffirm the roles of the AU Organs, AU Member States and relevant pan-African institutions, including African Groups. A clear financial framework should be put in place to support a cooperation that ensures harmony, complementarity and non-duplication with existing financing instruments with individual African countries.

#### IV. IMPLEMENTATION OF THE AFRICAN COMMON POSITION:

21. Following the Kigali Executive Council meeting, the Chairperson of the Commission has decided to reinforce the Commission's ability to support this critical process. In that regard it has appointed a High Representative for AU-EU Partnerships, Post-2020. The High Representative shall lead a team of part-time experts in various fields, such as trade, international law, international development, and Europe-Africa affairs. The High Representative shall provide the required high level support to the process through analysis, consultations, and consensus building and play a key role in the negotiations.

22. With the adoption of the Position, and upon consultations with the Chair of the Union, President Paul Kagame, the final version of the Position was circulated to all African Heads of States, with individual cover letters detailing actions taken to implement relevant Decisions. The said letters reinforce the opportunity for Africa to determine a single framework for cooperation with Europe. It summarized key elements of the Position, particularly the need for the “one voice” stance. It emphasized Africa’s unequivocal adherence to the promotion of South-South relations and its longstanding partnerships with the Caribbean and the Pacific States.

23. A communication to the Foreign Minister of Togo on 19 May 2018, informed him that the Foreign Minister of Rwanda and Chair of the AU Executive Council was to lead the AU delegation to the ACP Ministerial Meeting held in Lomé on 27 May 2018. In the said communication it requested the support of the Togolese authorities to the presentation of the Position at the Ministerial meeting. A meeting between the AU High level delegation and the ACP Secretary General served as a formal demarche to request a time slot for the Chair of the AU Executive Council to present the Position. The demarche followed numerous preparatory meetings between the AU mission in Brussels, members of the African Group and the ACP Secretary General concerning the same issue. During the demarche meeting, the Position was presented, as well as an explanation of the process that led to its adoption, and the clarification of Africa’s interest in continuing a South-South partnership with the Caribbean and Pacific regions.

## **V. THE LOMÉ MEETINGS**

24. The AU participated in the ACP-organized “Inter-Agency Consultative Meeting with Regional and Continental Organizations on the ACP Group’s Negotiating Framework for a Post-Cotonou Agreement with the EU”, held in Lomé, Togo, on May 26, 2018. The meeting, which gathered regional organizations of the ACP, discussed the negotiating mandate of the ACP countries, which was later presented at adopted at the Ministerial meeting on 27 May, 2018.

25. At the meeting of 26 May, 2018, the AU delegation presented the Position. Despite the wide support expressed by regional African organizations, such as SADC, COMESA, IGAD and the Indian Ocean Commission, to the Position, some delegations took the floor to recommend adherence with the ACP structure, in a tacit challenge to the principles contained in the Position. This demonstrated lack of unity on the African side., Subsequently, the Chair of the AU Executive Council met with Board Members of the ACP Council of Ministers, chaired by the Jamaican Foreign Minister to explain the African Common Position, request a timeslot to present it at the ACP Council of Ministers on 27 May 2018. However, according to the ACP Chair, there was no consensus on the African side to allow the Chair of the AU Executive Council to present the Position. As anticipated, the ACP Council of Ministers at that meeting adopted its negotiating mandate. The meeting also selected Togo to lead the negotiations on behalf of the ACP. The ACP Ministerial meeting was followed by the 43<sup>rd</sup> Session of the ACP - EU Council of Ministers, which endorsed the outcome of the 107<sup>th</sup> ACP Council of Ministers.

## **VI. FOLLOW-UP STEPS**

26. Africa should prepare for negotiations of a post-Cotonou agreement with Europe. As explained above at this stage, the two partners see that agreement differently. From the African Union perspective, this is a continent-to-continent agreement detached from the ACP structure. From the European Union perspective, this is a compact with Africa under a post-Cotonou agreement to be concluded at the ACP level. This gap in vision must be bridged in order to make progress on this critical and strategic partnership, which can only be achieved through objective dialogue.

27. According to the Position, Africa should now establish a group of negotiators; finalize their terms of reference; develop a negotiation strategy and calendar; and be ready to begin negotiations as early as August 2018.

28. The Commission drafted terms of reference (TORs) for the negotiating team, which were discussed by the Task Force at its meeting in Addis Ababa on 17 May 2018. Comments made were subsequently incorporated by the Commission.

29. The Group's mandate is to develop a negotiating strategy; participate actively in the negotiations; integrate developments in the international political and economic milieu into the negotiations without sacrificing the continent's interests; strive to ensure that the new agreement's content does not conflict with that of Africa's cooperation instruments with other partners and international organizations; ensure that coordinated and consistent messages are communicated during the negotiation process; ensure that the new agreement is in perfect harmony with the Agenda for Regional and Continental Integration; ensure teamwork in order to promote the interests of the continent and ensure adherence to the schedule as well as cohesiveness within each negotiating team; and regularly consult AU policy organs to ensure coherence and relevance of the ideas put forward in defence of African interests in the negotiation process.

30. The political negotiating team will comprise Ministers of Foreign Affairs, selected on the basis of regionally representative criteria. The technical negotiating team should be of a manageable size, while preserving diverse representativeness. It will be chaired by the Chair of the PRC, and comprise the High Representative of the Chairperson, PRC members, national experts, as well as representatives of the African Groups of Ambassadors in Brussels and Geneva, RECs and the Pan African Parliament.

## **VII. OBSERVATIONS AND RECOMMENDATIONS**

31. Africa articulated its negotiating position since March 2018. However, the enforcement of the African Common Position has faced some stumbling blocks. Going forward, it is important for Africa to organize itself, move steadily in the negotiation process, avoiding dispersion and fragmentation. The negotiations require clear structure, good communications and adherence to the common good.



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